



MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
Miami-Dade County, Florida
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

LUDC
Agenda Item No. 6(B)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Land Use and Development
Committee

DATE: January 14, 2014

FROM: Christopher Agrippa, Director
Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

A handwritten signature in black ink, appearing to be "C. Agrippa".

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Land Use and Development Committee:

November 14, 2013

Attachment
CA/jm



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes

Land Use & Development Committee

Jose "Pepe" Diaz (12) Chair; Xavier L. Suarez (7) Vice Chair; Commissioners Lynda Bell (8), Barbara Jordan (1), and Audrey M. Edmonson (3)

Thursday, November 14, 2013

9:30 AM

COMMISSION CHAMBERS

Members Present: Lynda Bell, Jose "Pepe" Diaz, Xavier L. Suarez.

Members Absent: Audrey M. Edmonson.

Members Late: Barbara J. Jordan .

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Judy Marsh, Commission Reporter
(305) 375-1967*

**1A INVOCATION AS PROVIDED IN RULE 5.05
(H)**

Report: *The invocation was presented by Commissioner Suarez, followed by the Pledge of Allegiance.*

1B **ROLL CALL**

Report: *The following staff members were present: Deputy Mayor Jack Osterholt; Assistant County Attorneys Dennis Kerbel, Craig Coller and Cynthia Johnson-Stacks; and Deputy Clerks Cynthia White and Judy Marsh.*

Chairman Diaz called the meeting to order at 9:43 a.m.

Assistant County Attorney Dennis Kerbel advised that Commissioner Moss, sponsor of Agenda Item 1F3 was requesting deferral of this item.

It was moved by Commissioner Suarez that the November 14, 2013 Land Use and Development Committee Agenda be approved, with the change noted by Assistant County Attorney Kerbel. This motion was seconded by Chairman Diaz, and upon being put to a vote, passed by a vote of 3-0; (Commissioners Edmonson and Jordan were absent).

1C **PLEDGE OF ALLEGIANCE**

1D **SPECIAL PRESENTATIONS**

1E **DISCUSSION ITEMS**

1F **PUBLIC HEARINGS**

1F1

131587 Ordinance

Lynda Bell,

Esteban L. Bovo, Jr.

ORDINANCE PERTAINING TO INCORPORATION PROCEDURES; MODIFYING REQUIREMENTS RELATING TO PETITIONS FOR INCORPORATION AND REQUIREMENTS RELATING TO ESTABLISHING MUNICIPAL ADVISORY COMMITTEES; AMENDING SECTIONS 20-20 AND 20-29 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation

Mover: Bell

Seconder: Suarez

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Ms. Mildred Collins, 2315 NE 191 Street, Miami 33180, noted she had not spoken with anyone who was in favor of incorporation, and questioned why this had become such a major effort.

Chairman Diaz explained that this item was a procedural item and did not relate to a particular incorporation or annexation.

Assistant County Attorney Craig Collier advised that this proposed ordinance did not relate to a municipal advisory committee (MAC). He explained that the petition requirement for creation of a MAC was being changed from 25 percent of the electors in the proposed incorporation area, to 20 percent to conform to the Charter. Assistant County Attorney Collier said this item did not affect existing, ongoing MACs.

Commissioner Bell said the Charter Review Task Force recommended that the petition signature requirements be reduced to ten percent, and the County Commission approved 20 percent. She noted this proposed ordinance was codifying what was previously approved by the voters and making the County Code consistent with the Charter. Commissioner Bell said a false presumption existed in the communities that the County was trying to force incorporations and annexations.

Chairman Diaz asked the speakers to meet with

the Assistant County Attorney to ensure they would be speaking on the correct item.

Assistant County Attorney Collier advised that this proposed ordinance also expanded the timeframe to collect signatures from 90 days to 180 days.

Ms. Deborah Hayden, 1501 NE Miami Gardens Drive, noted her support for the 25 percent signature requirement. She asked if MACs could now only be formed by petition.

Assistant County Attorney Collier advised that the County Commission had the authority to create MACs without petition. As an example, he noted the recent creation of MACs in the Kendall area by the District Commissioner.

Mr. Jack Russell, 9850 SW 80 Drive, Kendall, noted he was opposed to incorporation. He expressed concern regarding the secrecy pertaining to the creation of some MACs and noted people who wanted the study process started should be required to obtain 25 percent of the signatures of registered voters of the proposed area.

Ms. Juanita Miller, 18735 NE 18 Avenue, Miami, 33179, questioned the benefit of the proposed ordinance if the County Commission had the ability to create a MAC.

Chairman Diaz explained that several processes were in place to develop a MAC; however, the citizens had a right to create a petition for a MAC. He noted this issue was discussed extensively and he would look into disseminating the correct information to the affected area.

Ms. Harriet Berkowitz, 19511 NE 18 Court, Miami, spoke in opposition to incorporation.

Ms. Alicia Rook, 1971 NE 188 Street, referred to pages of signatures opposing incorporation. She submitted a historical flyer regarding the formation of the NE Dade MAC and noted this MAC was formed after the district Commissioner met with only one association. Ms. Rook said this was not democracy and people were not aware of what was happening.

Mr. Stanley Jacobs, 1401 NE Miami Gardens Drive, noted it was his understanding that he could speak against the incorporation of his neighborhood. He stated that developers and

bureaucrats would benefit from this incorporation; and noted his satisfaction with the current, immediate emergency response.

Ms. Catherine Christofis, 2430 NE 135 Street, North Miami, said that by creating MACs haphazardly the County Commission had not gauged the community's interest in this matter. She spoke in opposition to funds being taken from the Unincorporated Municipal Service Area (UMSA) to give to the cities and noted UMSA wanted to remain independent. Ms. Christofis said the petition process was the best method and should have been done from the beginning. She expressed concern about using a vote as the sole democratic process as it could be done for less using a survey.

Chairman Diaz said the County Commission tried to develop different solutions to satisfy everyone and some of his colleagues were addressing changes in the incorporation process. He noted he would be sponsoring an item for the voters to decide whether the County should be a regional government or remain as a municipal government. Chairman Diaz said it was important to move forward and the incorporation process must be respected from all sides. He noted this Committee was seeking to identify solutions and he asked the public to bring forth suggestions.

Ms. Alicia Rook, 1971 NE 188 Street, questioned how one commissioner could be given power to create a MAC.

Mr. Mitchell Bierman, attorney, 2525 Ponce de Leon, said he served on the Annexation and Incorporation Task Force, and spoke in defense of the Task Force. He noted the Task Force worked earnestly to assist the County in identifying solutions, using full information and there were strong majorities in support of all the recommendations. Mr. Bierman commented on the overall tone, noting the Task Force supported eliminating additional impediments to those who wanted to incorporate or be part of annexations, while still respecting the rights of those who did not wish to be part of it through the County process, followed by a majority vote of the electorate.

Madame Renita Holmes, 350 NW 4 Street, requested to review a copy of Section 20-20.

Chairman Diaz closed the public hearing after no

Land Use & Development Committee

Meeting Minutes

Thursday, November 14, 2013

CLERK'S SUMMARY OF

one else appeared wishing to speak. Following Ms. Holmes' comment that she had inquired whether the Committee was still considering Agenda Item IF1, Chairman Diaz reopened the public hearing on this item.

Madame Renita Holmes, Women's Association and Alliance against Injustice and Violence; Empowering Education, Advocacy and Support, expressed concern that properties in incorporation areas were being cherry-picked. She questioned the actual notice being provided to the community, noting that many of the people impacted by this item were not receiving information. Madame Holmes emphasized the importance of making information available pursuant to the Sunshine Law.

Chairman Diaz noted he would look into Ms. Holmes' concerns.

Chairman Diaz closed the public hearing after no one else appeared wishing to speak.

Commissioner Bell said she appreciated all who spoke but their comments did not relate to this proposed ordinance. She suggested the citizens petition their district commissioners regarding their concerns. Commissioner Bell noted she believed in the petition process.

Chairman Diaz reminded members of the audience that the public hearing was closed and they should not address the Committee members.

Commissioner Suarez said if any of these incorporation issues were placed on a ballot it should not cost the County and should be done in a general election. He asked whether the Charter or ordinances included any requirement that incorporations be placed on the ballot in a general election.

In response to Commissioner Suarez, Assistant County Attorney Collier advised that pursuant to the Code, a vote on incorporations required the County Commission to call for an election.

Commissioner Suarez said he was hopeful that the County Commission would decide that if any of these incorporation issues were to be placed on a ballot, it would be done during a general election to ensure full participation by the electorate.

Chairman Diaz suggested that elections pertaining

to incorporations be addressed in the study to be brought forward.

Commissioner Jordan said she recognized that the public comments were not related to this proposed ordinance; however, items relating to incorporation and annexation provided an opportunity for the public to present their issues. She commented on her apology to the Annexation and Incorporation Task Force for describing the Task Force as "infamous" but noted she had also complimented the members for their work. Commissioner Jordan said the Task Force sought community input but did not address its original charge to seek input from planning experts or universities to decide how the County would proceed in the future, including a referendum on whether the County should be fully incorporated. She expressed concern regarding the impact of taking revenue from the unincorporated areas and emphasized the need for citizens to meet with their commissioners regarding their concerns.

Chairman Diaz noted he would meet with the county attorneys and administration to discuss how information was disseminated to the community.

The Committee members proceeded to vote on the foregoing ordinance as presented.

1F2

131994 Ordinance

Jose "Pepe" Diaz,

Esteban L. Bovo, Jr.

ORDINANCE RELATING TO ZONING REGULATIONS;
AMENDING STANDARDS FOR CERTAIN
ADMINISTRATIVE MODIFICATIONS; AMENDING
SECTION 33-310.1 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Forwarded to BCC with a favorable
recommendation*

Mover: Suarez

Seconder: Bell

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Madame Renita Holmes, 350 NW 4 Street, requested clarification on the impact of this proposed ordinance. She noted she could not access the printable document format (PDF) documents online and emphasized the importance of accessibility, accountability and citizen participation. Ms. Holmes also emphasized the importance of due diligence regarding the Sunshine law.

Mr. Eric Silva, Assistant Director, Development Services Division, Department of Regulatory and Economic Resources, said this proposed ordinance allowed for minor changes to be made to an approved site plan. He noted it allowed for a building to be moved provided that it was not closer to the setbacks than what was presented at the public hearing; reductions in the approved square footage; and administrative changes in the building design for outparcels.

Chairman Diaz closed the public hearing after no one else appeared wishing to speak.

The Committee members proceeded to vote on the foregoing ordinance as presented.

1F3

131945 Ordinance **Dennis C. Moss**

ORDINANCE PERTAINING TO ZONING AND CODE ENFORCEMENT; PROHIBITING CLOTH FENCES AND REGULATING THE APPEARANCE AND MAINTENANCE OF BOTH WIRE FENCES AND CHAIN LINK FENCES WITH CLOTH AFFIXED TO THEM IN ALL DISTRICTS; AMENDING SECTIONS 33-11 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Deferred to no date certain

Mover: Suarez

Seconder: Diaz

Vote: 3-0

Absent: Edmonson, Jordan

Report: *The foregoing proposed ordinance was deferred during consideration of changes to today's (11/14) agenda.*

1F4

131981 Ordinance

Dennis C. Moss,

Lynda Bell, Juan C. Zapata

ORDINANCE RELATING TO THE PROPERTY OWNER AND MERCHANT ACT; MODIFYING PROVISIONS FOR MAINTENANCE OF BUILDING SURFACES, WALLS AND FENCES; AMENDING SECTIONS 19-15.10 AND 19-15.11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation

Mover: Bell

Seconder: Suarez

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Madame Renita Holmes, 350 NW 4 Street, asked whether this proposed ordinance would result in an additional financial impact to property owners.

Chairman Diaz closed the public hearing after no one else appeared wishing to speak.

Mr. Charles Danger, Building Official, Department of Regulatory and Economic Resources, said this proposed ordinance clarified the type of maintenance needed on buildings. He noted property owners would be impacted by being required to clean the buildings more often.

Commissioner Bell noted she supported this proposal but expressed concern as to whether property owners were given sufficient warning before a fine was imposed.

Mr. Danger noted the building owners were given time and staff would work with the owners to provide additional time if they saw efforts were being made to clean the building. He noted the building owners had 30 days to contact the department if they received a warning and the department would try to reach an agreement with the owners.

In response to Commissioner Bell's inquiry whether assistance was provided to building owners who were victims of graffiti or dumping, Mr. Danger said the department worked with the area Police Department and the Solid Waste

Department. He noted cameras were installed to monitor the activity of repeat offenders during the night.

Commissioner Bell said the County needed to look at ways to assist the victims.

Deputy Mayor Jack Osterholt noted the process was not to collect revenue but to obtain compliance, and the department did not want fines to escalate. He also noted there were teams of people in many communities who removed graffiti from buildings, and suggested the County check into that system.

Mr. Danger noted the Public Works Department had a team that painted walls with graffiti that faced the public right of way.

Commissioner Bell asked about the payment issue. She noted people received computer-generated letters, fines were increasing, and liens were being assessed.

In response to Commissioner Bell, Deputy Mayor Osterholt said the process was not foolproof. He noted an expensive, case-by-case intervention was sometimes conducted by the Building Department or Department of Environmental Management to ensure the client did not continue to receive these activities.

Commissioner Bell commented on permit payments that could only be made between 2:00 a.m. and 5:00 p.m., and Deputy Mayor Osterholt noted he would look into this issue and report back to the Committee.

Commissioner Jordan asked that the sponsor provide an explanation when this item was considered by the County Commission.

The Committee members proceeded to vote on the foregoing ordinance as presented.

1F5

131729 Ordinance

Rebeca Sosa,

Lynda Bell, Esteban L. Bovo, Jr.

ORDINANCE RELATING TO INCORPORATION PROCEDURES; PROVIDING THAT A REQUEST OR PETITION FOR INCORPORATION SHALL NOT BE FILED NOR ANY FILED PETITION FOR INCORPORATION BE HEARD, CONSIDERED, OR APPROVED WHERE THE INCORPORATION REQUEST OR PETITION CREATES A NEW ENCLAVE; CREATING SECTION 20-21.2 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation

Mover: Bell

Seconder: Suarez

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

Prior to opening the public hearing, Chairman Diaz requested the Assistant County Attorney to provide an explanation of this item.

Commissioner Suarez also requested an explanation of enclaves.

Assistant County Attorney Craig Coller advised that the Code prohibits the creation of an enclave due to an annexation and this proposed ordinance would provide for a similar prohibition for proposed incorporations. He noted an enclave was an area surrounded by more than 80 percent by municipalities.

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Ms. Deborah Hayden, 1501 NE Miami Gardens Drive, asked that the explanation be repeated.

Chairman Diaz explained that an area could not be annexed which would result in the creation of an enclave. He noted this proposed ordinance applied the prohibition provisions relating to enclaves to incorporations.

Mr. Mack Samuel, 9101 NW 7 Avenue, said he represented an area within North Central Miami-Dade County which was currently moving through the incorporation process and he was hopeful that none of these items would impact that process. He noted citizens should be given an opportunity to vote and asked that the County Commission

continue to support the current process.

Madame Renita Holmes, Women Association, 350 NW 4 Street, requested that substantive data and documentation be made available to the public. She questioned who was making these recommendations and the source of this information.

Mr. Jeffrey Bass, 46 SW 1st Street, noted the need for a cohesive, unified approach to annexation and incorporation issues. He suggested that quarterly meetings be held after 5:00 p.m. to address these issues; and that proper notification be provided to the public.

Chairman Diaz explained the agenda process; however, he noted he would consider Mr. Bass' suggestion.

Ms. Anne Cates, 13939 NW 1st Avenue, Biscayne Gardens, suggested that the moratorium on annexations be reimposed. She noted while serving on the Annexation and Incorporation Task Force, she filed a dissent to the Task Force's Recommendation No. 6 to retain the current annexation process of fewer than 250 electors. Ms. Cates recommended that the people be allowed to vote.

Mr. Mitchell Bierman, 2525 Ponce de Leon Boulevard, suggested the County Commission not adopt ordinances that eliminated its discretion to make a decision. He noted the creation of enclaves should not result in an automatic rejection of an incorporation application. Mr. Bierman said if a blanket policy was adopted that eliminated any application from any kind of consideration, the Commission would be eliminating that discretion. He urged the Committee not to take action today.

Mr. Robert Kenneth Bluh, 7745 SW 86 Street, columnist, commented on enclaves.

Chairman Diaz closed the public hearing after no one else appeared wishing to speak.

Commissioner Jordan noted she supported this proposed ordinance but referred to a proposed annexation by the City of Opa locka that conflicts with an incorporation from the municipal advisory committee established in 2007. She noted the Mayor of Opa locka was present at today's (11/14) meeting and suggested that Mr. Mack

Samuel meet with the Mayor to discuss this issue.

Commissioner Bell spoke in support of this proposed ordinance. She noted this item was important and proposed incorporation requests should not result in the creation of an enclave.

The Committee members proceeded to vote on the foregoing ordinance as presented.

1F6

131959 Ordinance

Dennis C. Moss,

Lynda Bell, Esteban L. Bovo, Jr.
 ORDINANCE RELATING TO ZONING; CREATING SECTION 33-279.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE FOR AGRICULTURAL USES IN PROPERTIES OUTSIDE THE URBAN DEVELOPMENT BOUNDARY THAT ARE DESIGNATED AGRICULTURE BY THE COMPREHENSIVE DEVELOPMENT MASTER PLAN BUT ARE NOT ZONED AU, AGRICULTURAL DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE (Regulatory and Economic Resources)

*Forwarded to BCC with a favorable recommendation
 Mover: Bell
 Seconder: Jordan
 Vote: 4-0
 Absent: Edmonson*

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Mr. James Humble, 26600 SW 182 Avenue, Homestead, appeared in support of this proposed ordinance. He suggested grandfathering in existing uses.

Madame Renita Holmes, Women Association, 350 NW 4 Street, noted her concern about this proposed ordinance as presented. She questioned whether this was the last public hearing on this item, and noted the importance of community input regarding this proposal.

Chairman Diaz closed the public hearing after no one else appeared wishing to speak.

The Committee members proceeded to vote on the foregoing ordinance as presented.

1F7

131960 Ordinance

Dennis C. Moss,

Lynda Bell

ORDINANCE RELATING TO ZONING; AUTHORIZING AGRICULTURAL USES ON LOTS LESS THAN FIVE ACRES UNDER CERTAIN CIRCUMSTANCES IN THE AU (AGRICULTURAL) ZONING; AMENDING SECTIONS 33-280, 28-4, AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Regulatory and Economic Resources)

Forwarded to BCC with a favorable recommendation

Mover: Bell

Seconder: Suarez

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Madame Renita Holmes, Women Association, 350 NW 4 Street, noted the importance of community input regarding this proposal.

Chairman Diaz closed the public hearing after no one else appeared wishing to speak.

The Committee members proceeded to vote on the foregoing ordinance as presented.

1F8

131969 Ordinance

Sally A. Heyman,

Lynda Bell, Esteban L. Bovo, Jr.

ORDINANCE RELATING TO ZONING; MODIFYING PROCEDURES FOR AMENDING URBAN CENTER DISTRICT REGULATING PLANS; CREATING SECTION 33-284.89.3 AND AMENDING SECTION 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (Regulatory and Economic Resources)

Forwarded to BCC with a favorable recommendation

Mover: Bell

Seconder: Suarez

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Chairman Diaz closed the public hearing after no one appeared wishing to speak.

The Committee members proceeded to vote on the foregoing ordinance as presented.

2 COUNTY COMMISSION

2A

132091 Resolution

Sally A. Heyman,

Lynda Bell

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE
TO DEVELOP AND MAINTAIN A WEB PORTAL SITE
PROVIDING INFORMATION REGARDING
ANNEXATIONS AND INCORPORATIONS

*Forwarded to BCC with a favorable
recommendation*

Mover: Bell

Seconder: Suarez

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

Commissioner Jordan noted City of Opa locka Mayor Myra Taylor wanted to speak on the annexation and incorporation items.

Later in the meeting Lady Myra Taylor, Mayor, City of Opa locka, appeared before the Committee. She acknowledged the presence of Mr. Howard Brown, City Planner. Mayor Taylor addressed the potential impact of several proposed County ordinances on the City's pending annexation application. She noted the City started the annexation process in 2007; however, the County-imposed moratorium prevented the City from pursuing annexation at that time. Mayor Taylor said prior to the moratorium being imposed, the City spent public funds for Florida International University to prepare an annexation study of the area in close proximity to the City, and the two key areas of annexation which the study recommended were pending review by this Committee.

Mayor Taylor said earlier this year the City spent public funds to update the annexation plan and application for submission to the County. She noted the City had done everything the County requested regarding the annexation and to propose ordinances that would prohibit, interrupt or impede the City's annexation application was unfair. Mayor Taylor said the City had some of the lowest property values in Miami-Dade County, and if the unincorporated areas were incorporated, the City would have to reduce services to its current residents as it would be unable to annex. She emphasized the importance of annexation for the City's sustainability.

Chairman Diaz asked Mayor Taylor to meet with each commissioner individually to address her concerns.

Land Use & Development Committee

CLERK'S SUMMARY OF

Meeting Minutes

Thursday, November 14, 2013

The Committee members proceeded to vote on the foregoing resolution as presented.

2B

132098 Resolution Sally A. Heyman

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO PREPARE A REPORT THAT GIVES A COMPREHENSIVE ACCOUNTING OF THE UNINCORPORATED AREAS THAT ARE NOT INCLUDED IN THE BOUNDARIES OF A MUNICIPAL ADVISORY COMMITTEE OR A PROPOSED INCORPORATION OR ANNEXATION

Forwarded to BCC with a favorable recommendation

Mover: Bell

Seconder: Jordan

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

Ms. Juanita Miller, 18735 NE 18th Avenue asked if there was a start and end date for the requested report and when would it be available to the public.

Chairman Diaz asked Assistant County Attorney Kerbel to explain the details of this proposed resolution to Ms. Miller.

The Committee members proceeded to vote on the foregoing resolution as presented.

2C

132100 Resolution Barbara J. Jordan, Jose "Pepe" Diaz

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO IDENTIFY ONE OR MORE UNIVERSITIES OR A PROFESSIONAL CONSULTANT TO CONTRACT WITH THE COUNTY TO ANALYZE AND MAKE RECOMMENDATIONS CONCERNING FUTURE INCORPORATIONS AND ANNEXATIONS WITHIN THE UNINCORPORATED AREA

Amended

Report: *(See Agenda Item 2C Amended; Legislative File No. 132352)*

Land Use & Development Committee

CLERK'S SUMMARY OF

Meeting Minutes

Thursday, November 14, 2013

2C Amended

132352 Resolution

Barbara J. Jordan,

Esteban L. Bovo, Jr., Jose "Pepe" Diaz
RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO IDENTIFY ONE OR MORE UNIVERSITIES OR A PROFESSIONAL CONSULTANT TO CONTRACT WITH THE COUNTY TO ANALYZE AND MAKE RECOMMENDATIONS CONCERNING FUTURE INCORPORATIONS AND ANNEXATIONS WITHIN THE UNINCORPORATED AREA [SEE ORIGINAL ITEM UNDER FILE NO. 132100]

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Jordan

Seconder: Diaz

Vote: 3-0

Absent: Edmonson, Suarez

Report: *Assistant County Attorney Kerbel read the foregoing proposed resolution into the record.*

Chairman Diaz requested to be listed as a cosponsor.

Mr. Tom David, attorney, Fuerst Ittleman David & Joseph, 1001 Brickell Bay Drive, Miami 33131; and President, Airport West Business Association, appeared in support of the foregoing proposed resolution. He noted he was hopeful this process would be open for public comment; that the selected entity would examine the annexation and incorporation application process; and examine whether an application had a window of opportunity once it was considered by the County Commission.

Chairman Diaz noted he supported this proposed resolution because it involved an academic entity and he believed it was time to have a clean process.

Commissioner Jordan noted Section 3 of this proposed resolution provided that the electorate would be involved in any decisions regarding full incorporation.

Chairman Diaz suggested that a study of the area outside the Urban Development Boundary (UDB) be included in this proposed resolution.

Commissioner Jordan said she believed an urban boundary study was a separate item and did not believe it should be included in this proposal.

Chairman Diaz explained the reason for his suggestion. He noted many of the proposed annexations by different cities included areas within and outside the UDB. Chairman Diaz said if his suggestion was not accepted, he would

request that a separate, but similar item be prepared to include an urban boundary study. He noted an economic and growth study of an area should not be done piecemeal.

Commissioner Jordan noted she had never said that this item would include the UDB and believed the UDB was too important to attach it to this item.

Chairman Diaz said he had expressed the need for a study on the UDB. He noted he did not believe the County could look at annexations and incorporations without including the UDB in the study; and emphasized the need to receive input from the academics on the UDB issue.

Commissioner Jordan pointed out that municipalities that were bordered on the UDB had the freedom to request annexation of areas outside the UDB and the County Commission had the authority to approve those requests.

Mr. Robert Bluh appeared before the Committee. He commented on the impact to infrastructure due to expansion of the UDB; and also commented on the County's watershed.

Commissioner Jordan asked, and Assistant County Attorney Cynthia Johnson-Stacks confirmed, that Commissioner Diaz' request was included in this proposed resolution. She noted a study of the area outside the UDB would be included within the proposed study.

Madame Renita Holmes, Women's Association, 350 NW 4 Street, asked whether the consultant would be selected by the Mayor's Office or through a Request for Proposal process.

Commissioner Jordan noted the selection would be made by the Mayor's office.

Chairman Diaz requested clarification on the selection process and Assistant County Attorney Collier advised that the proposed resolution directed the Mayor to determine the selection process.

Chairman Diaz noted the intent was to use the most transparent selection process.

Assistant County Attorney Johnson-Stacks clarified that the Mayor or his designee would select a process for the consultant selection and

Land Use & Development Committee

bring back a recommendation for the County Commission's decision.

Chairman Diaz expressed concern about selecting an entity without the Commission's input.

Assistant County Attorney Johnson-Stacks read the language which provided that the Mayor would be bringing back a recommended entity.

Chairman Diaz noted he supported an open ended process, not a selection process by entities.

Commissioner Jordan noted it was clear that the Mayor was being asked to look at the universities or a consultant. She suggested this proposal be amended to include an abbreviated procurement process and the Mayor would present his recommendation to the County Commission.

Chairman Diaz concurred with the amendment.

The Committee members proceeded to vote on the foregoing resolution as amended.

2D

131663 Ordinance

Jean Monestime

Amended

ORDINANCE GRANTING EXTENDED COMPLIANCE PERIOD FOR PROPERTY OWNERS TO COMPLY WITH BUILDING CODE AND ZONING CODE AND CREATING A LIMITED EXCEPTION FROM PAYMENT OF CIVIL PENALTIES AND LIENS FOR BUILDING AND ZONING CODE VIOLATIONS UPON A PROPERTY OWNER'S SATISFACTION OF CERTAIN CONDITIONS, INCLUDING COMPLIANCE WITH THE BUILDING AND ZONING CODE OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Report: (See Agenda Item 2D Amended; Legislative File No. 132334)

2D Amended

132334 Ordinance

Jean Monestime,

Esteban L. Bovo, Jr., Barbara J. Jordan
ORDINANCE GRANTING EXTENDED COMPLIANCE PERIOD FOR PROPERTY OWNERS TO COMPLY WITH BUILDING CODE AND ZONING CODE AND CREATING A LIMITED EXCEPTION FROM PAYMENT OF CIVIL PENALTIES AND LIENS FOR BUILDING AND ZONING CODE VIOLATIONS UPON A PROPERTY OWNER'S SATISFACTION OF CERTAIN CONDITIONS, INCLUDING COMPLIANCE WITH THE BUILDING AND ZONING CODE OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 131663]

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Bell

Seconder: Suarez

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

Assistant County Attorney David Sherman read the following amendments into the record at the request of Commissioner Monestime, sponsor.

~ to add the language "within the aforementioned area" on handwritten page 5, Section 1, line 4, after "... in connection with a single family structure ..."

~ to add the language "in his sole discretion" on handwritten page 6, Section 4, line 3, after "... any violation determined to be a life-safety issue by the Building Official ..."

The Committee members proceeded to vote on the foregoing resolution as amended.

2E

132195 Resolution Dennis C. Moss

RESOLUTION AUTHORIZING THE CONVEYANCE OF FOUR PROPERTIES IN WEST PERRINE TO HABITAT FOR HUMANITY TO BE USED AS AFFORDABLE HOUSING; AUTHORIZING EXECUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT; AUTHORIZING NON-SUBSTANTIAL AMENDMENT TO BE FILED WITH UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

*Forwarded to BCC with a favorable recommendation
Mover: Suarez
Seconder: Diaz
Vote: 4-0
Absent: Edmonson*

Report: *Assistant County Attorney Kerbel read the foregoing proposed resolution into the record.*

Commissioner Jordan noted Habitat for Humanity returned more than 30 properties to the County because they were unable to develop them. She expressed concern that these properties not be caught in limbo.

Mr. Clarence Brown, Public Housing and Community Development, said Habitat believed the four constructed homes that had been vandalized could be rehabbed and sold within the allocated timeframe.

The Committee members proceeded to vote on the foregoing resolution as presented.

2F

132123 Resolution Rebeca Sosa

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO PREPARE A REPORT AND RECOMMENDATIONS ON SEVERAL ISSUES RELATED TO ANNEXATION AND INCORPORATION

*Forwarded to BCC with a favorable recommendation
Mover: Bell
Seconder: Diaz
Vote: 3-0
Absent: Edmonson, Suarez*

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

The Committee members proceeded to vote on the foregoing resolution as presented.

3 DEPARTMENTS

3A

132142 Resolution

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY (FPL), THROUGH COUNTY-OWNED LAND, FOR \$1.00, TO SERVICE THE GRAN VIA APARTMENTS BEING BUILT AT THE SOUTHWEST CORNER OF SW 8 STREET AND SW 127 AVENUE, UNINCORPORATED MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (Internal Services)

Amended

Report: *(See Agenda Item 3A Amended; Legislative File No. 132329)*

3A Amended

132329 Resolution

RESOLUTION AUTHORIZING THE CONVEYANCE OF AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY (FPL), THROUGH COUNTY-OWNED LAND, FOR \$1.00, TO SERVICE THE GRAN VIA APARTMENTS BEING BUILT AT THE SOUTHWEST CORNER OF SW 8 STREET AND SW 127 AVENUE, UNINCORPORATED MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN [SEE ORIGINAL ITEM UNDER FILE NO. 132142] (Internal Services)

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Bell

Seconder: Jordan

Vote: 3-0

Absent: Suarez, Edmonson

Report: *Assistant County Attorney Kerbel read the foregoing proposed resolution into the record.*

Assistant County Attorney Kerbel noted the following amendments pursuant to the Administration's request.

Page 1 of the Mayor's memorandum, under the Background section: delete the following language "a mixed used development project;" "ancillary retail and a Miami-Dade Transit park and ride location;" and delete "December 31, 2013" and replace with "April 31, 2014."

The Committee members proceeded to vote on the foregoing resolution as amended.

Land Use & Development Committee

CLERK'S SUMMARY OF

Meeting Minutes

Thursday, November 14, 2013

3B

132074 Resolution

Lynda Bell,

Xavier L. Suarez

RESOLUTION AUTHORIZING THE ACCEPTANCE OF
EIGHT (8) ENVIRONMENTALLY ENDANGERED LANDS
COVENANTS IN MIAMI-DADE COUNTY, FLORIDA
(Regulatory and Economic Resources)

*Forwarded to BCC with a favorable
recommendation*

Mover: Bell

Seconder: Jordan

Vote: 3-0

Absent: Edmonson, Suarez

Report: *Assistant County Attorney Kerbel read the
foregoing proposed resolution into the record.*

*The Committee members proceeded to vote on the
foregoing resolution as presented.*

4 COUNTY MAYOR

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

7 REPORTS

8 ADJOURNMENT

Report: *There being no further business to come before the
Committee, the meeting was adjourned at 12:03
p.m.*