

**SOUTH BROWARD DRAINAGE DISTRICT
BOARD OF COMMISSIONERS MEETING
*****AGENDA*****
THURSDAY, APRIL 30, 2009**

NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON

- 01. CALL TO ORDER/PLEDGE OF ALLEGIANCE
- 02. PUBLIC COMMENT
- 03. APPROVAL OF MINUTES:
 - A. MARCH 26, 2009, BOARD OF COMMISSIONERS MEETING
 - B. APRIL 7, 2009, MANAGEMENT COMMITTEE MEETING
- 04. DIRECTOR'S REPORT:
 - A. VARIANCES:
 - 1. LEON
 - 2. CONDE
 - 3. TIRONE
 - B. LOBBYISTS
 - C. BLOOD DRIVE
 - D. OTHER
- 05. ATTORNEY'S REPORT:
 - A. GRAND PALMS LAWSUIT UPDATE
 - B. LEGISLATIVE SESSION UPDATE
 - C. RESOLUTION AUTHORIZING DISTRICT TO OPEN CHECKING ACCOUNT WITH SUN TRUST BANK
 - D. OTHER
- 06. APPROVAL OF LEGAL BILLS
- 07. BOARD MEMBERS QUESTIONS/COMMENTS
- 08. OTHER
- 09. MEETINGS:
 - A. BOARD MEETING THURSDAY, MAY 28, 2009
 - B. MANAGEMENT COMMITTEE - 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
April 30, 2009**

Present:

Scott Hodges, Chairperson
Thomas Good, Vice Chairperson
Robert E. Goggin, IV, Secretary
James Ryan, Treasurer
Mercedes Santana-Woodall, Commissioner
Alanna Mersinger, Commissioner
Vicki Minnaugh, Commissioner

Leo M. Schwartzberg, District Director
Douglas R. Bell, Legal Counsel
Joann Long, Recording Secretary
Robert C. Bell, Financial Consultant
Freddy Fisikelli, SWR Council Member
General Public: See Attached List

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

Meeting called to order at 9:30 A.M., followed by the Pledge of Allegiance.

02. **PUBLIC COMMENT**

None.

03. **APPROVAL OF MINUTES**

A. Motion to approve March 26, 2009, Board meeting minutes as submitted made by Commissioner Minnaugh, seconded by Commissioner Goggin; carried unanimously.

B. Motion to approve April 7, 2009, Management Committee meeting minutes as submitted made by Commissioner Minnaugh, seconded by Commissioner Goggin; carried unanimously.

04. **DISTRICT DIRECTOR'S REPORT**

A. **Variance Requests**

1. Leon - Request to allow existing unpermitted covered patio and barbeque (fed by buried gas line) to remain in the lake-maintenance easement at 6803 Segovia Circle (Stoneridge), Pembroke Pines. While the brick-paver patio encroachment was previously permitted and the barbeque/fuel lines (which are safety hazards) can be moved out of the easement, the permanent roof encroachment is a problem as it would be a definite impediment were District staff/contractors to require access to/through the easement. Accordingly, the District Director recommended denial of the variance for the roof. He also recommended that the barbeque/fuel lines be removed from within the said lake-maintenance easement.

Commissioner Minnaugh moved for approval of the District Director's recommendation to deny the roof overhang and require the removal the barbeque and fuel lines from within the easement. Motion seconded by Commissioner Goggin and carried by unanimous vote.

Further discussion followed with the Board remaining adamant in its position.

2. Conde - Request to allow construction of a deck and covered cheekee hut within the lake-maintenance easement at 11441 Northwest 22 Street (Pembroke Lakes), Pembroke Pines. The owner also proposes to regrade the lot to a slope that is flatter than the permitted 4:1. In addition, a dock is to be constructed and a seawall repaired; but these are permissible provided all SBDD criteria is met. The proposed deck/chickee hut is a violation of SBDD criteria prohibiting roofed

structures in a lake-maintenance easement. Also, as proposed, the deck is a violation of side-yard setback criteria. Based on the prohibition against roofs in lake-maintenance easement and side-yard encroachments, the District Director recommended denial of the variance to construct the deck and the chickee hut. Also recommended was the denial of the request to fill any portion of the lake-maintenance easement.

Mr. Williams, contractor for the work, noted there are other adjacent properties with raised elevations. The property owner wanted to match those elevations. Commissioner Minnaugh requested that those properties be inspected as it is her belief the District has never permitted lake slopes to be regraded to another elevation other than that originally approved. Commissioner Minnaugh suggested that the property owner have his contractor provide a new plan whereby the deck and chickee hut improvements are removed out of restricted areas. After reviewing the plan provided, it is her belief that can be done. The dock as shown can be permitted as long as it meet all SBDD.

Commissioner Minnaugh moved for denial of the deck and chickee hut as proposed as well as any regrading/resloping of any SBDD easement. Motion seconded by Commissioner Goggin and carried unanimously.

3. Tirone - Request to allow the installation of two 120-gallon above-ground liquified-petroleum fuel tanks and a buried fuel line in a drainage easement that contains a street-drainage outfall pipe at 17011 Northwest 20 Street (Lakes of Western Pines/The Cove), Pembroke Pines. The District Director recommended denial of the variance request(s) due to the fact that approval would subject SBDD personnel to danger removing the tanks/fuel line if necessary. There would be even greater potential for disaster if the buried fuel line were broken or if the drainage pipe were to collapse or a sink hole develop.

Lengthy discussion ensued, as Mr. Tirone felt the requested locations are the only areas available for these improvements due to the configuration of his property which is a "zero" lot-line site and the City's requirements for such installations, while others felt there are other areas that could be used rather than a SBDD easement containing a drainage pipe. The possibility of encasing the fuel lines within applicable material was also mentioned.

The Board's final position was that Mr. Tirone meet with the City again to explain the District's position and criteria and request the City to review the matter for another location site/option for the equipment. While the Board wants to do what it can to assist Mr. Tirone in this issue, the City should also be willing to help with a solution. In the meantime, a Homeowner Association letter should be obtained. It was suggested that Mr. Tirone meet with Mr. Schwartzberg at the Tirone residence to review possible locations for the fuel tanks.

Commissioner Ryan moved to defer this issue until Mr. Tirone has met with the City and also obtained a HOA approval letter. Motion seconded by Commissioner Mersinger and carried by unanimous vote.

4. McIntosh - A request has been received from Mr. McIntosh for a 2.5' gazebo encroachment into a SBDD lake-maintenance easement for property located at 1930 Southwest 137 Way, Miramar (Lot 1, Block 17, Flamingo Estates). Mr. Schwartzberg noted approval would pose no problem for the District as the property abuts a park which has easement-access area; he recommended approval. Commissioner Minnaugh moved to approve Mr. Schwartzberg's recommendation, second by Commissioner Goggin with the stipulation the existing encroachment improvement cannot be replaced at a later date. This was agreeable to Commissioner Minnaugh, and the motion carried by unanimous vote.

B. Sun Trust Bank Checking Account/Resolution

Mr. Schwartzberg would like to move the vast majority of the funds in the Bank of America checking accounts which are drawing almost .000% interest to Sun Trust Municipal Now checking accounts (available only to governmental entities) that pays a .40% interest rate. Mr. Bell noted several issues where Sun Trust Resolutions list different requirements from what the District has with Bank of

America checking accounts, i.e., while SBDD requires two signatures on a check, Sun Trust requires only one. Another difference is that Sun Trust requires that any Board member can sign checks and any Board member has the ability to add another person to the Resolution. While the two signers can be an internal SBDD responsibility, the Board does not want the provision included whereby any Board member can add an additional signer. They also want the Resolution to read that any two Board members or the District Director and one Board member can sign checks. Thus, it will be necessary for Sun Trust to definitely remove the provision for “added signers” to the resolutions. It was felt that if necessary, we can work with the two-signers requirement even though we would prefer to have it specified as “any two Board members or the District Director and one Board member”.

Due to the time element, Commissioner Minnaugh moved that the Resolution to be modified by Mr. Bell be approved provided the provision for “adding signatures” is definitely removed. If the bank is not agreeable to the other desired revisions, it was felt the District would police those issues in house. Commissioner Goggin seconded the motion which carried unanimously. Mr. Bell questioned what happens if this type of account is discontinued. Mr. Bob Bell responded that while this type of account expires as of November, it was his belief Sun Bank will renew the arrangement. Even if that did not happen, the savings benefit realized from Bank of America’s service charges vs Sun Bank’s would continue.

C. Blood Drive

A blood drive with Florida Blood Centers is taking place today at the District between the hours of 9:00 A.M. and 3:00 P.M. Anyone interesting in donating can do so after the meeting.

D. Lobbyists

Per the Board’s request, Mr. Schwartzberg contacted three lobbyists (Larry Smith, Vinnie Grande and Lisa Maxwell) in reference to assisting SBDD with stimulus funds. Mr. Grande personally met with Mr. Schwartzberg, along with Mr. Michael Wood with whom he works. Given the District’s needs, Mr. Grande felt Mr. Wood’s assistance would be of particular value.

Letters of introduction from each were provided, and Mr. Schwartzberg suggested that the Board select two out of the three to interview at a May Management Committee meeting. He added that he had been given another name, Robert Hosay, for consideration.

Mr. Schwartzberg had looked into the question of whether or not it would be ethical to hire two lobbyists, one for Tallahassee and one for the local delegation, and was advised that is acceptable.

Commissioner Good recommended that the Board entertain presentations from each of the four persons mentioned. The Commissioners would then rank them in order of preference after which Mr. Schwartzberg would negotiate a fee with the #1 choice. If a reasonable fee could not be reached with that person, he would then move on to the second choice, etc.

Commissioner Mersinger felt the Board needs to make a determination on what it wishes to spend for this issue. Mr. Schwartzberg interjected that the first three applicants are well aware of the District and its responsibilities and what the Board is looking for in the way of lobbyists.

Commissioner Goggin questioned if Mr. Schwartzberg has any information from other special districts for fees such as this as well as the success rate for their lobbyists. The response was “no”.

Commissioner Ryan felt the Board should interview all the applicants, limiting each to a maximum of a 5-minute (or thereabouts) presentation. He did ask that the Board be provided with the qualifications, etc., of Mr. Hosay prior to the interviews.

It was agreed that a date will be set later in the meeting for a Management Committee meeting for the purpose of the interviews with each of the four candidates discussed today, and Mr. Schwartzberg will contact each to provide information on the meeting date and time.

E. Energy-Saving Lighting

Mr. Schwartzberg has met with four companies regarding environmentally-friendly lighting which would result in a savings to the District if implemented. When all proposals are in hand, he will review

same and make his recommendation to the Board for further action.

05. **LEGAL COUNSEL'S REPORT**

A. **Grand Palms Lawsuit**

There has been no activity on this matter since the March 26th Board meeting.

B. **Legislative Session Update**

Mr. Bell provided an update on local legislative matters, noting that the item on full transparency for special districts appears likely to be passed even though it was previously felt that would not happen. He mentioned that Tindell Hammock has lobbyists and that information gleaned by that source is also useful in SBDD relative issues.

06. **LEGAL BILLS**

Commissioner Goggin moved for approval of the legal bills as submitted. Motion seconded by Commissioner Minnaugh and carried unanimously.

07. **BOARD MEMBER COMMENTS**

A. **District Tour/Governor's Aide**

Commissioner Mersinger and Mr. Schwartzberg recently accompanied Ms. Maureen Jaeger, Special Assistant to the Governor, on a tour of the District. This was an excellent opportunity to "educate" an outsider on the work that SBDD provides to its constituents. Commissioner Santana-Woodall expressed her appreciation to Commissioner Mersinger for having given her the opportunity to accompany her on the trip to Tallahassee for the legislative Broward Days session. She added that she had learned a great deal from that experience. Commissioner Goggin interjected that the Board and the staff were also very grateful to both Commissioners for representing the District at that session.

B. **Broward County Water Matters Day Proclamation**

The District has received a certificate from the County for having participated in and being a sponsor for the recent annual Broward Water Matters Day annual event.

C. **Adopt-A-Canal Program**

It was noted that the District was a participant (on behalf of its Adopt-A-Canal Program) at the Kids Connection event held this past weekend

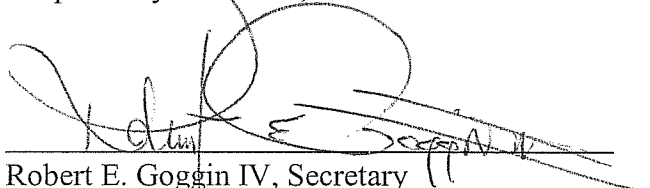
08. **MEETING DATES**

A. Board meeting, Thursday, May 28th, 9:30 A.M.

B. Management Meeting (for lobbyists interviews) Tuesday, May 12th, 3:00 P.M.

Adjournment at 11:35 A.M.

Respectfully submitted,


Robert E. Goggin IV, Secretary
Board of Commissioners

/jl