

# Memorandum



**Date:** March 20, 2007

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

Agenda Item No. 5(N)

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

**Subject:** Denial of Proposed Skylake Security Guard Special Taxing District Petition

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## **Recommendation**

It is recommended that the Board approve the attached resolution denying a petition to create the "Skylake Security Guard Special Taxing District" due to non-compliance with the Master Plan of Miami-Dade County (CDMP) and the negative effects on the "livability threshold" of homes located near the three (3) proposed guardhouse sites.

Adoption of this resolution does not preclude future Board consideration of similar petition requests if petitioners initiate a new petition process containing sufficient provisions to allow any new proposal to meet the guidelines of the CDMP; and providing an estimate of the costs associated with those provisions. Such provisions will necessarily include at least three (3) additional guardhouse sites, locations to be determined, to facilitate traffic flow and volume reduction.

## **Scope**

This proposed special taxing district lies within Commission District Four.

## **Fiscal Impact/Funding Source**

This item is a recommendation to deny a petition, there is no fiscal impact to the County.

## **Track Record/Monitor**

Not Applicable.

**Background**

On June 22, 2000, the Public Works Department (PWD) received a request to issue a security guard special taxing district petition to representatives of the Skylake neighborhood. A review by the Department of Planning and Zoning (DPZ) found the proposal to be inconsistent with the CDMP. However, on November 16, 2001, PWD did issue a petition to the Skylake community because the petitioners expressed a desire to have their proposal heard by the Board of County Commissioners (BCC).

**Current Proposal:** A visible safety and sentinel security service using unarmed uniformed guards provided by a private security guard company continuously operating from three guardhouses, one located on N.E. 19<sup>th</sup> Avenue in the vicinity of N.E. 186<sup>th</sup> Street, one located on N.E. 193<sup>rd</sup> Street east of N.E. 18<sup>th</sup> Avenue, and one located on N.E. 21<sup>st</sup> Court west of N.E. 22<sup>nd</sup> Avenue. Service, including a roving patrol by off-duty police, will be provided 24 hours per day, 365 days a year.

Entrances to the community will be closed at following locations: N.E. 187<sup>th</sup> Street, N.E. 196<sup>th</sup> Terrace, N.E. 197<sup>th</sup> Terrace, N.E. 198<sup>th</sup> Terrace east of N.E. 18<sup>th</sup> Avenue; N.E. 19<sup>th</sup> Avenue, N.E. 19<sup>th</sup> Court, N.E. 21<sup>st</sup> Court south of N.E. 199<sup>th</sup> Street; N.E. 22<sup>nd</sup> Road, N.E. 191<sup>st</sup> Drive, N.E. 187<sup>th</sup> Street, N.E. 186<sup>th</sup> Terrace west of N.E. 22<sup>nd</sup> Avenue; N.E. 21<sup>st</sup> Avenue north of Miami Gardens Drive; and N.E. 185<sup>th</sup> Terrace east of N.E. 19<sup>th</sup> Avenue. Eastbound traffic on N.E. 186<sup>th</sup> Street approaching N.E. 19<sup>th</sup> Avenue will be restricted to right turns only onto N.E. 19<sup>th</sup> Avenue.

**Boundaries:** On the North, NE 199<sup>th</sup> Street;  
On the East, NE 22<sup>nd</sup> Avenue;  
On the South, NE 185 Street;  
On the West, NE 18<sup>th</sup> Avenue.

**Number of Parcels:** 636

**Number of Resident Owners:** 568

**Number of Owners with Homestead Exemption Signing Petition:** Signed by 306 or 53.9% of resident property owners after inclusion of the 88 signatures previously nullified and using the 2001 tax roll.

The following timeline illustrates the events that have transpired:

1996 - Traffic study of proposed district recommended by City of North Miami Beach;

6/22/2000 - PWD receives petition request from Skylake community;

5/17/2001 - PWD receives DPZ Memo - proposal inconsistent with CDMP;

11/16/2001 - PWD issues Petition;

1/28/2002 - PWD receives petition;

1/30/2002 - Opposition petition received - effectively removing 88 signatures;

2/21/2002 - Petition validation using 2001 tax roll per Code (38.4% -petition fails);

3/7/2002 - Proponents file suit in 11<sup>th</sup> Judicial Circuit Court contesting removal of 88 signatures;

10/10/2003 - 11<sup>th</sup> Judicial Circuit Court rules in favor of County discounting the 88 signatures;

6/23/2004 - Third District Court of Appeal for Florida reverses lower court;

1/26/2005 - PWD receives updated DPZ memo - proposal remains inconsistent with CDMP;

1/27/2005 - 11<sup>th</sup> Judicial Circuit Court WRIT OF MANDAMUS compels PWD to proceed and count 88 signatures previously discounted;

2/25/2005 - PWD re-validates petition using 2004 tax roll on premise that the petition is, in fact, a new submittal as of February 25, 2005 (48.6%—petition fails);

2/25/2005 – PWD Traffic Engineering Division evaluates 1996 traffic study and concurs that traffic volumes at each of the proposed guardhouse sites are above 1,500 trips per day; unacceptable pursuant to a Frederick R. Harris study approved for County use by the BCC per Resolution No. R-545-97;

8/19/2005 – 11<sup>th</sup> Judicial Circuit Court instructs PWD to validate petition using 2001 tax roll (53.9%-petition passes);

12/2005 - Received City of North Miami Beach Resolution authorizing district creation within City boundary;

1/2006 -County Attorney advises PWD to pause while proponents met with DPZ;

6/2006 - Received notice from County Attorney to proceed;

1/16/2007 - PWD hosts informational meeting with Skylake residents.

In accordance with the requirements of Section 18-3 of the Code, I have reviewed the facts submitted by the Public Works Director and concur with her recommendation that the BCC deny this petition for creation of the Skylake Security Guard Special Taxing District due to the proposals non-compliance with the Comprehensive Development Master Plan for Miami-Dade County.

A new petition containing sufficient guardhouse openings to ensure compliance with the Master Plan and reflecting accurate costs of same shall be required if the Skylake residents wish to pursue creation of a security guard special taxing district for the area.

  
\_\_\_\_\_  
Assistant County Manager

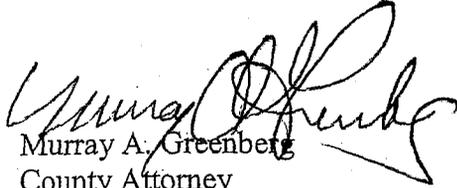


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** March 20, 2007

**FROM:**   
Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 5(N)

**Please note any items checked.**

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5 (N)  
03-20-07

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DENYING PETITION TO CREATE THE  
SKYLAKE SECURITY GUARD SPECIAL TAXING DISTRICT

**WHEREAS**, the Miami-Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Miami-Dade County power to adopt a home rule charter of government for Miami-Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Miami-Dade County from time to time; and

**WHEREAS**, the Home Rule Charter adopted by the electors of Miami-Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and the governing body of Miami-Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including police protection services, and that all funds for such district shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

**WHEREAS**, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Miami-Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

**WHEREAS**, a petition for the creation of a special taxing district to be known as the SKYLAKE SECURITY GUARD SERVICE SPECIAL TAXING DISTRICT duly signed by more than 50% of the resident owners of property within the proposed district, was filed with the

Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing security guard services to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

**WHEREAS**, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Manager who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Miami-Dade County, Florida; and

**WHEREAS**, the County Manager, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report and recommendations setting forth the boundaries of the proposed special taxing district, the location, nature and character of the security guard services project being requested within the proposed district, his certification that the proposed project and proposed district do not conform to the master plan of development for the County, and setting forth his recommendation that the petition be denied. Such Report and Recommendations of the County Manager was filed with the Clerk and transmitted to the Chairperson; and

**WHEREAS**, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Manager and the views expressed by the property owners within the proposed special taxing district, has determined to deny the petition to establish such special taxing district in accordance with the report and recommendations of the County Manager,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board hereby denies the petition to create the Skylake Security Guard Special Taxing District.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

- |                      |                                    |
|----------------------|------------------------------------|
|                      | Bruno A. Barreiro, Chairman        |
|                      | Barbara J. Jordan, Vice-Chairwoman |
| Jose "Pepe" Diaz     | Audrey M. Edmonson                 |
| Carlos A. Gimenez    | Sally A. Heyman                    |
| Joe A. Martinez      | Dennis C. Moss                     |
| Dorrin D. Rolle      | Natacha Seijas                     |
| Katy Sorenson        | Rebeca Sosa                        |
| Sen. Javier D. Souto |                                    |

The Chairperson thereupon declared the resolution duly passed and adopted this 20<sup>th</sup> day of March, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS  
  
HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Scott Fabricius