

**TOWN OF DAVIE  
OPEN SPACE ADVISORY COMMITTEE (OSAC)  
MONDAY, MARCH 28, 2011 – 7:30 P.M.  
ROBBINS LODGE, MAIN HOUSE  
4005 HIATUS ROAD, DAVIE, FLORIDA**

**MEMBERS PRESENT**

Kathy Cox, Chair  
Linda Greck, Vice Chair (arr. 7:41 p.m.)  
Wayne Arnold  
Donald Burgess  
Donna Evans  
Tim Lee  
Christine Pellicane (arr. 7:50 p.m.)

**MEMBERS ABSENT**

Paul Greenbaum  
John Nasta  
Toni Webb

**STAFF AND GUESTS PRESENT**

Phillip Holste, Program Manager  
Lisa Edmonton, Prototype, Inc.

**MOTIONS INDEX**

<b>Motion to pursue three options for Peaceful Ridge Trail</b>	<b>Page 7</b>
<b>Approve the Minutes of February 28, 2011</b>	<b>Page 7</b>
<b>Motion to Adjourn</b>	<b>Page 11</b>

**1. ROLL CALL**

Chair Cox called the meeting to order at 7:40 p.m. Following a roll call, it was determined a quorum was present.

Mr. Holste announced that member Gregg Sanders had been replaced by Donna Evans. Ms. Evans said she grew up in Davie, is involved in Town activities, and is an avid equestrian.

**2. APPROVAL OF MINUTES (not addressed at this time)**

**3. LIAISON UPDATE (not addressed at this time)**

**4. OLD BUSINESS**

**4.1 Proposed Peaceful Ridge Trail**

[Vice Chair Greck arrived at 7:41 p.m.]

Keith Pursell, Capital Projects, commented that when the Town sent out the notification letters, they received calls from residents stating there was no easement left. He said the Town discovered there was very little, if any, easement left.

Chair Cox said there were several residents affected by this issue, and they were present. She explained that the Town wanted to put a trail on the canal bank because Peaceful Ridge Road is hazardous for bicycle riders and equestrians. Staff has been looking into where the right of way and the easement are.

[Ms. Pellicane arrived at 7:50 p.m.]

Chair Cox said there is a good amount of right-of-way for part of the trail, but the southern end is the issue. She suggested that they discuss whether to go down the canal bank or choose alternate ways of completing the link. The alternate route would require backfilling of the canal to a certain extent. She explained the canal was over-dug in the 1970s.

Chair Cox opened the meeting for public comment.

Gary McGoron, 3300 SW 118<sup>th</sup> Terrace: Mr. McGoron said he does not ride horses, but rides motorcycles. He has lived there for 38 years and has no problems with horses, but does have a problem with flooding from heavy rains. His building is five feet from the canal and it went under 18" of water in a recent flooding. He said that is the reason he does not want the canal backfilled. He asked if the Committee had received prices on backfilling the canal.

Mr. Pursell commented that they have not received prices for that particular portion, but said that bids they have received for other areas are "top dollar."

Mr. McGoron had a letter from the Broward Drainage Board [Central Broward Water Control District], which was read into the record by Chair Cox. Chair Cox noted the letter was dated March 4, 2011, from the Central Broward Drainage District.

"Dear Mr. and Mrs. McGoron,

In response to your letter dated February 10, 2011, I have done research and learned the following:

In 1973 the District hired a contractor by the name of Daniel B. Downey to excavate the District's N-20 canal. Mr. Downey over-dug the canal on the west side of the N-20 at several areas, causing a loss of a 20-foot canal maintenance road. The District tried to recover the west 20 feet, but was not successful. For the past 22 years I've been with the District, we have been maintaining the N-20 canal by floater barge and have no future plans to recover the 20 foot maintenance area on the west side of the N-20 canal between Southwest 26<sup>th</sup> Street and Southwest 36<sup>th</sup> Court in Davie.

If you care to review the files and read a little history of Davie 38 years ago, give me a call.

Mike Crowley,  
District Manager, Central Broward Drainage District."

Mr. McGoron showed photos of his flooding, noting it occurred during a tropical storm ten years ago. He said old Davie West also has a problem on the other side of the canal. He thought that putting up a trail

would possibly invite people onto his property, and does not want to have to fence his yard to keep people out. He said he had been broken into in the past.

Vice Chair Greck wondered where the canal was in Mr. McGoron's photograph. Mr. McGoron pointed out his property using the aerial map. He stated he has a pond on his property and when it rains hard, the pond connects with the canal. Fish from his pond went into the canal and vice versa.

Mr. Arnold was curious if he had had flooding since the big storm mentioned. Mr. McGoron said he had, and if it were not for the canals being low, he would have flooding right now. Mr. Lee commented that the property lines did not appear to be correct. Mr. McGoron said he was told by Mr. Steward of the Drainage Board that he was allowed to run his fences right into the water. He also said a lot of erosion has occurred.

Mr. McGoron remarked that the horse riders would be better off if they would stay on the side of Peaceful Ridge Road and not go out in the middle of the street. Chair Cox said that sometimes there are garbage cans and "things rustling in the bushes," and the horses do not like being on the side.

Ms. Pellicane asked Mr. McGoron how much erosion has occurred in the time he has been at his house. Mr. McGoron replied he probably lost another two feet of his soil that has been carried into the canal.

Danny Massa, 3320 SW 118<sup>th</sup> Terrace, Peaceful Ridge Road: Mr. Massa said he has lived next door to Mr. McGoron since 1986, and every time they get a "good, strong rain," the whole backyard floods. He said the canal has to be wide enough to accommodate the drainage. He commented that the drivers on Peaceful Ridge Road are aware of the horses and drive courteously. He felt there was no need to disturb the environment and create another trail, as the Road functions fine as a trail.

Philip Garnto, Lychee Wood, Plat 157-40B: Mr. Garnto said he is also a neighbor of Mr. McGoron's. He has a lychee grove, cultivates the fruit and sells it. He has had problems with trespassers picking fruit, and feared that if there is another trail, he "will get hit from all sides." In addition, being underwater for along period of time kills his trees. He said if backfilling the canal would cause more flooding, he does not want it.

Arthur Hurley, 11800 SW 120<sup>th</sup> Street: Mr. Hurley, whose property also abuts the trail, had no objection to the trail, but said that the area is low and there would be flooding if they put in a trail.

Chair Cox closed the meeting to public comment at this time.

Mr. Arnold wondered if the canal was part of the Central Broward Water Control District and it was noted it was. Mr. Pursell explained that Central Broward has requested that the Town of Davie request a variance to do filling. Mr. Arnold thought they have to be cautious, doing everything they can for the trail system, but also working with the residents and Central Broward to come up with something that is acceptable to all parties.

Mr. Burgess asked Mr. Hurley about his usage of the Peaceful Ridge Road. Mr. Hurley said he uses a very short portion of the road and it would be safe to have a trail. He continued that they do not have a

right-of-way to go over the Flamingo Gardens Nursery, but if they had that, they would exit the back road rather than onto Peaceful Ridge Road.

Mr. Burgess thought that the flooding problem was a drainage issue and not due to the backfilling of the canal. The water cannot move fast enough through whatever culvert is there on the south end to get it into the C-11.

Mr. Arnold said that the canals operate on a gravitational system. If there is no way for the water to go down, it will stand. Perhaps they should address the issue of the culverts. Mr. Burgess added that everything west of Nob Hill Road goes into the same canal, trying to head west out US 27. The further a property is from US 27, the longer it will take for the water to get to the canal.

Ms. Pellicane said she would like to address the concerns about vandalism. She said that studies have shown that when a trail is put into people's backyards, the vandalism goes down, as there are "sets of eyes" that would be watching out for the trails and the environment.

Vice Chair Greck commented that the Committee has not yet explored the costs involved in putting the trail through. As far as vandalism goes, she remarked that the part of the Peaceful Ridge Road that accesses into the trail is open and closed with the daily park system. She thought the gate at SW 26<sup>th</sup> Street could limit access after hours. She noted that the public access now is from public roadways coming in from 121<sup>st</sup> Avenue. She wondered how the burglars who came from the canal side were able to take their stolen goods away.

Vice Chair Greck also pointed out that there many drivers on Peaceful Ridge Road who are not courteous to the equestrians. Sometimes they honk their horn, shout, or throw something, with the intent to spook the horses. She said the side of the Road drops off steeply. She has lived in the Majestic Groves community for 17 years and has been pressing for the trail for a long time. She would like to see the trail continue, but not be too intrusive for the neighbors along the canal bank. She expressed hope that the residents could help in some way to bring it about.

Ms. Evans wondered who maintains the canal, and Chair Cox answered it was the Central Broward Water Management District [Central Broward Water Control District]. Mr. Arnold explained that the District meets twice a month, and there are over 100 miles that they oversee. They decide what happens to the canals, with the exception of C-11, which is handled by the South Florida Water District [South Florida Water Management District]. He said there is one pump at C-11 and 441, and there are a few that go into the Everglades area. He thought the Committee needs to see what can be worked out with Central Broward. He said he was concerned with the right-of-way. Chair Cox said there was a 50' canal and road easement, but it has been dug out so wide, that in some spots there is only about 5' or 10' of land left in the road right-of-way.

Ms. Evans reported that she has ridden that trail and said there is a lot of "junk" in the canal that would appear to hamper drainage. She thought proper maintenance would be helpful. Chair Cox advised it was up to everyone to call in issues like that to Central Broward so they can be remedied.

Vice Chair Greck was curious if the canal were to be narrowed if that would have a dramatic effect on the gravitational flow. Mr. Arnold said it might. Chair Cox said the flow of the canal is controlled by the

size of the culvert that empties into the C-11, and that would be the bottleneck. The size of the culverts going into the C-11 is controlled, because the C-11 can only carry a certain amount of water. She did not think that backfilling the canal would have much impact on the flooding.

Chair Cox re-opened the meeting for public comment.

Mr. McGoron was curious if the Committee had considered putting the trail down Peaceful Ridge Road. Chair Cox replied that because of the easement, trying to widen the road is another expense, just like backfilling the canal. He mentioned that the gate on SW 36<sup>th</sup> Street had been unlocked every day for two weeks. She suggested he call the Town Parks and Recreation Department to report it, and he said he did call. Chair Cox said that the more people are watching these matters, the safer everybody is.

Mr. McGoron responded to Chair Cox's earlier query about how thieves got the stolen items out of his house. The burglars were called the "Pillowcase Thieves" – they filled their pillowcases, swam across the canal and went to Majestic Groves.

Chair Cox suggested the possibility of using the wide part of the trail, go alongside the lychee nut grove up to the street in front of the house, go down and connect past the cul-de-sac at the Massa's house, along the power easement and come back to the canal. To the south of the Massa property, the land is basically undeveloped. The Town would still have to negotiate with Flamingo Gardens and the property owner adjacent to the Massas on the south side. She asked Mr. Massa if he would consider that.

Mr. Massa commented that the previous owner of the property south of him has a fence that is 10' inside the easement along the canal bank. Chair Cox said the Town has some capacity to require people to move fences and gates. She again asked Mr. Massa if he would be willing to entertain her suggestion to go from the canal back to the street and then back to the canal as an option. Mr. Massa said he did not think that would work very well.

There was a discussion from the audience about people trespassing on private property.

Joanne Massa, 3320 SW 118<sup>th</sup> Terrace: She said horses already go through their street on the weekends. She said there is also standing water on the street when it rains.

Chair Cox reiterated her option of not backfilling the canal and still completing the trail. She wanted to know if the neighbors would entertain that option. Chair Cox asked Mr. Pursell if they were to asphalt along the backyard with the bike path, if that would stabilize the canal bank in any way. Mr. Pursell responded there would need to be additional erosion control.

Chair Cox closed the meeting to public comments at this time.

Ms. Pellicane explained that they are also trying to identify the trail, so that the neighbors have less people trespassing. If there is a maintained trail that is landscaped and signed, people will tend to stay on it, rather than wander off.

Vice Chair Greck brought up the cost of backfill and stabilization, and wondered if the funds are available. Mr. Holste said that \$210,000 was budgeted for this project. Mr. Pursell added that the amount included the cost of survey and design.

Ms. Pellicane wondered if any of the residents had other solutions. Mr. Garnto suggested it would be more feasible and economical to put the trail on the west side of Peaceful Ridge Road, where there are mostly nurseries and grove land. Chair Cox commented that they have the same type of issues there with homeowners close to that area. She added that the steep drop-off was a problem.

Mr. Holste suggested giving the recommendations to staff to review all three options and come up with cost estimates for each option. The three options for the trail are:

- Along the canal bank
- Down the canal, up to the street, then back down to the canal bank
- On the east or west side of Peaceful Ridge Road

Mr. Holste recounted that Mr. Pursell said the first option would be the most expensive, so they should at least explore the other two options.

Mr. Massa suggested a trail along Flamingo Road, and Chair Cox said that was a possibility, but that they are trying to connect into the Robbins Lodge piece.

Vice Chair Greck commented that the Broward County Greenway Trail runs along Flamingo Road with the sidewalk, and there is very little traffic on that road. She thought it was as conducive on the equestrian side as the Peaceful Ridge Road. If riding on the sidewalk, there is a hard surface for the horse's hooves, and there is a little strip of grass by the fence but there is glass and debris there. The presence of a barbed wire fence makes for a dangerous situation should a horse spook. She added that where the agricultural properties are, a degree of right-of-way for a trail might be established. However, on the north end of the street, there will be the issues with the residents on both sides of Peaceful Ridge.

Vice Chair Greck expressed concern that a lot of their budget may be spent on planning, only to have the plan rejected by Central Broward.

Chair Cox mentioned that on the portion south of the Massa property, when it comes time to develop that property, the owners would be assessed the impact fees. They could be asked to give more easement in lieu of their impact fees. She said they have done that in other instances.

Ms. Pellicane brought up another option, to develop the portions of the trails that they can in that area with the money available, and, when the money is available, finish the connections. Chair Cox said if the trail went from Flamingo Gardens north to the cul-de-sac, a person could ride out on SW 32nd Street and then take the bottom section of Peaceful Ridge Road. She said there would be no additional easements needed. Mr. Holste pointed out that she was discussing the second option, but in different stages.

Mr. Arnold concurred with Vice Chair Greck's comment regarding Central Broward's permission and thought they should get the variance first.

Mr. Holste recommended meeting further with the neighbors for additional discussion and requesting a cost analysis from staff for the existing three options. Chair Cox thought getting the variance was premature and preferred getting a cost analysis of the three options first.

Mr. Arnold also wanted to include the fourth option, and Chair Cox suggested researching what the County is doing in respect to the fourth option. Ms. Pellicane objected to including the Frontage Road in their options, as she thought it was not the same type of trail and would not offer the same degree of safety.

**Motion** by Mr. Arnold to include the fourth option as one of the options to entertain. Motion died for lack of second.

**Motion** by Mr. Burgess, seconded by Ms. Pellicane, to pursue the three options: continue to pursue the option of the trail on the west side of the N-20 canal, north to south; going a section on the southern portion, looking to deviate off onto one of the interior roads; trail on the west side of Peaceful Ridge Road between 36<sup>th</sup> and 26<sup>th</sup> Streets. In a voice vote, the motion passed unanimously.

Chair Cox recapped that they would explore those three options and have another meeting with the residents. She thanked all the residents for attending and for their input.

Vice Chair Greck suggested that as they look at the cost of canal option, that they consider whether there is a way to incorporate a kind of buffer between the yards and the trail, such as landscaping that would not entail fencing costs by the property owners.

Chair Cox then returned to the beginning of the agenda.

## **2. APPROVAL OF MINUTES**

### **February 28, 2011 Minutes**

Mr. Holste noted on the first page, Index of Motions, that the second item should read “support”. It was commented by others that their minutes did say that.

Chair Cox asked to have the word “central” removed from the last paragraph on page 5, where she said “civic and central buildings.”

On page 7, Ms. Pellicane suggested that the term “lockover gate” be changed to “locked gate.”

**Motion** by Mr. Burgess, seconded by Vice Chair Greck, to approve the minutes as amended. In a voice vote, the motion passed unanimously.

## **3. LIAISON UPDATE**

Mr. Holste gave his updates as follows:

**Old Davie School addition:** He said the design phase is complete, the entire project is out to bid, and the bids are due back on April 14.

**Sunny Lake Improvements:** Recreational amenities are scheduled to be completed by April 30<sup>th</sup> to meet the grant deadline.

**Sunny Lake Expansion:** Town began construction on a road connecting to the Sunny Lake property with the addition property. Bids are out to remove invasive vegetation on the expansion property.

**Partners in Preservation Grant:** Projects are complete, and there is some relocation of trees on Pine Island Park.

**Arrowhead Golf Course:** Closing is set on the course for March 18. The Town released its Golf Course Management RFP, and responses are due by April 21. Staff will review the RFPs and write recommendations for the vendor at the May 18 Town Council meeting.

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

##### **4.2. Draft Declaration of Restrictive Covenants – Robbins Park**

Mr. Holste reported that there is an agenda item for the April 6 Town Council meeting to modify the restrictions for the Bergeron Rodeo Arena property by removing the municipal use provision from the deed restriction. The CRA wanted 30' on the eastern side of Huck Liles, and that was removed from the 99-year restriction. Under the new proposal, the Town Hall facility will be from the end of the parking lot to Orange Drive.

Chair Cox asked if the parking lot was subject to the 99-year restriction, and Mr. Holste replied the Huck Liles, Bergeron Rodeo Grounds and Town Hall are all subject to the 99-year restriction. He added that the new language says that the current Town Hall facility can remain in use until it is relocated to another permanent location off that site.

Vice Chair Greck wondered what would be allowed in the Town Hall's "footprint" after it is moved, and Mr. Holste responded that he would have to defer to an attorney for a thorough answer. Mr. Holste mentioned that the Mayor had submitted the latest draft, and Chair Cox suggested calling the Mayor for clarification.

Chair Cox remarked that the Committee was supposed to come up with a list of what they wanted to put into the covenants for Robbins Park, but Mr. Holste said they no longer have to do that. He explained they already have permitted uses and allowed uses, but he said that the Committee could add restrictions if they wanted to.

Mr. Burgess thought that the last time they addressed Robbins Park, it was a conservation easement, but now it is a DRC. Mr. Holste said he modified it into a Declaration, and there are already nine prohibitions. He said it is up to the Committee how they want to proceed.

Mr. Burgess wondered if they previously had Items #1a-f in the conservation easement. Mr. Holste said there were several items he added. Mr. Burgess said he was concerned with Item #1b, campground facilities. Mr. Holste remarked that that came from County documents. Mr. Burgess suggested limiting it to certain uses, such as Scouting. There was a brief discussion on the pros and cons of allowing camping on the property, with the mention of noise complaints by the neighbors. Mr. Burgess explained he meant taking camping out as a permitted use, but it still could be a potential use.

There was Committee consensus to strike Item #1b.

Regarding Item #1c, Chair Cox remarked they had already restricted the number of square feet of buildings that can be developed on Robbins Lodge property to 3,000 square feet. Item #1c says they could be civic or cultural buildings. Mr. Burgess suggesting removing that item, as it is addressed in Item #3.

There was Committee consensus to strike Item #1c.

Vice Chair Greck wondered how many 3,000 square foot buildings would be allowed on the property. There was discussion on the language used to describe the building allowed. Chair Cox suggested using the word "structures" instead of "buildings," since gazebos or stables might not be considered buildings, but could be considered structures.

Ms. Evans asked about the height restriction, if any. Mr. Holste thought 30 feet (3-story) was the maximum. Committee members expressed concern about having a 3-story building, such as a warehouse. Ms. Pellicane quoted from Item #3, which states, "new buildings or structures consistent with the passive recreational use of this property," which would mean it would have to fit within the agricultural/cattle realm.

After further discussion, it was decided that Ms. Evans will work on the wording for Item #3. Mr. Burgess suggested wording it so that it could be limited to an impervious surface area 3,000 feet for a single building, or limit multiple structures to 4,000-5,000 square feet so there could be other smaller grouped structures.

Mr. Burgess suggested re-numbering #1b and #1c and reworking the verbiage in #3. He said that Item #2 is very similar to what they had before.

Ms. Pellicane wondered how fencing can be detrimental. Chair Cox explained that the concrete fencing can block air flow and visuals, whereas open fencing does not.

Ms. Pellicane wondered if the word "preserved" is correctly used in the last sentence in Item #8 on page 4. Chair Cox commented it should be "is preserved."

Vice Chair Greck brought up Item #5 on page 4, wondering if the phrase, "determined by the Town Council," was correct. Mr. Holste stated it was just standard language.

Ms. Pellicane asked if, "4/5 vote by the entire Town Council" should be changed to read, "a super majority" in Item #9 on page 4. She wondered how that would apply if they ever have more than five

people on the Town Council. Mr. Holste said 4/5 would be 80%, no matter how many members there were on the Town Council.

#### **4.2 Draft Declaration of Restrictive Covenants – Reflections Park**

Mr. Burgess stated that they had combined the standard DRC language from the County with the prohibitions from the Conservation Easement to make them stronger. He explained that the document reflects the maximum they would want, and proposed that the Committee write down what they do not want to permit. It was suggested to use the words “natural, scenic and recreational value.”

Mr. Burgess suggested calling it the Declaration of Restrictive Covenants for Reflections Park, the Town of Davie, so it is easier to find the document.

Vice Chair Greck commented that Item #1 did not read well, and Ms. Pellicane said it should read, “retain the property in its natural ....”

Chair Cox remarked they would eliminate camping. She wondered how much active recreational activities they want in the park. Mr. Holste said he would remove the “beaches” language and that would take care of the problem.

Ms. Evans said that she wanted to add under Section 2i, that “no lighting shall be permitted for the active recreational uses on this property.” Vice Chair Greck wondered if the Park was adequately restricted for night-time use. Ms. Evans replied that is fenced and locked. The only way to get in would be between houses in the adjacent development. Mr. Arnold was curious if lights would be permitted for security purposes, and Chair Cox thought that the suggested language would allow for that.

#### **5. NEW BUSINESS**

Mr. Holste distributed copies of a document about an application the Town will be submitting for a Transportation Enhancement Grant. The proposed multi-use trail will go along where Oakes Road is supposed to go through in Eastern Davie. This would provide a means for senior citizens in the mobile home park to access Davie Road. There would be multiple linkages for other residents. He asked for the Committee’s support of this project.

Mr. Holste said the project would not be funded until 2014-2015, but it would alleviate safety issues along Reese Road.

Ms. Pellicane asked if students would also benefit from this project, and Mr. Holste replied that there may be student residences built in that area.

Mr. Holste remarked that the Town management would have a very small portion of the project, and the funding request is up to \$1M.

By consensus, the Committee agreed to support the project, and Mr. Holste said he would draft a letter of support.

## **6. SUBCOMMITTEE REPORTS**

Ms. Pellicane said she looked at the trail (the bike path on Boy Scout Road) around the tower and confirmed that it is there. There is a fence around the tower, a fence around the park, and a space between the two fences so a person would not have to go through a gate if the park is closed.

## **7. AGENDA ITEMS FOR NEXT MEETING**

Mr. Burgess suggested additional DRC work to discuss. Mr. Holste said they could pick ones the Committee has not done yet from the tiered list: Oak Hill, Pine Island Park, and Flamingo Road Open Space. It was agreed that the Committee would discuss with Oak Hill and Flamingo Road at the next meeting. Pine Island Park will be addressed in a later meeting.

Mr. Holste said that if Mr. Pursell could respond to the “other trail issue” by the next meeting, then he will put him on the agenda.

Mr. Holste reminded the Committee that their next meeting was scheduled for the day after Easter, and wanted them to be aware of that in case of any conflict. Nobody had a problem with the date.

Mr. Holste announced that the Chair and Vice-Chair selection will be on next month’s agenda as well.

## **8. COMMENTS AND/OR SUGGESTIONS**

None.

## **9. ADJOURNMENT**

**Motion** by Mr. Arnold, seconded by Ms. Pellicane, to adjourn the meeting at 10:05 p.m. In a voice vote, the motion passed unanimously.

[Minutes prepared by J. Rubin, Prototype, Inc.]