



AVIATION DEPARTMENT - Fort Lauderdale/Hollywood International Airport
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MEMORANDUM

DATE: April 23, 2010
TO: Broward County Board of County Commissioners
FROM: K.G. George, Director of Aviation
SUBJECT: Questions and Answers: Proposed Draft Noise Mitigation Plan

The attached material is being provided in answer to questions raised by Commissioners during individual briefings regarding the Proposed Draft Noise Mitigation Plan. Item 39 of the April 27, 2010 Commission agenda requests Board approval to forward the Proposed Draft Noise Mitigation Plan to the City of Dania Beach for review and comment.

C: Bertha Henry, County Administrator
Pam Madison, Assistant County Administrator
Monica Cepero, Assistant to the County Administrator
Evan Lukic, County Auditor
Jeffrey Newton, County Attorney

Individual briefing sessions were scheduled with each Commissioner regarding the Proposed Draft Noise Mitigation Plan during the weeks of April 5 and April 12. Aviation Department representatives and a member of the County Attorney's Office were present at each briefing. The following are responses to concerns identified by the individual Commissioner's regarding the Proposed Noise Mitigation Plan.

1. Question: The Market Absorption Study data is old. Will this data be updated?

Answer: A new Market Absorption Study was ordered, and the updated study covers the time period November 2008 through March 2010. The updated study determined the absorption rate for the Noise Impact Area has increased from 19 to 22 properties annually. The updated Market Absorption Study is attached.

2. Question: How many empty residential lots are located in the Noise Impact Area?

Answer: There are 24 vacant parcels within the noise impact area covered by the Proposed Draft Noise Mitigation Plan, two of which are large and owned by development companies.

3. Question: Can the County purchase the empty lots located in the Noise Impact Area?

Answer: The County Commission recommended in their noise mitigation principles the purchase of the vacant land parcels. The Federal Aviation Administration's (FAA) Record of Decision (ROD) did not approve this County principle, because the underdeveloped parcels are currently a compatible, non-residential use, since there are no residences located on them. The FAA indicated that acquisition of the vacant parcels could be addressed under a Part 150 study.

4. Question: Are the owners of the vacant parcels able to pull building permits?

Answer: These parcels are located in the City of Dania Beach. The City of Dania Beach, Director of Community Development has indicated that the city is drafting a delegation request to address this issue. Once prepared, the city will submit the request to County Administration for placement on an upcoming agenda.

5. Question: Why is the Sales Assistance Program proposed to be limited to properties located in the 65+ DNL?

Answer: The Sales Assistance Program would be offered to those properties that are considered incompatible to the airport because they are located in the 65+ DNL established by the FAA as the noise threshold. The properties in the "adjacent neighborhoods" are located in a noise contour that is below the 65+ DNL noise threshold established by the FAA and are therefore not considered an "incompatible" land use. They would be eligible for the Sound Insulation Program as part of the County Commission's request and the FAA's authorization to provide mitigation to neighborhoods.

6. Question: How will the programs be funded?

Answer: BCAD has already established a noise mitigation bank of \$35 million which was funded by of Passenger Facility Charges. This money would be utilized as the 20% matching funds to the FAA's 80% funding grants to complete the programs.

7. Question: Can we purchase the mobile home units and not the mobile home park?

Answer: The purpose of the Proposed Draft Noise Mitigation Plan is to make the surrounding incompatible land use compatible with airport operations. In order to do this, the Mobile Home Park land must be purchased by the County and rezoned or restricted to a more compatible use. Purchasing the mobile home units, would not change the underlying land use of the mobile home park.

8. Question: Will homeowners have to pay tax on the differential received from the County as part of the Sales Assistance Program?

Answer: The FAA has stated the differential would not be considered income. The homeowner could be subject to capital gains tax, if the homeowner makes a profit on the sale of the home.

9. Question: Will the properties in the Sound Insulation Program be subject to increased property taxes as a result of the improvements?

Answer: According to the Property Appraiser's Office, the participants of the Sound Insulation Program will not be assessed on the improvements related to the Sound Insulation Program.

10. Question: Why are property owners not required to sound insulate their properties prior to participation in the Purchase Assurance Program?

Answer: The ROD states that Purchase Assurance Program if chosen but not recommended by staff, will be offered to homeowners who decline participation in the Sound Insulation Program.

11. Question: Why are multi-family units not included in the Sales Assistance Program?

Answer: The purpose of the Sales Assistance Program is to provide property owners who occupy their home the opportunity to relocate if they determine the sound insulation treatments are not effective for them. Since multi-family properties are used as income properties, Sales Assistance for the landlord-owner would not provide mitigation to the tenant occupants of the property. However, multi-family units are eligible for the Sound Insulation Program.

12. Question: Is there a requirement on the length of time of ownership for participation in these programs?

Answer: In the Pilot Program there is no length of ownership requirement. As the full scale programs are developed, if the length of ownership requirements are determined to be necessary, BCAD will advise the Commission.

13. Question: In the Purchase Assurance Program, what determined the estimate to resell the home at 50% of the FMV?

Answer: The FEIS estimated for a 50% resale value as a "worst-case scenario" in terms of evaluating costs of the various programs.

14. Question: The cost estimated for the various programs are old. Will they be updated?

15. Answer: The Pilot Program will provide the data necessary to determine an updated cost estimate for the Sound Insulation Program. Actual program costs for Sales Assistance or Purchase Assurance will be utilized to determine updated costs for those projects.

In response to concerns about the Proposed Draft Noise Mitigation Plan, the document has been revised to clarify the County Commission's determination to not require avigation easements for sound insulation treatments (pg. 1), to further explain how the Fair Market Value for the Mobile Home Parks will be determined (pgs 5 and 22) and to clarify that an avigation easement will be placed on any properties purchased by the County under the Purchase Assurance Program (pg 6).

