

# Memorandum



**Date:** April 7, 2009

**To:** Honorable Chairman Dennis C. Moss and  
Members, Board of County Commissioners

Agenda Item No. 1D1

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

A handwritten signature in cursive script, appearing to read "G. Burgess", written over the printed name.

**Subject:** Sunset Review of County Boards for 2009 – Agricultural Practices Advisory Board

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In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, attached is the 2009 Sunset Review Report for the Agricultural Practices Advisory Board (APAB). The APAB approved the attached report at its meeting of January 7, 2009 and has recommended the continuation of its board.

A handwritten signature in cursive script, appearing to read "Alex Muñoz", written over a horizontal line.

Alex Muñoz  
Assistant County Manager

cmo06609

**SUNSET REVIEW QUESTIONNAIRE  
MIAMI-DADE COUNTY BOARDS  
2009**

**I. GENERAL INFORMATION**

1. Name of Board reporting: Agricultural Practices Advisory Board
2. Indicate number of board members, terms of office, and number of vacancies:  
 Number of Board Members: Thirteen  
 Terms of Office: Four Years  
 Number of Vacancies: Three, replacement packets under review
3. Identify number of meetings and members' attendance (Attach records reflecting activity from Jan. 1, 2007 through December 31, 2008):  
 Number of Meetings: Twenty-three  
 Number of Meetings with a Quorum: Twenty-three  
 Attendance Records: See Attachments 3A and 3B
4. What is the source of your funding? The General Fund
5. Date of Board Creation: January 17, 1995
6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments).  
See Attachments 4A and 4B
7. Include the Board's Mission Statement or state its purpose:  
APAB purpose shall be to review proposed or existing regulations or legislation pertaining to agricultural practices in Miami-Dade County and to provide recommendations to the Board of County Commissioners (BCC) with regard to such regulations.
8. Attach the Board's standard operating procedures, if any. N/A
9. Attach a copy of the Board's By-Laws, if any. N/A
10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, including a vote of the membership.  
See Attachment 5

**II. EVALUATION CRITERIA**

1. Is the Board serving the purpose for which it was created? (Please provide detailed information)  
Yes, the APAB serves the purpose of reviewing and commenting on regulations and legislation that affects agriculture in Miami-Dade County. For example, their review and comments on a proposed amendment to the agricultural language in the Comprehensive Development Master Plan (CDMP) regarding uses ancillary to agriculture led to significant changes in the amendment.

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MIAMI-DADE COUNTY BOARDS  
2009**

2. Is the Board serving current community needs? (Please provide detailed information)
- As stated above, the APAB purpose is to review regulations and legislation, which they do on a regular basis. Their intimate knowledge on agricultural issues does serve to ensure that the viewpoint of the agricultural community is heard.
3. What are the Board's major accomplishments?
- a. Last 24 months
- Resolution AG-01-07 addresses County laws pertaining to farming in wetlands and asks the BCC to make such County laws consistent with State law in order to allow mitigation exemptions for farming activity.
  - Resolution AG-02-07 recommends that Miami-Dade County opt out of a new state law allowing all-terrain vehicles (ATVs) to operate on unpaved roadways under certain conditions. The resolution also expressed the Board's support for the creation of a new ATV recreational park at the site of the Dade-Collier Training and Transition Airport. The Park and Recreation Department is currently pursuing the development of this park.
  - Resolution AG-04-07 recommends that the BCC adopt a proposed ordinance relating to the GU (Interim) Zoning District. The ordinance seeks to support agriculture in lands outside the UDB by requiring GU properties that are designated Agriculture on the Land Use Plan (LUP) map of the CDMP to trend to the AU (Agricultural) zoning district instead of the EU-2 (Estate) zoning district. Although its main objective was to support the ordinance, the resolution also expressed the Board's objection to a portion of the ordinance relating to the East Everglades. This ordinance has been enacted by the BCC.
  - Resolution AG-01-08, requesting that that the Agricultural manager be included in all meetings held by Planning and Zoning staff that involves issues pertaining to agriculture in Miami-Dade County.
  - Resolution AG-02-08, requesting an amendment to Miami-Dade County code 2-8.5 requiring procedures to provide preference to local products.
  - Review of, and amendments to, an application to amend the Agricultural text of the CDMP, which would allow a broader definition of ancillary uses, and also allow uses ancillary to agriculture as stand alone uses. This amendment was transmitted by the BCC to the Florida Department of Community Affairs for further review. The BCC is expected to make its final decision on this amendment in April, 2009.

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- Review of, and significant contributions to, GU Trending ordinance that requires GU-zoned properties in the Agricultural area to change to Agricultural Zoning rather than EU-2, Estate residential zoning. The BCC approved these changes at its May 6, 2008 meeting.
  - Review of County Park and Recreation projects regarding Off Highway Vehicles and the Open Space Master Plan.
- b. Since established:
- Refer to previous annual reports for an overview of the APAB's major accomplishments between 1995 and 2007.
4. Is there any other board, either public or private, which would better serve the function of this board?  
No. There are no other public or private boards which act as reviewers of agricultural regulations and as liaisons between agricultural interests and the BCC.
5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (If "Yes", attach proposed changes)  
In 2008, Miami-Dade County Code Sections 2-931, 2-932 and 2-933, which created the APAB, were amended, and Sections 2-934 through 2-936 were created. Section 2-931 was updated and amended to clarify the APAB purpose, Sections 2-932 through 2-935 were amended/created to modify the membership terms and qualifications, member replacement provisions, and sub-committee creation, and Section 2-936 addresses the staff support for, and administration of, the APAB.
6. Should the Board's membership requirements be modified?  
Currently, Article LXVIII, Section 2-934 of the County Code specifies that individuals are only allowed to serve for a maximum of two 4-year terms. The Board has expressed their desire to amend this provision so as to allow for the re-appointment of an individual who has served 8 consecutive years following an absence of at least four years.
7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2007 and FY 2008)  
2007: \$23,908  
2008: \$21,317
8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.  
The APAB's performance is gauged by comparing its activities to its purpose and charge as outlined in Section 2-931 of the Code of Miami-Dade County. A review of the APAB's activities in 2007 and 2008 indicates that it continues to serve its purpose.

## AGRICULTURAL PRACTICES ADVISORY BOARD ATTENDANCE RECORD 2007

	1/3	2/7	3/7	4/4	5/2	6/6	7/11	8/1	9/5	10/3	11/7	12/5
Bill Losner	X	X	X	X	A	X	X	X	X	X	X	X
Martin Dureiko	X	X	X	TE	-	-	-	-	-	-	-	-
Peter Schnebly	-	-	-	X	X	X	EA	X	EA	X	X	X
Ron Weeks	X	X	X	X	X	X	EA	X	X	X	X	X
Harvey Bullis	EA	X	EA	TE	-	-	-	-	-	-	-	-
Jorge Abreu	-	-	-	A	X	EA	X	X	X	X	EA	A
Danny Helms	-	NA	X	X	X	X	EA	EA	X	X	A	X
Teena Borek	X	X	X	X	X	X	X	X	EA	X	X	X
Paul Radice	X	EA	EA	X	X	A	X	EA	X	EA	X	X
Dave Romney	X	X	X	X	X	X	X	X	X	EA	X	EA
Reed Olszack	X	X	X	X	X	A	A	X	EA	A	X	A
Ivonne Alexander	A	EA	EA	X	A	X	A	A	A	X	X	X
Robert Thompson	-	-	NA	X	X	X	X	X	X	X	X	X
Colleen Boggs	X	EA	X	X	TE	-	-	-	-	-	-	-
John De Mott	-	-	-	NA	X	X	X	X	X	X	X	X
James Humble	X	X	X	X	X	X	X	X	X	X	X	X

**KEY**

Present - X

Unexcused Absence - A

Excused Absence - EA

Resigned - R

Canceled Meeting: C

Not a Board Member: -

## AGRICULTURAL PRACTICES ADVISORY BOARD ATTENDANCE RECORD 2008

	1/8	2/6	3/5	4/2	5/7	6/4	7/2	8/6	9/3	10/1	11/5	12/3
Bill Losner	X	X	X	EA	EA	X	X	C	X	X	X	X
Peter Schnebly	X	X	X	X	X	R	-	C	-	-	-	-
Ron Weeks	X	X	X	EA	X	X	TE	C	-	-	-	-
Erik Tietig	-	-	-	-	-	-	X	C	X	EA	X	X
Jorge Abreu	A	X	EA	X	EA	X	X	C	X	X	X	EA
Danny Helms	A	X	EA	EA	R	-	-	C	-	-	-	-
Robbie Bishop	-	-	-	-	-	-	EA	C	R	-	-	-
Teena Borek	X	X	A	X	X	EA	X	C	EA	EA	EA	EA
Paul Radice	X	X	X	EA	X	EA	R	C	-	-	-	-
Dave Romney	EA	X	X	X	X	X	EA	C	A	X	X	EA
Reed Olisack	A	X	EA	A	X	X	TE	C	-	-	-	-
Larry Caudle	-	-	-	-	-	-	X	C	X	X	X	X
Ivonne Alexander	X	A	X	A	A	A	TE	C	-	-	-	-
Jonathan Borghi	-	-	-	-	-	-	X	C	X	X	EA	X
Robert Thompson	EA	X	X	X	X	X	X	C	X	EA	X	X
John De Mott	X	X	A	X	A	X	X	C	X	X	X	X
James Humble	X	X	X	X	X	X	X	C	X	X	X	X

**KEY**

Present: X

Unexcused Absence: A

Excused Absence: EA

Resigned: R

Term Expired: TE

Canceled Meeting: C

Not a Board Member: -

ARTICLE LXVIII. AGRICULTURAL PRACTICES STUDY ADVISORY BOARD\*

\*Editor's note: Ord. No. 95-03, adopted Jan. 17, 1995, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. LXVIII, §§ 2-931-2-933.

Sec. 2-931. Creation; purpose; duties.

There is hereby created and established an advisory board to be known as the Agricultural Practices Study Advisory Board. Its purpose shall be to conduct a study of the regulation of agricultural practices in Miami-Dade County, review the Agricultural Land Use Study and to provide recommendations to the Board of County Commissioners with regard to such regulations and Agricultural Land Use Study.

In order to fulfill its purpose, the Board shall prepare and submit to the Board of County Commissioners an annual report addressing the following:

- (a) An overview of all pertinent state, regional and local regulations, statutes, ordinances and policies concerning or impacting agriculture in Miami-Dade County;
- (b) Recommendations for eliminating or reducing duplication of effort when two (2) or more governmental entities administer similar regulatory programs;
- (c) Recommendations for eliminating or modifying regulatory activities that have mutually exclusive or contradictory criteria or goals;
- (d) Recommendations for eliminating or modifying regulatory activities that create undue burden or hardship on the agricultural industry; and
- (e) An analysis and recommendations for modifying or implementing provisions in the Agricultural Land Use Study.

(Ord. No. 95-03, § 1, 1-17-95; Ord. No. 96-14, § 1, 1-16-96; Ord. No. 96-181, § 1, 12-3-96; Ord. No. 98-16, § 1, 2-3-98)

Sec. 2-932. Membership; qualifications.

(a) There shall be a total of thirteen (13) members appointed by the Board of County Commissioners as follows:

- (1) Two (2) representatives from the Tropical Fruit Crops Industry of Miami-Dade County, one (1) recommended by Florida Lime and Avocado Committee, and one (1) recommended by the Tropical Fruit Growers of South Florida and Florida's Tropical Fruit Advisory Council;
- (2) Two (2) representatives from the nursery industry, recommended by the Miami-Dade County Chapter of the Florida Nurserymen and Growers Association;
- (3) Two (2) representatives from the vegetable industry, recommended by the Miami-Dade County Farm Bureau;
- (4) One (1) representative of the aquaculture industry, recommended by the ornamental Aquaculture Association of South Florida;
- (5) One (1) representative of a citizens' association supportive of agriculture, recommended by the Redland Citizens' Association;
- (6) One (1) representative of allied agribusiness, recommended by the Miami-Dade AgriCouncil;
- (7) One (1) representative of agri-banking, recommended by the Homestead-Florida City Chamber of Commerce;
- (8) One (1) representative of Farm Labor, recommended by Coalition of Florida Farmworkers Organizations;

(9) One (1) representative of the South Dade Soil & Water Conservation District, recommended by the South Dade Soil & Water Conservation District; and

(10) One (1) at large representative recommended by the Miami-Dade Agricultural Practices Study Advisory Board.

(b) If a vacancy occurs, it shall be filled by the Board of County Commissioners from a slate of nominees selected by the County Manager through a selection process implemented by the Planning Department. Nominees shall be members of recognized agricultural interest organizations and shall have a demonstrated interest in the agricultural industry in Miami-Dade County.

(Ord. No. 95-03, § 1, 1-17-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 99-79, § 1, 7-13-99)

**Sec. 2-933. Terms; staff support.**

Members shall have a major portion of their income from or work time devoted to production agriculture in Miami-Dade County, and shall be appointed for terms of three (3) years, with none serving more than two (2) consecutive terms in the same position. The County Manager shall designate representatives from the Department of Planning and Zoning to provide appropriate staff support to the Board.

(a) Transition. In the year 2000 (Transition Year 1) there will be two (2) at-large representatives, one (1) appointed for the regular three (3) year term and one (1) appointed for one (1) year only. There will therefore be a total of fourteen (14) members in Transition Year 1 only. Otherwise, the transition from the current board to the new board and three (3) year term rotations shall occur as follows:

**Year 1 Transitions and Term Rotations:**

1. Florida Lime & Avocado Committee (replacing current Tropical Fruit Growers of South Florida position)
2. At-large representative (replacing current Tropical Fruit Growers of South Florida position)
3. Farm labor (replacing current Tropical Fruit and Vegetable position)
4. Nursery representative #2 (replacing current Tropical Fruit Advisory Council position)
5. Citizens' Association

**Year 2 Transitions and Term Rotations:**

1. Tropical Fruit representative (replacing current Florida Mango forum position)
2. Vegetable representative #1
3. South Dade Soil & Water Conservation District
4. Allied Agribusiness

**Year 3 Transition and Term Rotations:**

1. Nursery representative #1
2. Vegetable representative #2
3. Agri-banking
4. Aquaculture.

(Ord. No. 95-03, § 1, 1-17-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-16, § 2, 2-3-98; Ord. No. 98-125, § 38, 9-3-98; Ord. No. 99-79, § 2, 7-13-99)

ARTICLE LXVIII. AGRICULTURAL PRACTICES ADVISORY BOARD\*

**\*Editor's note:** Ord. No. 95-03, adopted Jan. 17, 1995, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. LXVIII, §§ 2-931-2-933.

**Sec. 2-931. Creation; purpose; duties.**

There is hereby created and established an advisory board to be known as the Agricultural Practices Advisory Board. Its purpose shall be to review proposed or existing regulations or legislation pertaining to agricultural practices in Miami-Dade County and to provide recommendations to the Board of County Commissioners with regard to such regulations and legislation.

The duties of the Board shall be to:

- (a) Evaluate on an ongoing basis all pertinent existing or proposed federal, state, regional, and local regulations, statutes, ordinances, and policies concerning or impacting the agricultural industry in Miami-Dade County;
- (b) Provide recommendations for eliminating or reducing duplication of effort when two (2) or more governmental entities administer similar regulatory programs;
- (c) Provide recommendations for eliminating or modifying language in the Code of Miami-Dade County and/or regulatory activities that have mutually exclusive or contradictory criteria or goals;
- (d) Provide recommendations for eliminating or modifying language in the Code of Miami-Dade County and/or regulatory activities that create undue burden or hardship on the agricultural industry;
- (e) Provide recommendations for modifying or implementing provisions from any future or previously conducted study or plan that has the ability to impact the agricultural industry; and
- (f) Prepare draft language to the Board of County Commissioners amending relevant sections of the Code of Miami-Dade County.

(Ord. No. 95-03, § 1, 1-17-95; Ord. No. 96-14, § 1, 1-16-96; Ord. No. 96-181, § 1, 12-3-96; Ord. No. 98-16, § 1, 2-3-98; Ord. No. 08-101, § 1, 9-2-08)

**Sec. 2-932. Definitions**

For the purposes of this article, the following definitions apply:

Allied Agribusiness - a proprietorship, partnership, or other firm that provides goods, services, or supplies to those actively engaged in bona fide agriculture.

Board - the Agricultural Practices Advisory Board.

Director - the Director of the Department of Planning and Zoning or his or her designee.

Legislation – statutes, ordinances, resolutions, and policies.

(Ord. No. 95-03, § 1, 1-17-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 99-79, § 1, 7-13-99; Ord. No. 08-101, § 1, 9-2-08)

**Sec. 2-933. Membership; qualifications.**

There shall be a total of thirteen (13) members appointed by the Board of County Commissioners as follows:

- (1) Two (2) representatives from the Tropical Fruit Crops Industry of Miami-Dade County, one (1) recommended by the Florida Avocado Committee, and one (1) recommended by the Tropical Fruit Growers of South Florida, Inc.;
- (2) Two (2) representatives from the nursery industry, recommended by the Miami-Dade County Chapter of the Florida Nursery Growers & Landscape Association;
- (3) Two (2) representatives from the vegetable industry, recommended by the Dade County Farm Bureau;
- (4) One (1) representative of the aquaculture industry, recommended by the Ornamental Aquaculture Association of South Florida;
- (5) One (1) representative of a citizens' association supportive of agriculture, recommended by the Redland Citizens' Association;
- (6) One (1) representative of allied agribusiness recommended by the Dade AgriCouncil;
- (7) One (1) representative of agri-banking, agri-financial consulting, or agri-lending recommended by the Homestead-Florida City Chamber of Commerce;
- (8) One (1) representative of Farm Labor, recommended by Coalition of Florida Farmworkers Organizations;
- (9) One (1) representative of the South Dade Soil & Water Conservation District, recommended by the South Dade Soil & Water Conservation District; and
- (10) One (1) at large representative recommended by the Miami-Dade Agricultural Practices Advisory Board.

Members shall have a majority of their income from or work time devoted to production agriculture in Miami-Dade County, hold membership in recognized agricultural organizations, or have a demonstrated interest in the agricultural industry in Miami-Dade County.

(Ord. No. 95-03, § 1, 1-17-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-16, § 2, 2-3-98; Ord. No. 98-125, § 38, 9-3-98; Ord. No. 99-79, § 2, 7-13-99; Ord. No. 08-101, § 1, 9-2-08)

**Sec. 2-934. Terms; Term Limits**

Members shall be appointed for terms of four years, and no member may serve more than two terms, consecutive or otherwise. Members of the Board as of the effective date of this ordinance ("Current Members") shall serve out the terms for which they were appointed. Thereafter, Current Members who have served only one term may be reappointed for one four-year term. Current members who have served two or more terms may not be reappointed to the Board.

(Ord. No. 08-101, § 1, 9-2-08)

**Sec. 2-935 Vacancies; election of officers; committees; meetings and records.**

(a) *Vacancies.* If a vacancy occurs, it shall be filled by the Board of County Commissioners. The designated organizations listed in Section 2-933 shall submit at least one nominee from their respective organizations, including the nominee's resume and the minutes of the board meeting approving the nominee to the County Manager, who shall forward the nominee to the Board of County Commissioners in a timely manner. In the case where a member organization fails to submit a nomination for a replacement member within 45 days of notification of a vacancy, the Board shall propose a nominee to fill the vacancy. The nominee shall be approved at a meeting of the Board, and the Board shall forward the minutes approving such nominee, together with the nominee's resume, to the County Manager, who shall forward the nominee to the Board of County Commissioners in a timely manner.

(b) *Election of officers.* The Board shall annually elect a Chairperson and Vice-Chairperson from among its members at the Board's last meeting of each calendar year, or at the first Board meeting after a vacancy may occur in such positions. The Chairperson shall preside at all meetings at which he or she is present. The Vice-Chairperson shall act as Chairperson in the absence or inability of the Chairperson.

(c) *Committees.* The Board may establish or eliminate committees at its discretion; however, only two such committees may be in existence at any time. In no instance shall the authority to act or speak in the name of the Board be delegated to any committee. The Chairperson shall nominate and appoint the chairperson and members of such committees as the Board shall find helpful to their mission. The committee chairperson shall schedule committee meetings, set the agenda, establish guidelines for discussion at committee meetings, and ensure that committee meeting minutes are recorded. Committees shall consist of at least three (3) members appointed by the Chairperson. Fifty-one percent of a committee's membership shall constitute a quorum.

(d) *Meetings.* The Board shall hold regular meetings at least bimonthly and at other times in consultation with the Director.

(Ord. No. 08-101, § 1, 9-2-08)

**Sec. 2-936 Staff support.**

(1) The Director shall designate representatives from the Department of Planning and Zoning to prepare meeting agendas, advertise meeting dates, record minutes from

meetings of the Board, reserve meeting locations, arrange for speakers, administer the filling of vacancies, prepare and forward resolutions adopted by the Board to the County Manager, and provide the Board with a monthly update of the progress of such resolutions as they move through the legislative process.

- (2) Representatives from the Department of Planning and Zoning shall prepare draft ordinances and correspondence. The Chairperson or his or her designee shall be responsible for meeting with commissioners to secure sponsorship of ordinances and resolutions.

(Ord. No. 08-101, § 1, 9-2-08)

**AGRICULTURAL PRACTICES ADVISORY BOARD  
MEETING SUMMARY**

Miami-Dade Agriculture Center Auditorium  
18710 SW 288 Street  
Homestead, Florida  
January 7, 2009

**Board Members Present**

James Humble, Chair; Bill Losner, Vice Chair; Jonathan Borghi; Jorge Abreu; John DeMott; Larry Caudle; Teena Borek; Erik Tietig; Dave Romney, Robert Thompson

**Board Members Absent**

Vacant seat for Tropical Fruit Representative #2; vacant seat for Ornamental Aquaculture Representative; vacant seat for Vegetable Representative #1

**Department of Planning and Zoning Staff (DP&Z)**

Stephen Foren, Principal Planner; Gianni Lodi, Principal Planner; Aiman Hamdallah, Junior Planner

**Other Miami-Dade County and Governmental Staff**

*Police Department:* Lieutenant Sheree Dibernardo

*County Manager's Office:* Charles LaPradd, Agricultural Manager

*Office of Neighborhood Compliance:* Rosaline Morales

*Board of County Commissioners:* Sean McCrackine (Aide to Commissioner Sorenson), Dallas Manuel (Aide to Commissioner Moss);

*South Florida Water Management District:* Evan Skornick

*Cooperative Extension:* Don Pybas

*Florida Department of Transportation (FDOT):* Adriana Manzanares and Alexander Yi (Consultant)

**Public Attendance**

See Sign-In Sheets

**Chair's Report**

Chair James Humble called the January meeting of the Agricultural Practices Advisory Board (APAB) to order at 9:00 am. Mr. Humble waived the Chair's report.

**Coordinators Report**

Steve Foren notified the Board that they are allowed two active sub-committees at any given time. Currently the Board has one active sub-committee, created to discuss the Seasonal Agricultural text amendment to the Comprehensive Development Master Plan (CDMP), which was heard by the Board of County Commissioners (BCC) and transmitted to the state. Mr. Foren asked the Board if they would like to keep this sub-committee active. The Board had a brief discussion with Mr. LaPradd on this issue and decided to keep the sub-committee active.

Mr. Foren then informed the Board that each Board member is required to attend the County Ethics training class at least once. The Board members that have not attended the training are Jonathan Borghi, Jorge Abreu, Larry Caudle and Erik Tietig. Mr. Foren stated that the three new members under review for appointment will have to attend the ethics training as well. Mr. Foren further stated that the Ethics training course will be available to those Board members who need it in March or April of 2009 at the Cooperative Agricultural Extension after a regular Board meeting.

Mr. Foren reminded the Board that the new enabling Ordinance only allows each Board member two consecutive unexcused absences and a total of three unexcused absences in a one-year period. If a Board member has more than three unexcused absences in a one-year period, they are no longer considered part of the Board. Also, the Board must vote to excuse a member from a meeting, it is not automatic, nor may the Chair do it alone. Mr. Foren also mentioned that if there is a vacancy on the Board and the nominating organization does not appoint a nominee within 45 days, the Board can appoint someone to fill the vacancy.

#### **Adoption of December 2008 Minutes**

Mr. Tietig made a motion to approve the December 2008 minutes. The motion was seconded by Mr. Losner and passed unanimously.

#### **Agricultural Patrol**

Lieutenant Sheree Dibernardo reported that crime in the agricultural area was down in December compared to November. Lieutenant Dibernardo told the Board that diesel theft is down compared to previous months. There was only one major incident of diesel theft in December. Agricultural Patrol reported an increase in golf cart thefts in December; however two suspects were apprehended, after which there were no further reported incidents. Lt. Dibernardo also informed the Board that there were no reported incidents of avocado thefts. A major concern expressed by the Agricultural Patrol was the increase in lawn maintenance equipment thefts. The Agricultural Patrol is asking residents and farmers in the agricultural area to store their lawn equipment in safe and secure locations.

#### **Agricultural Manager's Report**

Mr. LaPradd informed the Board that his office was successful in putting together a State, local and federal delegation to work on combating the Redbay Ambrosia beetle. There has been no further movement south of Okeechobee County of the Redbay Ambrosia beetle so far.

Mr. LaPradd also addressed violations of a Federal avocado marketing order for avocados. Apparently the Dominican Republic is sending avocados that do not meet the maturity requirements of the marketing order to New York, and they are being accepted there. This issue is being investigated by the United States Department of Agriculture.

Jonathan Borghi asked Mr. LaPradd if there was any update on the Purchase of Development Rights (PDR) program. Mr. LaPradd informed the Board that his office has yet to purchase its first Development Right, but that he and the Manager's office are continuing to work on the project, and that his office did see an increase in applications.

#### **Presentation on 2009 Sunset Review Report**

Mr. Foren briefly explained the Sunset Review Report. (A biennial requirement for all County Boards to explain their record of performance and accomplishments over the past two years) Mr. Thomason made a motion that the Board adopt the Sunset Review Report. The motion was seconded by Mr. Losner and passed unanimously.

#### **Presentation by Florida Department of Transportation (FDOT)**

Alexander Yi, of AP Consulting, introduced himself to the Board along with Adriana Manzanares, the FDOT Project Manager for this portion of Krome Avenue. Mr. Yi is the consultant working with FDOT regarding the Krome Avenue reconstruction project between US 1 and Lucy Street. Mr. Yi explained that FDOT will be reconstructing Krome Avenue from a two-lane roadway (class 6) to a four lane divided highway (class 5). Mr. Yi addressed the access issue for trucks that deliver and pick up produce from the Farmer's Market. He informed the Board that the trucks would only be able to make a left turn on Krome Avenue from the Market's main driveway due to a median that

will be added to Krome Avenue after the reconstruction. To resolve the truck access issue, and the concerns of local businesses and residents, FDOT offered the option of opening access to the Farmer's Market along the north-south 1<sup>st</sup> Street, connecting Palm Avenue to the south and Davis Parkway to the north.

Paul D. Cardwell, with the Florida Department of Agriculture, is the Senior Market Manager at the Farmer's Market. Mr. Cardwell informed the Board that the Farmer's Market concern is the reduction of the number of entrances from Krome Avenue (currently four) to only one for northbound traffic. Mr. Cardwell also mentioned that due to the reconstruction, the Farmers Market will lose 15 to 20' of space along the length of the Krome Avenue frontage that is currently used for temporary truck parking. Mr. Cardwell expressed concern that the Market may lose clients. Mr. Cardwell explained that 50 to 60 trucks a day visit the Farmers Market and if it is not convenient for truckers to access the Farmers Market they will by-pass this venue in order to maintain their tight schedules. Mr. Cardwell also expressed concern about the potential loss of business for the Farmer's Market restaurant and that the median will prevent customers driving north on Krome Avenue from directly accessing the restaurant. Lastly, Mr. Cardwell discussed how the proposal to direct some exiting traffic south along 1<sup>st</sup> Street to Palm Avenue would severely inconvenience DiMare Homestead Inc in their operations, since they have buildings on both sides of the street, which is actually more of a parking lot and operations yard than a street. There would be chaos if a line of trucks stopped here to try to exit onto Palm Avenue, and interfered with the forklifts, DiMare trucks and personnel that continuously go back and forth across 1<sup>st</sup> Street.

Rick Stauts, a representative from the City of Florida City, informed the Board that 1<sup>st</sup> Street and Davis Parkway are city roadways, and they are currently not been designed or constructed to accommodate truck traffic. The City has no interest in upgrading or maintaining these roadways for truck traffic just so medians can be installed on Krome Avenue. Mr. Stauts stated that if FDOT wants to use 1<sup>st</sup> Street/Davis Parkway in the manner they have proposed, then the City and FDOT need to discuss dedicating the rights-of-way of those streets to FDOT for ownership and maintenance.

Mary Finlan, Executive Director of the Homestead-Florida City Chamber of Commerce, informed the Board that her association is not in favor of the Krome Avenue reconstruction project because they believe that a roadway in this area, with medians and higher speed limits, will prevent potential clients from stopping and using the local business.

Ms. Manzanares responded that funding for this project has been pushed back to 2014. Mr. Stauts answered that the current Federal stimulus bill may provide funding that would move this project's timeline forward from 2014.

Mr. Bill Losner stated that just because FDOT says their standards require a median, that doesn't mean that it can't be changed. In a similar project he recalls hiring a lawyer to fight some aspects of an FDOT project the community didn't like, and they won.

Ms. Manzanares told the Board that FDOT and AP Consulting have held discussions with Mr. Cardwell about this project, and the internal circulation in the Farmer's Market, and that led to the proposal to go north on 1<sup>st</sup> Street to Davis Parkway. She also stated that FDOT would improve both roads as part of the project, but that the proposal to do so is still in preliminary planning stages.

She went on to answer the concern that potential customers would not take the extra time to go around medians to get into local businesses. She opined that if a potential client has the intent to

use a local business, the medians would not change their mind and that the potential client can always make a u-turn to access a particular business.

The Board then asked Dade County Farm Bureau Executive Director Katie Edwards for her comments on the Krome Avenue reconstruction project. Ms. Edwards stated that if the Farmer's Market and local business have a problem with the reconstruction of Krome Avenue then the Dade County Farm Bureau also has a problem with it. Ms. Edwards suggested that FDOT hold more public hearings to get the input of the individuals that would be most affected. Ms. Edwards also mentioned that she does not think that Krome Avenue in Florida City needs to be a class five roadway and would like to know how FDOT came to the conclusion to reclassify Krome Avenue.

Mr. Borghi agreed with Ms. Edwards and asked the FDOT representative to explain the basis for the reclassification of Krome Avenue. The FDOT representative explained that the original plans were to reclassify Krome Avenue to a class two or three roadway (4 lanes, continuous median, no breaks), which is more restrictive than a class five (4 lanes, divided, with median breaks no closer than 660'). The local FDOT office requested a variance from the state on the southern portion of Krome Avenue (between US 1 and Lucy Street) based on the situation involving the Farmers Market and the businesses in Florida City. The variance allowed the consultants to reconstruct that portion of Krome Avenue as a class five roadway and not a class two or three. The FDOT representative also explained the main reason for the requirement to reclassify Krome Avenue was its addition to the Florida Intrastate Highway System (FIHS). Krome Avenue is heavily used to transport goods and is designated as an evacuation route. Mr. Borghi asked the FDOT representative to forward the documentation for the reclassification. The FDOT representative said that she would have to receive that request in writing, by letter or e-mail, before she can provide any data. Mr. Borghi made a motion to have the Chair write a letter requesting information from FDOT explaining the basis and analysis behind the reclassification of Krome Avenue from its previous status as a class six roadway to a class two roadway, and also for the reclassification to a class five roadway. Also, the motion asked the Chair to request information regarding the individuals who had approved these various re-classifications. The motion was seconded by Mr. Thompson and the floor opened to the public for discussion.

Jack Lumley, from DeMari Homestead Inc. stated that a one-way entrance to the truck scale located on their property close to Krome Avenue. He asked if the median would block that entrance. Mr. Yi answered in the affirmative, the entrance would be blocked from north-bound traffic because it is too close to the Krome/Palm intersection for a cut in the median. Mr. Lumley stated that there is an average of 45 to 50 trucks a day, going through this weigh station, and that it is a one-way flow, from Krome Avenue to the scales, and then on to the packing plants to the west, and that due to the narrow confines of the buildings, there is no room to have trucks going in the opposite direction. Chairman Humble stated that this project is really impacting businesses, as indicated by the situation here for DeMari Homestead Inc., to which Ms. Manzanares replied that FDOT understands they are creating impacts, and they are trying to accommodate the needs of the businesses.

The motion was called, and passed unanimously.

#### Presentation by Gianni Lodi on the Landscape Code Amendments

Gianni Lodi introduced himself as Principal Planner for Miami-Dade County Department of Planning and Zoning. Mr. Lodi informed the Board that there are three main reasons why the County decided to amend the Landscape Ordinance: first, Miami-Dade County has entered into a 20-year water consumptive potable water permit with the South Florida Water Management

District, which affects water use for landscaping; second, Miami-Dade County needs to comply with updates to the Florida statutes that deal with landscape irrigation standards; and last, to reflect certain changes encompassed in the County's Street Tree Master Plan that was adopted last year. The landscape ordinance is located in Section 18A of the Miami-Dade County Code and currently only addresses private properties and not rights-of-way. The proposed ordinance will amend portions of Section 18A and add a new Section, 18B, to address landscaping in rights-of-way. The proposed amendments are mostly to the irrigation portion of the ordinance. Mr. Lodi informed the Board that there will be a multi-jurisdictional meeting with local municipalities on January 14, 2009 at the Miami-Dade Water and Sewer Department and a public hearing will be held sometime in February 2009. Mr. Lodi then reviewed some of the comments that were provided to him by the State office of the Florida Nursery, Growers and Landscape Association (FNGLA). The main comments provided by the FNGLA included allowing only 30 percent of native plants for landscape and not 50 percent as proposed, and to provide an exemption to allow landscaping on zoned and dedicated rights-of-way that are on or adjacent to property zoned agriculture.

Carlos Sarria is a grower in the Redlands and has landscaping on the right of way adjacent to his property. He informed the Board that he would like to keep the landscaping he planted on the rights-of-way adjacent to his property for security and aesthetic reasons. Mr. LaPradd also voiced his support to allow landscaping on the right of way adjacent to agriculture zoned property and to allow commercial planning in both zoned and dedicated right of ways.

Mr. Tietig asked Mr. Lodi about a restriction on watering landscape plantings to twice a week. Mr. Lodi stated irrigation is not covered in the landscape ordinance except to state the requirement to abide by the pertinent State, SFWMD and County regulations. The proposed irrigation changes are contained in a totally separate ordinance proposed by the Miami-Dade Water and Sewer Department, which will be discussed on January 14 at the previously mentioned multi-jurisdictional meeting at WASD. Evan Skomick of the South Florida Water Management District (SFWMD) informed the Board that SFWMD is proposing a two-day a week watering restriction that would apply to all 16 counties in the South Florida Water Management District, and that Miami-Dade WASD is also proposing a similar amendment for Miami-Dade County.

Mr. Tietig made a motion to allow stock planting on zoned and dedicated rights-of-way for commercial use as well as aesthetic use, and to keep the 30 percent native requirement for landscape planting as is, not raise it to 50%, and also recommended that Miami-Dade County opposed the twice weekly restriction suggested by the South Florida Water Management District and to remove the xeriscape language from the proposed ordinance. The motion was seconded by Mr. Losner and passed unanimously.

Don Pybas informed the Board that he supports the 30 percent native requirement for landscape planting and disagrees with the proposed 50 percent native requirement. Mr. Pybas also expressed concern about proposed language in the ordinance that will restrict the harvesting of Sable Palms from the wild. The proposed ordinance will only allow harvesting of Sable Palms from government donor sites, or being grown from seed for landscaping. Mr. Pybas explain that it can take decades to grow a mature Sable Palm from seeds and growers will not grow them for landscape material because it is not cost effective. He would like to see the language prohibiting wild Sable Palm harvesting removed from the proposed ordinance.

**Election of Board Chair and Vice-Chair for 2009**

Teena Borek nominated James Humble as Board Chair. The motion was seconded by Mr. Losner and passed unanimously. Teena Borek nominated Larry Caudle as Vice-Chair. The motion was seconded by Mr. Tietig and passed unanimously.

**Public Comment**

Don Pybas informed the Board about an article published by the Florida Sportsman magazine about endosulfans, which is a chemical found in pesticides used to combat whiteflies. The article stated that the concentration of endosulfans in the waters of the Florida Bay and the Everglades now far exceeds the permitted level, according to a study conducted by the Everglades National Park (ENP). The article stated that endosulfans are a substantial risk to fish and invertebrates in the C-111 basin and may cause mass fish die offs. The article suggested that next time there is a whitefly out break it might be better to not use endosulfans because of the consequences to wildlife in the surrounding area.

**Set Agenda**

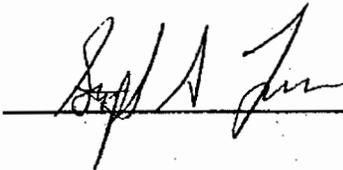
FDOT Presentation on truck bypass, Landscape ordinance, Irrigation ordinance presentation from the Department of Water and Sewer. Also proposed at the last minute was to invite a presentation from FDOT on the South Krome Avenue Study.

**Action Items**

Forward proposed Landscape Ordinance to Board, E-mail all attachments for the Sunset review to Board, Resolution on Landscape Ordinance.

**Adjournment**

With no further discussion, the meeting was adjourned at 12:15 am.



Steve Foren, Coordinator