

DAVIE AGRICULTURAL ADVISORY BOARD
JUNE 27, 2006

1. ROLL CALL

The meeting was called to order at 6:45 p.m. Board members present were Chair Jason Hurley, Vice-Chair Jacque Daniels, Julie Aitken, and Councilmember Starkey (arrived at 6:56 p.m.). Also present were Code Compliance Official Daniel Stallone and Board Secretary Jenevia Edwards recording the meeting.

Mr. Stallone referred to the minutes from the November 22, 2005 meeting and stated that it was a Building Inspector who had a gun pulled on him and not a Code Compliance Inspector. He indicated that he also read the minutes from May 23, 2006, and added the one of the issues mentioned by Ms. Roszkowski, "... Mr. Stallone indicated to her that he was under the direction of the Town Council who determined what issue was a priority and they had determined that the agricultural Code issue was not a priority" was not a direct quote from him and was inaccurate.

Mr. Stallone referred to other issues with the minutes where Vice-Chair Daniels stated that Mr. Stallone was avoiding "stepping on toes." He stated that the rights of the farmers were recognized and he did not want it to appear that issues concerning legitimate farms were disregarded because that was not the case. Mr. Stallone explained that Codes were relative to interpretation and that interpretation depended on individual perspective. He added that some of Ms. Roszkowski's issues were valid and he planned to discuss them.

2. APPROVAL OF MINUTES: May 23, 2006

Ms. Aitken made a motion, seconded by Vice-Chair Daniels, to approve the minutes of May 23, 2006. In a voice vote, with Councilmember Starkey being absent, all voted in favor. **(Motion carried 3-0)**

3. DISCUSSION

3.1 Agriculture Code Definitions

Mr. Stallone explained that since his attendance at the November meeting, he had the opportunity to review the definitions. He added that since that time, the issue of landscape maintenance businesses and whether or not they fit within a farm classification had come "full front" causing enforcement action to be initiated against several companies such as the so-called Hiatus Road nurseries. He indicated that with the current Code, some of the issues with those entities were issues that were capable of being addressed and some were not. Mr. Stallone advised that the Code Compliance Division had created a comprehensive case against those particular entities, adding that those businesses would not be prevented from operating but that their existence would be based on how they fit into the Code.

The Board devoted a lengthy discussion to the revised items with Mr. Stallone referring to "limited amount," adding that the Board should take a closer look at the term to determine the meaning in order to assist him and the Code Compliance Division when trying to ensure that properties were correctly designated agricultural. There was discussion regarding how to differentiate between a plant nursery and a garden center. Ms. Aitken commented that many of the nurseries have moved so far over to non-plant items that they had become garden centers. Mr. Stallone commented that reliance could be made on the agricultural designations appropriate to the Broward County Property Appraiser's Office. The Board briefly discussed property size and how this was determined by the Property Appraiser's Office with Mr. Stallone indicating that the Land Development Code would have to be applied as well as the criteria associated with the Land Development Code. Mr. Stallone added that if commercial products were being sold, a great deal of the items might be allowed under the Code; however, because of the zoning district, some items might not be allowed.

The Board discussed the problems with the ancillary use businesses. Ms. Aitken commented that it had to ultimately be a judgment call by the Code Compliance Division which was the reason that the Board was offering assistance with revising the Code.

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In informing the Board of a case being brought against the Hiatus Road businesses, Mr. Stallone quoted Section 12-34(B)(6) which referred to the RR, AG and A1 Districts and indicated that this Section was being utilized in the case. He commented that as the case moved forward, it would be interesting to see how it would be fought by the entities involved. He hoped that he would be able to get the cooperation of the business owners which would be the best way to solve the issues.

Mr. Stallone spoke about inappropriate signage posted by the businesses in question and indicated that the Code Compliance Division was able to enforce the existing Code to have the signs removed. He commented that the Code limited the number of signs to two; however, there was usually no enforcement if the signs kept within the text and content of the business.

A lengthy discussion ensued regarding whether signage could be limited to neighborhood community nurseries with agricultural classifications being designated to businesses. Ms. Aitken advised that a permit was not needed for a business that had the agricultural classification. Councilmember Starkey commented that a fine should be imposed on businesses in a residential community with inappropriate signage.

A discussion was devoted to the existing problems involving the businesses located on Hiatus Road and their impact on adjacent properties, the potential for an engineering permit as well as nuisance conditions due to the lighting on the property. Mr. Stallone explained that there was a comprehensive case created against the businesses, and by working through each case, the location would eventually fit into the mold prescribed by the Code Compliance Division, but this would not prevent the businesses from operating. He added that their existence would be controlled by the division, especially because the businesses were in a scenic corridor and extra measures should be taken by the Town. Mr. Stallone stated that the business owner was asking for a meeting, which was being scheduled.

Councilmember Starkey stated that the signage on Flamingo Road should be more conforming and asked if the Board would like to see the differentiation of the scenic corridors. She commented that signage was an identifying issue and maybe the Town should begin observing the signage issues as it related to the rural lifestyle ordinance and scenic corridors. The consensus was that because of the retail aspect, the nurseries appeared to create the problem with signage and the placement of items.

The Board discussed buffers and setbacks with the consensus that the setback must be for agricultural use only.

Laurie Vid spoke of the limits placed on office buildings for signage and asked why these limits were not in the Code for retail nurseries. Mr. Stallone stated that under State law, there were provisions for the protection of farms and that advertising was an important component of that business. He reiterated that the Code allowed two types of signs, which were the entrance or identification sign and another indicating the product; however, the limitation was questionable once a property was designated as a bona-fide farm. Councilmember Starkey commented that the main concern was the scenic corridors and not having a proliferation of all the signs. Ms. Aitken read the State law regarding exemption of signs.

A discussion ensued regarding scenic corridors with Councilmember Starkey suggesting that ideas be sought from business owners along these corridors regarding signage. She hoped that with voluntary compliance, there would not be resistance to the implementation of an ordinance. The Board disagreed.

Mr. Stallone explained that although the State had given the exemption for signage, there was criteria for aesthetics which held a high esteem in the body of law. He added that the Town might be able to ask that a certain type of sign be used so that it was incorporated into the Town's concept for the scenic corridor. Mr. Stallone commented that a great deal of money was spent by the Town and its opinion had been exercised through elected officials by the electorate, that certain areas of the Town should be occupied in a certain manner. Mr. Stallone commented that it was a good idea to regulate signs in scenic corridors in a different fashion and to apply it in a regular fashion and not single out farms. Councilmember Starkey commented that it was important to differentiate between the major scenic corridors and neighborhood

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farms which should be quaint and inviting. She added that the idea was not to take away the nursery businesses but that they should be kept within a neighborhood community.

There was a brief discussion regarding the number of scenic corridors with Mr. Stallone commenting that he would look into the issue of signage. Mr. Stallone commented that one of the issues was the cost of signs. He explained that for a small business that was not making a great deal of money, the creation of a sign would create a problem for them and the Town would get the “backlash.”

Ms. Vid asked why the number of signs used for ancillary items could not be limited. Mr. Stallone responded that because of State Code the Town would have no control.

A discussion ensued regarding the agricultural classification and the portion of properties that was given this designation. Mr. Stallone explained that he was waiting on action from the Property Appraiser’s Office regarding this designation in order to move forward. Reference was made to a business that under Council’s direction was assigned a 51% designation as a farm, but the business was not a farm. Mr. Stallone commented that he would review the site plan. He highlighted several properties claiming to be farms that were cited for illegal operation as solid waste facilities. Mr. Stallone cited exemptions in State law and commented that non-residential farm buildings used to be given carte-blanche on building permits. However, in terms of certain aspects such as electrical or plumbing, which were life safety considerations and how some counties operated, buildings permits were suggested by Code Compliance. Ms. Aitken commented that attention should not be paid to other counties because they were not in compliance with State law.

In an attempt to define a landscape maintenance contractor, Mr. Stallone suggested that the following statement be added to the definition, “...all such sites upon which the landscape maintenance contractor shall operate from, may require site plan review, farm claim determination per 12-34(B)(16) or other appropriate Town review to preclude nuisance issues or Code violation which may affect the neighborhood in a deleterious manner.” Mr. Stallone spoke about farm claims and explained that certain conditions were used to determine a farm and these conditions were to preclude nuisances from occurring. Chair Hurley commented that the decision about whether a business would continue to operate after code enforcement would have to be made by Council. He inquired how many farm claims were completed by the Code Compliance Division, if the information was public record and if this was available on the Town’s website. Mr. Stallone responded that 25 claims had been completed but the information was not available on the website.

There was a brief discussion regarding the Hobby Farm ordinance with Ms. Aitken commenting that this was for future protection and preservation of 12-34(B). Chair Hurley made reference to the Oakhill community, adding that he hoped future developments would not create similar problems. Councilmember Starkey stated that now when Council approved new development, they were asking that a few of them not be deed restricted.

Chair Hurley asked if Mr. Stallone was happy with the direction the Board had taken concerning the revision and if it was helpful to him. Mr. Stallone responded that it was helpful because there were entities that were not defined in the Code. Chair Hurley asked whether Mr. Stallone or a member of the Board would present the revisions to Council. He further inquired if the Board could offer any additional assistance to the Town. Mr. Stallone commented that in addition to the suggestions he had made, he would like to further review the revisions. Chair Hurley suggested that after reviewing the definitions, Mr. Stallone either send an email to him or to the Board Secretary with any additional suggestions or changes that he might have.

Councilmember Starkey suggested that Mr. Stallone establish a definition for the two types of signage in the major thoroughfares that were scenic corridors versus the neighborhood scenic corridors. Mr. Stallone asked if this should indicate how the scenic corridors fit into the rural lifestyle. Councilmember Starkey responded in the affirmative and added that Mr. Stallone would be able to get

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information from Deputy Planning and Zoning Manager Marcie Nolan. Several suggestions were made by Boardmembers concerning the signage issue.

Mr. Stallone commented that the directions for the definition were good and he would begin applying them to the new farm claims before they were codified. Ms. Aitken agreed that the revisions should be codified. Mr. Stallone advised that he would prepare a report incorporating all the additions and changes to the definitions and forward a copy to Development Services Director Mark Kutney and to the Board.

Councilmember Starkey suggested that on the agenda for the July meeting, that the farmer's market issue be discussed. She suggested that Boardmembers present ideas as to how to get it "rolling" again. Ms. Aitken asked if the final update of the Davie Farmers Guide had been placed on the Town's webpage. Councilmember Starkey advised that it had been submitted to Public Information Officer Braulio Rosa, but she was not sure if had been placed on the website.

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

There was no new business discussed.

6. AGENDA ITEMS FOR THE NEXT MEETING

Chair Hurley advised that there would be further discussion on the Code revisions.

Councilmember Starkey indicated that the open space bond was closer to identifying various parcels that might be available to be used for farming activities and asked if the Board would like to participate in identifying some of the properties. She commented that as an agricultural board, it would be wise to "weigh in" on some of the sites that would encourage agricultural and farming activities. Ms. Aitken commented that the Board would have a great deal of input concerning improvement if the farm park "went through."

A brief discussion ensued regarding the various parcels throughout the Town and Councilmember Starkey suggested having a presentation by Program Manager Phillip Holste at the next meeting to have these properties identified. Chair Hurley asked that a list of the properties be forwarded to each Boardmember. Councilmember Starkey indicated that she had a spreadsheet of each district which she would generate to the Boardmembers.

7. COMMENTS AND/OR SUGGESTIONS

Chair Hurley asked if the motion made at the meeting held in May had been forwarded to Council. Ms. Edwards responded in the affirmative. Chair Hurley also asked if his request that all emails from him had been forwarded to the Boardmembers. He commented that he would like all emails from him to be copied to other Boardmembers through the Board Secretary. Councilmember Starkey indicated that because of Sunshine Law, this could not be done. Ms. Edwards indicated that she would confirm this and inform Chair Hurley.

8. ADJOURNMENT

There being no objections and no further business to discuss, the meeting adjourned at 8:30 p.m.

Date Approved

Chair/Board Member