

**DAVIE WATER AND ENVIRONMENTAL
ADVISORY BOARD
AUGUST 17, 2004
5:30 P.M.**

1. ROLL CALL

The meeting was called to order at 5:35 p.m. Board members present were Chair Tom Green, Vice-Chair Barry Mowell, Paul Cirinese, Gary Gaffney (arrived at 5:40 p.m.), Gail Ling, Hans Murzi, Ronald Phillips and Don Zane. Also present were Utilities Director Daniel Colabella, Councilmember Susan Starkey and Board Secretary Jenevia Edwards recording the meeting. Jeffrey Harrod and Marlena Mosby were absent.

Chair Green asked if there were any other items to be added to the agenda. There was no response from the Board.

Self-introductions were made by Mr. Cirinese and Mr. Murzi. Mr. Cirinese stated that he was employed by the Central Broward Water Control District and hoped to be of assistance to the Board. Mr. Murzi stated that he was employed by Earth Tech an engineering firm for Central Broward Water Control District.

2. SELECTION OF CHAIR

Mr. Zane nominated Mr. Green, seconded by Ms. Ling, as Chair. As there were no other nominations, the nominations were closed. In a voice vote, with Mr. Harrod and Ms. Mosby being absent, all voted in favor. **(Motion carried 8-0)**

3. SELECTION OF VICE-CHAIR

Mr. Mowell nominated Mr. Zane, seconded by Ms. Ling, as Vice-Chair. As there were no other nominations, the nominations were closed. In a voice vote, with Mr. Harrod and Ms. Mosby being absent, all voted in favor. **(Motion carried 8-0)**

4. APPROVAL OF MINUTES: December 16, 2003
 April 20, 2004

Mr. Zane made a motion, seconded by Ms. Ling, to approve the minutes of December 16, 2003. In a voice vote, with Mr. Harrod and Ms. Mosby being absent, all voted in favor. **(Motion carried 8-0)**

Mr. Zane made a motion, seconded by Ms. Ling to approve the minutes of April 20, 2004. In a voice vote, with Mr. Harrod and Ms. Mosby being absent, all voted in favor. **(Motion carried 8-0)**

5. OLD BUSINESS

5.1 Noxious Tree Ordinance

Mr. Gaffney indicated that this issue had previously been presented and was delayed. He commented that this proposed ordinance was suggested to the Board two years prior governing the removal of noxious trees. Mr. Gaffney indicated that the Town's Code requirement was that when land was cleared for new development, all noxious trees had to be removed from that parcel. He added that the trees were defined in the Code.

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Mr. Gaffney indicated that during two previous hurricanes, there was damage to Australian Pines which had an impact on some power lines. He suggested that the Town Council take a proactive approach to removing these noxious trees to from rights-of-way where they posed a potential problem before there was another hurricane.

Mr. Gaffney indicated that the proposed ordinance stalled when it was presented previously due to the feedback from the Board. He commented that with new Boardmembers in place, he hoped that if the feedback was different, he would draft a new ordinance with the new Code sections. Mr. Gaffney briefly described some of the problems that caused the lack of support from previous Boardmembers. He explained that it was believed that residents would be forced to remove their trees. Mr. Gaffney commented that the idea was that if there were Australian Pines near power lines or structures, the Town should create a system whereby homeowners who wished to have their trees removed could be offered some assistance. He cited several ways that the Town might offer its assistance, adding that it was very cost prohibitive for homeowners who had a lot of trees on their property and particularly those in mobile home parks. Mr. Gaffney commented that in assisting homeowners, the Town could take a more proactive stance in removing trees from rights-of-way in the Town and any place where there would be a potential problem.

There was lengthy discussion regarding changes to the proposed resolution and the possibility of having a grant writing expert make a presentation to the Board regarding the availability of grant funds to assist in the tree removal.

Ms. Ling commented that most mobile home parks were governed by a homeowner's association and since the homeowners paid dues, it should be the responsibility of the association to take care of the property.

A brief discussion followed regarding funding and the danger to power lines caused by these trees and the damage to properties including the Town's.

Councilmember Starkey referred to an ordinance that was passed by the Town of Southwest Ranches as it related to easements and the cutting and trimming of trees in rights-of-way. She indicated that staff was "looking" as it related to the removal of noxious trees alone and commented that it would be an opportunity for the Board to add any additional language. There was a brief discussion regarding another tree ordinance related to the County Extension Education Division regarding noxious trees and the removal process which indicated that the County was the biggest violator. Councilmember Starkey indicated that in addition to the noxious tree issue, there was also the preservation of wildlife.

A lengthy discussion followed regarding wildlife preservation issues, noxious tree removal as it related to health and safety issues, land clearing during new construction and the Town's new landscaping requirement.

Mr. Zane asked if staff had received direction from Council that when permits were pulled for improvement on a property of a certain value, that Code Compliance work in conjunction with the Arborist. Councilmember Starkey gave a negative response. Mr. Zane did not agree.

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Mr. Phillips asked if there was any regulation in the Town requiring underground utilities including electricity for new development including commercial. Councilmember Starkey responded in the affirmative.

Mr. Gaffney indicated that the Board was sending a suggestion to Council and asked for Councilmember Starkey's opinion regarding an ordinance. Councilmember Starkey indicated that the Town's budget was very strict this year and funding would not be possible. Mr. Gaffney asked if staff could do some research to see if federal or state funding was available. Councilmember Starkey indicated that there were no state or federal funds available.

Following a lengthy discussion by the Board regarding different issues involving the removal of noxious trees, Mr. Zane suggested that in place of the ordinance, Mr. Gaffney should prepare something from the Board to encourage Council and staff to put pressure on the Arborists to inspect more of the properties containing Australian Pines. Mr. Zane commented that the Arborists already had the authority under Code to have diseased or damaged trees removed. He added that if the Arborists were encouraged by the Board to place an emphasis on looking for damaged and diseased trees many of them would be removed.

The Board discussed educating homeowners association and encouraging the Arborist to place more emphasis on "problem" trees. Mr. Gaffney commented that the Arborist favored the removal of noxious trees; however, he did not believe that the Town could provide funding. He reiterated that if one tree fell at the wrong spot the outcome could be disastrous.

Mr. Zane made a motion, seconded by Mr. Phillips, that the Board send a note to staff to have the Arborist inspect Town property for diseased and damaged noxious trees and have them removed.

Chair Green asked if the Board was authorized to send something to staff or should it go through Council first. Mr. Colabella indicated that the information should go to the department director who would present it to Council. A brief discussion followed with Mr. Zane indicating that the residents had to be educated and the Arborist was doing a good job with the information in the Davie Update.

In a voice vote, with Mr. Harrod and Ms. Mosby being absent, all voted in favor. **(Motion carried 8-0)**

5.2 Review of the Citizens Questionnaire

Mr. Colabella indicated that the Citizens Questionnaire was originally printed in 1996. Following a brief discussion, Mr. Zane asked if there were any complaints regarding Sunrise water with Mr. Colabella responding negatively.

Councilmember Starkey commented that she had received compliments concerning Davie's water. Mr. Colabella indicated that the City of Sunrise had spent a lot of money installing a new membrane system. Mr. Mowell asked if the survey was only for Davie citizens with Mr. Colabella responding that it was for everyone.

Chair Green suggested several changes if the decision was to have the survey circulated again. Mr. Phillips commented that a municipality that provided water had to make sure that federal standards were met and if those standards were met, there was no cause for complaints.

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He added that if the guidelines were met, then the question should be what it would cost to fix the complaint and was the complaint justified. Mr. Colabella indicated that every year, utility companies sent out a Consumer Confidence Report to every resident in the Town listing the quality of the water that they produce.

Chair Green commented that although federal guidelines were met, there could still be a problem regarding color. Mr. Colabella indicated that color was a secondary problem.

Following a brief discussion, Mr. Zane commented that even if the questionnaire was reworded, the complaints would be the same. Mr. Phillips suggested that the questionnaire be posted on the Town's webpage.

Mr. Zane made a motion, seconded by Mr. Mowell, that the questionnaire be posted on the Town's webpage. Mr. Colabella suggested that Boardmembers make changes to the questionnaire and bring them to the October meeting. Mr. Zane withdrew his motion.

Mr. Gaffney suggested that the item be tabled until the next meeting. There was no objection from the Board.

6. NEW BUSINESS

6.1 Request by Residents for Special Assessment for Water in the Western Area

Arthur Liss, 2981 NW 155 Lane, stated that he was requesting services for water through the Town. He indicated that he had his water tested by the State and the results were in the acceptable range; however, his area was close to the old landfill and any chemicals in the water were unacceptable to him. He indicated that the area was called DNM Acres with 52 homes and he had spoken to most of residents concerning water issues.

Ms. Liss expressed her concern and indicated that the problem concerning the water had been brought to her attention recently. She cited the chemicals that were found in the water, adding that all the residents in her section had been on wells for 15 years and all the pets in that area had died from cancer.

Chair Green asked about the process involved for the special assessment. Mr. Colabella explained that the Town was no longer doing special assessments but would take this into consideration. He explained that all the residents would have to agree to the special assessment, and if Council agreed, everyone would have to pay. Mrs. Liss indicated that the State of Florida told her that it would take 50% of the neighborhood to agree to the special assessment. Mr. Colabella indicated that there was no number involved, the decision was Council's and everyone had to be included.

Mr. Liss indicated that he had approached the City of Sunrise for service and was told that they could not provide him with the service and he had to contact the Town. He explained that he was close to a Sunrise service area. Mr. Colabella explained that once the Town installed the systems, everything was turned over to Sunrise, and the Town did not want to do that anymore. He added that there could also be legal ramifications which could delay the special assessment for up to five years.

There was a brief discussion regarding the legal and acceptable limits of the chemicals found in the water with Mr. Liss indicating that arsenic builds up in the body. Councilmember Starkey indicated that the levels of arsenic were measured by consumption over a period of 30

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years. She added that if Mr. Liss had plans to do anything, it should be done before the next legislative session as the State had plans to relax the legal levels for chemicals in drinking water and it would be harder to justify some of the levels.

There was a lengthy discussion regarding problems being experienced by residents due to the water. Mr. Zane indicated that Mr. Liss should compile a list of names and addresses of all the residents who were interested in the special assessment and forward the list to Mr. Colabella. He added that the more people who were interested, the better the chances would be for the special assessment.

Chair Green informed Mr. & Mrs. Liss of the date for the October meeting and Mr. Colabella mentioned that the special assessment would not happen overnight and would take a long time.

7. COMMENTS AND/OR SUGGESTIONS

Councilmember Starkey provided an update on the actions taken by the Airport Advisory Board concerning the airport issue. She spoke of a noise and emission ordinance, how the noise and emission affected east Davie residents, and a survey to find out from Davie residents how they felt they were being impacted by airplane noise and emission. Councilmember Starkey spoke about attending the NOISE Summit in Dania Beach which was attended by official and technical people from all around the country who had dealt with the noise around airport and in "airport" communities. She explained that San Francisco was a good model that had a fly friendly program, even issuing a report card. Councilmember Starkey cited the various steps involved before the report card stage as well as the type of survey questions. She indicated that the survey would provide the amount of people in Davie who felt they were being impacted by the airport.

Councilmember Starkey indicated that she did not think that the airport expansion could be stopped, but the community could address the impact of the noise and emission. She commented that following the survey, there would be ordinances requiring builders to possibly insulate windows, doors and ceilings of new constructions against noise whether commercial, schools, churches, colleges, businesses or residential.

Councilmember Starkey indicated that as a member of the Airport Advisory Task Force for Broward County, she had asked the County to pay for the insulation of existing residences, churches and schools against the noise. She added that noise and emissions were environmental concerns and it was important that the Board became involved in the process of looking at some of the options that were being addressed by the Airport Advisory Board. Councilmember Starkey suggested that Boardmembers attend Airport Advisory Board meetings whenever possible. She advised of a partnership study being conducted with 9 universities and 33 private businesses regarding the effects of noise and emission on health. She added that Florida International University was one of the lead universities conducting the study and had offered to assist the Town with its survey.

Councilmember Starkey spoke of a private company in the group that partnered with NASA that would be modeling a tracking system for projections of noise in less residential

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areas. She added that the tracking system would provide information on different types of aircrafts, and still be able to overlay and grid out the measurements of noise and the impact from surrounding communities. Councilmember Starkey explained that this would help in the adoption of the ordinance in the future.

A lengthy discussion followed regarding mitigation projections, existing and future conditions, who would provide the funding and the establishment of a passenger service fee by airlines which was added to airline tickets. Currently all the tickets in Broward County were \$3 per ticket per person; however, there was talk of a proposed increase to \$4.50. Dade County's cost per ticket was \$15 and that was the reason why low cost airlines came to Broward County. Councilmember Starkey explained how the County planned to utilize the funds collected from the passenger service fee to pay for the mitigation effort and condemnation of homes and mobile homes in the areas that would be affected by the airport expansion.

Mr. Mowell asked how much money would be generated from the increase of the passenger service fee. Councilmember Starkey indicated that she was not sure.

Chair Green asked if noise projection along the runway came into the east part of Davie and if some properties had to be condemned. Councilmember Starkey responded in the affirmative. A lengthy discussion followed regarding the number of homes that would be affected and the data that was used to make this determination. The report card issue was discussed with reference made to its success in San Francisco and the hope for similar success here.

Mr. Gaffney asked if the report card issue was being administered by the Town or the County. Councilmember Starkey indicated that it could be administered by the Town, however, she was trying to get Dania, Hollywood and Fort Lauderdale involved as well. She added that it has been a north versus south issue.

Mr. Zane indicated that there had been candidates for County Commission in attendance at an Airport Advisory Board meeting and only one was committal of being against the airport expansion and the others were uncertain.

Mr. Mowell asked if there was any discussion as to the type of aircrafts that would be using the new runway and if it would be open to all incoming aircraft or could it be restricted to the less noisy models. Councilmember Starkey indicated that the new runway would be open to twice as many aircrafts and bigger aircrafts. Mr. Zane indicated that the deterrent was to restrict the number of gates. There was discussion regarding the path of the airplanes, particularly over US 1 and the concern of terrorism.

Councilmember Starkey advised that the Everglades Work Group would be meeting on August 20th and was being hosted by the Central Broward Drainage District. She spoke about phosphorus reduction level to 10 parts per billion by 2006 and steps that would be taken towards this reduction in hot spot areas, as well as Best Management Practices in landscaping.

Councilmember Starkey spoke of policies that should be presented to the Board as well as a presentation with Urban Forrester Mike Orfanedes regarding naturescape issues and best landscaping practices. She explained the best landscaping practices adding that major suppliers of fertilizers would be required to have a green friendly area, and by ordinance require them to

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advertise items that were low in phosphorus. These suppliers would also have to stock the items.

There was a lengthy discussion regarding restricted areas for fertilization on canals, adherence of new developments to the canal area restrictions, best management practices for equestrians and pet disposal, and providing information to residents concerning pet wastes disposal. Councilmember Starkey commented that Central Broward, as a permitting agency, would also observe other issues. She spoke of permitting issues and new Town requirements for landscapers as well as Naturescape issues, and indicated that she would like to see Davie become a Naturescape Town beginning with Town facilities and parks.

Ms. Ling spoke of attending a class that was offered to Town residents by Mr. Orfanedes to discuss proper tree pruning and other issues. She indicated that the attendance had been extremely poor. Councilmember Starkey indicated that the purpose of the Urban Forrester was to provide information to Town residents and the Town wanted to continue with outreach education.

There was a lengthy discussion regarding the monitoring of landscapers who work in the Town, particularly on the weekends who were from Davie, with no Code Compliance personnel working and Davie Police officers not able to handle Code Enforcement issues. The Board concluded that only Code Compliance could monitor the unlicensed landscapers who were not from Davie.

Councilmember Starkey spoke of the Sunny Lakes parcel and explained that the Town was attempting to acquire this property; in addition, the Town was working hard to get Community Incentive Points and Boardmembers were encouraged to write letters to Commissioners in Tallahassee for assistance. She also advised about the Van Kirk property and indicated that the points were received for that property.

8. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 7:20 p.m.

Date Approved

Chair/Board Member