

Broward County Commission Regular Meeting

Item #: 17.

Date: 05/05/2009

Director's Name: Kent George

Department: Aviation

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Information

Requested Action

A. MOTION TO APPROVE form contract for the Voluntary Residential Sound Insulation Pilot Program Homeowner Participation Agreement (HPA) and Avigation Easement (AE).

*(This item was pulled by members of the public.)*

**ACTION: (T-10:52 AM) The Board approved, as amended, a MOTION TO DIRECT the Aviation Department to provide the following information regarding the Pilot Program:**

**1. Avigation Easement:**

**a. The components of noise mitigation that would be available to a homeowner, if the homeowner signs the Avigation Easement, and**

**b. The components that would be available to the homeowner, if the homeowner chooses not to sign the Avigation Easement.**

**2. Warranties:**

**The length and type of the warranties that will be provided by the contractor performing sound insulation, ensuring that the Voluntary Pilot Program Homeowner Agreement includes language that the same warranties provided to the County in its agreement with the contractor shall be provided to the homeowner.**

**The Board approved, as amended, a MOTION TO DIRECT the Aviation Department to present the Voluntary Pilot Program Homeowner Agreement and Avigation Easement to the designated representative(s) of the City of Dania Beach for review and comment on the Avigation Easement, warranties and other aspects of the Pilot Program, and provide such information to the Board of County Commissioners. Additionally, include in the Agreement that:**

**a. The homeowner shall be entitled to elect other County-adopted noise mitigation components up to one year after the expanded runway opens, or**

**b. If sound insulation for the home is not completed by the time the runway opens, the homeowner shall have up to one year after the sound insulation is completed to elect to participate in the other noise mitigation components. (Refer to minutes for full discussion.)**

**VOTE: 8-0. Commissioner Eggeleltion was not present during the vote.**

B. MOTION TO AUTHORIZE Aviation Director to execute the HPA and to take all necessary

administrative actions and to execute the required documents in connection with the HPA and AE. (Deferred from April 28, 2009, Item No. 46)

*(This item was pulled by members of the public.)*

**ACTION: (T-10:52 AM) The Board approved, as amended, a MOTION TO DIRECT the Aviation Department to provide the following information regarding the Pilot Program:**

**1. Avigation Easement:**

**a. The components of noise mitigation that would be available to a homeowner, if the homeowner signs the Avigation Easement, and**

**b. The components that would be available to the homeowner, if the homeowner chooses not to sign the Avigation Easement.**

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**a. The homeowner shall be entitled to elect other County-adopted noise mitigation components up to one year after the expanded runway opens, or**

**b. If sound insulation for the home is not completed by the time the runway opens, the homeowner shall have up to one year after the sound insulation is completed to elect to participate in the other noise mitigation components. (Refer to minutes for full discussion.)**

**VOTE: 8-0. Commissioner Eggelation was not present during the vote.**

Why Action is Necessary

Broward County Board of County Commissioners must grant the Director of Aviation the authority to execute form agreements.

What Action Accomplishes

The agreement forms establish the terms and conditions for receipt of sound insulation for residential units located in the highest noise impact area and authorizes the Aviation Director to execute the same.

Is this Action Goal Related

## Previous Action Taken

### Summary Explanation/ Background

THE AVIATION DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTIONS.

On June 21, 2005 (Item No. 99), the Board approved a Selection Committee (SC) for Noise Mitigation, Request for Letters of Interest (RLI) No. 20041118-0-AV-01. On February 16, 2006, the Selection Committee selected The Urban Group, Inc. (TUG) and authorized staff to negotiate a contract with TUG.

On November 21, 2006 (Item No. 2), the Board approved a three-year Agreement between Broward County and TUG effective November 27, 2006 and ending November 26, 2009 with two additional one-year renewal options, for a maximum amount not to exceed amount of \$280,203.

On August 05, 2008 (Item No. 86), the Board approved the first Amendment to the Agreement to establish the Pilot Noise Mitigation Program consisting of a Voluntary Residential Sound Insulation Pilot Program to assist in the development of a foundation for a Noise Mitigation Program.

Therefore, the Aviation Department has developed a Homeowner Participation Agreement and Avigation Easement form for Sound Insulation of residential units located in the highest noise impact area.

There will be a 50 residential unit target for inclusion in the Pilot Program. The Pilot Program offers a selection of treatments that are tailored specifically to the dwelling. Acoustical treatments include standard door and window styles and finishes as well as alternative modifications, such as upgrading from window-box air conditioning to central air conditioning, when required. Homeowner's selections, which will be incorporated into the proposed modifications, include choice of style, color and finish from available manufacturer's offerings.

The County Attorney's Office prepared the attached proposed form contract. If the form is approved by the Board, then each form contract that is executed by a homeowner will be presented to the County Attorney's Office for review prior to its execution by the Director of Aviation, who will sign the contract on behalf of the County.

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## Fiscal Impact

### Fiscal Impact/Cost Summary:

The source of funding for the Pilot Program is No. 4040-400-3800-6305 in the total amount of \$5,443,071, funded through the Passenger Facility Charge.

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## Attachments

Link: [Exhibit 1 - Agreement](#)

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