

DAVIE AGRICULTURAL ADVISORY BOARD

JULY 9, 2012

6:30 P.M.

1. ROLL CALL

Chair Parrish called the meeting to order at 6:37 p.m. Board members present were Chair Dave Parrish, Vice-Chair Scott Weinstein, Julie Aitken, and Sam Scott. Also present were Phillip Holste, David Flaherty, and Board Secretary Janet Gale recording the meeting. Jason Hurley was not present.

2. APPROVAL OF MINUTES: June 4, 2012

None.

3. Old Business

3.1 Introductions – Mr. David Flaherty, Parks and Recreation Director

Mr. Flaherty introduced himself to the board. He advised that Matt Mlodzinski, who had served as acting Director of Parks and Recreation, had been hard at work developing policies and procedures for the community gardens project discussed at the June meeting. The first such garden will be at Robbins Lodge, as the necessary facilities and space are already at that location.

There are two additional sites under consideration for a community garden. Mr. Flaherty observed that one issue in establishing some sites had been the difficulty of bringing water to these areas. The sizes for community gardens are estimated to be 10x10 or 20x10.

Dr. Scott cautioned that Public Works should take particular care not to harm the topsoil on the site, particularly in the area selected for in-ground beds. He explained that the necessary nutrients for plants are included in the top 9 inches of soil, and recommended using a rake or harrow to prepare this area.

Ms. Aiken recalled that there had been concerns raised by other boards that individuals using the community garden might wish to sell the produce they grow there. Mr. Flaherty said this is addressed in the policy, and individuals are asked not to sell these goods. He advised that this would be discussed with the Town Attorney before it is finalized, as it raises a potential liability issue for the Town if bad produce was sold. He clarified that bartering between garden users would not be a problem.

Dr. Scott recalled that an urban farming ordinance is under discussion in Fort Lauderdale, and commented that some of the concerns raised in a recent news article on this proposed ordinance suggest that some areas may not be ready to embrace community gardens. He added that throughout the year, several irrigation pumps have been stolen from urban gardens and farms in Davie, and acts of vandalism have occurred as well. He concluded that these incidents may reflect the attitudes of individuals who are opposed to community gardens or urban farms. The perpetrators have not been identified.

Mr. Holste advised that similar acts of vandalism, graffiti, and theft have occurred throughout the Town, including incidents at parks, playgrounds and golf courses. He stated that this may continue to be an issue, particularly at properties and facilities where there is not a constant staff presence.

Chair Parrish requested an update on the progress of a community garden plan at Berman Park. Vice Chair Weinstein explained that some members of the community had wished to plant fruit trees in Berman Park, but this project had not progressed. Mr. Flaherty said he would like to meet with these members of the community in order to get a clearer understanding of what they would like to do. He reiterated that the first effort with respect to community gardens would be the Robbins Lodge garden; once this project is underway, the other two proposed areas would be explored further. He stated that while Parks and Recreation is not opposed to planting fruit trees in Berman Park, they have not yet had sufficient time to properly review this plan.

Chair Parrish recalled that the Berman Park proposal was intended to be addressed at a Town Council meeting in June; however, the information provided to the Town Council was not the same as the information provided to the individuals who wanted to plant trees. He stated that the Council had approved a resolution in favor of community gardens nearly two years ago, and asked why the issue required further study.

Intergovernmental Affairs Director Phillip Holste provided additional background on this topic. He explained that urban farming task force initiatives were approved in 2011 and approval was given to Parks and Recreation to proceed with community gardens. Because some council members had concerns with this initiative, they asked to see guidelines for how the community gardens would be run. The specific item before the Town Council in June was related only to the approval of the community garden at Robbins Lodge; information on how community gardens in general would operate, including labor and legwork, was not finalized at that time. He concluded that the garden at Robbins Lodge would be considered a pilot project.

Chair Parrish recalled that meetings have been held in 2012 to engage the public's interest in creating community gardens. When the public began attending these meetings, most of the attendees were from the Berman Park area. He continued that as attendance grew at subsequent meetings, he had been approached about the possibility of planting canopy trees, and had recommended that the interested individuals make sure this would be agreeable to the Town.

Vice Chair Weinstein added that the residents had been advised by the previous Parks and Recreation Director to begin preparing the land for planting these trees. He stated it would be an embarrassment if the Berman Park project is not carried out because this individual is no longer affiliated with the Town, and thanked Mr. Flaherty for planning to meet with the residents interested in this project.

Mr. Flaherty advised that when he met with the Mayor and Town Administrator the previous week, a draft proposal was available, including the size of beds, type of fertilizer, guidelines to be followed by community gardeners, and other structured information. Vice Chair Weinstein added that he was also interested in developing a community garden project at Governor Leroy Collins Park. He asked that Mr. Flaherty have Mr. Mlodzinski forward him an email on this proposed project, as it clearly expresses what Vice Chair Weinstein and other members of the community would like to see at Governor Leroy Collins Park.

Ms. Aiken noted that although the development of gardens at farm park might be years away, it could be possible to use one acre of the area currently designated for a cattle lease and create a

community garden in the shorter term. She pointed out that this would not require a great deal of infrastructure to develop, and could be moved at a later date.

Chair Parrish commented that restrooms, water, and space are all available at Berman Park, which meant the site would meet most of the criteria for the establishment of a community garden. Other necessities, such as compost, could be donated to this project.

Chair Parrish asked to know the time frame in which land could be prepared for a community garden. Mr. Flaherty said the complete proposal would be presented to the Town Council on August 1, for final approval.

Mr. Flaherty left the meeting at this time.

3.2 Status of Attempted Closing of Public Trail

Ms. Aiken reported that thanks to the intervention of Mayor Judy Paul, Public Works had removed boulders from this trail, removed the unofficial no trespassing signs, and replaced them with equestrian trail signs. The person or persons responsible for posting the incorrect signage have not been identified.

3.3 Meet with Mr. Phillip Holste, Intergovernmental Affairs Manager, Regarding the Van Kirk Property Tax Implications

Vice Chair Weinstein explained that the board had discussed the possibility of the Town working with the North-South Institute, in a similar manner to how the Town had worked with the Institute at Battens Farm, to negotiate with the County Tax Appraiser's Office and the County Attorney and arrive at a favorable outcome regarding the taxes on the property. He observed that the language in the lease for this property uses the term "up to" a certain amount of acreage.

Mr. Holste said the Town's argument thus far asserts that the lease refers to "up to 55 acres"; however, the County does not agree with this interpretation. Their feeling is that a 55-acre area was identified and buffered from the surrounding neighborhoods. He noted that because the area includes wetlands, the Town had never intended to use the entire 55 acres for farming. The lease specifies that wetland areas may not be used for this purpose, as it would violate County, State, and Federal law.

He continued that the wetlands were brought to the County's attention, as they cannot be used for farming; however, the County does not seem to have accounted for the wetlands at this time, and the Town plans to discuss this in its next response. The current response to the County Attorney is due by September 2012. Mr. Holste added if the County denies a nonprofit exemption for the property, he was not aware of other exemptions or requests that could be applied for. He concluded that this was likely to be the final exchange before the issue proceeds to the Value Adjustment Board.

Mr. Holste advised that the North-South Institute had been apprised of the issue, so they are aware of the potential tax liability associated with the property. He felt the Van Kirk property could be considered an extension of the Battens Farm project, for which a nonprofit exemption had already been approved.

Vice Chair Weinstein added that there is also a portion of the Van Kirk property onto which hurricane debris had been piled. Mr. Holste said the property is overgrown in several places, and he could not estimate how much of it had been used for this purpose.

Dr. Scott commented that the acreage of the wetland area is designated based on the physical flooding that may occur; the original intent had been to clear the hurricane debris from its area, as well as several tree stumps. He stated that there would be no problems in planting on other areas of the property, and noted there is a waiting list of several individuals who are also interested in farming small parcels. Once the tax issue had been settled for the Van Kirk property, he estimated that he could place another 7-15 acres into production.

Mr. Holste advised that the cutoff date for applications to farm the property would be September 2012. He explained that he had drafted all the exemption requests thus far, and had sent them to the attorney at the Tax Appraiser's office who is tasked with reviewing these requests. He also communicates with this individual by email. He recalled that both an agricultural and a nonprofit exemption request had been submitted for Battens Farm. He added that while the agricultural exemption had been denied, the nonprofit request was approved. The agricultural exemption request for the Van Kirk property had also been denied, but a nonprofit request had been submitted.

Vice Chair Weinstein said the board had asked to review any agricultural leases in the future. Mr. Holste said while the Town was aware there might be issues in procuring an exemption for Battens Farm, he did not feel anyone had anticipated a similar problem with the Van Kirk property.

Ms. Aiken asked if a petition for an agricultural classification had been filed for the Van Kirk property, in the event its nonprofit exemption request is denied. She noted that a petition of this nature must be filed within 30 days of an exemption denial, and recommended that it could be part of a backup plan. Mr. Holste said a petition could be submitted if the nonprofit exemption is denied, if the Value Adjustment Board determines this action is appropriate. He advised, however, that if the tax issue reaches the Value Adjustment Board, he would seek assistance from the Town Attorney. Ms. Aiken recommended that a petition be prepared in case the nonprofit request was denied.

Mr. Holste observed that the Tax Appraiser's Office typically responds quickly when a communication is sent to them. He added that the North-South Institute had submitted termination of their lease, with 90 days' notice beginning in June. Dr. Scott said when the Institute conferred with counsel on this matter that they were advised to submit the termination before the next tax cycle began in order to prevent being taxed on that cycle as well. They will continue the planning process, but cannot operate under the uncertainty of the potential tax burden.

Mr. Holste said once the 90 days' notice had been served and the North-South Institute had vacated the property, he was not certain what would happen next. He confirmed that the North-South Institute wanted to ensure they were not on the property on the date that would trigger the next tax cycle.

Ms. Aiken asked if the Town could still apply for a nonprofit exemption if no one is using the property at the time the request is made. Mr. Holste reiterated that he did not know what was going to happen with the lease, or if it would be possible for the Institute to rescind their termination: this would ultimately be for the Town Council and Town Attorney to decide. He noted that once the tax issue is resolved, a new RFP could be sent out, or the property could be leased or developed.

Dr. Scott said the termination of the lease could not state that termination is dependent upon the tax burden. He advised that the Institute had acted in June in order for the 30 days' notice to have concluded before January 1, 2013. He asserted that the Institute had no problem with farming the land, but could not do so under the current tax policy. He added that should they negotiate a new lease, they would request an adjustment in the stated acreage. He estimated that of the 55 acres of the property, approximately 20-25 acres may actually be farmed.

Ms. Aiken pointed that if the lease had come before the board they might have been able to assist in avoiding this and other problems. Mr. Holste concluded that because the Town Council had approved the initial contract with the North-South Institute, they would have the final approval on whether to engage in a new agreement with the Institute once this issue is resolved, or to take other action with respect to the Van Kirk property.

Dr. Scott said the farmers affiliated with the North-South Institute had gone through a good deal of work to prepare the property for cultivation; they would be unable to recover the costs associated with this preparation, as it was a very labor-intensive process. He added that residents of the Town, including the board members, have been very supportive of the farmers market, and of local and sustainable farming in and around Davie.

It was clarified that the 90 days' termination notice would expire "after September." Dr. Scott said he hoped a decision would be reached by the following June. He stated that the farmers would be pleased if they were allowed to continue farming the property as planned. He noted that it would not be possible to make a great deal of money in urban farming: if the farmers could take three or more boxes of produce to the market each week, this would generate a relatively low cash flow.

The board briefly discussed some residents' negative response to urban farming. Mr. Holste advised that this is similar to the members of some homeowners' associations who did not want public trails near their property, citing safety and other concerns.

4. New Business

None.

5. Items for Next Agenda

The board agreed to follow up on the Van Kirk property issue, as well as the development of guidelines for the pilot community garden project at Robbins Lodge, which will be on the Town Council's agenda on August 1.

6. Comments and / or Suggestions

None.

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7. Adjournment

There being no further business to come before the board at this time, the meeting was adjourned at 7:59 p.m.

Date Approved: _____

7/5/13



Chair/Board Member