SOUTH BROWARD DRAINAGE DISTRICT
BOARD OF COMMISSIONERS MEETING
AGENDA
THURSDAY, DECEMBER 16, 2010 AT 8:00 A.M.

NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE

02. PUBLIC COMMENT

03. APPROVAL OF NOVEMBER 18TH SOUTH BROWARD DRAINAGE DISTRICT (SBDD) BOARD OF COMMISSIONERS MEETING MINUTES
APPROVAL OF DECEMBER 30TH SBDD AND TOWN OF SOUTHWEST RANCHES (SWR) JOINT WORKSHOP MEETING MINUTES

04. DIRECTOR'S REPORT

    A. VARIANCE
        1. LENIS
    B. AWARD OF CONTRACT(S)
        1. PUMP MOTORS - CONVERSION OF TWO STORMWATER PUMPS
    C. UPDATE ON JOINT WORKSHOP WITH SWR REGARDING PROPOSED SBDD CHARTER AMENDMENT
    D. TRANSFER OF FUNDS FOR INTERLOCAL AGREEMENT WITH SWR FOR S-9/S-10 INTERMEDIATE GATES
    E. REQUEST FROM SWR TO PROVIDE FUNDING FOR INTERMEDIATE GATES IN S-9/S-10 BASIN
    F. OTHER

05. ATTORNEY'S REPORT:

    A. UPDATE ON GRAND PALMS LAWSUIT
    B. CHARTER REVISION LEGISLATION UPDATE
    C. OTHER

06. APPROVAL OF LEGAL BILLS

07. BOARD MEMBERS QUESTIONS/COMMENTS

08. OTHER

09. MEETINGS:

    A. NEXT REGULAR BOARD MEETING WILL BE HELD ON **THURSDAY, JANUARY 27TH AT 8:00 A.M.**

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
DECEMBER 16, 2010

Present:

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

Kevin M. Hart, District Director
Douglas R. Bell, Legal Counsel
Reina Muniz, Recording Secretary
Freddy Fisikelli, SWR Vice Mayor
General Public: See Attached List

Absent:

---

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Meeting called to order at 8:05 A.M., followed by the Pledge of Allegiance.

02. PUBLIC COMMENT

None.

03. APPROVAL OF MINUTES

Commissioner Minnaugh moved for approval of the minutes of the November 18th, 2010, South Broward Drainage District Board meeting. Motion was seconded by Commissioner Goggin and was carried unanimously.

Commissioner Minnaugh moved for approval of the minutes of the November 30th, 2010, South Broward Drainage District (SBDD) and the Town of Southwest Ranches (SWR) Joint Workshop meeting. Motion was seconded by Commissioner Goggin and was carried unanimously.

04. DISTRICT DIRECTOR'S REPORT

A. Variance - Lenis

District Director Hart presented his report on the Variance request on the Lenis property, located at 17845 NW 15th Street, Pembroke Pines, Florida. He said that the request is for the construction of a deck and a gazebo within a SBDD 20-foot Lake Maintenance Easement (LME). He said that this is an after-the-fact request; that the deck was built in 1999 and the gazebo was built sometime after the deck.

District Director Hart said that the applicant applied to SBDD for a permit for the deck back in 1999; and that it appears that there was some action taken by the City of Pembroke Pines Code

Enforcement that prompted the resident to come before the Board for a permit for the deck at that time. He mentioned, that at that time, a letter was written from the SBDD Director informing the applicant that with minor modifications the deck could be bought up to compliance; and then no further action was taken. He said the application effectively died because there was no work done to bring the deck into compliance and the permit was not issued in 1999. He said that recently in this year, it appears that the City of Pembroke Pines again took action on the property, which prompted the resident to come back to the District for a variance. He said that it seems the size of the deck and other improvements within the easement are significantly different from the way they were back in 1999. The size of the deck is larger with a different configuration and they've also added a gazebo with no coordination through SBDD. He mentioned a letter of authorization from the HOA for the original deck, dated back in 1998. He said that as far as all the other improvements, he was not sure what was done by the HOA.

The following items are non-compliant with SBDD criteria: The size of the deck; the deck extends into the side setback area; there is electrical within the 20' LME; a ficus hedge is encroaching into the LME by 11 feet, although this is not impeding the District's access to the lake, it is still non-compliant; the gazebo; and a beach area that is also encroaching into the LME. He said that the resident agreed to remove all electrical components within the 20-foot LME and also to remove and re-sod the existing beach area.

District Director Hart said that as with any variance, if this is approved, SBDD will ask for an Indemnification Agreement and associated legal fees.

Commissioner Santana-Woodall asked if any permits were pulled from the City of Pembroke Pines for the original deck. District Director Hart replied that from what he gathered, there were certain permits that were not pulled and thus the reason for the citation by code enforcement. He said that SBDD was called on a subpoena to appear before a Special Magistrate on the current action related to the electrical work and a building permit that was not pulled.

The floor was then opened to Mrs. Maria Lenis to state her case. Chair Hodges asked Mrs. Lenis what had caused the action from the City of Pembroke Pines. She said that she thinks the city approached her because SBDD alerted them.

Commissioner Mersinger said that in reading through the documents, Mrs. Lenis was asked to appear before the Special Magistrate in May of 1999 and then again in August, but she did not see an end result and she wanted to know what happened.

Mrs. Lenis said that all she knows is that back in 1999 the file was between the City of Pembroke Pines and SBDD.

Commissioner Mersinger asked Mrs. Lenis if she appeared before the Special Magistrate. Mrs. Lenis replied no, that she never did. Commissioner Mersinger said she would think there was some sort of closure some years ago. Mrs. Lenis agreed and said she thought there was, but she never got the documentation. She said that she did get a phone call from SBDD, but could not remember who called her. She was told that her file was on their desk, that SBDD was closing the file, and that she could keep everything; and that was it.

Commissioner Mersinger said she's having some concerns with this variance because there is no documentation showing any action taken.

Commissioner Goggin said that what he understands by the comments he's heard and the documents he has read is that SBDD did not take action because the homeowner did not proceed with any of their modifications; so SBDD closed their file because nothing was done by the

resident. District Director Hart agreed with that deduction.

District Director Hart said that it does appear back in 1999, that the deck was in non-compliance; and that according to the letter written (dated June 25, 1999) by the District Director back then, it could have been approved with some minor modifications. The modifications were never done; and apparently the City of Pembroke Pines did not follow through on the code enforcement action until now. He said that what's happening now is that there have been two hearings and both of them have been continued through the Special Magistrate; and because they have been continued, SBDD did not have to appear. So it is his understanding that now the resident is trying to obtain the permits; and that they need a variance from SBDD in order to obtain the permits from the city.

Chair Hodges commented that since 1999, there have been more improvements to the original deck that were done without a permit.

Commissioner Santana-Woodall explained that if you look at the deck the way it is right now, the deck is still over by 136.5 sq.ft. from what the criteria was back in 1999.

Commissioner Goggin commented on the question as to where SBDD stands on all of this and why SBDD closed the file. He reiterated that it was because the homeowner did not proceed with their modifications; and he then proceeded to read the letter he previously discussed that was written by SBDD in reference to the deck back in June of 1999. He said that the letter basically finalizes SBDD's position on this matter; unless something was brought back to SBDD to change the rules.

Commissioner Minnaugh informed the Board that the City of Pembroke Pines is going through all of their files regarding code compliance, so it seems that anything that was never closed is now an issue. She explained to Mrs. Lenis that she does not think SBDD went actively looking for properties that are not in compliance and that she knows that the city is going through all of their files and are re-serving everyone to bring them into compliance.

Vice-Chair Ryan asked Mrs. Lenis how this happened. Mrs. Lenis explained the reason how this came about; that the deck was one level and that they added the second level. Vice-Chair asked if she pulled a permit for this addition, and she replied that this additional work was done without a permit.

Once again, Chair Hodges reiterated how this was done without a permit and commented that generally, if someone encroaches into the easement a foot or two, the Board looks at it and says this could have been avoided. This on the other hand, seemed to be a gross ignorance of code and policies, and that the resident continued to go on, and then add the gazebo into the easement as well.

Commissioner Mersinger agreed with Chair Hodges and again reiterated that the problem she's having with all of this is that not only did they not get permission the first time, but they also went ahead and added on to the deck without a permit a second time, and that places the Board in a very awkward position. Mrs. Lenis said that this is where she is a bit confused because she was told that she could keep it. Commissioner Mersinger explained to Mrs. Lenis that she had no paperwork that states that she was permitted to construct this deck; and according to that letter read previously, they were never permitted to do this.

Commissioner Good questioned District Director Hart on what the LME is used for. District Director Hart explained that it is used in cases where work needs to be done; or in an emergency type of situation where the lake needs to be cleaned up, or that the HOA needs SBDD to do some type of work that they are not doing. He said that there are situations when you cannot access the LME from the lake and you need to get in from the easement. He said it's not something used on a

regular basis, but when it's needed, it needs to be accessible.

Commissioner Good commented that although generally the LME has not been used for years, SBDD still needs to have the option to be able to enter the LME for any particular case. He suggested that SBDD should have something in writing that says if there is a change, and that SBDD has to use the easement, then the resident needs to remove the modification done in this area. He asked Commissioner Minnaugh for her thoughts on the beauty of the deck; if this adds value to the property.

Commissioner Minnaugh explained that as far as the LME in the Silver Lakes area, because there is a mitigation area in that community, it was graded where there is a slope, a bit of flatness, and a sort of gully around the entire lake, that goes towards the water and collects any runoff from the yards. She said that water would sit there and percolate and take out any impurities instead of rolling directly into the lake. She said it's a pain, but it's there to percolate. She further stated that the LME exists, and everyone knew this when they purchased the property, and it was pointed out at the closing that nothing can be done in that area without approval. She said in regard to adding value to the property, in today's market, it does not. She said it might add desirability. She felt that whether it adds value or not, is not the issue here.

Commissioner Good compared Bokampers to Mrs. Lenis' issue. He said SBDD allowed Bokampers to consume the waterfront in a way that is similar to what Mrs. Lenis had done on her property. He said that Bokampers was done through a regular permitted process and what was done on Mrs. Lenis' property was done without a permit process. He says he does agree with his colleagues that things need to be done the right way, and the right way should be through a permit process. He questioned if there is a way that SBDD can create a permit process that allows SBDD to look at this issue and consider those exceptions, sort of the way SBDD did with Bokampers, but for a homeowner.

District Director Hart said yes, and explained that the applicant would have two choices: 1) they can bring the deck into compliance, which would involve significant reconstruction or 2) they can request a variance for those items that are non-compliant. He said it would be up to the Board, as to the degree of variance that they would be willing to consider. Once that variance has been obtained then they would be able to get a permit from SBDD for the deck with the Indemnification Agreement, and the variance will be part of the permit. But the way the deck is now, they cannot get a permit from SBDD.

Mr. Bell agreed with District Director Hart and explained further. He reiterated what District Director Hart said, and added that the homeowner would be responsible to remove anything that gets destroyed, and it cannot be replaced unless the Board approves it; and they would also be responsible for fees, cost and any expenses incurred for SBDD having to get into the LME for any reason; and that the homeowner would be required to reimburse SBDD.

Chair Hodges clarified that in the comparison of Bokampers and Mrs. Lenis' issue, Bokampers gave SBDD a route around the facility so that SBDD had access to the easement.

Vice-Chair Ryan commented that as beautiful as this deck is, he agrees with Commissioner Minnaugh that when the resident purchased this property, she agreed to the easements that sit around her property. He had concerns about the Board issuing a variance to someone just because the LME is not being used. He said that if there is an emergency, and there's this huge structure in the way of the easement that it could become a problem.

Chair Hodges mentioned that perhaps the Board can have future workshops on the variance criteria.

Both Commissioner Mersinger and Commissioner Santana-Woodall expressed concerns to the fact that Mrs. Lenis knew she needed a permit and did not pull one. Commissioner Santana-Woodall asked Mrs. Lenis when the second piece of deck was built and the gazebo was placed. She replied 8 years ago. Vice-Chair Ryan questioned who the builder was and did the builder not know the permitting process, and that they needed to call for inspections. Mrs. Lenis replied they have someone who does this work for them. Chair Hodges commented that this is the problem with having someone do work without permits.

Mrs. Lenis wanted to clarify to the Board members that she did apply for the permit in 1999 and she really did not know what happened between the city and SBDD.

Commissioner Mersinger asked Mr. Bell if something can be written with the caveat that all the proper permits and code enforcement has to come from the City of Pembroke Pines, otherwise it nulls and voids SBDD's permit; because this has been going on for 11 years. Mr. Bell said he could place a time frame in the permit and Agreement.

Mr. Bell suggested that SBDD can do as they did with Bokampers. He said that if SBDD had to get into the easement they would ask the resident to dedicate an easement on each side so that SBDD can get access to it. Sort of an ingress/egress easement, in addition to what is normally asked for.

Commissioner Good made a motion to table this issue until the District Director has had time to negotiate with the resident on a compromise position and to present a recommendation. Commissioner Goggin agreed with Commissioner Good and indicated that he would prefer to have options to consider.

Commissioner Santana-Woodall asked District Director Hart if the Board is looking at this from 1999 or from today's date. District Director Hart expressed that if this would have come in to compliance in 1999, this would have been grandfathered in, but since the request is in 2010, it needs to follow 2010 criteria.

Commissioner Minnaugh seconded the motion to table this item. The motion carried 6 to 1 with Vice-Chair Ryan opposing the motion.

B. AWARD OF CONTRACT

Pump Motors - Conversion of Two Stormwater Pumps

Mr. Hart explained that this is an ongoing capital project that the Board is going through year-to-year to replace SBDD's oil lubricated motors with water lubricated motors. SBDD received two bids and the lowest bid was for the amount of $23,998.00 by FPI Pumps, Inc. (FPI). They have done work for SBDD over the past 34 years and SBDD has been very pleased with their work. District Director Hart made a recommendation to award the contract to modify two pump stations; one at the S1 pump station and another at the S7 pump station in the amount of $23,998.00 with funding from the Capital Improvement Reserve account.

Commissioner Minnaugh moved for approval to award the Conversion of Two Stormwater Pumps Project to FPI, Inc. for the lump sum of $23,998.00. Motion was seconded by Commissioner Goggin and carried unanimously.

C. UPDATE ON JOINT WORKSHOP WITH THE TOWN OF SWR REGARDING PROPOSED SBDD CHARTER AMENDMENT

District Director Hart discussed the update to the November 30th, workshop meeting. He said it

was very productive; and the assignment was given to the attorneys for both SWR and SBDD, to work out some language to address the concerns that were raised in the workshop. Since that meeting, a final version of the Charter was prepared. He said he attended a SWR Council meeting, where they brought forward as a Special Agenda item, the Charter, as well as an Interlocal Agreement that both attorneys proposed as a supplement to the Charter. He said that some of the language in the Interlocal Agreement is very consistent with what the Board had discussed; it just formalizes some of those points. Some of the points that were discussed are as follows:

- SBDD will work collectively on drainage issues with the Town of SWR.
- SWR will not oppose SBDD's Charter.
- SBDD will notify SWR if there are any proposed changes in the control elevation.
- SBDD will work with SWR to make the intermediate gates a permanent year round operational facility.

He said that there was a unanimous consensus of the SWR Council that this is not something that they will object to, and that they will vote at their next meeting on the Interlocal Agreement. District Director Hart said the final version of the proposed bill, as approved by the SBDD Board of Commissioners, will be re-submitted to the State Legislature. The deadline to submit any changes or updates is prior to January 5, 2011. District Attorney Bell will present the updated bill and summarize the changes.

Mr. Bell explained what changes were made and how the meeting with the SWR Attorney, Mr. Poliakoff went. He said that there was a suggestion that SBDD add a specific requirement to the Charter, that in the event that there is a change in the designated control elevation requested by the SBDD, that SBDD give the cities throughout the District notification within 30 days. Mr. Bell said he would not subject SBDD to that, and would not add that to the Charter; so SWR came up with the suggestion of the Interlocal Agreement. He said that in the Interlocal Agreement it would say that SBDD will cooperate with the town and strive to have the water control elevation reduced to that which is approved by SFWMD. Mr. Bell said that the way it is right now, it can be taken down to 3.0', and that SWR was talking 3.5' or lower. SWR would like to get year round relief of the control elevation. He said Mr. Poliakoff has reviewed these changes. Mr. Bell prepared a Resolution and said that he would like the Board to approve Resolution 2010-18 that authorizes SBDD to enter into an Interlocal Agreement with the Town of SWR, subject to the changes.

Commissioner Minnaugh made a motion to add Resolution 2010-18 to the Agenda. Motion seconded by Commissioner Goggin and carried unanimously.

District Director Hart said there were two minor changes under Section 4, page 2 of the Interlocal Agreement, where it states ". . . having the intermediate gates be maintained and operated on a year round basis, but no lower than a 3..." Changed to add ". . . unless SFWMD agrees to a lower control elevation during a storm event", and also to add the name of Charles Lynn before Town Administrator, which Mr. Bell has already done.

Both Commissioner Goggin and Commissioner Minnaugh asked, that as far as the notices, if a person is named, and the person is not available, should there not be an <u>and/or</u> in place. Mr. Bell replied that as far as the notices, they have the Town Administrator listed and that he added a provision that if the address changes, the District or Town would give notice to the other party.

Commissioner Minnaugh moved for approval the Resolution 2010-18 subject to the changes previously discussed. Motion seconded by Commissioner Goggin and carried unanimously.

Commissioner Goggin commented that SBDD has an obligation to the rest of their Districts. He wanted to know if they have been informed of the new bill as it stands. District Director Hart said

no, but he will follow-up and to let everyone know.

Commissioner Good commented that one of the things he is hearing is that SBDD's attorney is going to be the one who is going to find a sponsor for this bill and he thinks that Mr. Bell is quite capable, and he would like to recommend that the lead conversations, coordination, etc. come from SBDD's Commissioner Mersinger.

Chair Hodges agreed and thanked the Board, the Town of SWR Council, District Director Hart and District Attorney Bell, for all their efforts on this matter because this is such a major accomplishment and a step forward.

D. TRANSFER OF FUNDS FOR INTERLOCAL AGREEMENT WITH TOWN OF SWR FOR S-9/S-10 INTERMEDIATE GATES

District Director Hart explained that during the August Board meeting, SBDD approved an Interlocal Agreement with the Town of SWR related to the intermediate gates in S-9/S-10 Basin. The Agreement outlines certain improvements to be performed by SBDD and reimbursed by SWR. He said it was approved by SWR Town Council on November 4, 2010. The total, estimated cost for the improvements is $129,037.48 as indicated on Exhibit "A" to the Agreement.

District Director Hart said that SBDD needs a funding source to make the initial payments and that these payments will be reimbursed by SWR. District Director Hart requested approval to fund the expenditures for the improvements under the Interlocal Agreement with SWR through the CIP in an amount not-to-exceed $129,037.48. Per the terms of the Agreement, these expenditures will be reimbursed by SWR within 30 calendar days of receipt of an invoice by SWR.

Commissioner Minnaugh made a motion for approval to fund the expenditures for the improvements under the Interlocal Agreement with SWR through the CIP in an amount not-to-exceed $129,037.48. Per the terms of the Agreement, these expenditures will be reimbursed by SWR within 30 calendar days of receipt of an invoice by SWR. Motion was seconded by Commissioner Goggin and carried unanimously.

E. REQUEST FROM TOWN OF SWR TO PROVIDE FUNDING FOR INTERMEDIATE DATES IN S-9/S-10 BASIN

District Director Hart said that at SBDD's joint workshop, the Mayor of the Town of SWR requested financial participation from SBDD for the installation of the intermediate gates/control structures that are being installed in the S-9/S-10 Basin, because of a shortfall in funding on the Town's part. He gave a brief description on how the shortfall came to be. The total estimated cost for the S-9/S-10 Intermediate Control Structures is $332, 709.73. SWR received two (2) grants from SFWMD for this project that total $240,750.00 leaving a shortfall of $91,959.73. SWR is also working with SFWMD to reallocate certain funds ($18,200 for the construction of sump pumps) towards the gates which would reduce the shortfall to $73,759.73. They have also discussed the possibility of obtaining additional funding from SFWMD.

The original estimate for the project was $219,000 and this was the basis for the first grant received from SFWMD. The scope of the project was modified to include a third gate location (Structure 12) and to add motors to the all of the gates. The estimate increased to $276,300 and this was the basis for the second grant received from SFWMD. SFWMD awarded SWR half of their total request the second time, with the understanding that SWR would fund the balance.

District Director Hart recommended that any funding for this project be taken from the CIP and defer those SWR projects to a future date.

Commissioner Minnaugh motioned for approval to discuss. She asked District Director Hart if SWR

asked for the third gate. District Director Hart replied that he was not sure because he was not with SBDD at the time. Commissioner Minnaugh commented that a third gate would definitely be something that would make the project even better.

Commissioner Goggin asked that if the Board retrieves funds for projects they have with SWR, if that will put other things on hold for future years. District Director Hart replied yes. He said that SWR made it clear to him that as far as projects are concerned, this project is their number one priority, and the other projects will have to be deferred to a later time.

Vice-Mayor Fisikelli expressed appreciation in anything that SBDD can do for them financially to help this matter to move forward.

Commissioner Mersinger commented that if SBDD defers the other SWR projects, that SBDD will have the money to do this; but she had concerns that if by doing this, when SBDD needs to do work for other cities, that this will have an impact on SBDD's ability to do the work for those cities. District Director Hart replied that this will not have an impact on any other work.

Vice-Chair Ryan had concerns that one town seems to be getting all these funds for their projects, and he wanted to make it clear to SWR that SBDD has five other cities besides SWR that they also have to be respond when those cities are in need.

Commissioner Minnaugh asked District Director Hart if there is any chance that any of these gate installations could benefit the people that live in Pembroke Pines just south of SWR. District Director Hart replied yes.

After discussion, Commissioner Minnaugh made a motion that the Board approves funding for this project not to exceed $75,000, with the condition that SBDD staff return with the revised Interlocal Agreement. Motion was seconded by Commissioner Goggin.

Commissioner Good questioned if the costs being discussed by the Board include contingencies. District Director Hart replied yes. Commissioner Good said he would like the Board to consider that because SBDD is providing $75,000, he would like for any contingency monies left, or for any cost savings generated through the process, that those dollars be returned to SBDD, and he would like for it to be clearly stated.

Commissioner Minnaugh withdrew her motion that the Board approves funding for this project not to exceed $75,000, with the condition that SBDD return with the revised Interlocal Agreement; and Commissioner Goggin withdrew his second of the motion.

Commissioner Minnaugh made a new motion in connection with the revised Interlocal Agreement, that SBDD participate for a not-to-exceed amount of $75,000; and that any contingency or savings be returned back to SBDD, and that any additional funding that the Town of SWR receives from SFWMD also be reimbursed to SBDD. Motion seconded by Commissioner Goggin. The motion carried 6 to 1 with Vice-Chair Ryan opposing the motion.

F. OTHER

District Director Hart shared with the Board some of the projects that SBDD is currently working on and will continue to work on in 2011. He said that SBDD has been working for the past 5 months on putting together a Safety Manual and hopefully it will be completed by March of 2011. SBDD will also start looking at their Facilities Report, as it relates to the Charter Amendment, and possibly change some of the definitions and titles on that. Hopefully, that will be in place by October of 2011. Those are some of the things SBDD will be working on in this fiscal year.

05. ATTORNEY'S REPORT:

A. **UPDATE ON GRAND PALMS LAWSUIT** – Mr. Bell said that Grand Palms has been quiet. He said they had a status conference a while back and since then the attorney called him to set a date to discuss some things, but it has yet to be scheduled.

B. **CHARTER REVISION LEGISLATION UPDATE** – This was discussed earlier in the meeting along with the Interlocal Agreement.

06. APPROVAL OF LEGAL FEES

Commissioner Minnaugh moved for approval of the legal bills, motion was seconded by Commissioner Goggin, and was carried unanimously.

07. BOARD MEMBER'S QUESTIONS/COMMENTS

Vice-Chair Ryan commented on his boat tour with SBDD on lake #4 (Taft & Flamingo). He said it was quite enjoyable even though it was the coldest day of the year.

Commissioner Minnaugh commented that if the Board cannot make it on time to these 8:00 a.m. meetings, then perhaps they need to change the time.

She also mentioned to District Director Hart that the Silver Lakes HOA is compiling a list of all (what they know) illegal docks and decks to bring to the SBDD for enforcement. She said it'll probably exceed 100 residents. She said that she feels that some Board members are working against their own criteria. She suggested that District Director Hart contact Pines Property Management on the Lenis case and get a copy of what was submitted to them (plans), when they applied for approval. She said that although she is all for working with people, she doesn't want to spend ½ an hour to 45 minutes trying to work with 5-10 people coming in for variances after-the-fact. She said that at some point someone has to say "No, you have to take it out", and perhaps if that word spreads, people will stop doing these things illegally. Vice-Chair Ryan and Commissioner Goggin concurred with Commissioner Minnaugh on this comment. Several suggestions were made to try to come up with something to solve this problem.

Chair Hodges made a note to get together with District Director Hart to create a Variance Criteria that will be straight forward and easy to follow.

Commissioner Good commented that the variance process was put in place for a reason. He said that if you want to follow the criteria blindly, then there would be no need for a variance process and you remove it. If people are doing it blatantly, then he agrees that it is our job to make that assessment. He brought up the question, "what if someone purchased their home 5 years ago and did not have anything to do with the modification and everyone said it is all okay?" He agrees the process is good, but he would like for a single decision to not be applied across the board.

He reiterated once again, that this is why that process is in place; to allow the Board to have the opportunity to assess some cases that may be out of the norm. He said he will continue to evaluate these if he has to, on a case-by-case basis, when they come before the Board.

Chair Hodges commented that the suggestions were all very good suggestions, and that the Board can probably arrange another workshop on this issue.

Commissioner Mersinger said she went to Broward Days and commented that the possibility for funding this year is going to be extremely hard. She said that it seems the only thing she will be able to do is try to meet with various legislators, but it's going to be very hard to get anything (funding).

08. MEETING DATE

A. Next Regular Board Meeting will be held on **Thursday, January 27TH at 8:00 A.M.**

Adjournment at 10:15 A.M.

Respectfully submitted,

Robert E. Goggin IV, Secretary
South Broward Drainage District

/rim