

**DAVIE WATER AND ENVIRONMENTAL
ADVISORY BOARD
MARCH 20, 2001
5:30 P.M.**

1. ROLL CALL

The meeting was called to order at 5:31 p.m. Board members present were Chair Don Zane, Vice-Chair James Aucamp, Sr., Mike Bender, Gary Gaffney, Jeffrey Harrod, Robert Hoth, Daniel Lavrich, and Ronald Phillips (arrived at 6:15 p.m.). Also present were Utilities Director Daniel Colabella and Board Clerk Jenevia Edwards recording the meeting. Dean Alexander, Raul Bosque, Michael Crowley, Gail Ling and Dan Pignato were absent.

2. APPROVAL OF MINUTES: November 21, 2000

Mr. Hoth made a motion, seconded by Mr. Bender, to approve the minutes of November 21, 2000. In a voice vote, with Messrs. Alexander, Bosque, Crowley, and Pignato and Ms. Ling being absent, all voted in favor. **(Motion carried 7-0)**

3. PRESENTATION

3.1 Special Assessment for Potable Water to Mark IX Estates - Richard Saltrick, Calvin, Giordano and Associates

This item was discussed later in the meeting.

3.2 Sunrise Negotiations - Christopher Wallace, Budget and Finance Director

Mr. Wallace commented that he had been asked by the Board to report on the Sunrise issue and inquired as to what specifically the Board was interested in finding out. Chair Zane inquired as to the status of the options that Mr. Wallace would be presenting to Council. Mr. Wallace explained that the options would be presented to individual Councilmembers towards the middle of April. He commented that there would be consultants from Arizona attending the briefings and indicated that a workshop would also be conducted. Mr. Wallace explained that a workshop was a public meeting and there were specific items that could not be discussed in a public meeting as it could be used against the Town in court if the condemnation proceedings moved forward. He indicated that the idea was to withhold as much information as possible that could be used against the Town by the City of Sunrise. Mr. Wallace explained that he hoped that the information received by Council would assist it in determining whether or not to move forward with the acquisition of the Sunrise service area. He referred to the complications involved and explained that that might mean that residents in east Davie would be burdened with the acquisition cost of west Davie. Mr. Wallace further commented that the Ivanhoe, area which was formerly serviced by the South Broward Utilities, was now serviced by a different utility system and was valued separately. He stated that the revenue from that system did not support the purchase price that was paid by the City of Sunrise. The City of Sunrise was absorbing those financial losses system-wide within its utility system.

Mr. Wallace explained that the City of Sunrise operated its utility system on a consolidated basis which made it difficult for them to separate costs associated with the Town. Additionally, the City of Sunrise co-mingled its financial operations with its gas operations, creating more difficulty. Mr. Wallace commented that as a result of this, the Town and the City of Sunrise would end up in Court in an attempt to retrieve records which would cost an inordinate amount of money on engineering services studying the issue. He explained that there now was an idea as to how to approach acquisition of the system and how to incorporate the South Broward Utilities area in the acquisition. Mr. Wallace

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indicated that this was accelerated because Pembroke Pines wanted to purchase South Broward Utilities and the City of Sunrise had acquired it for more money than it was worth and more than the Town was willing to pay; a process that angered residents in the area. This precipitated the Town lowering its rates to prevent Sunrise from raising its rates to west Davie residents. He explained that this action led to negotiation for the acquisition of the system in west Davie.

Mr. Wallace indicated that there was engineering work that had been completed, evaluations had to be completed for the engineering work and cost studies needed to be more in depth. He commented that he was expecting Council's decision some time in April giving directions to proceed. Mr. Wallace explained that if direction was given to proceed, an appropriation would be required to spend a considerable sum on engineering and accounting fees as well as legal work. He referred to the delay of the studies relating this to the attempt to incorporate the South Broward Utilities area into a larger area that was not part of Davie's utility service area. Another complication involved Pine Island Ridge which was not part of the Town and had not been studied.

Mr. Wallace explained the difficulty involved, concluding that the study was not broken down to easily retrieve financial information. Chair Zane asked if Mr. Wallace was waiting on Council's decision as to whether or not to proceed further. In responding, Mr. Wallace explained the funds already spent and that it was a lengthy legal process. He indicated that the presentation to Council would also indicate the cost to customers if the Town acquired and operated Sunrise's system.

Mr. Wallace further explained that there were engineering issues that had to be settled once the systems that were interconnected and served by plants located in Sunrise were separated. He commented that engineering studies had been completed to determine the size of the plant that would be needed and the cost for connection and upgrade. Following a lengthy discussion regarding the water treatment plant and bond issue, Mr. Wallace commented that the bond issue would be dependent on existing customers and future growth which would mean paying Sunrise for the connections as they occurred.

Mr. Bender asked if the eminent domain proceedings were part of this process. Mr. Wallace responded that there were two approaches to the issue - negotiation or legal takeover. He also explained that there different financial approaches that had to be used and commented that it was not an easy issue. Chair Zane indicated that there were a number of political issues involved from different sections of the Town. A lengthy discussion continued regarding location options with Mr. Wallace explaining that the acquisition price and construction of the system would become a factor. Chair Zane asked when the meeting between the consultants, Mr. Wallace and Council would take place. Mr. Wallace explained that the initial meeting would be a public meeting and would take place towards the end of April.

Mr. Harrod asked who the owners were of the properties that Sunrise's lines ran through. Mr. Wallace explained that most of the properties were acquired through easement but the utility company had the right to use the property. Mr. Harrod also inquired as to the location of Sunrise's water plants with Mr. Wallace responding that there were two plants located in the Town - one at Pine Island Road near State Road 84 and one at South Broward Utilities at Griffin Road and Stirling Road on I-75. Mr. Harrod asked if the two plants would

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be incorporated into the Town's new system. Mr. Wallace responded affirmatively and explained that the Town could not go beyond its border with eminent domain powers. He stated that in order to take over Sunrise's system, improvements would have to be made, particularly to the sewer system. Mr. Harrod asked if the existing plants could be used and if a super structure could be created that would handle all of Davie's water so that the two existing plants would not have to be condemned. Mr. Wallace explained that if the City of Sunrise was not willing to sell to Davie, the plants would have to be condemned. He indicated that the real value was not the plant but the revenue generated through the customers. Mr. Harrod suggested that if the plants were not condemned and the Town opened and paid for its own plants, there would be no "dealings" with the City of Sunrise. Mr. Wallace indicated that under Florida law, this was illegal as Davie and Sunrise could not service the same customers. Mr. Hoth commented that if the systems that were located on property easements owned by the Town and Sunrise's water supply was disconnected, the Town would need a plant to produce water to fill those pipelines. Mr. Wallace responded that he was not aware that that had been explored by the engineers.

Discussion continued regarding the laws with Mr. Wallace explaining that the laws were poorly thought out and it created financial hardship on residents. Mr. Wallace explained that a lot of power was given to cities by the State to go beyond their boundaries to do what the City of Sunrise was doing. Mr. Harrod asked if there were any Statues on how to acquire a system with Mr. Wallace responding in the negative. Mr. Wallace indicated that the surcharge was guaranteed under Florida law and this allowed Sunrise to charge 50 percent over and above regular costs. He explained that there had only been two cases in Florida's history involving attempted condemnation by one municipality against another.

Mr. Harrod inquired if there were any existing agreements between the Town and the City of Sunrise with Mr. Colabella responding in the affirmative, indicating that the agreements have been in existence since 1985. Mr. Gaffney asked if the Town had any other water plants with Chair Zane responding in the affirmative and commented that the plants could not service the entire Town.

**3.1 Special Assessment for Potable Water to Mark IX Estates - Richard Saltrick,
Calvin, Giordano and Associates**

Mr. Saltrick referred to the Mark IX Estates and outlined the special assessment process. He advised that service would be provided by the City of Sunrise; however, Town be responsible for installing the pipes. He explained that there were a total of 18 properties involved, and he pointed out these locations on a map. Mr. Saltrick explained that the cost to install 3,000 feet of water lines and eight inch mains was \$156,000. This would be divided among the 18 property owners at a cost of \$8,700 each. The City of Sunrise charged \$1,500 for the water connection and \$120 for meter installation, increasing the assessment to \$10,327.50 per residence. Mr. Harrod asked about the approximate value of each residence with Mr. Saltrick responding that no assessment had been completed on the properties. Mr. Saltrick also referred to the 10 properties east of the Mark IX Estates and indicated that the cost for the special assessment for those properties alone was \$73,000.

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Mr. Colabella stated that the reason for having the residents present was for them to inform the Board if they were interested in the special assessment. He indicated that the proposed assessment had not yet been presented to Council.

Barry Reid, a resident, asked if the monthly fee for water was assessed by gallon and if sewage was also included. Mr. Colabella responded that it was per thousand gallon and sewage was not included. He indicated that a bill showing water usage of approximately 7,000 gallons would be about \$30 not including the assessment. Mr. Reid asked who would be responsible for the assessment. Mr. Colabella explained that Town was responsible and it would also be responsible for the assessment as well as the construction, engineering, negotiation with the City of Sunrise, and installing the meter. He commented that the Town was acting as the contractor but the residents would be responsible for making the payments.

In response to the question regarding billing, Chair Zane explained that the water service was from the City of Sunrise and the assessment was from the Town. A lengthy discussion ensued regarding the different locations and service with Mr. Colabella explaining that the Town annexed some of the areas in west Davie where service had been provided by private companies. Mr. Colabella further explained that these companies had been purchased by the City of Sunrise. A brief discussion ensued regarding water quality. Chair Zane indicated that water quality had to meet the Board of Health and State regulation standards; however, water color was not regulated. He commented that as long as the guidelines were met the only thing that could be done was for residents to complain. Chair Zane explained that once the special assessment was presented and approved by Council, if there were any problems, residents should complain not only to the City of Sunrise but to the Town. He indicated that this would provide more "ammunition" against Sunrise at the eminent domain proceedings.

Mr. Colabella asked if the residents wanted to proceed with the proposed special assessment. He stated that once the presentation was made to Council, it could not be withdrawn. Chair Zane commented that the initial request for the special assessment was for 10 homes and now it appeared to be 18. Mr. Colabella responded that the number had increased and indicated that additional homes on the map. A lengthy discussion continued as to whether or not the assessment was dependent on a majority vote by the residents. Chair Zane explained that it did not depend on a majority vote and once the assessment was approved by Council there was no "turning back".

Mr. Colabella asked if the residents present wanted the proposed special assessment to be presented to Council or if they wanted to think about it. A brief discussion continued regarding the special assessment cost and who would provide service. Mr. Colabella indicated that the more homes that were included in the special assessment the lower the cost would be to each resident. Chair Zane commented that since the residents present were unable to make a decision, the item should be tabled until the next Board meeting.

4. OLD BUSINESS

There was no old business discussed.

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5. NEW BUSINESS

Chair Zane referred to the new resolution modifying the responsibilities of the Board to include environmental issues. He commented that the Board now had 15 members and required 8 members for quorum. Chair Zane indicated that because there were other issues involved, Council would like the Board to meet every month. He asked that each member present a topic on environmental issues to be discussed at the next meeting.

Chair Zane referred to a discussion that he had had with Casey Lee, Planner II, regarding Melaleucas and Australian pines. He stated that there were no ordinances in the Town that pertained to noxious plants and their treatment. Chair Zane indicated that this was something to recommend to staff and Council that ordinances be developed to cover those issues.

Mr. Hoth referred to discussions at a previous meeting concerning swales and indicated that the contractor for his development was required to plant trees in the swale. He commented that the swales were designed for drainage and planting trees in the swale was not a good idea. Mr. Hoth commented that the Planning and Zoning Division should be made aware of this practice to have it rectified. He stated that more trees were needed but not in the swales.

Chair Zane commented that one of the Councilmembers had been concerned about wildlife. He indicated that the Board could suggest to Council that new developers be required to make provision for wildlife when creating new developments. Chair Zane commented that this topic could be discussed further.

Mr. Bender explained that while assisting Mayor Venis in his proposed addition to the Board, one of the ideas they had discussed was to work jointly with the Site Plan Committee to have large developers who were required to create wetland mitigation areas, assemble a young hardwood hammock in a section of the development. He commented that the mitigation was a requirement of South Florida Water Management District, but rather than spreading native trees around, a cluster could be built to provide a wildlife habitat. Mr. Bender expressed the hope that once all the new members were present, a proposal could be presented to the Site Plan Committee. Chair Zane explained that any proposal would have to be presented to the Site Plan Committee through Administration. Mr. Colabella commented that he would have Development Services Director Mark Kutney or a representative from the Planning and Zoning Division attend a meeting to give provide answers regarding easements, trees and sidewalks.

Chair Zane indicated that from previous discussions with Planning and Zoning Division he was told that there were no requirements for planting trees in swales. He commented that there was a conflict. Mr. Hoth commented that there were trees planted in the swales in his area and when they were blown down by hurricane they had to be replaced.

During a brief discussion regarding whether it was a requirement for trees to be planted in swales, Mr. Hoth commented that Shenandoah developers were required to plant two trees per home. Mr. Phillips explained that he had received a letter from the Planning and Zoning Division indicating that every homeowner should have at least two trees planted in their swale. The letter stated that the Town would pay half the cost for the trees and would do the planting. Chair Zane asked if that violated the Central Broward Water Management District's criteria with Mr. Aucamp responding negatively. Mr. Aucamp commented that the

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swale was needed to direct water somewhere. Mr. Colabella commented that trees should not be planted in the swales as the swales were necessary for drainage. Mr. Hoth explained that in the Shenandoah development, water was transferred from the swales and trees were planted. He commented that this was being done in other developments as well. Chair Zane commented that this was a landscape issue which he would discuss with Ms. Lee. Mr. Lavrich asked which department was responsible for drainage with Mr. Colabella responding that it was the Engineering Department but Planning and Zoning Division was also involved in determining what could be planted. Mr. Lavrich stated that this should be addressed by the Engineering Department.

Mr. Hoth indicated that as a member of the Open Space Advisory Committee, he had observed that in many developments with fairly large lakes, developers were creating habitats island in the middle of the lake for wildlife. Mr. Bender explained that that idea was developed by Howard Zimmerman and referred to the canals at Flamingo Commons where some of those islands existed.

Mr. Phillips indicated that in his community in west Davie, trees were planted in the swales. He explained that the trees were Live Oaks and they were not planted directly at the bottom of the swale, but on the high point. He stated that if palm trees were planted, there would be no drainage obstruction from from excessive root as with the live oak. Mr. Phillips advised that there had been recurring drainage problems of the swale so valley gutters were installed, but over time, the live oak root system would go through the valley gutters. He commented that flexibility was needed in the Planning and Zoning Division as to the types of trees that were allowed to be planted.

Mr. Harrod commented that the question should be whether it was a right-of-way owned by the Town or owned by the homeowner. He stated that if it was a right-of-way, it was a Code issue which would require drafting an ordinance. Mr. Harrod explained that the Code should indicate the variety of trees that could be planted or that no trees could be planted. He explained that typically, the swale was the right-of-way and maybe the Town did not have Code provisions that covered that issue. Chair Zane commented that clarification was needed from the Planning and Zoning Division as to the purpose of swales. Mr. Hoth indicated that swales might be an issue in Shenandoah, but in the older section it was not. Mr. Aucamp questioned if Shenandoah had private roads with Mr. Hoth responding that some of it was. Mr. Phillips indicated that his property was on a private road but he still had to adhere to the rules and regulations. Mr. Harrod commented that that depended on whether or not the swale area was within the road right-of-way and was covered by the Town's Code.

Chair Zane commented that he would refer the questions to Mr. Kutney with the hope that he would get an early response.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments or suggestions.

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7. ADJOURNMENT

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

Approved

Chair/Board Member