

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

MEMBERS PRESENT

Kathy Cox, Chair
Linda Greck, Vice Chair
Donald Burgess
Toni Webb
Christine Pellicane (arr. at 7:39 p.m.)
Paul Greenbaum

MEMBERS ABSENT

Wayne Arnold
John Nasta
Gregg Sanders
Tim Lee

STAFF AND GUESTS PRESENT

Judy Paul, Mayor
Phillip Holste, Program Manager
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

MOTIONS INDEX

Approve the Minutes of January 24, 2011	Page 1
Motion to support Eagle Scout Project	Page 3
Motion to Adjourn	Page 7

1. ROLL CALL

Chair Cox called the meeting to order at 7:37 p.m. Following a roll call by, it was determined a quorum was present.

2. APPROVAL OF MINUTES

2.1 January 24, 2011

Motion by Mr. Burgess, seconded by Ms. Webb, to approve the minutes of the January 24, 2011, meeting. In a voice vote, the motion passed unanimously.

Mayor Paul had a few remarks. She commended the Committee for their work on the deed restrictions, particularly for the Bergeron Rodeo Grounds.

[Ms. Pellicane arrived at 7:39 p.m.]

Mayor Paul remarked that she will return to the Committee at a later meeting to discuss prohibitions for municipal uses in the restrictions. She asked the Committee to consider things they would not want the Town to do on the properties, and asked them to be specific.

She again thanked the Committee for their service, and noted that the Committee's work really supports the Town's vision for maintaining the open spaces.

Chair Cox wondered who would determine what is preservation and education in regards to the restrictive deeds. Mayor Paul suggested utilizing the Historic Preservation Committee, which is actually comprised of the Town Council members. She added that the vision must be defined, because the Council members change and may have different visions. Mayor Paul commented that they will be meeting with Mark Engle from the CRA in the next few weeks to review some ideas.

Vice Chair Greck commented that after the Orange Blossom Festival, she received comments from people who had heard the Rodeo Arena might be shutting down. She said she is not familiar with municipal operations and does not know what would be a permissible activity, and wondered if the liaison might be able to help them review the permissible uses. Mayor Paul said she could review it with Mr. Holste.

Mr. Holste suggested a brainstorming session for the next session to come up with ideas. In the meantime, staff can research the possibilities. He offered to meet with members individually in order to comply with Sunshine Law.

Mayor Paul thanked the Committee for all that they do.

3. LIAISON UPDATE (deferred until later in agenda)

This item was deferred to later in the agenda by Mr. Holste, who pointed out that there were visitors who wished to speak.

5. NEW BUSINESS (taken out of order)

Clifford Lockwood introduced himself and mentioned that he had handed out packets. He stated he plans on building a pitcher pump with drainage to benefit the equestrian community at Math Iglar Citrus Park. He described the project as presented on his handout: pitcher pump, two hitching posts, four citrus trees, and a watering pail for children to water the trees. Each hitching post would have a bucket with a chain long enough to reach over to the pump to fill it with water and hook it back on the post. He described the details of the plumbing. He said his father was going to help with the plumbing.

Ms. Pellicane asked if he could use a ring rather than a cleat, as that would be less dangerous for the horses. Chair Cox suggested an eyebolt with a large ring on it. That allows the rider to put a rein through it.

Mr. Holste said that at one time there was contamination of the soil on that property, so they are going to research the files to see if there is contamination of the ground water. Mr. Lockwood said they would be renting a commercial pump and run it for quite a few hours to flush out the stagnant water. Mr. Holste advised him that he may have to contact the County DEP before doing that type of work. Mr. Lockwood reiterated that they would like to flush the water out first before having a sample tested.

Vice Chair Greck asked how deep the horizontal PVC pipe would be buried, and Clifford said about four feet.

Ms. Pellicane wondered if the bottom end of the pump head was a blind end. Clifford Lockwood replied it was just to keep the structure vertical. Mr. Lockwood added that this design is the same one he has used at his house for ten years.

Clifford said there would be a watering bucket for the citrus trees that has the potential for "getting lost," but since he lives across the street, he said he would be able to see if it was gone and drop one off. Chair Cox suggested chaining the bucket so it does not disappear. Clifford said they would drill a little drain hole in the bottom so that the water would not stagnate. Vice Chair Greck thought that was a great idea.

Motion by Ms. Webb, seconded by Vice Chair Greck, to support the Eagle Scout project by Clifford Lockwood. In a voice vote, the motion passed unanimously.

Mr. Lockwood corrected a previous statement, saying that the PVC pipe would be two feet underground, not four. He thanked the Committee, adding that Clifford's next step is to go before the Parks and Recreation Committee, and then to the Town Council. Clifford said that about 45 members of his troop will be involved in the project. Mr. Lockwood also thanked the group for all they have done over the years.

Vice Chair Greck asked about the initial watering of the trees and the timeline for the project. Clifford said they want to start as soon as possible, hopefully before summer. Mr. Lockwood thought that the watering of the trees would be easily accomplished, especially since there will be a sign on the water bucket asking people to water the trees.

3. LIAISON UPDATE

Mr. Holste gave his update as follows:

Peaceful Ridge Trail: Future construction, especially the back-filling of portions of the canal, has raised concern among some residents. Mr. Purcell asked if the next OSAC meeting could include an agenda item to discuss this project with the public and invite those residents to attend.

Mr. Holste said he knows of one resident with this particular concern and thought it would be beneficial to hear her case. He said maybe some alternatives could be proposed, even making the trail safer for trail riders. It will be a multi-use trail. Chair Cox thought it would benefit the Committee to hear their input.

Vice Chair Greck wondered if the property rights go all the way into the canal. Vice Chair Greck clarified that her concern was if the residents are using the easement that is not really their property. Mr. Holste answered that they are encroaching on part of the easement, but it is the Central Broward Easement. Mr. Holste explained that they would be asking for access to the Central Broward Easement that Central Broward has given the Town permission to use. He said the Town is not illegally using the property. Vice Chair Greck said that the residents are encroaching on an easement that they have no right to encroach on. Mr. Holste said that was correct and it happens in a lot of cases.

Vice Chair Greck wondered if anything has been brought up to Central Broward as far as backfilling in the canal. Mr. Holste believed Central Broward has agreed to do the backfilling, but Davie needs to resolve the residential issues first.

Mr. Holste remarked that the main concerns seem to be the location of the trail and the matter of fencing, not the backfilling. Mr. Burgess suggested there were privacy and security issues involved. Ms. Pellicane said that the trail would reduce, not increase, vandalism. She suggested getting documenting facts from Rails to Trails.

Chair Cox said that if they have the meeting, she would like Mr. Purcell to attend with an aerial map and the survey imposed on the aerial map. She wanted something easily understood by the residents.

Vice Chair Greck was curious if the residents had suggested any alternatives. Mr. Holste said he has not been advised of any.

The Committee agreed by consensus to have the agenda item at the next meeting and invite the residents. Mr. Holste said he would place it at the beginning of the agenda.

Liberty Park: Mr. Holste said it is 95% complete at this point. They are doing a punch list which was to be completed by the end of February. There should be a grand opening in the next few months.

C-11 Culverts Project: The permits from the Civil Engineer were to be submitted to Central Broward and South Florida Water Management in mid-February. He was not able to get an update.

Sunny Lake Improvements: Bids have been received to do the majority of the recreational amenities. These are to be constructed and invoiced by April 30, per a grant agreement. He has been assured that will happen.

Partners in Preservation Grant: The plantings at Robbins and Pine Island Park are done. Some of the trees at Pine Island Park had died and the vendor is replacing them.

Skateboard Park: Mr. Holste commented that Mr. Andresky informed him there was rehabilitation to the work done previously which accounted for frequent closures of the park. Vice Chair Greck remarked that there was an issue where the ramps meet the concrete. She thought that was the problem, and her specific question concerned the inspection by the people building the ramp. Mr. Holste said he would forward Mr. Andresky's response to her.

4. OLD BUSINESS

4.1 Draft Declaration of Restrictive Covenants

Chair Cox said they were looking at the Bergeron Restrictive Covenants. Mr. Burgess had provided the Committee with two DRC samples at the last meeting: one for contaminated sites and one for general recreational parks. Mr. Holste suggested creating a template.

Mr. Burgess commented that a conservation easement focuses more on what cannot be done, as well as a list of prohibited uses. It also contains a list of permitted uses. By contrast, the Declaration of Restrictive Covenants generally put a list of what you can do and the list of prohibitions is much smaller. The DRCs are generally placed on smaller sites, such as Reflections, and a conservation easement would be put on a

larger parcel with a large natural area, such as Robbins. The sample he gave the Committee is for all the County parks with natural areas.

Mr. Holste brought up the point that if they do not have any entity lined up to give the conservation easement to, at some point they would have to put a deed restriction on the property. Mr. Burgess said all they would have to do is change the language at the top of the document.

Mr. Holste noted they have already completed and received approval on the conservation easements for Robbins Lodge and Huck Liles. If they wish, they can vote to change those documents to DRCs. At this point, they are conservation easements with no one to hold them. Mr. Burgess said the conservation easement would hold more weight since a third party has to weigh in if changes are made.

Mr. Holste mentioned Section 3 in the Robbins conservation easement, which addressed prohibited uses, and he wondered if they wanted to revisit that. Mr. Holste stated that the Huck Liles document says that no changes can be made until after 99 years, and then only with a super-majority vote of the entire Town Council. It was noted that a super-majority would be four out of five Council members.

Mr. Holste asked Mr. Burgess if the County would be able to remove deed restrictions on a property that they had placed on it. Mr. Burgess said they could by a super majority vote. (On the County level, that would require eight out of nine.)

Vice Chair Greck then posed the question that if the property is under a 99-year term, could the Town then could go in and change it, since they set it up. Mr. Holste did not think so, and Mr. Burgess said he did not think they could change it with the 99-year term. There was further discussion about this matter and how they would add the prohibited uses to the deed restrictions. Mr. Holste concluded that would be a question for the Town attorney.

Mr. Burgess suggested for the next meeting that they discuss Robbins as a DRC and have the interpretations of what could not be municipal uses as far as Bergeron and Huck Liles at the same time. Mr. Holste asked the Committee if they liked the 99-year option or wanted something shorter, such as 50 years. The Committee will discuss it at their next meeting.

Chair Cox confirmed that all Committee members had received a copy of the Huck Liles DRC and said they will look at that one also at the next meeting. She asked Committee members to bring back any ideas they may have for additional restrictions on the Bergeron Rodeo Grounds. Mr. Holste offered to bring an aerial map for the Reflections Park if they want to refer to it. Chair Cox stated they would also discuss Reflections Park at the next meeting.

Mr. Burgess directed the Committee's attention to the DRC that they had received at the January meeting that said "Broward County" at the top, and he pointed out the Restrictive Uses starting on Page 1 and ending on Page 2. He suggested using those as a boiler plate for each of the smaller sites starting with Reflections, by going through the list and saying "yes" or "no" to each use. Chair Cox recommended that they pay close attention to what civic and cultural buildings they might allow in terms of equipment storage, where they might be and under what circumstances.

In response to a comment by Vice Chair Greck, Chair Cox reiterated for clarity that they are going to take the Conservation Easement that they had created for Robbins and turn it into a Declaration of Restrictive Covenants, just by changing the wording at the top.

Chair Cox brought up the bike path on Boy Scout Road, mentioning that it goes all the way around the tower and down to Orange Drive. Ms. Pellicane did not think it did, and she will take a look at it and report back to the Committee. Ms. Webb wondered if they ever put in trailer parking, and Chair Cox replied that there are between two and four slots by the handicap parking.

5. NEW BUSINESS (continued from earlier)

Ms. Webb commented that there were quite a few places in the Robbins Park where they took out fencing and trees and did not backfill the holes. Mr. Holste said he would pass that information along to Mr. Lee. Chair Cox asked Mr. Holste to find out if they were going to put the fence on the Town property line or on Town property.

Ms. Webb also commented that there was a "huge" area between the canal and the fence and she wondered why that was there, as it was all cleared out. Chair Cox said that was for Central Broward Maintenance. Ms. Webb also mentioned that the fence had been "squashed" down in places, which she felt may be as a result of removing the exotics.

Chair Cox mentioned there had been some nice trail clearing on the backside of Old Bridge Run.

6. SUBCOMMITTEE REPORTS

None.

7. AGENDA ITEMS FOR NEXT MEETING

Mr. Holste mentioned the following agenda items:

- Peaceful Ridge Trail
- Huck Liles prohibitions
- Robbins DRC
- Reflections DRC

There was a discussion on the potential length of the meeting. It was suggested that after the Peaceful Ridge Trail, they have the Huck Liles discussion as the next priority. Ms. Pellicane suggested limiting residents' comments to three minutes apiece. Chair Cox asked if Mr. Purcell would give a short presentation, and Mr. Holste will ask him.

Mr. Holste will try to get the backup material for the agenda out two weeks ahead of their next meeting, March 28, 2011.

8. COMMENTS AND SUGGESTIONS

Vice Chair Greck thought she had read that the only District with bond improvement related funds was District 3, and she said the N-20 canal falls within that District. She wondered if that bond could assist in

development of that trail so that it is more amenable to property owners. Mr. Holste said there is money funded for the project, but at the same time, the Town does not fence off other people's properties, and he did not recommend setting a precedent doing so. Perhaps some landscaping could be done. Chair Cox noted they have to be careful about planting trees on the canal bank as Central Broward has to provide drainage.

Ms. Pellicane wondered about putting up gates. Vice Chair Greck said a gate would possibly make sense by 26th Street, because in the evenings, the car gate on 121st Avenue gets closed. The only other place people could theoretically get in would be from 26th Street. They discussed the merits of a stepover gate versus a locked gate.

9. ADJOURNMENT

Motion by Vice Chair Greck, seconded by Ms. Webb, to adjourn the meeting at 8:58 p.m. In a voice vote, the motion passed unanimously.

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

Approved



Chair/Committee Member