

DAVIE AGRICULTURAL ADVISORY BOARD
NOVEMBER 16, 2011

1. ROLL CALL

The meeting was called to order at 6:39 p.m. Board members present were Chair Jason Hurley, Vice-Chair Dave Parrish, Julie Aitken, Sam Scott and Scott Weinstein. Also present was Board Secretary Jenevia Campbell recording the meeting.

2. DISCUSSION

2.1 Brainstorming of ideas for the organizational framing of community gardens

Dr. Scott stated that there were 150 individuals as well as groups that were interested in the community gardens. He added that he was still receiving emails some of whom were interested in operating the program as volunteers and being involved in organization of the community gardens. Dr. Scott expressed concern regarding the method that would be used to get the community gardens project to move forward. He added that Linda Palmer of Parks and Recreation Department was the liaison who would be contacting the individuals who were referred to her. Dr. Scott commented that an effort should be made to find out what progress parks and recreation department has made in “putting the pieces together”.

Mr. Weinstein commented that funds would be needed to get the project off the ground and he had a corporate sponsor who was willing to donate the funds to see a community garden happen specifically at Governor Leroy Collins Park. He suggested that the board make a recommendation that the first community garden be at that location.

Dr. Scott asked if there was a designated spot at Governor Leroy Collins Park for community gardens. Mr. Weinstein responded that it was conceptual, but the gardens would be placed in a location that was easily accessible to parking to eliminate too much walking, and provide easy access for women, children and individuals with limited mobility.

Dr. Scott stated that momentum was everything and the people who expressed interest in the community garden should have already been contacted. He briefly discussed the issues relating to planting season and added that it was necessary for parks and recreation to get individuals on board. Mr. Weinstein indicated that a meeting should be convened to get all the interested parties together.

Dr. Scott stated that last August the North-South Institute sponsored two urban farming specialists to speak on the agronomic aspect of farming at Long Key Ridge. He added that the Institute would be willing to bear the cost to have one of those speakers attend the meeting, and he hoped that the meeting would be scheduled to coincide with the workshop.

Mr. Weinstein indicated that many of the people who expressed interest in the community garden were experienced gardeners. The management process and rule keeping was discussed, with the consensus that there should be no micromanaging by any board. Mr. Weinstein commented that there should be a rule keeper and felt the Ms. Palmer should be that person. Ms. Aitken felt that the individuals who were interested should create their own rules and guidelines during the workshop. Chair Hurley stated that it was important to get the interested parties together with Town staff in an attempt to have the workshop before the holidays.

Mr. Weinstein asked if it was necessary to make a recommendation to Council. Chair Hurley responded in the affirmative. Ms. Aitken commented that the recommendation had to be specific. She asked about the process involved in the land preparation. Dr. Scott explained the land preparation process which involved bush hogging and plowing. In addition, there would be problems associated with cultural practices such as mulching and weeding; however those practices did not exist in South Florida.

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When questioned about the cost for bush hogging, Dr. Scott stated that it was \$40 an hour. Mr. Weinstein commented that there was corporate sponsorship for the land preparation. He added that the corporate sponsor had all the equipment necessary for the land preparation, and the sponsorship was not limited to cash.

A brief discussion ensued regarding the recommendation with Mr. Weinstein commenting that it should be mentioned that funding would be available through a sponsor.

Dr. Scott made a motion, seconded by Mr. Weinstein, that in light of the existence of a willing partner, who will donate time, money and materials specifically for the establishment of community gardens at Governor Leroy Collins Park, the Agricultural Advisory Board recommends that the Town Council move forward with the establishment of community gardens at Leroy Collins Park as soon as possible. Such gardens should not be considered as a permanent spot, given that there are conceptual site plans being looked at for further enhancement to and development of said property. To facilitate the establishment of this garden at a temporary location within the park, we further recommend a workshop between the interested parties as gathered by Dr. Sam Scott and Scott Weinstein, and the Town staff particularly parks and recreation. Whereas time is of the essence given the planting season that is permitted in South Florida, the board further recommends moving forward with deliberate speed.

In a roll call vote, the vote was as follows: Dr. Scott – yes; Mr. Weinstein – yes; Chair Hurley – yes; Mr. Parrish – yes; Ms. Aitken – yes. **(Motion carried 5-0)**

Discussion continued regarding convening of the workshop to discuss the community gardens with the question as to whether it was necessary to make another recommendation. Chair Hurley stated that the parks and recreation department should be approached regarding the pending workshop being proposed by the board. Dr. Scott stated that he would be a joint facilitator at the meeting to make sure that the questions were addressed leading to a firm resolution at the end of the meeting, and he would work jointly with Parks and Recreation and Mr. Weinstein. Dr. Scott stated that he wanted to make sure that this issue did not “end up” in the manner of the Urban Tasks Force when meetings upon meetings were held to discuss an issue that was not resolved. Mr. Weinstein did not believe that this would happen based on the interest that has been expressed. He added that members of the Open Space Advisory Committee should also be involved. Ms. Aitken expressed concern that OSAC appeared to want to control everything. She added that if too many rules were instituted, it would kill the project before it got off the ground and expressed the opinion that the individuals who were going to be involved should create the rules.

Mr. Weinstein spoke of a concern that was brought to his attention by Linda Greck of OSAC regarding sale of the produce from the community gardens. Discussion continued regarding the selling of the items from the community gardens with Mr. Weinstein commenting that he would like to have the correct information to pass along to the residents who expressed interest. Chair Hurley commented that this issue would have to be sorted out at the workshop.

Chair Hurley asked the board secretary to contact the parks and recreation department to determine a mutually convenient date for the workshop.

Mr. Weinstein raised the question about the funds that was used to acquire the property and the rules. Ms. Aitken responded that the property would be used primarily by residents for public purpose.

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Ms. Aitken provided a handout to boardmembers highlighting the use of municipal property by non-governmental entities. She stated that the opinion of the various attorneys involved was needed because this was a complicated legal issue; and reiterated her concern regarding the conceptual site plan.

Ms. Aitken indicated that she had expressed this concern at meetings held by the task force, and commented that the Town Attorney should state what was legal from the Town's point of view of use of public property and public funds and the issue should also be reviewed by the Broward County Property Appraiser's attorney to determine the tax issue, particularly if there was an agricultural issue. Ms. Aitken commented that she did not know the answer; however, she would like the Town Council to ask all the attorneys in question to provide an opinion.

Mr. Weinstein believed that there were two issues; one involving the farm park and the conceptual site plan and the operation to include the Farm Bureau and Project Stable, and the other was regarding the selling of produce from the community gardens. He indicated that his immediate concern was to know whether it was legal for a small community garden to sell the produce.

The Board discussed the community gardens and prepared a tentative agenda for the proposed workshop. Mr. Weinstein felt that the recommendation should be approved by the Town Council before the workshop convened. Chair Hurley commented that if the Town Council acted on the recommendations, hopefully, staff and the interested partners would get together to have the workshop either early December or mid-December.

A lengthy discussion was devoted to the community gardens at Battens, the individuals interested in working at Battens and advertising. Dr. Scott commented that his customers were interested in U-Pick and they were his first priority. He added that there were people who believed in the Battens community venture and without their support what had already been invested into the project so far would be a waste. Dr. Scott stated that the support of the community was needed because much has been done to get the project to its present state and it had to sustain itself. He spoke of the arsenic issue and indicated that there was a recovery experimental program taking place.

Ms. Aitken stated that she was not trying to make the decision for the Town Council, but if the park (Governor Leroy Collins Farm Park) was not for public use, then the Town would be wise to seek legal opinion from all the attorneys before costs and expenses were incurred. She indicated that non-profit did not mean a business was not making money.

Chair Hurley stated that in light of the Property Appraiser's recent position that Town property leased are subject to property taxes, the Board feels that this should be considered by the Town and addressed before the Town proceed further with projects which may or may not expose the Town to the liability of the tax bill incurred by that use or any other penalties that may be incurred specifically regarding where the bond money came from.

Dr. Scott explained that the North South Institute had two leases with the Town for agricultural purposes and the Institute would abide by any ruling coming down the pipeline. He added that the Institute would now have to evaluate whether it made economic sense or what injury or burden that may be affixed to such decisions. Dr. Scott stated that there would be the question of the recovery from the injury or economic burden that might be imposed by such laws or conditions. Mr. Weinstein questioned

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if there was any taxes imposed on Battens, with Dr. Scott responding that the decision appeared to have been suspended. Dr. Scott stated that in back and forth information between NSI's internal counsel that was retained to review documents from the County, there was no clear position stated on the issue. He added that the information that he had now garnered would be provided to the NSI.

A lengthy discussion continued concerning the tax implication relating to the use of municipal properties by non-governmental entities, and agricultural determination. Dr. Scott spoke of the concern regarding agricultural tax and exemption and the misconception of taking satellite photographs. He highlighted a number of issues that could be involved when the pictures were taken, and did not believe that there was a standard precedence of what an agricultural field should look like on a particular day in January. Dr. Scott stated that there was no reasonable sense for assessment and there should be fairness in how those decisions were made.

Mr. Weinstein commented that an appeal could be made to the Value Adjustment Board. Dr. Scott commented that he did not intend to expose his organization or any of the farmers to such a situation.

The question was raised concerning the upcoming tax season with Dr. Scott responding that it was his intention to apply for agricultural exemption on all the properties leased from the Town. Dr. Scott explained the layout of Battens, and the involvement of the NSI and the Town.

Discussion continued on the issues relating to tax assessment, agricultural classification and commercial agricultural classification regarding Battens with no clear resolution.

Dr. Scott disclosed that he intended to abstain from voting on this item as it was a conflict of interest.

Ms. Aitken made a motion, seconded by Mr. Weinstein, that before entertaining any other recommendations, the Town Council should request legal opinions from the following: the Town Attorney, Broward County Attorney, the Broward County Property Appraiser's Attorney and the Florida Communities Trust Attorney to clarify whether all uses of municipal properties by non-governmental entities including any program proposals and/or structures would qualify for complete and permanent exemption from taxation or an agricultural classification for reduced taxation, payable by the lessee or land user, so as not to cause any financial impact to the Town or Town taxpayers.

In a voice vote, with Dr. Scott abstaining, all voted in favor. **(Motion carried 4-0)**

2.2 Discussion of the Farm Park as it pertains to use for community gardens and the proposed recommendation encompassing Attorney General's opinions regarding the use of public lands when leased to 501(c) 3 organizations

This item was discussed under Item 2.1

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

There was no new business discussed.

6. AGENDA ITEMS FOR NEXT MEETING

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Tentative agenda items were made for the proposed workshop.

7. COMMENTS AND/OR SUGGESTIONS

The Board was reminded that it would be the hosting the upcoming quarterly meeting.

8. ADJOURNMENT

There being no objections and no further business to discuss, the meeting adjourned at 8:18 p.m.

Date Approved

Chair/Board Member