

MEMORANDUM

Agenda Item No. 8(L)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: October 1, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution reappointing Marc
Ellenby to the Agricultural
Practices Advisory Board

Resolution No. R-858-24

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: October 1, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Appointment of One Agricultural Practices Advisory Board Member

Recommendation

The Agricultural Practices Advisory Board (APAB), pursuant to Section 2-935(a) of the Code of Miami-Dade County (Code), recommends that Marc Ellenby be reappointed to the APAB as the South Dade Soil & Water Conservation District representative. Section 2-935 of the Code requires that the Board of County Commissioners (Board) fill vacancies occurring on the APAB. Pursuant to Section 2-934 of the Code, members of the APAB serve four-year terms commencing upon appointment by the Board.

Scope

The recommendations and actions of the APAB have a countywide impact.

Delegation of Authority

The proposed resolution does not delegate authority to the County Mayor or County Mayor's designee.

Fiscal Impact/Funding Source

There is no fiscal impact to the County.

Track Record/Monitor

The Department of Regulatory and Economic Resources, Planning Division, monitors the Agricultural Practices Advisory Board.

Background

The APAB consists of thirteen (13) members representing a variety of agricultural industries:

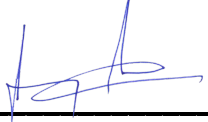
- Two (2) representatives from the Tropical Fruit Crops Industry of Miami-Dade County, one (1) recommended by the Florida Avocado Committee, and one (1) recommended by the Tropical Fruit Growers of South Florida, Inc.;
- Two (2) representatives from the nursery industry, recommended by the Miami-Dade County Chapter of the Florida Nursery Growers & Landscape Association;
- Two (2) representatives from the vegetable industry, recommended by the Dade County Farm Bureau;

- One (1) representative of the aquaculture industry, recommended by the Ornamental Aquaculture Association of South Florida;
- One (1) representative of a citizens' association supportive of agriculture, recommended by the Redland Citizens' Association;
- One (1) representative of allied agribusiness recommended by the Dade Agri Council;
- One (1) representative of agri-banking, agri-financial consulting, or agri-lending recommended by the (South Dade) Chamber of Commerce;
- One (1) representative of Farm Labor, recommended by Coalition of Florida Farmworkers Organizations;
- One (1) representative of the South Dade Soil & Water Conservation District, recommended by the South Dade Soil & Water Conservation District; and
- One (1) at large representative recommended by the Miami-Dade Agricultural Practices Advisory Board.

Pursuant to Section 2-933 of the Code, each designated organization shall submit, for Board review, at least one nominee for their vacant position(s), including the nominee's resume and the minutes of the organization's meeting at which the nominee was selected. The required documentation for Mr. Ellenby is attached as Exhibit A.

South Dade Soil & Water Conservation District Representative

The APAB nominated Marc Ellenby for reappointment to the APAB as the representative of the South Dade Soil & Water Conservation District because the South Dade Soil & Water Conservation District did not nominate a member within 45 days of notification of the vacancy. Mr. Ellenby has served as the South Dade Soil & Water Conservation District representative to the APAB since 2018. Mr. Ellenby is the owner and production manager of LNB Groves, Inc. which includes diversified tropical fruit orchards and landscape bamboo plantings on 150 acres in The Redland agricultural area. He has been in business since 1988. Mr. Ellenby has transitioned to USDA Organic certification on 15 acres of his home farm, and has cultivated 50 acres of tropical plants, fruit trees and perennial tropical crops in Belize, demonstrated agro-forestry and permaculture principles, improved wildlife corridor management practices, and established 1,900 acres of wildlife habitat in Belize. He has a bachelor's degree from the University of Illinois, and a master's degree from the University of Florida. Mr. Ellenby's resume and the minutes of the meeting at which he was selected are attached as Exhibit A.



Jimmy Morales
Chief Operating Officer

Marc J. Ellenby

25250 SW 194th Avenue, Homestead, Florida 33031
Farm – Cell: 305.345-6650
Email . LNBgroves@msn.com

Summary

Owner and production manager of LNB Groves, Inc. including many diversified tropical fruit orchards and landscape bamboo plantings on 150 acres in the Redland agricultural area, Homestead, Florida.

Highlights

Tropical fruit specialist
Extensive native plants knowledge
Sustainable forestry

Tropical bamboo grower
Detail-oriented horticulture
Organic farm certification
Sustainability initiatives

Experience

Self-employed, Owner / production manager, small business Farm entrepreneur
January 1988 to Current

LNB Groves, Inc. - Homestead, Florida

Extensive experience in tropical fruit tree production, bamboo cultivation, and marketing of fruits and live specimen bamboo plants.

Field production manager
August 1978 to December 1987

Brooks Tropicals - Homestead, Florida

Managed all aspects of avocado, mango, and lime production for a progressive fruit grove management company on 1800+ acres. Scheduled daily, weekly, and monthly activities for field crew and Contractors.

Accomplishments

Developed tropical fruit orchards and live bamboo plant production and marketing.
Transitioned to USDA Organic certification on 15 acre Home farm in the Redland agricultural area.
Cultivated 50 acres of tropical clumping bamboo and 25 acres of fruit trees and perennial tropical crop production areas alongside a Belize second growth rainforest, demonstrating agro-forestry and Permaculture principles.

Established 1900+ acres of wildlife habitat through forest conservation and trail mapping in Belize.

Improved wildlife corridor management practices.

Education

Master of Agriculture: Horticulture, Fruit crops 1978
University of Florida - Gainesville, Florida

Clemson University – Horticulture/Botany studies, 1976-1978, Clemson, South Carolina

Bachelor of Arts: Liberal Arts and Sciences, 1974
University of Illinois - Urbana-Champaign, Illinois

AGRICULTURAL PRACTICES ADVISORY BOARD SUMMARY MINUTES

March 6, 2024

Board Members Present

Erik Tietig (Chair), Marc Ellenby, Martin Motes, Mark Philcox, Barnie Rutzke, Jr., Lucia Soria, Tommy Vick, Mary Waters, Arie de Zwart (9:05 AM); **Via ZOOM:** Sam Accursio

Board Members Absent

Ivonne Alexander (A), Larry Caudle (EA), Arturo Lopez (A)

Department of Regulatory and Economic Resources (RER) staff

Alex Dambach, Mark Dorsey (Planning Division); Marielena Bello, Thomas Gomez, Cleveland Thompson (Development Services Division); Maritza Vasquez, (Code Compliance); **Via ZOOM:** Ricardo Roig, Asst. Director (Code Compliance)

Other Miami-Dade County and Government Staff

Commissioner Kionne McGhee (Commission District 9); Jorge Abreu (Florida Department of Agriculture and Consumer Services); Bobby Joe Bracy (Commission District 8); Emmanuel Cureton (Commission District 9); Lt. Ernesto Rodriguez (Miami-Dade Police Department/Agricultural & Environmental Crimes Section); Charles LaPradd (Consumer Services Division); Raul Nillo (Office of the Property Appraiser)

Public Attendance

Alfred Arcidi (TFG); Carlos & Jennifer Cardenos (Mon Petit Garden); Carol Hakanson, Michael Maldonado (South Florida Trail Riders); Jocelyn Guilfoyle (Dade County Farm Bureau); Victor Guzman (By Brothers Family Park); Michael Lyman; Sue May; Manuel Pinto (Pinto's Farm); Peter Schnebly (Schnebly Winery); **Via ZOOM:** Nina Boniske; Margie Pikarsky; Ra Schooley; Jorge Zaldivar

Call to Order

Having recited the Pledge of Allegiance, Chair Tietig called the meeting to order at 9:00 AM. Mr. Dorsey called the roll and noted there was a quorum.

Approval of Meeting Summary and Consent Agenda

Chair Tietig moved to accept the February 7, 2024, Meeting Summary. Board Member Philcox moved to accept the Consent Agenda; Board Member Soria seconded the motion, and the Board voted unanimously to approve the Consent Agenda.

New Business

N/A

Unfinished Business

Consideration of a nominee to serve a four (4) year term as the South Dade Soil & Water Conservation District Representative on the Agricultural Practices Advisory Board

Chair Tietig asked Board Member Marc Ellenby if he would like to serve as the SWD District representative, which Mr. Ellenby accepted.

Board Member Rutzke moved that the Agricultural Practices Advisory Board nominate Marc Ellenby to serve as the South Dade Soil & Water Conservation District representative to the Agricultural Practices

NOTE: Due to COVID-19 social distancing requirements, the March 6, 2024, Agricultural Practices Advisory Board meeting was held both "in-person" and "virtually" via Zoom.

Advisory Board. Board Member Philcox seconded the motion. Being put to a vote, the motion passed 8 to 0 as follows:

Ivonne Alexander	Absent	Barney Rutzke, Jr.	Yes
Larry Caudle	Absent	Lucia Soria	Yes
Marc Ellenby	N/A	Tommy Vick	Yes
Arturo Lopez	Absent	Mary Waters	Yes
Martin Motes	Yes	Arie de Zwart	Yes
Mark Philcox	Yes		
	Erik Tietig, Chair	Yes	
	Sam Accursio, Vice Chair	Absent	

AU Ordinance

Mr. Ricardo Roig, Code Compliance, via ZOOM, stated that the revised noise component of the ordinance is under review by the Commissioner's office, and the final ordinance language may change.

Commissioner Kionne McGhee (Commission District 9) addressed the Board and attendees and further discussed the ordinance. He noted that he had listened to the Board and the community to address their recommendations. Board members questioned how they could comment when they received the revised ordinance with such short notice (4:30 AM), that they would have to physically 'hear' the recommended decibel level, and questioned how Code Compliance could address noise complaints throughout the entire agricultural area. Mr. Roig replied that the County has 4 decibel measuring units and described the equipment.

Board Member Philcox moved (Chair Tietig restated the motion) that the Agricultural Practices Advisory Board reaffirms its objection to the formation of the Krome Agritourism District. Board Member Waters seconded the motion. Being put to a vote, the motion passed 8 to 0 with one abstention as follows:

Ivonne Alexander	Absent	Barney Rutzke, Jr.	Abstain
Larry Caudle	Absent	Lucia Soria	Yes
Marc Ellenby	Yes	Tommy Vick	Yes
Arturo Lopez	Absent	Mary Waters	Yes
Martin Motes	Yes	Arie de Zwart	Yes
Mark Philcox	Yes		
	Erik Tietig, Chair	Yes	
	Sam Accursio, Vice Chair	Absent	

Mr. Peter Schnebly, Schnebly Winery, spoke on wineries and the process and said the 1,250-gal limitation for wineries (breweries, distilleries) equals 186 pints (of beer) per week and said it should be 4x higher in order to operate as a functioning business operation and said 15,000 gallons per year is more reasonable.

Board Member Motes moved that the Agricultural Practices Advisory Board recommend to the Board of County Commissioners that the AU ordinance contain a provision that a minimum of 15,000 gallons of beer or wine be produced; Board Member Philcox seconded the motion. In discussion, Board Member Motes noted this would provide 164 pints per day.

Upon further discussion, Board Member Motes amended the motion to 5,0000 gallons; Board Member Philcox seconded the motion. Chair Tietig read the revised motion as follows: the Agricultural Practices Advisory Board recommends to the Board of County Commissioners that the AU ordinance contain a provision to require a minimum of 5,000 gallons of wine, beer or spirits, or combination thereof, within a 12-month period in order to obtain the added pub games, amusements, and recreational activities. Being put to a vote, the motion failed 4 to 0 with 5 abstentions as follows:

Ivonne Alexander	Absent	Barney Rutzke, Jr.	Abstain
Larry Caudle	Absent	Lucia Soria	Abstain
Marc Ellenby	Abstain	Tommy Vick	Abstain
Arturo Lopez	Absent	Mary Waters	Abstain
Martin Motes	Yes	Arie de Zwart	Yes
Mark Philcox	Yes		
	Erik Tietig, Chair	Yes	
	Sam Accursio, Vice Chair	Absent	

Board Announcements & Public Comments

Board Member Soria announced that the South Dade Chamber of Commerce will have a golf tournament in April, and in May will hold a “wellness fair” of which they partner with MDC Homestead Campus and on May 16 a ‘Farm to Table Experience’ to benefit Patches, a pediatric daycare center.

Four attendees provided comments via ZOOM. Three commented on the last-minute handouts on the AU ordinance provided to Board members at the last minute, and requested the documents be included in future Ag Board mailings. Other comments were that Krome Avenue was widened to reduce truck traffic on the Turnpike and the County is now turning Krome Avenue into an amusement area with alcohol and restaurants; existing illegal uses should not be grandfathered; the intent of the noise ordinance should be to protect farm animals and residents’ quality of life; and that Krome Avenue has had “business” (CDMP-designated) nodes for years and there is no need for the Krome Agritourism District.

Mr. Dorsey clarified that he is responsible for submitting documents to the Board, which are generally the meeting summaries, however documents are occasionally sent to Board members by other departments. In this case the Commissioner’s Office sent the documents to the Board members, and he was not aware of the revised ordinance until this meeting, nor did he receive a copy.

Seven in-person attendees commented. Some were in support of increasing the number of gallons for a winery/brewery in order to become productive and noted that businesses not located on Krome Avenue will be at a disadvantage. Others were concerned that most of the conversation is about a small group of people making a lot of money and that residents’ concerns are secondary; illegal uses and activities that have been ignored for years now want to become grandfathered; and that there is a need for increased security due to increasing crime. One person noted that their property is within an Agriculture zone designated for business and is not a retirement community so they should accept the changes that are occurring in the community.

Reports

Agricultural Patrol Report

Lt. Ernesto Rodriguez, Miami-Dade Police Department: Agricultural & Environmental Crimes Section (AECS), reported for the month of February 2024. He said the Ag Patrol responded to 50 cases, there were 19 burglaries, and 1 theft, made 3 arrests, and there were 7 animal-related cases. He then said given the increased population in South Dade, the Ag Patrol would not be able to function without the Illegal Dumping Unit. He reported that for the month of February 2024, the Illegal Dumping Unit was assigned (responded to) 370 cases, collected 13,025 cubic feet of debris, made 12 arrests, had 13 misdemeanors, and issued 346 civil citations. He further noted that Las Palmas (formerly 8.5 Square Mile Area) is becoming a ‘favela’ with all types of activity occurring including child neglect, narcotics, horse slaughtering, etc. and they are considering deportation of offenders as a permanent solution.

UF/IFAS Extension Report

N/A

Chair's Report

N/A

Coordinator's Report

N/A

Agricultural Manager's Report

Mr. LaPradd reported that the County will celebrate National Agriculture Week and Day (March 17-23), and the BCC meeting on March 19, 2024. He also reported that the 2022 Ag Census has been released and Miami-Dade County had \$1.135 billion in sales on 69,000 acres, which keeps us at No. 2 (agricultural production) in the state. He said Palm Beach County is No. 1 at \$1.55 billion on 460,000 acres. He also noted that Miami-Dade County is the No.1 employer of farm labor, that our average farm size is 26-acres—the average for Palm Beach County is 337-acres—but the median for both is 5-acres.

Lastly, Chair Tietig noted that the Dade County Farm Bureau will honor Mr. LaPradd at its 44th Annual BBQ on Saturday, April 27, 2024 (5:30PM to 10:00PM).

Set Agenda

N/A

Adjournment

With no further matters for discussion, the meeting was adjourned at 11:08 AM.

Stephen M. Dorsey

Stephen M. Dorsey, Coordinator



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: October 1, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(L)(1)

Please note any items checked.

- _____ **"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**
- _____ **Statement of social equity required**
- _____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**
- _____ **No committee review**
- _____ **Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) to approve**
- _____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(L)(1)
10-1-24

RESOLUTION NO. R-858-24

RESOLUTION REAPPOINTING MARC ELLENBY TO
THE AGRICULTURAL PRACTICES ADVISORY BOARD

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, sections 2-931 through 2-936 of the Code of Miami-Dade County provide for the creation, composition, terms, purpose, and duties of the Agricultural Practices Advisory Board; and

WHEREAS, section 2-933 of the Code of Miami-Dade County specifically provides for the designated organizations to recommend at least one nominee; and

WHEREAS, the South Dade Soil & Water Conservation District did not nominate a replacement member within 45 days of notification of a vacancy; and

WHEREAS, section 2-935 of the Code of Miami-Dade County provides that when a member organization fails to submit a nomination for a replacement member within 45 days of notification of a vacancy, the Agricultural Practices Advisory Board shall propose a nominee to fill a vacancy; and

WHEREAS, the Agricultural Practices Advisory Board has nominated Marc Ellenby to serve as the South Dade Soil & Water Conservation District representative on the Agricultural Practices Advisory Board; and

WHEREAS, section 2-935 of the Code of Miami-Dade County directs that vacancies on the Agricultural Practices Advisory Board shall be filled by the Board of County Commissioners,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that Marc Ellenby is hereby reappointed as the South Dade Soil & Water Conservation District representative on the Agricultural Practices Advisory Board to serve a four-year term beginning on the effective date of this resolution.

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

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodriguez, Vice-Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin M. Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	absent	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	absent
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of October, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "CMR", is written over a horizontal line.

Cristina M. Rabionet
James Eddie Kirtley