

**DAVIE AGRICULTURAL ADVISORY BOARD**  
**FEBRUARY 22, 2005**

**1. ROLL CALL**

The meeting was called to order at 6:46 p.m. Board members present were Chair Hilda Testa, Vice-Chair Julie Aitken, Dr. Rick Bruns and Jacque Daniels. Also present was Board Secretary Angela Salinas recording the meeting.

**2. APPROVAL OF MINUTES: January 25, 2005**

Vice-Chair Aitken made a motion, seconded by Ms. Daniels, to approve the minutes of January 25, 2005. In a voice vote, all voted in favor. **(Motion carried 4-0).**

**3. DISCUSSION**

**3.1 Davie Commons**

The Board discussed Davie Commons and the fact that it was a threat to the rural character and equestrian lifestyle of Davie. The agricultural property was being used for the project and that there was a future land use designation of R-1. Chair Testa questioned the Board's role as an agricultural advisory board in the Town.

Vice-Chair Aitken informed the Board of e-mails and petitions that were circulating concerning Davie Commons. She indicated that she had sent an open letter to Davie residents about the legal issues taking place.

Vice-Chair Aitken explained that during the past election campaign, there were Councilmembers who had indicated that they were not in favor of Davie Commons. As a result, Mayor Truex had sent a letter highlighting his concerns regarding the legal implications of Councilmembers voicing their opinions ahead of time. Vice-Chair Aitken indicated that the Mayor stated that if the developer sued a Councilmember, that Councilmember could be excluded from the vote. She indicated that the Town Attorney was asked for an opinion as to what would happen to the supermajority if a Councilmember was excluded from the vote.

Vice-Chair Aitken addressed the legal mistakes contained in the Mayor's letter and provided an explanation regarding land use amendments and quasi-judicial proceedings. She indicated that a land use amendment was not a quasi-judicial proceeding and Councilmembers would not be acting as judges. Vice-Chair Aitken explained quasi-judicial proceedings and noted that a land use amendment made a change to the comprehensive plan. She referred to a Supreme Court case study to support her explanation. Chair Testa asked if there had been land use amendments in the past with Vice-Chair Aitken responding affirmatively.

Dr. Bruns compared this issue to the land use of Broward County and asked if this issue was the same or different. Vice-Chair Aitken explained about the quasi-judicial procedure and added that the issues were the same. She indicated that Councilmembers who had voiced their opinions against Davie Commons had done nothing improper-they were not acting as judges but elected officials voicing resident's opinion.

A lengthy discussion ensued regarding the issue of whether Councilmembers could be sued by the developer and also be excluded from voting. Vice-Chair Aitken advised that the developer could not sue an individual Councilmember, the entire Town would have to be sued, and a Councilmember could not be excluded because of a civil suit against them. She indicated that the Florida Statue stated that unless there was a financial conflict of interest, there could be no abstention from voting. Vice-Chair Aitken referred to the supermajority and commented that the Charter and Code were in conflict with each other. She provided an explanation

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regarding both the Charter and the Code and added that the Town Attorney had been asked for an opinion on the issue.

Chair Testa commented that Davie Commons was a big financial push for the Town which was located in extreme west Davie. She indicated that there were powerful issues for people to support the project. Vice-Chair Aitken commented that it was a financial issue.

Discussion continued with reference being made to the contents of Mayor Truex's letter which stated that Davie Commons was not a mall but an old style town center with parallel parking in front of the shops. There was discussion relating to the size of Davie Commons and the acreage which would be required for the parking lot. The consensus was that west Davie residents were vehemently opposed to it.

The Board devoted a lengthy discussion to the Davie Commons issue, highlighting the disadvantages to the neighborhood and the effect on agriculture and the rural lifestyle of Davie. Vice-Chair Aitken indicated that she had seen and liked the concept of the Davie Commons project but it was not appropriate and should be placed in a commercial zoned area.

Chair Testa questioned the Board's role in the issue. Dr. Bruns commented that the Board could not do anything without the facts. Vice-Chair Aitken commented that people became too focused on the traffic impact and that was not the only problem since there were environmental and lighting impacts.

Ms. Daniels commented that the residents in the neighborhood who would be affected by Davie Commons were the ones who needed to rally against the mall. She asked if there was a way for the Board to assist in enlightening these residents. Ms. Daniels believed that the Board's only action at this point was to make the residents aware of the negative ways that the project would have on their living environment.

Discussion continued regarding the present stage of the Davie Commons project with Chair Testa indicating that nothing had been filed by the developer; however, there had been a pre-application with the County. Chair Testa asked about the process involved for a land use amendment change and who made the request. A brief discussion followed with Vice-Chair Aitken making reference to spot zoning.

Vice-Chair Aitken suggested having a discussion with Vice-Mayor Paul on the issue to get feedback as to what the Board should do to help. Dr. Bruns commented that since Davie Commons was in Vice-Mayor Paul's district, she should be contacted regarding environmental issues. The Board discussed different issues that residents should be aware of the least of which was traffic. Vice-Chair Aitken referred to the Planning and Zoning Division's list of criteria one of which was incompatibility and indicated that Davie Commons fit that criteria. She indicated that it would have a drastic impact on the residents of that neighborhood.

Vice-Chair Aitken commented that she would not be impacted by the project but it was important to support the Town as a whole because the Davie Commons issue could happen in any neighborhood. Dr. Bruns commented that his neighbor had indicated that if the developer moved forward with the project in their neighborhood, he wanted his property rezoned. A brief discussion followed regarding rezoning issues.

Chair Testa expressed aggravation that whenever issues came up that could be life changing for residents in the Town there was concern as to how Councilmembers would vote.

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Chair Testa commented that the development of the property would affect agriculture as well as the rural lifestyle which should be the Board's focus. Vice-Chair Aitken indicated that she did not believe that the Board was out of its territory in dealing with the issue. Chair Testa

did not want to be accused of getting political. A brief discussion ensued regarding whether the issue was political, whether it was out of the Board's territory and if the support of one Councilmember over another was appropriate. Ms. Daniels commented that that the issue was about supporting the Town's rural lifestyle.

Chair Testa asked if the Board could make a resolution stating that it did not feel that the development was in the best interest of the Town. Dr. Bruns commented that the Board could not take a stand on the issue yet. Ms. Daniels commented that the Board should not move forward until there was a discussion with Vice-Mayor Paul.

A brief discussion followed with Vice-Chair Aitken referring to a previous recommendation by the Board for a zoning in progress. She commented that this issue should be treated in the same manner.

Vice-Chair Aitken advised that she would send the Boardmembers a copy of the letter that was sent to residents. Chair Testa suggested that the e-mails be sent to the Board secretary to be forwarded to the Boardmembers.

#### **4. OLD BUSINESS**

Vice-Chair Aitken advised that Development Services Director Mark Kutney presented to Council the downzoning issue that was discussed at the January meeting and informed them that the Board wanted to have an Attorney General's Opinion. She indicated that following discussion with Mr. Kutney, it was agreed that all pertinent questions on the issue be gathered and forwarded to Mr. Kutney who would place them in proper order before submitting them to the Town Attorney. Vice-Chair Aitken commented that Council approved the request for an Attorney General's Opinion; however the information would be forwarded after the goal setting workshop.

Chair Testa advised that Special Projects Director Bonnie Stafiej was unable to attend the tonight's meeting; however, she had sent an e-mail asking that Ms. Stafiej provide a date when she would be available. Chair Testa indicated that she would like to see the equestrian activities for the summer program begin this summer. Chair Testa indicated that the Town was now hiring staff for the summer and she did not believe that the equestrian program would get off the ground.

A brief discussion ensued with the consensus that whether the program began for the summer was irrelevant; it had to begin at some point. The Board discussed the Tree Tops Park program with Vice-Chair Aitken commenting that the program was now on hold, there was less of an opportunity for children without horses to participate in the equestrian program. Ms. Daniels commented that the situation was not permanent. Chair Testa commented that the program was not for children who did not own horses. There was discussion regarding 4-H Clubs and programs that were offered. Chair Testa indicated that she had not seen any recent advertisements for 4-H programs.

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**5. NEW BUSINESS**

The Board discussed horse shows in Wellington with Dr. Bruns commenting that this was his first visit and he was impressed.

**6. COMMENTS AND/OR SUGGESTIONS**

There were no comments or suggestions.

**7. ADJOURNMENT**

There being no objections and no further business to discuss, the meeting adjourned at 7:41 p.m.

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Date Approved

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Chair/Board Member