

SOUTH BROWARD DRAINAGE DISTRICT
BOARD OF COMMISSIONERS MEETING
* * * * **AMENDED AGENDA** * * * *
THURSDAY, APRIL 24, 2008

NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON

- 01. CALL TO ORDER/PLEDGE OF ALLEGIANCE
- 02. PUBLIC COMMENT
- 03. APPROVAL OF MARCH 27, 2008, BOARD MEETING MINUTES
- 04. DIRECTOR'S REPORT
 - A. APPOINTMENT OF COMMISSIONER (CANDIDATES: EARL RODNEY & MERCEDES SANTANA-WOODALL)
 - B. ELECTION OF TREASURER
 - C. SOUTHWEST RANCHES FIRE STATION TRAILER SITE
 - D. VARIANCE/VACATION REQUESTS:
 - 1. MCPHERSON VARIANCE/VACATION
 - 2. RODRIGUEZ VACATION
 - 3. EASTMAN & HUBBERT VACATIONS
 - E. **HURRICANE-EROSION COMMITTEE REPORT**
 - F. **SOUTHWEST RANCHES TREE-REMOVAL CONTRACT**
 - G. **OTHER**
- 05. ATTORNEY'S REPORT
 - A. SOUTHWEST RANCHES LEASE RENEWAL DISCUSSION
 - B. SPECIAL DISTRICTS LEGISLATION UPDATE
 - C. GRAND PALMS LAWSUIT UPDATE
 - D. OTHER
- 06. APPROVAL OF LEGAL BILLS
- 07. BOARD MEMBERS QUESTIONS/COMMENTS
- 08. OTHER
- 09. MEETINGS:
 - A. BOARD OF COMMISSIONERS MEETING - THURSDAY, MAY 29, 2008, 9:30 A.M.
 - B. MANAGEMENT COMMITTEE MEETING - SET DATE IF NECESSARY
- 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.

NOTE:

ITEMS NO. 4-E, 4-F & 4-G PREVIOUSLY LISTED AS 4-F, 4-G & 4-H ON ORIGINAL AGENDA SUBMITTAL.

**SOUTH BROWARD DRAINAGE DISTRICT
GOVERNING BOARD MEETING MINUTES
APRIL 24, 2008**

Present:

James Ryan, Chairperson
Scott Hodges, Vice Chairperson
Robert E. Goggin IV, Secretary
Thomas Good, Commissioner
Alanna Mersinger, Commissioner
John Eastman, Commissioner
Mercedes Ssantana-Woodall, Commissioner

Leo M. Schwartzberg, District Director
Douglas R. Bell, Legal Counsel
Joann Long, Recording Secretary
Carl Lanke, Miramar Commissioner
General Public: See Attached List

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

Meeting called to order at 9:45 A.M. followed by roll call and the Pledge of Allegiance.

02. **PUBLIC COMMENT**

None.

03. **APPROVAL OF MEETING MINUTES**

Per motion by Commissioner Hodges and second by Commissioner Eastman, the March 27, 2008, Board meeting minutes were unanimously approved.

04. **DISTRICT DIRECTOR'S REPORT**

A. **Election of Commissioner** - Two candidates filed to fill the Board vacancy created by the resignation of Mr. Lanke, those being Mr. Earl Rodney and Ms. Mercedes Santana-Woodall. Each provided a brief synopsis of their qualifications and why they would like to serve on the SBDD Board of Commissioners.

A roll-call vote showed Ms. Santana-Woodall elected by a super-majority vote of those voting.

Mr. Rodney was thanked for his interest in the District and told that he will be a welcome attendee at any SBDD meeting.

The oath of office was administered to Ms. Santana-Woodall by SBDD legal counsel Bell, and she was congratulated on her election to the Board after which she took her seat on the dais.

B. **Appointment of Treasurer** - Commissioner Mr. Good agreed to accept the office of Treasurer as there was no other Board member who voiced any desire to do so. Accordingly, Commissioner Mersinger moved for approval of Commissioner filling the vacancy. Motion seconded by Commissioner Hodges; carried unanimously.

C. **Southwest Ranches Volunteer Fire Department** - The Town is hopeful of soon commencing construction of its public-safety building and would like approval to move its Volunteer Fire Station trailer to the south end of the District's S-8 Pump Station property. The area in question is where the Town previously had permission to build a temporary parking lot. Mr. Russo is confident that the building will be completed within three years and that the Volunteer Fire Station trailer will be moved from the temporary site at that time.

After further discussion, Commissioner Eastman moved to approve the request based on the District being fully protected from any liability; motion seconded by Commissioner Mr. Hodges and carried unanimously. It was agreed that if any rent is to be charged, it would be a token amount not to exceed \$10.

Commissioner Good suggested that the Town be responsible for maintaining the grounds at this site during its use of SBDD property. All agreed with this suggestion, and Mr. Schwartzberg will relay this information to Mr. Russo.

D. Vacation Requests

1. **McPherson Property**, 601 SW 205 Avenue, Pembroke Pines (Chapel Point), request for approval of 7.0' vacation to allow structure now under construction to remain. City approved permit not realizing SBDD easement is 25' rather than the customary 20', and construction was under way before the mistake was discovered. Approval would pose no adverse issues for the District. Motion to approve vacation request made by Commissioner Mersinger, seconded by Commissioner Goggin. Carried unanimously.

2. **Rodriguez Property**, 6551 SW 185 Avenue, Southwest Ranches. request to vacate 10' of the existing surface-water management area on south side of property and replace it with an additional 10' on the west side. No adverse effect if approved. Motion to approve by Commissioner Eastman, second by Commissioner Mersinger; carried unanimously.

3. **Eastman & Hubbert Properties** (4801 SW 188 Avenue, Southwest Ranches, & 5041 SW 188 Avenue, Southwest Ranches, respectively) requests to vacate the east 20' of the 60' canal/drainage easement behind each home. The remaining 40' easements are sufficient for SBDD purposes, and the Town is agreeable to the vacations.

Commissioner Goggin moved for approval for the **Eastman** vacation as submitted, second by Commissioner Good; carried by unanimous vote with Commissioner Eastman abstaining due to conflict of interest.

Commissioner Goggin moved for approval of the **Hubbert** vacation as submitted, second by Commissioner Good; carried unanimously.

E. Hurricane-Erosion Committee Report - See attached memorandum (and attachment) by Mr. Schwartzberg who stressed that not all of the Committee's decisions were unanimous. He added that he had requested those with differing opinions on various issues to put their positions in writing and provide same to him in order that he could distribute same to the Board members to make them aware of the objections when making their decisions on how to proceed. Mr. Schwartzberg noted that the Board could finalize this information at the May Board meeting if it so desired; there is no rush.

One proposal has been received for wind modeling (\$20,000 - \$30,000), one for the actuary (\$12,000); and one for wave modeling should be available any day. There have been no other responses. There is a possibility that the services of an engineer will be required for certain work.

As Mr. Schwartzberg has been unable to locate any reinsurance provider within the states, he is seeking proposals in \$5,000,000 increments up to \$50,000,000 from a company in England. He noted that this information is not a priority at this time.

Commissioner Eastman expressed his appreciation to the Committee for their time and efforts spent on this behalf.

It was suggested that the Board hold a workshop with input only by the Board to fully discuss the Committee's final report. Commissioner Ryan voiced his opposition to not allowing the general public to speak at any meeting. Audience member Barry Neinzig

felt that any interested party should be given the opportunity to speak. He added that he objects to night meetings and is opposed to paying for something that benefits private property other than his own.

Commissioner Good questioned if it is possible for Mr. Schwartzberg to provide the Board with a draft policy so there is a picture behind the issue rather than going item by item which can be difficult to come up with an end product. Others agreed.

Commissioner Eastman felt the District perhaps to have a number of meetings on this issue which could take years to resolve. He added that he had never seen such a one-sided committee and that he was the only one who appeared to be looking out for the best interest of the property owners. Commissioner Ryan disagreed with the remark about the committee being one sided. He did agree there could be a number of meetings required on this issue before a policy can be established.

Mr. Bell explained a proposed bill re: public meetings that, if approved, could delay establishing new policies that were not in force at the time the bill were to be passed.

After further discussion, a Board workshop was set for Wednesday, May 14th, 2:00 P.M. Mr. Schwartzberg felt that a draft policy cannot be compiled until after the workshop as the Board needs to discuss the Committee's final comments as well as comments that may be received in the interim by those Committee members who did not agree with some of the overall Committee's findings.

F. Southwest Ranches Tree-Removal Contract - Bids received ranging from \$22,500 to \$148,000 for tree removal in Rolling Oaks to prevent trees from falling into canals in the event of a hurricane. Low bidder was K & R Tree Service with whom the District has done many successful projects. Commissioner Eastman moved for acceptance of the bid as submitted by K & R Tree Service. Motion seconded by Commissioner Goggin and carried by unanimous vote.

05. LEGAL-COUNSEL REPORT

A. Southwest Ranches Lease Renewal/Deposit - When this was discussed at the March 27th Board meeting, the Town requested its \$50,000 damage deposit be reduced. Commissioner Goggin felt that prior to reducing the deposit, the District should confirm what the cost would be to "clean up" the applicable area in the event the Town did not do so once it has vacated the District's premises.

After further discussion, it was the general consensus that the deposit be reduced to \$25,000 upon renewal of the Town's current lease which expires in June of next year.

B. Special Districts Legislation - Mr. Bell again noted that legislation re: public meetings seems to be on its way to final approval. This would allow anyone to speak; and if someone objects, the item would be tabled until after a workshop in the issue. This could make it very difficult to get things done.

The Sunset bill appears to be moving no where, and the bill re: tax assessing doesn't seem to pertain to special Districts. The Soil & Conservation bill is "dead".

C. Grand Palms Lawsuit - This lawsuit challenges the District's right to use the overall easement for drainage. Mr. Bell will be filing a motion to dismiss. He provided a brief history on this issue noting that the District has an overall easement on the entire lake system which was agreed upon by the property owner at that time rather than having piecemeal easements over each water body. The District will be asking for legal fee reimbursement; and if the courts do not provide this relief, SBDD has the right to add the cost to the property-tax bill.

06. **ADOPT-A-CANAL PROGRAM** - The first Adopt-A-Canal event was held this week. A District field-crew employee put together two teams of four each and cleaned a portion of the University Drive Canal; it went well. There is another commitment by the Pembroke Pines Rotary Club which should come to fruition within the near future.

Commissioner Goggin provided information on a contact who will provide a dumpster for trash removed as a result of this program provided a call is made prior to the removal in order that proper delivery scheduling can be accomplished.

07. **AGENDA ITEMS TIME FRAME** - Commissioner Eastman has requested that items not on the agenda included in the information provided to the Commissioners prior to the Board meeting not be discussed at the applicable Board meeting. Exceptions could be made for any “emergency” items or items that would pose a problem for the property owner if not addressed in a timely manner. All agreed.

08. **BOARD MEMBER COMMENTS**

A. Commissioner Mersinger noted that several Commissioners attended a portion of the **legislative session** in Tallahassee this week **SFWMD’s request for funds** (which included some for SBDD) was denied. On a personal note, she was extremely pleased that the House approved an autism bill which she and others had been working on for some time. It is their hope that it will be approved at the next level and not vetoed by Governor Christ.

Commissioner Goggin expressed his appreciation to Commissioner Mersinger for the great job she had done on behalf of autistic children as well as other issues. Those Commissioners who traveled to Tallahassee did their best to make the legislators aware of South Broward Drainage District and its efforts to endeavor to solve “water” problems. Commissioner Goggin and ex-Commissioner Lanke had an opportunity to discuss with Beacon TV reps what is happening within SBDD boundaries, and it was their understanding the interview would be aired on that TV channel. Commissioner Goggin added that he learned a great deal during his time in Tallahassee and that while it may not seem so water management is a big item in Tallahassee according to a site he visited in the Capitol building.

B. Per request, Mr. Schwartzberg will provide the Commissioners with the e-mail addresses for all Commissioners.

09. **MEETING DATES**

- A. Board of Commissioners Meeting, Thursday, May 29th, 9:30 A.M.
C. Erosion Workshop, Wednesday, May 14th, 2:00 P.M.

Adjournment at 11:00 A.M.



Robert E. Goggin IV, Secretary
South Broward Drainage District

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