

**TOWN OF DAVIE
OPEN SPACE ADVISORY COMMITTEE (OSAC)
MONDAY, JULY 26, 2010 – 7:30 P.M.
ROBBINS LODGE, MAIN HOUSE
4005 HIATUS ROAD, DAVIE, FLORIDA**

MEMBERS PRESENT

Kathy Cox, Chair
Linda Greck, Vice Chair
Wayne Arnold
Donald Burgess
Christine Pellicane

MEMBERS ABSENT

Tim Lee
Paul Greenbaum
Toni Webb

STAFF AND GUESTS PRESENT

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

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1. ROLL CALL

Chair Cox called the meeting to order at 8:04 p.m.

2. APPROVAL OF MINUTES

2.1 June 28, 2010

Mr. Burgess asked for clarification in the first paragraph on page 3. After discussion, it was determined that the sentences beginning with "The previous consultant's proposal..." should read, "The previous consultant's proposal to design the concrete box culverts exceeded the Town's cost limits. Therefore, the Town has chosen a different consultant to design the project." The final sentence in that paragraph beginning with "It was not the fault..." will be omitted.

Mr. Burgess also brought up the second sentence in the second paragraph, noting that it should read, "...South Florida Water Management District and Central Broward Water Control District."

On page 6, Mr. Burgess pointed out that under Item 4.3, second paragraph, it should be “a yellow sign with black lettering.” The third paragraph under Item 4.3 should then read, “By consensus, the Committee decided on black lettering on yellow.”

Ms. Pellicane asked to strike the following from the third paragraph from the bottom of page 5: “noting that there were potentially hazardous points on the trail.”

Ms. Pellicane asked for clarification on the last sentence in the next to the last paragraph on page 2. It was noted that there was no specific “concession” in the works. Mr. Holste remarked that if there were something specific, it would go back to the Town Council.

Mr. Holste noted that the same paragraph should refer to the “Southwest 26th Street Trail” not the “South 26th Street Trail.”

Motion by Mr. Arnold, seconded by Ms. Pellicane, to approve the minutes of the June 28, 2010, meeting with the noted changes. In a voice vote, the **motion** passed unanimously.

3. OLD BUSINESS

3.1 Conservation Easements

Huck Liles: Chair Cox noted that she had been studying the Bergeron piece and remarked that she is not sure they or the Town are ready for it. The CRA has a meeting with Mr. Bergeron on August 9, 2010, to determine their direction with the Town Hall and the Bergeron piece, and Chair Cox wondered if the Committee is jumping the gun by approving the easement before the meeting. Vice Chair Greck commented that she thinks it is good if they are ahead of the game. Ms. Pellicane stated that her major concern was that they not step on people’s toes.

Mr. Burgess wished to confirm if Exhibit B minuses the areas around the perimeter of the Huck Liles property that the CRA was planning on using for rights of way. Mr. Holste agreed, mentioning that the entranceway to the Bergeron Rodeo Grounds (the roadway that runs through the middle of the property) is included, but the 30 feet that is on the east and the south side is left out by the legal description. Exhibit A is the entire Huck Liles property. Exhibit B is the whole property less the areas that the CRA wants to purchase. Mr. Holste added that he has not found a legal description for the existing street and does not know if there is one.

There was discussion about the entranceway, with Vice Chair Greck saying that she thought the entranceway was one part of the property that was negotiated between Mr. Bergeron and the Town. Chair Cox said Mr. Bergeron built it, but the Town purchased the lot. It was not part of the Huck Liles acquisition, but was a separate acquisition. She added that Mr. Bergeron does not have much of a say about what is on that entranceway, but he does concerning the road in the

middle. Mr. Arnold asked if the Town paid for the construction, and Chair Cox answered that the Town paid something, but that Mr. Weekley and Mr. Bergeron contributed significant dollars and contractor time.

Chair Cox explained that the perimeter road is what the CRA wants taken out. Otherwise they would have a problem accessing the corner property that they have purchased. However, she said the Committee can certainly address the central part of the property. She continued that she was concerned with the hydrologic changes that may not be able to be done on the property with the adoption of the conservation easement. Mr. Holste did not think that a drainage project would be a problem if it improves the hydrology. Language can be included allowing for drainage improvements on the property, under Permissible Uses in Section 4. There was discussion on an underground drainage system (drainage basins and pipes) to gather water from impervious surfaces, and Mr. Burgess requested that be added to Permissible Uses.

Chair Cox directed the Committee's attention to page 2, Item 3a, which prohibits signs, and was concerned it might disallow directional signs for Arena events. Mr. Holste believed it is referring to "general" signs, but pointed out that under 4a, there is general purpose language related to the use of the Arena. Item 4a, then, allows activities except what is expressly prohibited.

Chair Cox continued that she had been concerned about how much of a blanket approach Number 4 is, what it allows, and that the Committee not tie their hands to go forward.

Mr. Arnold commented on Item 4a, noting that Mr. Holste basically took the verbiage from an agreement with Mr. Bergeron, and they must honor the agreement.

Mr. Holste directed the Committee's attention to Section 15, and remarked that a question had come up about modifications. He wanted to know if the wording was what the Committee had wanted regarding the supermajority. Chair Cox reported that Vice Chair Greck had wanted to retain some flexibility and she agreed. Mr. Arnold proposed that if a modification were suggested, a majority might be alright, but if they wanted to sell the park, then it should be a unanimous vote. Vice Chair Greck explained that her understanding is that the point of the document is that it lies with the land. If they do sell the property, then the new owner is subject to the restrictions of the easement as well.

There was more discussion on the desirable procedures should the Town wish to sell the site in the future. Options include a majority, a super majority, a unanimous vote, or go to the voters. Vice Chair Greck advised leaving some flexibility. Chair Cox suggesting addressing that issue at a future point.

Motion by Mr. Arnold, seconded by Vice Chair Greck, to accept the easement with the proposed changes, eliminate Broward County as grantee and leave blank, and request staff to verify legal

descriptions to include Huck Liles property including the two open spaces and center roadway less the 30 foot right-of-way on the east and south sides of the property. In a voice vote, the **motion** passed unanimously with the amendments.

Vice Chair Greck asked for clarification on what was meant by “moving it forward,” and wondered if that meant sending it to the Town Council. Chair Cox answered that at some point, she would hope the Committee would agree that this is what they want for a conservation easement. Then it would go to Town Council and get mixed in with others’ opinions, and probably come back for revisiting. Mr. Holste offered they could make a recommendation to move it forward, and noted that the Town Council will not approve it at this point, as they are still looking for a third party. That would be the next discussion topic. He pointed out that the acceptance by Broward County on the last page of the document is merely an example.

Ms. Pellicane wondered what negative consequences might result if the Committee moves it forward. In a discussion with Mr. Allen earlier that day, Chair Cox related that he said if the perimeter road was taken out of the conservation easement, and they had access to the property on the corner, then they (the CRA) would not have a problem with it. Ms. Pellicane also brought up reservations about going forward with the project if it is just going to go into limbo due to talks with the CRA still being underway.

Mr. Burgess remarked that the only negative he sees is a possible complaint that they are giving away the right-of-way. Mr. Arnold commented that their recommendations are from an advisory position, not written in concrete. Mr. Holste asked the Committee to take out the Broward County reference when they approve the easement.

Vice Chair Greck said that in Exhibit A and B, the green space on the north and the green space on the south less the perimeter roads on the southeast and south, less the center roadway all the way from Davie Road to the parking lot at Town Hall are all included in the easement. Mr. Holste corrected that it does not “less” the center roadway, it is only that he does not currently have a legal description for that. Chair Cox detailed the history of the center roadway, concluding that it would not hurt to include it in the open space. Mr. Holste assured the Committee that staff would double check the details before it goes to the Town Council.

Ms. Pellicane commented that she is comfortable moving it forward with confirming those legal descriptions and taking out Broward County as the holder of the easement. There was discussion about what to include in the motion. Suggestions were offered by Chair Cox, Mr. Arnold and Mr. Holste.

Robbins Park: Chair Cox then moved on to discussion of the Robbins site. She noted that in the second WHEREAS of the easement, she would like to include the archaeological and historical significance of the site as part of what the Committee wants to preserve. She said there are several Indian sites on the Ridge property and also historical cattle pens. Mr. Burgess suggested

adding geological significance also. He commented that there is a prohibition in Section 3h against uses detrimental to preservation of archaeological, historical and cultural features. Chair Cox reiterated that she wants to see it mentioned in the WHEREAS section to highlight the archeological and historical and geological sites on the property. Mr. Holste offered to add it in as a supplement, and will work on the verbiage. Vice Chair Greck requested that the word "unique" be tied to those three features. She did not think that the grazing resources were unique and suggested omitting the descriptive there.

Chair Cox directed the Committee's attention to page 2, Item 2 (Purpose), and requested adding the archaeological, historical and geological reference there as well.

Regarding Prohibited Uses, Chair Cox wondered if building a wetland in the front pasture would be excluded. She said that the pasture is not the best for grazing as it is too wet. She discussed its potential as a flyway for birds. It was noted that a wetland would not be precluded under Item 4a.

Also under 4a, Chair Cox brought up the issue of swine, and was curious if the Town permitted swine. Mr. Holste remarked that he is not aware of any ordinance against them. The County, however, prohibits swine, which would supersede any Town ordinance. Mr. Holste added that he had taken the easement language from the Virginia example. Vice Chair Greck opined that 4a was very broad, and thought that Robbins will become too active if all those activities are allowed. Mr. Holste wondered if Robbins came up at the Urban Farming Task Force meetings, and it was noted it had for grazing purposes. Ms. Pellicane said that pigs are apt to dig if they get out of their area, and Mr. Arnold said they create an odor problem.

After discussion, Chair Cox asked the Committee if they want to take out some of the uses in the easement. Vice Chair Cox suggested they think about two things: one is the grazing qualities at the property and the other is horticultural farming, not necessarily animal process uses such as dairy, other than the grazing. There was a question whether allowing grazing is considered animal production. Mr. Burgess suggested leaving the uses open to written approval of the grantee. Ultimately, Chair Cox announced they should move on to another topic and revisit this item at the next meeting.

Chair Cox brought up that under Section 4, there is provision for utilities needed for the site. The residence for a caretaker would be provided for under Section 4c, and also Section 5.

Chair Cox wanted clarification on page 4, number 9, Broward County Code of Ordinances, Chapter 40-E-4. Mr. Holste replied that he does not know what it is, but will look into it. Mr. Burgess noted that Chapter 27 is the Environmental Code but he is not sure what Chapter 40-E-4 is.

Motion by Mr. Arnold, seconded by Ms. Pellicane, to table the Robbins easement to the next meeting in order to reconsider Paragraph 4a and receive clarification of Chapter 27 of Broward County Code of Ordinances. In a voice vote, the **motion** passed unanimously.

4. NEW BUSINESS – none heard.

5. SUBCOMMITTEE REPORTS

Vice Chair Greck asked if there was anything to report from Urban Farming, and Mr. Burgess responded that the Task Force will meet the coming Wednesday.

Ms. Pellicane reported that she had visited the community garden in Marymont and while it was very small, they are growing lots of items there. It is all containerized and has an irrigation system and composting. They planted marigold around the edges for bug control.

6. AGENDA ITEMS FOR NEXT MEETING

Mr. Burgess asked for a discussion of a generic easement for small neighborhood parks.

Vice Chair Greck inquired about improvements at Bergeron Park and Mr. Holste reported that is pretty much complete and there will be a rededication on August 14th. He will send an announcement. He also said there is no Liaison Report to give at this time.

Vice Chair Greck requested continuing updates on the Code violation regarding the fence that has been built on the trail in the southwest corner of Long Lake Ranches.

7. COMMENTS AND SUGGESTIONS

Mr. Holste mentioned that a surplus land request has been submitted regarding Silver Lakes to FDOT and it will probably be about 3-4 months before they hear back from them.

Ms. Pellicane inquired about the east/west quarter by Wolf Lake, and Mr. Holste remarked that he does not think there will be any funding for that project. Staff has been directed to put in a bid on the Arrowhead Property, and Councilmember Hattan has offered up a significant portion of her remaining bond dollars to cover a portion of that purchase.

Chair Cox reported that the Town Council had approved going out to bid for the trail section along 14th Street: they approved the resolutions relating to the trail going from Bright Road to 130th, resolutions to fund those expenses through the District 3 Open Space bond, and then approved an additional resolution for a bridge to go over the C-11 Canal.

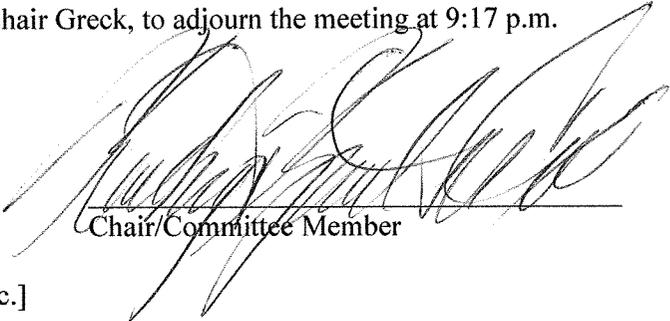
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If the Arrowhead property goes through with the District 3 bond expenditures, the Bond will be reduced to about \$1M between the 4 districts.

8. ADJOURNMENT

Motion by Mr. Burgess, seconded by Vice Chair Greck, to adjourn the meeting at 9:17 p.m.

Approved



Chair/Committee Member

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