

## SOUTH BROWARD DRAINAGE DISTRICT

Management Committee

Meeting Minutes

March 3, 2006

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**3:30 P.M. MANAGEMENT COMMITTEE MEETING CALLED TO ORDER. PLEDGE OF ALLEGIANCE RECITED.**

### PRESENT

President Tom Gill, Vice President Vicki Minnaugh, Secretary Jack McCluskey, Supervisors John Eastman & Scott Hodges, Director Leo Schwartzberg, District Legal Counsel Douglas Bell, Recording Secretary Joann Long

### PRESENTATIONS

#### **GOLDSTEIN PARTIAL SURFACE-WATER MANAGEMENT AREA VACATION/PARCEL D OF R-R&R MANOR ESTATES**

At present, 37% of the Goldstein property located at 5052 Southwest 160 Avenue, Southwest Ranches, is dedicated as surface-water management area which is considerably more than needed for that purpose. Mr. Schwartzberg recommended vacation of the south 20 feet of the west 228.60 feet of the East 268.60 feet of Parcel D of "R-R&R Manor Estates" in order to allow the Goldsteins the use of that area which is not needed. Mrs. Minnaugh moved for approval of the partial vacation as requested by Mr. Schwartzberg. Motion seconded by Mr. Hodges; carried unanimously.

#### **HURRICANE WILMA TREE/DEBRIS REMOVAL PROJECT**

Bids have been received for Projects #10 and #11 for tree and debris removal in connection with Hurricane Wilma damage. Bids ranged from \$24,000 to \$28,800 for Project #10 and \$7,500 to \$16,000 for Project #11, with Elan Lawn Service being low bidder for Project #10 and Tree Works for Project #11 (bid list enclosed). Mr. Schwartzberg recommended going with the low bidders as both companies are qualified for the work required. Mrs. Minnaugh moved to approve Mr. Schwartzberg's request for Elan Lawn Service (Project #10) and Tree Works (Project #11) to be awarded the work. Motion seconded by Mr. McCluskey; carried unanimously.

Mr. Schwartzberg explained that there are other areas to be addressed for this type of work. The District will be paying 25% of the cost with NRCS paying the balance. The District will pay 5% more than if FEMA had paid for the work.

#### **LAKE BANK EROSION LAND SURVEYING PROPOSALS**

Twelve bid packages were sent out for this work, and only three responses were received. A proposal sheet (copy attached) was distributed which included the prices from those three companies. Surveying work will determine the "as-is" condition of all applicable lake banks/properties.

Mr. Schwartzberg recommended Miller Legg be awarded Projects 2, 4 and 7 simultaneously. Upon completion of Project 4, they would start work on Project 3. Upon completion of Project 7, they would start Project 5. All of their work will be completed in nine weeks from the notice to proceed.

Mr. Schwartzberg next recommended Consul-Tech be awarded Project 6 and 8 simultaneously. After four weeks, they would begin work on Project 5. All of their work would be completed within thirteen weeks.

Discussion ensued on the down payments for each Project (Keystone Lakes, Riviera Isles, Silver Lakes, Harbour Lake Estates, Sunset Lakes), as shown on the proposal sheet. All are 20% of the surveying cost for each. Mr. Gill prefers getting the full amount of the surveying work for each development as the possibility exists that not all of the developments will opt to participate in the project. Mr. Bell explained that if a development opted not to participate, the additional cost could be recouped via adding it to the property-tax bills of the owners within that development.

Initially, many of the HOAs and property owners were in favor of the entire community participating in any special assessment to cover the costs of the restoration work. Now there are those who do not live on the water bodies who are beginning to speak against overall participation. Mr. Schwartzberg explained that this Board has the authority to do an overall special assessment; and there are options re: percentages, i.e., assessing the same amount to every property within each community or assessing the lake-front properties a higher percentage than those who are not on the water. Another option would be to include all properties in one overall assessment as compared to doing the assessment by individual developments, this also with the option of the same amount for all or a premium amount for the lake-front properties. Mr. McCluskey asked that Mr. Schwartzberg prepare formulas on how these options would work using 10, 15 and 20 year amortizations

Mrs. Minnaugh felt that due to the fact all property owners within developments use the lakes for water quality and various recreation purposes, plus the lakes are there to provide flood control for the overall communities, all should share in any special assessments for the erosion project resolution. In addition, there would be no developments without the lakes. It was her opinion that the longest term possible would be best for any assessment and that all should participate because everyone does receive benefits from the affected water bodies. Mrs. Minnaugh added that this Board may have to make the decision regarding participation and a special assessment rather than the HOAs, some which are now wavering on that issue with Silver Lakes being one such HOA.

Mr. McCluskey felt it would be best to lump all the water bodies together for one overall special assessment rather than having different amounts for each individual development. He and Mrs. Minnaugh also agreed that the water-front properties should be assessed at a higher percentage rate than those properties not on water.

Mr. Schwartzberg will have assessment formulas available at the next meeting for 10, 15 and 20 year financing for estimated cost for the erosion-resolution project. He explained that the District has secured approximately 10% (2.6 million dollars) from NRCS and have a grant application into the State for approximately 3 million dollars plus a Federal appropriation request for 2.6 million dollars. He reiterated that no development or property owner will get the benefit of these monies if they elect to do the repair work on their own.

Mr. Hodges recalled that from the inception of discussion on the erosion issue, the District has taken the position it would not become involved unless the HOAs wanted the District's assistance. Now the Board is discussing the possibility of imposing a mandatory assessment for everyone in the problem areas which concerns him greatly.

Mr. McCluskey noted that SBDD knows more about this issue than the average property owner, and the purpose of the District is to make the best decisions possible for the property owners even though some of those decisions may not always be "popular" decisions. Mr. Gill remained of the position that he wants the HOAs to advise the District of their positions about participating in the District's resolution of the erosion problem. Mrs. Minnaugh felt that once the property owners know all of the facts, they will not cause much grief as they are all aware that there is a huge problem re: erosion.

Mr. Schwartzberg will discuss this issue with the HOAs that have been more receptive re: if they don't want to make the decision, put same in writing and advise the District to make the decision on how to proceed.

Action requested today: (1) Authorize Mr. Schwartzberg to award each of the surveying contracts as included in the Lake Bank Erosion Surveying Proposals, and explained by Mr. Schwartzberg, pending receipt of the down payments from the respective HOAs. (2) Authorize Mr. Schwartzberg to require down payments of 20% of the surveying costs to be paid to the District by each community prior to the commencement of surveying activities (down payments shown on the Lake Bank Erosion Surveying Proposals). The Board felt the District must move forward with the survey work (the engineering companies would bill every 30 days).

Mr. McCluskey moved that the proposals from Consul-Tech and Miller-Legg be approved as explained pending receipt of the down payments (with the understanding that if they don't provide the down payments, the work will still move forward and costs would be recovered from assessment monies or via adding the applicable amount to each property-tax bill). Motion seconded by Mrs. Minnaugh.

Per a question from Mr. Hodges, Mr. Schwartzberg explained how he selected which company to do which location with the time factor being the more important when compared to a minor dollar-amount difference.

A vote on the motion showed it carried by unanimous vote.

Mr. Eastman questioned the District's ability to impose this type of overall assessment for work to be done on private properties. Mr. Bell responded that it is his opinion that the District's Charter provides the right to do whatever is necessary for the easement portion(s) only. Messrs. Eastman and Hodges want to be sure the District is on solid ground re: Mr. Bell's position.

Fact Sheet: Mr. Hodges felt the fact-sheet information (copy attached) comes across as "cold" and that perhaps it should be put into letter-style paragraph form. Mr. Eastman felt staff should expand on the benefits provided to the overall development, plus everyone needs to know that every development needs the water bodies in order to exist.

It was agreed to send the information out ASAP rather than wait for the HOAs responses to Mr. Schwartzberg's inquiry on their participation. It was also agreed that the HOAs will be advised that the District needs a letter of commitment re: whether or not they want to make the decision to participate or if they want the Board to make that decision and if they will make the assessment decisions or want the District to do that also. Responses are to be provided prior to the District's March 23<sup>rd</sup> Board meeting.

Discussion ensued on the possibility of SFWMD doing a letter to supplement information to be provided by the District on the purpose of the water bodies, etc. It was the general consensus that one letter signed by SBDD and SFWMD would suffice. Mr. Schwartzberg will discuss this with SFWMD and move forward with the mailing as quickly as possible (information to be sent via first-class mail).

### **NRCS FUNDING**

A sheet was provided re: Hurricane Wilma Damage Assessment. This shows monies for which the NRCS has committed. Re: street-drain cleaning, 25% of that cost will be paid by the HOAs with NRCS picking up the 75% balance.

Mr. Schwartzberg commended District staff for work done in his absence whereby NRCS advised it would be reducing some amounts previously approved; and through staff efforts, NRCS agreed not to decrease any of the originally-approved amounts.

### **BASINS S-9/S-10 STORMWATER IMPROVEMENTS**

A meeting will be held at the District on Friday, March 9<sup>th</sup>, at which SFWMD reps will be present to discuss the District's S-9/S-10 stormwater-improvement program Phase 2. All are welcome to attend this meeting which will be held at SBDD at 2 P.M.

### **SUPERVISORS CONTACT INFORMATION**

Earlier this week, Mr. Doug McKay (SWR Drainage Committee) requested information on the Board members (phone numbers and e-mail addresses). He was informed that anything for a Board member should be sent to this office who would in turn see

that it reached the addressed party. Right after that, an e-mail was received from the Town requesting the same information.

After brief discussion, it was agreed to provide the cell phone numbers for the five Supervisors having one, and Mr. McCluskey advised it would be permissible to give out his home phone number.

### **BEACHES**

Mrs. Minnaugh felt there should be another campaign re: removal of the beaches which have added to the problem re: pipes and culverts becoming filled with sand/sediment.

### **SOUTHWEST RANCHES VOLUNTEER FIRE STATION**

Mr. Eastman reported that at the Town's meeting last night, they discussed flooding by the Fire Station located adjacent to the S-8 Pump Station. Mr. Schwartzberg noted that when the Town completes its tertiary drainage system, the Fire Station flood problem should be eliminated.

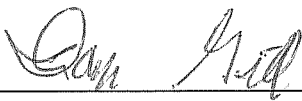
### **SOUTHWEST RANCHES/ILLEGAL FILL**

Mr. Eastman noted that illegal filling is an ongoing problem within the Town. He felt the District should consider enforcing its criteria on fill. Mr. Schwartzberg responded that, unfortunately, the District doesn't have the "teeth" for enforcement.

Mrs. Minnaugh felt this type of activity is the responsibility of the Town which, to her understanding, now has no code-enforcement personnel.

Mr. Eastman questioned if the District could send staff out to explain fill violations to those owners involved. It was felt that the District could send a letter to an individual for which Mr. Eastman provides the name and address of the property owner, as well as any other applicable information, to Mr. Schwartzberg.

**ADJOURNMENT 4:40 P.M.**



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Tom Gill  
Meeting Chairperson

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