

**AGRICULTURAL ADVISORY BOARD**  
**AUGUST 11, 2010**

**1. ROLL CALL**

The meeting was called to order at 6:40 p.m. Board members present were Chair Jason Hurley, Vice-Chair Dave Parrish and Julie Aitken. Also present were Parks and Recreation Director Dennis Andresky, Planning and Zoning Manager David Quigley, Deputy Planning and Zoning Manager David Abramson, Program Manager Phillip Holste and Board Secretary Jenevia Edwards recording the meeting. Jacque Daniels and Dr. Sam Scott were absent.

**2. APPROVAL OF MINUTES: June 9, 2010**

Ms. Aitken made a motion, seconded by Vice-Chair Parrish, to approve the minutes of June 9, 2010. In a voice vote, with Ms. Daniels and Dr. Scott being absent, all voted in favor. **(Motion carried 3-0)**

**3. DISCUSSION**

**3.1 Revisions/Final Draft – ZB (TXT) 6-3-08 Agricultural Definitions**

Mr. Abramson indicated that dates and schedules were discussed at a previous meeting and this item was scheduled for the August 17, 2010 Town Council meeting; however, the item was also scheduled for review by the Local Planning Agency (LPA). Additionally, Code Compliance Official Danny Stallone was also asked about the history as he was the point person on the agricultural definitions. Mr. Abramson indicated that the code definitions were being revised as a way to assist Mr. Stallone and to enforce the code as well. He added that Mr. Stallone perspective was necessary in order to move forward with the revision. Mr. Abramson indicated that some revisions were made following the last meeting, he had his notes and he was willing to answer any questions. He felt that the focus should only be on the table of permitted uses and the definitions, adding that all the items in between 12-34 would remain the same, it was just being reorganized without any change to the language.

Ms. Aitken referred to a number of changes that were made and commented that the deletion under item (B) 2(a) was not being grandfathered in, and if the location was a farm with the agricultural classification and determined to be a farm under the farm claims process, under state law there was no restriction on the number of livestock on a farm. She indicated that this was not simply a legal non-conforming use, it was matter of State law that the number of animals on a farm could not be restricted if the farm had the agricultural classification or if the Town decided that the property was a farm.

Mr. Quigley commented that the Property Appraiser's Office would give the agricultural classification to anyone performing that use; however, the Town still had the authority over zoning. He added that the Town had a very liberal code for agricultural uses.

Ms. Aitken referred to a Supreme Court case and a 5th DCA case relating to agricultural classification, zoning and State law. She commented that there could be no restriction on the number of livestock if the property was classified as a farm, and the Town's code could not override State law.

A lengthy discussion ensued concerning various sections of the code with Ms. Aitken commenting on a number of items and the corrections and changes that should be made and the agricultural classification law which was amended in 2009 which stated that there was no minimum size for agriculture. Ms. Aitken cited the requirement for a property to gain the agricultural classification which was announced in 2009 by the Florida legislature.

A lengthy discussion regarding zoning and agricultural classification ensued. Ms. Aitken cited a number of cases where the property was in violation and commented that legal opinion was needed. She indicated that determination was made by the 3rd DCA that the agricultural use was illegal under the zoning code, however; the 5th DCA did not agree and the Supreme Court determined that the 3rd DCA was wrong. Ms. Aitken commented that a property that was given the agricultural classification was considered a farm under State law.

**DAVIE AGRICULTURAL ADVISORY BOARD  
AUGUST 11, 2010**

Mr. Quigley commented that everyone was in agreement and suggested that a legal review was needed. Ms. Aitken suggested changes to a number of items in the code as it related to the agricultural classification and highlighted the areas where the changes should be made.

Discussion ensued regarding the changes with Ms. Aitken referring to the right-to-farm act which stated that a farm had to exist for more than a year without any nuisance complaints. Ms. Aitken suggested that items 3-Cattle and Dairy Farms and 4-Pasture Rental should be combined under livestock. On the issue of beekeeping, Mr. Abramson questioned if a property previously classified as a hobby farm and was sold, could the property be used for beekeeping. Ms. Aitken indicated that with a hobby farm, the type of agricultural use could be changed. Mr. Curtis commented there was also the issue of health and safety relating to bees.

Ms. Aitken reiterated that if a new farm received the agricultural classification, or a farm claim was made and granted by the Town there was no restriction on the number of livestock.

Mr. Abramson highlighted all items listed under Section 12-503-Definitions, explaining each item, indicating that changes were made to plant nursery as well as landscape maintenance contractor.

Following further discussion on the items, and the suggested corrections made by Mr. Abramson, the board determined that all the items were appropriate.

Mr. Abramson indicated that if the Board thought of any other corrections that were necessary, he could be contacted by email. He commented that the ordinance would again be presented to the Local Planning Agency for recommendation to the Town Council on August 28th, and will be presented to the Town Council at the second meeting in September. Mr. Abramson explained that due to the need for clarification on some of the items, the process has been delayed.

**3.2 Broward County Property Appraiser Tax Determination on Municipal Leased Property**

Mr. Holste indicated that classification applications were submitted for Governor Leroy Collins Park, Robbins Park and the west side FPL easement. He explained that Robbins Park and Governor Leroy Collins Park were approved for agricultural classification and west side FPL easement was recently submitted; however, he had not received an official response.

Mr. Holste explained that any leases whether for cell tower, for grazing, or for coffee plantation, whatever taxes has incurred should be paid by the lessee. Ms. Aitken commented that a few years ago this Board was asked to inspect the property in west Davie to see what was going on. She expressed the opinion that there was no coffee plantation there but it was not up to her how the Town wanted to handle the situation. Ms. Aitken commented that she reported her findings to the Board.

Ms. Aitken briefly discussed the issue of the trail markers and questioned if they had been ordered. Mr. Holste indicated that some had already been delivered and the remainder would be delivered on August 9th.

**3.3 Town Owned Property and Their Uses**

Chair Hurley explained that this issue was brought up by Dr. Scott; however, what the Board was looking for was land in the Town that might be available for an agricultural operation, whether livestock or crops. He questioned if there were any farmers in the Town who were interested in leasing some of their property, the process and the location of the property.

Dennis Andresky, Director of Parks and Recreation indicated that discussions with the task force indicated that Battens property Robbins Park and Leroy Collins Park were primary anchor parks for agricultural activities. He commented that the discussion was left open to indicate that depending on the direction of urban farming programs, community gardening would be promoted at any park with available space. Mr. Andresky commented on the parks with a small amount of acreage and added that any park with open land area could be considered.

**DAVIE AGRICULTURAL ADVISORY BOARD**  
**AUGUST 11, 2010**

He indicated that the task force was attempting to arrive at a comprehensive approach for the Town to follow as it moved forward with its farming programs. Mr. Andresky explained that one of the recommendations from the task force was to provide guidance to the Town Council to look at the different Town parks to see what steps should be used to determine if a portion of the park could be used.

A list of all Town owned properties was provided to the Board. A brief discussion followed regarding the property being used as a coffee plantation. Mr. Andresky commented that there was a proposed field trip to that location to look at the Bio-Digester but a date had not been scheduled. He added that he would check on the date and provide the information to task force members and members of this Board.

A lengthy discussion ensued with Ms. Aitken commenting on the present economic climate and development of some of the undeveloped properties. She indicated that agricultural use should be encouraged. Vice-Chair Parrish spoke on the Little Critters property which was being used for grazing and questioned the contract. He explained that he bid to other municipalities which was time consuming and expensive and he has been asked to extend his contract for the same amount on a number of occasions hence his question about Little Critters contract.

Ms. Aitken commented that a property that was leased for agricultural purposes, until it became a park, the individual would have to apply for agricultural classification otherwise they taxes on the property would have to be paid. She indicated that taxpayers should not have to pay that expense. Ms. Aitken commented that Dr. Scott had growers who were available to grow vegetable crops and some of the properties could be leased for that purpose.

Phillip Holste, Program Manager commented that if the Town wanted to extend to Mr. Deveaugh the opportunity to use other Town's property, then it could piggyback on one of the existing leases. He indicated that this had been done with other contracts; however, another option would be complete a Request for Proposal (RFP).

Discussion continued regarding the various parks within the Town and the activities taking place at each location. Mr. Holste commented that Governor Leroy Collins Park was presently leased, but not the expansion. Mr. Andresky indicated that an RFP would be going out on the Battens property. Suggestion was made for the Board to make a recommendation to the Town Council regarding the parks that were not occupied.

Ms. Aitken made a motion, seconded by Vice-Chair Parrish, to recommend to Council to get RFP's for the west Davie Florida Power and Light easement, Van Kirk and Governor Leroy Collins expansion to lease the property for potential lessees for agricultural purposes.

Mr. Andresky questioned what was meant by agricultural purposes. Boardmembers commented that the choice was not theirs to make; however, they would like to see something that would help maintain the rural character.

In a voice vote, with Ms. Daniels and Dr. Scott being absent, all voted in favor. **(Motion carried 3-0)**

**4 OLD BUSINESS**

Concerning the farm vehicle issue, Ms. Aitken commented that she received a letter from Police Chief Lynn who indicated to her that he had a training with Davie police officers instruction them on the law concerning farm vehicles.

**5. NEW BUSINESS**

Ms. Aitken advised that Dr. Scott had been dismissed from the task force due to his absences and a new representative from this Board need to be appointed. A brief discussion ensued concerning the

**DAVIE AGRICULTURAL ADVISORY BOARD  
AUGUST 11, 2010**

rules for dismissal from a board. Chair Hurley commented that he believed there would also be an ethical conflict that would prevent someone from bidding on an issue.

There were questions raised concerning discussion at the task force meeting. Vice-Chair Parrish presented a draft copy of an RFP on Battens and explained that the concentration at the meeting was on the RFP with the question being asked how much profit would be raised. Ms. Aitken asked about the date and location of the meeting and indicated that she had no objection to be appointed to the task force. Chair Hurley indicated that he would be willing to serve as a regular member if Ms. Aitken wanted to be the alternate. He believed that the task force would be sunsetting soon. Vice-Chair Parrish indicated that was his impression, however; the task force appeared to be taking on other properties. Ms. Aitken did not believe that they would sunset anytime in the near future.

A brief discussion ensued regarding the properties that this board believed the task force would undertake once the RFP for the Battens property was received.

Chair Hurley commented that he would be willing to continue to serve as an alternate on the task force. He asked that copies of all previous minutes of the task force be forwarded to Ms. Aitken.

Vice-Chair Parrish made a motion, seconded by Ms. Aitken, to appoint Ms. Aitken to the Urban Farming Initiative Task Force. In a voice vote, with Ms. Daniels and Dr. Scott being absent, all voted in favor. **(Motion carried 3-0)**

**6. AGENDA ITEMS FOR NEXT MEETING**

Following a brief discussion, the following items were suggested for the September meeting:

- Update on Field Trip to Coffee Plantation
- Review RFP for Battens
- Recommendation on Van Kirk Property RFP
- Revisions/Final Draft – ZB (TXT) 6-3-08 Agricultural Definitions

**7. COMMENTS AND/OR SUGGESTIONS**

There were no comments or suggestions.

**8. ADJOURNMENT**

There being no objections and no further business to discuss, the meeting adjourned at 8:27 p.m.

---

Date Approved

---

Chair/Board Member