

**DAVIE WATER AND ENVIRONMENTAL
ADVISORY BOARD
MAY 15, 2001
5:30 P.M.**

1. ROLL CALL

The meeting was called to order at 5:35 p.m. Board members present were Chair Don Zane, Vice-Chair James Aucamp, Sr., Mike Bender, Michael Crowley, Mark Flynt, Gary Gaffney, Jeffrey Harrod, Robert Hoth (arrived at 6:20 p.m.), Daniel Lavrich (arrived at 6:15 p.m.), Gail Ling and Ronald Phillips (arrived at 6:00 p.m.). Also present were Utilities Director Daniel Colabella and Board Clerk Jenevia Edwards recording the meeting. Dean Alexander, Raul Bosque, Tom Green and Dan Pignato were absent.

2. APPROVAL OF MINUTES: January 16, 2001

Mr. Bender made a motion, seconded by Mr. Crowley, to approve the minutes of January 16, 2001. In a voice vote, with Messrs. Alexander, Bosque, Green and Pignato being absent, all voted in favor. **(Motion carried 8-0)**

3. PRESENTATION

3.1 Special Assessment for Potable Water from 23rd Street and Hiatus Road to Mark IX Estates

Chair Zane asked that this item be deferred until June 19, 2001.

3.2 Water Issues in Western Areas - Elliott Frimmer

Chair Zane asked that this item be tabled for discussion later in the meeting.

4. OLD BUSINESS

Chair Zane commented that he did not believe that the issue of trees being planted in the swales had been resolved. He indicated there were developments that required that trees should be planted in the swales; however, from a drainage standpoint, the Board was concerned about this. He commented that there were conflicting reports on this issue. Chair Zane indicated that he had discussions with Chief Landscape Inspector Casey Lee, who indicated that having trees planted in swales was not a Town requirement. Mr. Phillips commented that he had oak trees planted in the swale in the front of his home which he could not remove. Chair Zane inquired whether or not this was a requirement of the Town or the developer. Mr. Phillips responded that this was a requirement by the Town's landscape ordinance. A lengthy discussion followed regarding whether it was a Town requirement that trees be planted in swales. Ms. Ling indicated that in her development, Vista Filare, the trees were not planted directly in the middle of the swale and did not interfere with the drainage. She referred to residents who had their swales filled in because they were not aware that there should be standing water and this created a flooding problem. Chair Zane asked if there were curbs and gutters in the area with Ms. Ling responding that there were sidewalks.

Chair Zane asked that a representative from the Planning and Zoning Division attend a meeting to explain the Code relating to the swale issue so that it could be resolved. Mr. Colabella stated that he would attempt to locate the information in the Code.

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5. NEW BUSINESS

Chair Zane commented that at the last meeting, he had asked members to present ideas regarding environmental issues. Mr. Harrod commented that he had requested from Mr. Colabella a copy of the Town's Code regarding environmental and wildlife issues. He expressed the opinion that there were many things that could be done by the Town to solve some of the existing problems with wildlife; however, in order to make adjustments, knowledge of the Town's Code was needed. Chair Zane commented that he did not believe that the Town had anything specific concerning wildlife but believed that the State did. Mr. Harrod indicated that he had checked with Broward County and the County had informed him that each municipality had its own codes to deal with wildlife and environmental issues. He explained that Vice-Mayor Paul Paul had requested that he examine properties scheduled for development. Mr. Harrod indicated that he had found endangered species on some of these properties that were protected under State guidelines. He commented that he had contacted the County to find out how to halt development or to give the developers an opportunity to relocate the animals. Mr. Harrod indicated that he was informed by the County that the Town had given permission to contractors for construction and the Town had to make the decision as to what to do concerning environmental issues. He indicated that development could not be halted; however, he would like the Town to prepare an Environmental Impact Survey on any piece of property that was in line for development. Mr. Harrod commented that this survey should also be completed by the State biologist. He explained that this would provide a better grasp for the property and animals in the environment in the Town that were undeveloped.

Chair Zane asked Mr. Colabella if he was able to obtain the information on the Town's environmental issues with Mr. Colabella responding negatively.

Ms. Ling indicated that there were television announcements regarding water conservation by the South Florida Water Management District. She commented that since Council meetings were broadcast, it was possible for the Town to place similar television announcements regarding environmental issues before the meetings began. Mr. Colabella responded that the decision would depend on the Town Administrator. Ms. Ling also expressed the thought that AT&T Broadband might do the announcements free of charge since the ideas were being presented for residents. Chair Zane stated that he would forward a note to Town Administrator Tom Willi to see if he could make arrangements with AT&T Broadband. Mr. Colabella indicated that he had requested tapes from the South Florida Water Management District on xeriscape/landscaping to place on the cable channel and he had not received a response.

Chair Zane indicated that regarding the environmental issues, he felt that the Board should submit a recommendation to Council to revise the ordinances affecting construction and to make it a requirement that when a property was developed, a percentage should be xeriscaped. He suggested that members prepare a proposal to submit a formal recommendation to Council. Following a brief discussion on xeriscaping, Chair Zane referred to a previous presentation by Ms. Lee, and expressed the opinion that she should make another presentation to the Board.

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Mr. Bender referred to the Open Space Advisory Committee, indicating that the Committee had funds available to purchase property. Vice Mayor Paul explained that there was funds available from the Open Space bonds, but the Committee was only allowed to suggest how different portions of the funds was utilized.

Mr. Bender explained that the Town was losing available land and suggested that if there were funds available or grants that could be pursued, the Town should purchase property which could be developed as a nature preserve which would serve the Open Space Committee. He commented that he was all for anything done towards the preservation of open space; however, when large sums of money were handled by "governments," it tended to evaporate. Chair Zane commented that one County Commissioner was adamant that none of the allocated funds be spent in the Town. He stated that he had not seen any of the funds spent in the Town so far.

Following a brief discussion regarding open space, Ms. Ling indicated that as a member of the County Parks and Recreation Advisory Board, she usually stood up for the Town. She indicated that the County was presently involved with Swim Central; however, there were representatives looking for property and there would be an upcoming meeting to discuss other issues. Mr. Bender commented that his understanding of the bond issue was that the funds were for the purchase of endangered lands. He stated that from his observation, the properties that had been purchased so far did not fit into the category of endangered properties being preserved. Ms. Ling agreed.

A lengthy discussion followed on bond issue, with Ms. Ling indicating that the County had "looked" at many sites, but actual properties had not yet been purchased and a final decision would be made by the County. Chair Zane asked what the funds would be used for and whether or not property would be purchased in the Town. Ms. Ling commented that some areas had been discussed and property was being purchased in the Kapok area which was designated as endangered land. She indicated that if there was a specific area that the Board had in mind it would be considered by the County. Chair Zane asked if wetlands development was being considered with the available funds with Ms. Ling responding affirmatively. Ms. Ling explained that other land was available and the County's fear was that if these were not purchased to be used as parks, they would no longer be available. She indicated that the County was directing its attention in different ways to utilize the funds and to be fair to all; however, currently, its main objective was Swim Central. Ms. Ling explained that there had been no designation of funds, funds had not been spent on the land issue and the County was still looking at properties.

Vice-Mayor Paul indicated that some of the funds were for the improvement of existing parks, preservation of land development and transfer of development rights. She explained the process involved in the transfer of development rights and commented that there were three parcels in the Town and the owners had applied to the federal government under a plan to receive matching funds from the bond money for the preservation of development rights. Discussion continued regarding preservation of land development with Vice-Mayor Paul commenting that she was having the other properties within the Town numbered for identification on a map. Chair Zane asked for a copy of the map for distribution to the Board.

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Vice-Mayor Paul concluded that based on a recent referendum, 89% of the residents had voted for the land preservation and the Town was moving in that direction. She stated all efforts of the Board, along with the newly formed Agricultural Advisory Board should be combined, in assisting the Town. Vice-Mayor Paul Paul indicated that a workshop would be held and the public would be invited.

Mr. Phillips commented on environmental issues and asked if a composting program existed in the Town and if not, whether or not one could be instituted. Based on the amount of green waste that was available, he indicated that a program could be implemented. Mr. Harrod stated that there was a program in the Plantation which was used by residents of other cities as well. Mr. Phillips referred to the landfill areas that he had observed and stated that with the present population growth, it would not improve. Mr. Colabella indicated that the City of Fort Lauderdale had been operating a composting facility on State Road 7; however, the facility had closed. Chair Zane suggested that Plantation be contacted to get ideas as to how it ran their facility.

Mr. Gaffney referred to a previous discussion regarding the drafting of an ordinance by Town Attorney Monroe Kiar to identify certain species of noxious trees and plants for submission to Council. He also suggested that a program be established for the removal of these trees from Town property and rights-of-way as they created problems during a hurricane or windstorm. Mr. Gaffney indicated that these trees also utilized a great deal of water and had a high extended growth rate, especially the Australian pines. He suggested that the Town also establish a program whereby private property owners could make arrangements to create an alternate discount plan for removal of the trees. Chair Zane indicated that Mr. Gaffney should peruse the Town's ordinance in an attempt to find a way for the Board to make the proposal to Council. He commented that this issue had been discussed on numerous occasion including private property rights. Mr. Gaffney stated that he was not suggesting that the Town cut down the trees on private property, only if the property owner requested it. Chair Zane explained that the problem was that Australian pines damaged roadways; however, under the current Code, if the trees were in place before the roads were built, they took precedence over maintenance of the roadway. Discussion continued with Mr. Gaffney indicating that he believed that this could be accomplished but it would have to be with the agreement of the property owner. Mr. Gaffney presented ideas for the proposed ordinance.

Chair Zane asked that a motion be made for the Board to meet monthly. Mr. Flynt so moved, seconded by Ms. Ling that the Board meet monthly as there were more issues that warranted monthly meetings. In a voice vote, with Messrs. Alexander, Bosque, Green and Pignato being absent, all voted in favor. **(Motion carried 11-0)**

Chair Zane suggested that Mr. Gaffney prepare his proposal for discussion at the next Board meeting [June 19, 2001].

Mr. Hoth inquired if he sold property with the tree already there, would the tree be "grand fathered" in or would the person who purchased the property be liable for having the tree removed. Chair Zane responded that from discussion with staff, if the tree was in place before the road, the tree had the right to remain. Mr. Gaffney indicated that if the trees were classified as a public nuisance, there was no ordinance in place to save it. Chair Zane

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responded that there was a historical background on the subject in the Town and suggested that Ms. Lee be contacted to discuss the issue. Regarding the tree issue, Mr. Bender indicated that the smaller developers in the Town were experiencing a problem because there were no pine trees available. He stated that the trees were "bought up" by the big developers and the Town had to be careful so as not to find itself in a situation where the Australian pines were removed but there was nothing to replace them. Additionally, due to canker problems, most of the citrus trees were replaced with oak trees, and this created a bigger problem. Mr. Bender commented that the trees that were removed should be replaced with native trees.

The issue of whether or not trees could be planted in swales was clarified by information provided by Mr. Colabella from the Town Code which stated that "trees shall be planted in the swale area, one tree for every 40 linear feet". Chair Zane commented that as the swale issue was now resolved, drainage was still an issue. Discussion continued regarding the different height of trees that could be planted in the swales.

Ms. Ling referred to the composting issue, and indicated that this could begin on an individual basis on a small scale at home. She stated that through advertising on the cable channel, this could be introduced to residents or by way of a workshop. Chair Zane commented that Mr. Phillips' idea was to have an area such as Oakhill where tree trimmers could take the leaves rather than paying to place it in a dump. However, this could present a fire hazard which had happened in the Oakhill area before. Mr. Phillips referred to a grant program in Louisiana for composters which were made available through the County. He stated that this promoted individual yard composting programs.

Chair Zane requested that Boardmembers bring ideas on the various issues to the next meeting to enable the Board to make recommendations to Council.

Mr. Hoth inquired about the drainage program in west Davie and referred to the DiMar facility at Davie Road and I-595 that had been out of service. He commented that there was a proposal to start pumping water during inclement weather and if this was done, flooding would take place in Vista Filare, Shenandoah and some sections of Weston. Chair Zane inquired which drainage district was responsible for that area with Mr. Crowley responding that it was the South Florida Water Management District. Mr. Crowley indicated that originally there was a stow-away and the area was redone as a gated structure; however, the level of service and controlled elevation that existed earlier was still maintained. A lengthy discussion continued with Mr. Hoth commenting that before the stow-away, the water was just "dumped". Mr. Crowley commented that there was more control of the water because there was a gate that could be opened to let the water flow. Mr. Hoth expressed his concern that the water that was being pumped back into the Everglades would "end up" in the New River canal. He stated that if the water was locked up, it would create flooding. Mr. Aucamp indicated that the Griffin Road canal would be pumped, not the North New River canal, into Holiday Park. He stated that the one of the largest canals in South Florida was the Miami canal which was connected to five outlets between Broward and Cape Sable.

Chair Zane inquired if there was any progress regarding pumps for Central Broward Water Control District. Mr. Crowley responded in the affirmative and explained that there were two options available and he explained the process involved. He indicated that there was also the possibility of a feasibility study by the Central Broward Water Control District; however, there was no funding available. Mr. Crowley indicated that a letter had been

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forwarded to the South Florida Water Management District (SFWMD) for answers and there was the possibility of Water Control District representatives attending the South Florida Water Management District board meeting to make a presentation. He stated that there was a concern that the Central Broward Water Control District's concerns were not "getting" to the governing board, and that would be addressed. Chair Zane asked if the SFWMD would be making a decision on whether to dredge, with Mr. Crowley responding negatively. Mr. Aucamp commented that surveys and studies would have to be completed before anything was done. He stated that SFWMD could not move forward without approval. Mr. Crowley referred to the Everglades Restoration Project and stated that unless the dredging was treated as a maintenance, no progress would be made. A discussion continued regarding flooding with Mr. Hoth expressing the opinion that regardless where the water went, flooding would take place when there was hurricane on the scale of Hurricane Irene.

Ms. Ling asked for an update on the progress regarding the drainage pipes being laid by the Town which was a part of the its planned projects. Vice-Mayor Paul provided an update.

Discussion continued on drainage with Mr. Hoth commenting that during the last storm, the "glades" was filling the lakes instead of the other way around. Vice-Mayor Paul referred to the Vista Filare area where there was one pipe that flowed into the lake. Mr. Crowley provided an update indicating that there had been a meeting with the Shenandoah Homeowners Association after an agreement with the attorneys and he was working with the contractor towards a price reduction.

Concerning environmental issues, Mr. Harrod inquired if it was possible to obtain a list of all undeveloped properties still available in the Town similar to the list available for water. Mr. Aucamp commented that it would change from one meeting to the next. Chair Zane inquired if Mr. Harrod meant properties that were not in the hand of the developers, with Mr. Harrod responding in the affirmative. Mr. Harrod referred to a property that he had been asked to inspect by Vice-Mayor Paul. He indicated that he had examined the property and many things were observed. Mr. Harrod indicated he would like to see a map of properties of that character that were not not yet developed. He referred to programs in some cities in Miami-Dade whereby 10% taxes were imposed on contractors and those funds were used for redevelopment. Mr. Harrod indicated that he would have the facts available for the next meeting. Chair Zane commented that he did not believe that Davie would be able to impose taxes, with Vice-Mayor Paul responding that the Town already had Impact Fees. Chair Zane indicated that the Impact Fees existed on private property and in order to change to commercial, the Planning and Zoning Board would have to make the change.

Mr. Hoth indicated that the Open Space Advisory Board had been requested to identify "open space" sensitive properties within the Town. He commented that the Town was attempting to purchase sites for mitigation purposes within the County.

Mr. Bender referred to the wildlife ordinance and inquired if it was the developer or the Town that was responsible for hiring the "experts" to examine what type of wild life existed on the property when a property was being developed. Vice-Mayor Paul responded that it was the developer's responsibility. Mr. Bender indicated that he had a problem with that. Vice-Mayor Paul explained the procedure and indicated that there was not enough Town staff available, but she hopeful that eventually a naturalist would be hired. Mr. Bender asked if it was possible that a few Boardmembers could volunteer and take turns to double-

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check the developers. Mr. Aucamp indicated that anyone performing that job had to be licensed and certified by the State and he did not believe that anyone on the Board qualified. Mr. Harrod indicated that he was licensed by the State as a Rehabber and a Wildlife Specialist. He indicated that he was a volunteer for Florida Fish and Game in performing impact surveys in fire zones. Mr. Bender explained that when there was a great deal of money at stake, having the developers reports double checked was a good idea. Discussion continued with Vice-Mayor Paul explaining her reason for having Mr. Harrod examine the property because the Town was under the impression that there was wildlife there to be preserved. She referred to the clearing and grubbing ordinance that had been prepared by Planning and Zoning Division. She indicated that previously, a permit through the County was the only permit required for land clearing, however, that would be halted once the clearing and grubbing ordinance was passed. In addition to the ordinance, a Town representative would have to perform a tree survey on the property.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments or suggestions.

7. ADJOURNMENT

Mr. Hoth made a motion, seconded by Mr. Crowley, to adjourn. There being no objections, with Messrs. Alexander, Bosque, Green and Pignato being absent, the meeting adjourned at 6:45 p.m.

Approved

Chair/Board Member