

**TOWN OF DAVIE
OPEN SPACE ADVISORY COMMITTEE (OSAC)
MONDAY, SEPTEMBER 27, 2010 – 7:30 P.M.
ROBBINS LODGE, MAIN HOUSE
4005 HIATUS ROAD, DAVIE, FLORIDA**

MEMBERS PRESENT

Kathy Cox, Chair
Linda Greck, Vice Chair (arr. at 7:37)
Wayne Arnold
Donald Burgess
Christine Pellicane
Tim Lee
Paul Greenbaum
Toni Webb
John Nasta
Gregg Sanders

STAFF AND GUESTS PRESENT

Phillip Holste, Program Manager
Barbara Hartmann, Recording Secretary, Prototype, Inc.

MOTIONS INDEX

Approve the Minutes of July 26, 2010
Motion to Adjourn

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1. ROLL CALL

Chair Cox called the meeting to order at 7:35 p.m.

Chair Cox welcomed the new members, Gregg Sanders and John Nasta.

Mr. Sanders introduced himself, noting that he has lived in Davie over seven years. He works in the IT Department of Jackson Health Systems and got interested in the Town government when he fought against a new Wal-Mart in the Town.

Mr. Nasta has lived in the Town for 38 years and is a Sergeant with the Town's Police Department. He felt it was time to get more involved in the Town as a citizen.

[Vice Chair Greck arrived.]

2. APPROVAL OF MINUTES

2.1 July 26, 2010

Chair Cox asked to clarify the fourth sentence of the first (full) paragraph on page 3, where she talked about drainage improvements. She asked to add the following: "with the adoption of the conservation easement language" at the end of the sentence which begins with, "She continued that she was concerned with..."

In the third paragraph on page 5, Chair Cox asked to change the following sentence “She said that the pasture is not suitable for grazing...” to “She said that the pasture is not the best for grazing....”

Vice Chair Greck asked that the words “wiggle room” be replaced with “flexibility” in the second line of the last paragraph on page 3.

Motion by Mr. Burgess, seconded by Mr. Arnold, to approve the minutes of the July 26, 2010, meeting, with the noted changes. In a voice vote, the motion passed unanimously.

3. LIAISON UPDATE

Silver Lakes: Mr. Holste reported that the Town had contacted Florida’s Turnpike Enterprise to see if the Town could purchase the Silver Lakes property which is currently being leased for \$500 a year. The Enterprise responded via letter that they are not willing to sell, as the property is already in their plans for drainage use in conjunction with widening of the turnpike. He commented that the letter also indicated they will not be selling or developing the property in the future.

Chair Cox expressed her concern if they (Florida’s Turnpike Enterprise) excavated and thus eliminated the possibility of using the area for a park. In response, Mr. Holste said he is not aware of any excavation plans, but he believes they would have to come to the Town if they were going to excavate. Mr. Holste also informed the Committee that there is a fuel pipeline which runs on the northern boundary down to the western boundary on the perimeter of the area.

Skate Park: Mr. Holste reported that equipment has been delivered to Pine Island Park, and installation should begin in the next few weeks.

C-11 (Griffin Road) Equestrian Box Culverts: This project is still in redesign phase.

Vice Chair Greck wondered how much money was being spent on this project and Mr. Holste did not know off hand, but he will get the information for the next meeting. Vice Chair Greck noted that the project was originally earmarked in Capital Projects, and Mr. Holste added that over the last two years the money has been spent from District 2 Open Space bonds. Vice Chair Greck mentioned that there are other projects District 2 is interested in doing with the Open Space funding. She recommended they put this project at the top of the list before District 2 money is allocated to something else.

Devine Parcels: Mr. Holste commented that the Town Council has allocated \$40,000 from District 3 Open Space Bonds for the Devine Parcels. They are relocating 71 trees to the new Robbins Lodge Recreational Trail (bike trail), the open space at Flamingo Road and 14th Street, the open space at Flamingo Road and 26th Street (two parcels at Owl’s Lookout Park) and throughout the project-site.

Chair Cox asked Mr. Lee if he had direct input as to where the trees are planted and informed him of a blind spot located at a “hard right” going northbound at the very north end. The spot is right by the horse trail and it can be dangerous. Perhaps a sign could be put up to warn people.

Mr. Burgess was curious if there were still plans to have a dog park at Devine Parcels, and Mr. Holste said he has not been informed of any changes to that plan.

SW 14 Street Trail: Mr. Holste reported the following:

- Asphalt has been laid on the segment between Flamingo Road and SW 130th Avenue.
- From Flamingo to Hiatus is under construction.
- The crossing at Flamingo and 14th is in design.
- They are working on bridge estimates for the 130th and 14th Street Bridge.
- The Town has to obtain two easements for the Bright Road bridge that is farthest east.

Chair Cox remarked that she had been out looking at the equestrian segment behind Lake Pine Village, between Peaceful Ridge Road and the Canal that runs along the boundary of Rexmere and Lake Pine Village. She said that the Town put the bike trail on the highest part and that is where the horse trail was. She was informed that the hard-packed gravel road (easement belonging to developer) is technically the horse trail. Her concern was that unshod horses could not ride on the road without injury. She was also told that the developer may sod the road, but believes that may not happen for some time. She will work with Councilmember Starkey to try to make it more horse-friendly.

Liberty Park: The project is underway and should be completed by January 2011.

Sunny Lake Bird Sanctuary: Mr. Holste reported that the invasive plant removal project should start this week, and the recreational amenities will be bid out next month. They should be completed by April, 2011.

West Davie FPL Easement: Staff has been asked to prepare an RFP to go out next month for pursuit of agricultural uses for the land.

Mr. Burgess discussed the urban farming initiative and hoped that the various projects of this nature could be coordinated together and moved forward faster.

Hiatus Bridge to United Ranches: Design and permitting are being prepared.

Equestrian Warning Signs: The project is permitted and is part of a larger project to be bid out.

Emergency Trail Markers: They have received half of the markers. Mr. Holste will work with the Police and Fire Departments to finalize the identification system, since it is to help those responders with residents who injure themselves on the trail.

Majestic Grove Trail: Mr. Holste displayed a map of the area and said they are discussing issues regarding the fencing with property owners. There is also an area involving excessive vegetation which prohibits using the gate to access the easement. He added that the gate and the vegetation appear to be on the homeowner's property.

Vice Chair Greck mentioned that she has a copy of the deed restrictions for the community and it states road right of way for anybody who lives in the development. Nobody is allowed to block ingress or egress to the roadway for people who live within the development. Vice Chair Greck suggested that she could take a petition through the neighborhood to get the gate area open.

Mr. Sanders brought up potential liability issues that may result from removing a fence and exposing an unprotected swimming pool. Chair Cox said that would be the property owner's responsibility per County code.

Vice Chair Greck wondered if a timeline had been set for the point when the gate will be installed. Mr. Holste answered that they are asking the homeowner to remove the gate (identified on the map) he had put up at the same time the Town is putting up their new gate, which will probably be in 30-60 days.

4. OLD BUSINESS

4.1 Urban Farming Task Force

Mr. Holste gave the update (see bullet points below), as Mr. Andresky was unable to attend:

- Task force supports farm-related activities occurring at Governor Leroy Collins Park/Davie Wetland Preserve/Batten's Farm sites while planned development is being finalized.
 - Town Council has directed staff to find a vendor to utilize Davie Wetland Preserve.
 - Batten's RFP is out on the street (responses due October 7).
- Task force supported and helped prepare the Batten's Farmers' Market RFP which is due back from the responders in a few weeks.
- Task force supported innovative methods of soil arsenic remediation when practical.
- Task force participated in the bio-digester field trip.
- Task force is finalizing their recommendations to council regarding the comprehensive approach to the Town-wide farm program initiative.

Ms. Webb spoke briefly about the bio digester. She said it looks like two rail car containers. The personnel there put horse manure into a very large "box" to which water was added. The mixture was stirred and then sucked out into the larger containers, where it was put under pressure and created methane. The methane runs the generator. The escaping methane burns like a candle with no emissions and no aroma. What is left is usable, sterile fertilizer. The digester can take any kind of bio by-products: human, animal, yard, etc. She said it also created drinking water from the humidity in the air. It cost \$365,000 and could power the waste, water, sewage, fertilizer, and electric for five houses.

Chair Cox wondered if it could chop up tree branches, but Ms. Webb did not know. Ms. Pellicane reported that it has been approved by the EPA. Ms. Webb added the units are being manufactured in Israel on 50 Hz, and that to be used here they have to be on 60 Hz. Ms. Webb also mentioned that the individual told her the unit could be made in a size for a single farm. Ms. Pellicane noted that there is a move underway to try to get a large unit donated to the farm park, so they could have their own self-contained energy.

Ms. Pellicane reported that the task force is trying to get sponsors for the various projects for the urban farm, and they are exploring ways to do that. They also discussed locations for the community gardens and how to stir up interest in the farmers' markets.

Ms. Webb added that Ms. Pellicane wants to promote a survey of interest in the farmers' market, but they have been informed that there is not enough staff available to work on the survey. Ms. Webb reported

that another issue discussed was whether allowing grazing on agricultural land would interfere with its tax-exempt status. They were informed by the tax assessor's office that in order for grazing animals to qualify land to be tax exempt, it has to be a commercial operation trying to make a profit. There was a discussion on the tax exemption status with the conclusion being it is a complex matter.

Ms. Pellicane brought up that the task force again discussed the use of the special ferns for arsenic remediation. Mr. Holste remarked that the problem with utilizing the ferns is that it leaves an environmental case open that the Town is trying to close. The Town would have to leave the case open for about a year, pay additional fees, and also cover the costs of doing the work. Ms. Webb said that if the arsenic remediation is not done, there will have to be raised beds for planting. Mr. Holste added that if the initial testing is successful, someone has to pay to do the other nine acres. He said arsenic was found in multiple areas throughout the property and the testing would be done in an "out of the way" area, not the hot spot.

4.2 Conservation Easements

Mr. Holste brought up that at the August 17, 2010, Town Council meeting, the Huck Liles property came up for discussion. The Town Council was pleased to see progress with the easements, but staff was directed to pursue a deed restriction and the creation of a historical zoning district for the Huck Liles property which would include Town Hall, Bergeron Rodeo, and Old Davie School. The Planning and Zoning Department is currently working toward that end. Their intent is to preserve the area, even though it probably does not meet typical historical criteria.

Mr. Holste continued that the Town's concern is who would hold the conservation easements. They are not interested in having the Town hold them. Mr. Burgess commented that the deed restriction would offer the same level of protection as the conservation easement, but Mr. Holste added that the Town could remove the deed restriction.

Vice Chair Greck was curious if it would be helpful, and if so, when, to have input on the language of the deed restriction. Mr. Holste replied that he will be in a meeting tomorrow to start the framework of it, probably using the easement as a guide. Mr. Holste confirmed that the Town's plan was to create the deed restriction to get things moving and then when the conservation easement standard for the Town was developed, that would supersede the deed restriction. How long this process will take is pure speculation. Vice Chair Greck requested that Mr. Holste keep the Committee informed on the progress of the deed restriction on Huck Liles.

Mr. Holste mentioned that he brought information on the Robbins easement if the Committee wishes to continue on that. He recalled that they ended up at Section 4 at the last meeting, and he still has to make changes in the WHEREAS sections per their discussion last time. There were also unanswered questions that came up on page 4, section 8, and about Chapter 40-E-4. He reported that Chapter 40-E-4 is Florida Administrative Code, Environmental Resource Permits. Chapter 373, Florida Statutes, is Water Resources.

Chair Cox directed the Committee's attention to page 3, Section 4 (Permissible Uses), and provided a brief synopsis for the new members of what the Committee accomplished at their last meeting.

Mr. Arnold wondered if anything had been decided on the issue of swine in connection with permitted uses. Mr. Holste referred to the minutes of the previous meeting, noting they had brought up that there as a County Ordinance prohibiting swine.

Chair Cox was curious if it would be permissible under Item 4a to operate a rental stable, barn or run a hack line on the property. Ms. Pellicane wondered how that activity is classified at Tree Tops Park, and Chair Cox replied that it is subcontracted and they do not barn the horses there. Ms. Webb inquired about Tradewinds. Mr. Burgess responded that the County runs that operation for people with handicaps. Chair Cox wondered if it would be permissible if the Town built a barn and someone wanted to run a hack line out of it. It would be commercial use, and if it was therapy based, it would be "useful to humans." Mr. Holste remarked that he did not find it inconsistent, but would have to read the language a little closer.

Vice Chair Greck inquired as to the proper wording in the minutes regarding leaving the permissible uses to the written approval of the grantee, and she thought it should be the grantor. Mr. Holste said that "grantor" would be preferable.

Mr. Arnold remarked that Item 4c covers other possible uses depending on the grantor. Chair Cox observed that she had written a note on that item regarding the permissibility of a ball field there, noting she is not "anti-baseball" but does not think Robbins Lodge is the right venue for that. Mr. Holste said they could include language in Section 3 specifically precluding active recreation.

Mr. Nasta commented that it (baseball field) would not seem to fit with the "overall preservation of the site" as noted in 4c. There was a discussion on the characteristics of a ball park. Chair Cox said she was in favor of putting wordage in the document to prohibit active recreation, and Mr. Arnold remarked that the issue is whether a ball park is compatible with other uses. Vice Chair Greck asserted that people may not discern between active and passive recreation, and suggested using "organized" or "programmed" recreation. She thought they were actually trying to prevent authorizing a physical facility that would allow such recreation. Ms. Pellicane concurred, adding that a pickup ball game would not be a problem.

Mr. Burgess reported that in a similar document, the County had used some language such as "athletic purpose" and it was suggested the Mr. Holste research that. Mr. Arnold posed that they may have to define each activity clearly and not have it be so ambiguous.

There was consensus that the Committee did not want organized sports to be permitted on the site. Chair Cox said they would look at the language and see if it fits their need. Mr. Holste wondered if the verbiage would fall under permitted or prohibited uses, and Chair Cox replied that it would depend on the wording.

Under 4a, Mr. Holste noted that he will update the drafted easement to incorporate the suggested changes from the last meeting, including removing "swine." There was a discussion regarding deer and a comment that they could have a petting zoo.

Chair Cox directed the Committee to examine Section 4d, and there was general approval of that section as it read.

In Section 5 (Buildings and Structures), Vice Chair Greck remarked that the word "reasonably" is very subjective. Mr. Holste commented that he took the language there from the Virginia document and the purpose was to limit the facilities to the existing structures. He thought it was inconsistent to limit the

expansion of the existing buildings, while allowing the construction of new buildings. Vice Chair Greck responded that their decision was consistent with the preservation of the property. If the new buildings were not going to be detrimental to the existing intent of the park, it would be alright. Chair Cox stated that allowing other buildings allows them to build a picnic pavilion, for example. Ms. Pellicane said she would have a problem if someone wanted to build a second story to the house, but she does not have a problem if someone wants to make the facility more environmentally sound or energy efficient, as long as it did not dramatically change the exterior.

Ms. Webb wondered who would make the decision if it was determined to add on to the existing building. Mr. Holste replied that under the current easement, that is a good question. He suggested including language in Section 5 limiting how much the expansion could be, be it a percentage of the whole site, square footage, or something else.

Ms. Webb wondered what the process would be when the conservation easement is held by an entity. Mr. Burgess explained that in the County, the County Commission ultimately makes the decisions. Ms. Webb was curious if someone wanted to build a structure that was outside of the easement's parameters, could they then go to the appropriate committee and present their case. Mr. Holste explained that the easement holder is not always notified upfront of any improvements or work on the easement; it may not, in fact, be discovered until an inspection takes place. He added that most likely they will be dealing with a nonprofit entity as the easement holder, and then the person would either go to one individual, or the whole board for approval. Mr. Burgess suggested they might go to the Executive Board.

Chair Cox brought the discussion back to the potential restrictions on building. Mr. Holste suggested square footage is the best way to limit it as that avoids the footprint issue in terms of building up. Chair Cox wanted to make sure that they would not be prohibited from building another structure, such as the picnic structure. Mr. Holste responded they should mention that other buildings are allowed, and suggested the following wording: "Grantor may build additional structures on the property as long as they do not conflict with the overall preservation and are for the benefit of the site." Mr. Holste remarked that this should go in Section 5.

Vice Chair Greck suggested inserting a qualifier about having the building recreational, as pavilions are recreational and not agricultural. Ms. Webb thought the word "similar" would help. The Committee by consensus agreed to ask Mr. Holste to bring back language to the next meeting for their consideration.

Vice Chair Greck sought to clarify the meaning of Section 6 (Grantee Liability). Mr. Burgess mentioned that the only other reference to the rights of the grantee were in Section 2. Chair Cox added that it releases the grantee from liability and gives it to the Town.

Mr. Holste remarked that Sections 7 through 16 were already approved as part of the Huck Liles easement.

Ms. Webb thought Section 7 was not very clear and suggested rephrasing it to read "restore the affected Conservation Area to its previous condition." Ms. Pellicane explained the verbiage was put in there to distinguish between a prior condition that was totally undisturbed and how it was before the event. They decided to leave it alone and Mr. Holste said the attorney will make any changes if necessary.

Chair Cox asked the Committee to review the document for the next meeting and they will have an opportunity to ask more questions at that time.

5. NEW BUSINESS

Mr. Burgess mentioned that the Committee had discussed creating a standard draft easement for the neighborhood parks. Mr. Holste said he had not started anything and will make a note to do that. Mr. Burgess said that in the minutes there was mention of creating a "generic document for small neighborhood parks." He thought they discussed restrictive covenants for passive parks, which would be much simpler than the easements they just worked on.

Vice Chair Greck thought they had discussed that the parks like Liberty Park will have facilities that are for more active sports, like basketball courts and so forth. Mr. Burgess said that a conservation easement is much more restrictive and, for the neighborhood parks, they would not have the section about prohibited uses and it would be much shorter. Mr. Holste recalled a discussion about having a tiered system, with the top tier being the neighborhood park. He added that the Committee can pursue whatever path they desire.

6. SUBCOMMITTEE REPORTS

Chair Cox reported that she attended the Bergeron Park dedication and it was very enjoyable. Mr. Burgess commented it was a great partnership effort with a lot of volunteers.

7. AGENDA ITEMS FOR NEXT MEETING

Chair Cox said they will look at the Robbins easement again.

Mr. Holste will look into the minutes issue and he will work with Mr. Burgess on the generic easement.

Mr. Holste will also ask Mr. Rosa to attend the next meeting and provide an update on the trail guides. Chair Cox remarked that the Trail Riders have been working on their own maps as they are riding 100 miles this riding season. The Riders enlarged some of the old maps to an 8x11 format and will see how they work.

Vice Chair Greck requested an update on the trail crossing at Nob Hill.

Mr. Holste suggested discussing meeting dates for the holidays at the next meeting. Chair Cox suggested consolidating the November and December meetings into one.

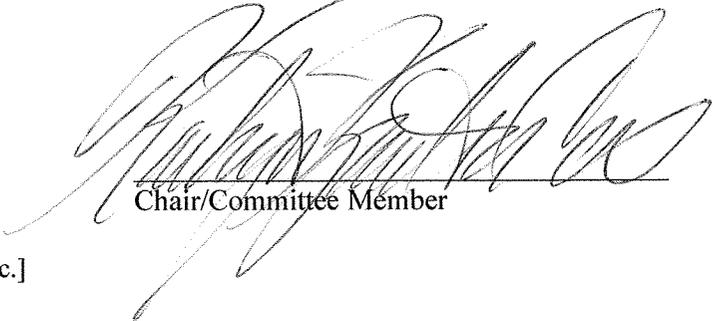
8. COMMENTS AND/OR SUGGESTIONS

Chair Cox mentioned she was happy to see everyone attending the meeting and again welcomed the two new members.

9. ADJOURNMENT

Motion by Mr. Arnold, seconded by Vice Chair Greck, to adjourn the meeting at 9:20. In a voice vote, the motion passed unanimously.

Approved



Chair/Committee Member

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