

**SOUTH BROWARD DRAINAGE DISTRICT
BOARD OF COMMISSIONERS MEETING
****AGENDA****
THURSDAY, JANUARY 31, 2008**

NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE

02. PUBLIC COMMENT

03. APPROVALS/MINUTES

- A. OCTOBER 31, 2007, BOARD MEETING MINUTES
- B. DECEMBER 13, 2007, BOARD MEETING MINUTES

04. DIRECTOR'S REPORT

- A. SOUTH FLORIDA WATER MANAGEMENT GRANT PRESENTATION - JOSE LOPEZ
- B. GRANT SIGNATURE AUTHORIZATION
- C. AQUA SAVE DUAL-FLUSH TOILETS - MICHAEL LAYNE
- D. VARIANCES:
 - 1. MARIA
 - 2. RIBER
- E. PEMBROKE PINES TREE BID AWARD
- F. CULVERT INSPECTION BID AWARD
- G. DISCUSSION OF AGENDA FOR FEBRUARY WORKSHOP
- H. OTHER

05. ATTORNEY'S REPORT

- A. WEEKLY-NOJOSY EASEMENT VACATION REQUEST
- B. VIVIAN ESTATES EASEMENT VACATION.
- C. TREE REMOVAL AGREEMENT & RESOLUTION NO. 2008-01
- D. OTHER

06. APPROVAL OF LEGAL BILLS

07. BOARD MEMBERS QUESTIONS/COMMENTS

08. OTHER

09. MEETINGS:

- A. BOARD OF COMMISSIONERS MEETING - THURSDAY, FEBRUARY 28, 2007, 9:30 A.M.
- B. EROSION WORKSHOP - TUESDAY, FEBRUARY 19, 2008, 9:30 A.M.
- C. MANAGEMENT COMMITTEE MEETING - SET DATE

10. ADJOURNMENT

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING/MEETING MAY NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE MAY WISH TO INSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD IS TO BE USED FOR TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL WOULD BE BASED.

IN ACCORDANCE W/THE AMERICANS W/DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS W/DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE DISTRICT AT (954) 680-3337 AT LEAST 48 HOURS PRIOR TO THE PROCEEDINGS FOR ASSISTANCE.

**SOUTH BROWARD DRAINAGE DISTRICT
GOVERNING BOARD MEETING MINUTES
JANUARY 31, 2008**

Present:

James Ryan, Chairperson
Scott Hodges, Vice Chairperson
Robert E. Goggin IV, Secretary
Carl Lanke, Treasurer
Alanna Mersinger, Commissioner

Leo M. Schwartzberg, District Director
Douglas R. Bell, Legal Counsel
Joann Long, Recording Secretary
General Public/List Attached

Absent:

John Eastman, Commissioner

01. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Meeting called to order at 9:40 A.M. followed by roll call and the Pledge of Allegiance.

- 02. PUBLIC COMMENT(S)** - Former Board member and Chairperson Jack McCluskey, who resigned from the Board due to his recent election to the Pembroke Pines City Commissioners, expressed his appreciation to both the Board and the staff for everything they did to make his tenure on the Board a positive experience and for everything they do for the property owners within District boundaries which involves a great deal of work.

Mr. McCluskey enjoyed his eight years on the Board and achieved one of the two goals he "came aboard" with, that being making the Board a publicly-elected Board by all eligible voters residing within District boundaries. His second goal was the merger of this District with Central Broward Water Control District. Unfortunately, those at that District were not amenable to that idea. He urged the Board to continue its efforts at making such a merger a reality as it would benefit both.

Mr. McCluskey recommended Mr. Art Capella as a replacement for the open Commissioner position on the Board and also that the current Vice-Chairperson be moved up to the position of Chairperson as has always been done before when the Chairperson had to be replaced.

Vice Chairperson Hodges expressed his personal appreciation to Mr. McCluskey for having mentored him in District operations and affairs since his election to the Board approximately 3½ years ago. He noted that he learned a great deal through that process.

03. ELECTION OF NEW BOARD CHAIRPERSON AND SECRETARY

(A) **Chairperson** - Motion by Commissioner Goggin to elect Commissioner Ryan to the position of Chairperson; second by Commissioner Lanke. Commissioner Mersinger moved that due to tradition and experience, Vice Chairperson Hodges be elected as Chairperson. As there were no other candidates nominations, nominations were closed. Commissioner Ryan was elected Chairperson by a vote of three (Lanke/Goggin/Ryan) to two (Mersinger/Hodges).

(B) **Secretary** - Motion by Commissioner Mersinger to elect Commissioner Goggin as Secretary; second by Commissioner Lanke. As there were no other nominations for Secretary, Commissioner Goggin was declared unanimously elected.

(C) **Commissioner** - It was decided that as there is no time constraint, it was agreed this will be addressed at the February 28th Board meeting. In the meantime, an ad will be

placed in the local newspaper and also put on the District's web site providing information on the existing Board vacancy.

04. **APPROVAL OF MEETING MINUTES**

(A) October 31, 2007, Board meeting minutes: Motion by Commissioner Goggin to approve as corrected (Page 1, 4-A, line 3, delete first "easement"), second by Commissioner Mersinger; carried unanimously.

(B) December 13, 2007, Board meeting minutes: Motion by Commissioner Goggin to approve as submitted, second by Commissioner Mersinger; carried unanimously.

05. **DISTRICT DIRECTOR'S REPORT**

A. On behalf of South Florida Water Management District, Mr. Jose Lopez presented a **SFWMD \$100,000 grant** to SBDD towards the S-9/S-10 storm-water improvement project to show their support of the project.

Commissioner Mersinger moved that SBDD accept the SFWMD grant and allow the District to sign the necessary document(s) for the grant; second by Vice Chairperson Hodges and carried unanimously.

Brief discussion ensued on the **water restrictions** now in place. Mr. Lopez noted that SFWMD representatives are available for HOA meetings and such to answer any questions anyone might have and to stress the importance of enforcing the water restrictions.

Further discussion ensued on water restrictions regarding violations. It was noted that the local police and code-enforcement departments are supposed to handle any complains on this matter. Mr. McCluskey interjected that this is one issue which the City of Pembroke Pines will be pursuing vigorously.

B. Representatives from Aqua Save provided a brief presentation a device that can add a **one-half toilet flush option** for liquid waste in addition to the regular flush for solid waste. At this time, the product is not available anywhere other than via the web site. All agreed this device should result in a tremendous savings of water where used.

C. Vacation/Variance Requests

1. Request to allow 1.95' Jacuzzi encroachment and a 7.17' patio encroachment into a SBDD surface-water area on the **Maria property** (17000 Southwest 67 Court, Southwest Ranches). In addition, the patio is at elevation 10.0' when that area specifies the elevation is not to be raised over 5.0'. (See attached memo.) After considerable discussion, Commissioner Lanke moved for approval of the encroachments provided that the property owner enter into an agreement whereby he would pay any additional costs that the District would incur as a result of the encroachments in the event that either of the two options as included in the memo became necessary and that the agreement provide that this obligation would become an encumbrance on the property also for any future owners. In addition, the agreement would spell out that if an owner would not agree to pay for additional costs if necessary, the District would have the right to add those costs to the property-tax bill. Motion seconded by Commissioner Goggin; carried by unanimous vote.

2. Request for 5' brick-paver encroachment into the lake-maintenance easement on Riber property located at 2030 Northwest 107 Avenue, Pembroke Pines (Pembroke Lakes). Mr. Schwartzberg recommended approval based on all electrical improvements being removed from the lake-maintenance easement. (See attached memo.) Mr. Riber responded that he would like to have some type of lighting on

the seawall. After further discussion, Commissioner Mersinger moved for approval of the brick-paver encroachment provided that the existing electrical improvements in the lake-maintenance easement, including the seawall, be disconnected until such time as it is redone to meet the District's existing criteria regarding electric in such easements. Motion seconded by Vice Chairperson Hodges and carried by unanimous vote.

D. Ten bids were received for the **Tree-removal project in Pembroke Pines** with low bidder being Elan Lawn & Landscaping Service who has done a considerable amount of this type of work in the past. Mr. Schwartzberg recommended their bid in the amount of \$13,925 (for 22 locations in eastern Pembroke Pines) be approved. Motion to approve by Commissioner Goggin, second by Commissioner Lanke; carried unanimously..

E. Three bids were received for the **culvert-inspection project**. Industrial Divers was low bidder at \$200 per hour with a not-to-exceed amount of \$22,050 for the 90 locations. This company has also previously performed great deal of culvert-inspection work for the District, and the District Director recommended they be approved for this work. Motion to approve by Commissioner Goggin, second by Commissioner Mersinger; carried unanimously.

F. Mr. Schwartzberg asked that if anyone has any questions or suggestions regarding the proposed February 19th **Hurricane Erosion Fund Workshop Agenda** to please contact him as soon as possible.

Commissioner Mersinger asked that the information provided by Mrs. Evans be included for discussion. Mr. McCluskey asked that the situation regarding the Decker's seawall problem be addressed. It was noted that while there will some of the municipalities within the District will have representatives at the workshop, the Board will not be ready to have cross dialogue at this first hurricane-erosion fund workshop.

G. The District Director has been advised that the **Town of Southwest Ranches** will be submitting a request for a **lease extension**. This will be included on the February regular-meeting agenda.

6. **LEGAL-COUNSEL REPORT**

A. On the now **Weekly property (formerly Nojosy property)**, the owner has asked that the District vacate a portion of the existing drainage-flowage easements which would then be replaced in other locations after development of the property. This would also require an indemnification agreement. Mr. Bell recommended approval, noting that the vacation document(s) would not be recorded until the new easement documents are available. Commissioner Mersinger moved to approve the vacation of the drainage-flowage easements vacation request as presented by Mr. Bell, second by Vice-Chairperson Hodges. Carried unanimously. Commissioner Mersinger moved to approve the termination/cancellation of the original indemnification agreement which also will not be recorded until a new one is in place. Motion seconded by Vice Chairperson Hodges; carried unanimously.

B. In order to develop the **Vivian Estates property**, there must be two full acres of undesignated land. Thus, the District has been asked to release its canal easement and include same on the plat when the property is platted. This would have no adverse affect on the District. Commissioner Goggin moved for approval of the request as submitted; second by Commissioner Mersinger. Carried unanimously.

C. **Tree Removal From Easements Adjacent To Canals Resolution No. 2008-01 and Agreement** was submitted for approval. This pertains to property owners adjacent

to SBDD canals for the purpose of allowing the District to remove trees within designated easements adjacent to said canals. Agreement #1 is to be entered into for those property owners requesting a permit/variance for placing improvements within the easement, and Agreement #2 is for property owners with no improvements within these easements (copy of explanation letter attached). This resolution pertains to persons coming in for permits for improvements within easements that contain trees which need to be removed from those easements. Commissioner Mersinger moved for approval of Resolution No. 2008-01 and the corresponding Agreements #1 and #2. Second by Vice Chairperson Hodges; carried unanimously.

D. Ms. Ellen Feld will be attending the upcoming **Broward County Charter Review Commission** meeting. At this time, it appears there will be nothing involving special Districts on that meeting agenda.

07. **APPROVAL OF LEGAL BILLS**

Legal bills approved unanimously per motion by Commissioner Goggin and second by Commissioner Lanke.

08. **BOARD MEMBER COMMENTS**

A. All felt the **District magnets** to be given out on **Water Matters Day** were a nice idea.

B. Commissioner Mersinger called attention to the **Relay For Life** to be held at Everglades High School on April 11th and 12th. All were urged to participate, as this is for a very worthy cause.

C. Commissioner Lanke noted that the Pembroke Pines Rotary Club is in the process of becoming the first **“Adopt A Canal”** group.

D. In response to a question by Commissioner Goggin, Mr. Schwartzberg noted that **oil-base sealers** are no longer available in this State. The balance of the paving/resealing work will be completed this coming weekend.

09. **MEETING DATES**

A. Erosion Workshop, Tuesday, February 19, 2008, 9:30 A.M..

B. Board of Commissioners Meeting, Thursday, February 27, 2008, 9:30 A.M.

10. **Adjournment at 11:20 A.M.**



Robert E. Goggin IV, Secretary
South Broward Drainage District

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