



To: The Mayor and Village Council

Date: May 14, 2013

From: Eve A. Boutsis, Village Attorney

Re: Petitioning County Commission

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SEEKING SUPPORT FROM THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS, REQUESTING UP TO A FIVE-YEAR DELAY FOR RESIDENTIAL HOOK UP TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT BASIN C CONSTRUCTION PROJECT NO GOB-MISC-8; PROVIDING AN EFFECTIVE DATE. [Sponsored by Vice Mayor John DuBois]

BACKGROUND AND ANALYSIS:

Miami-Dade Water and Sewer Department is implementing the Basin "C" water and sewer improvement project under Project No.: GOB-MISC-8. The purported project purpose is to provide new water and sewer infrastructure, fire protection capacity, and facilitate economic development to the Basin C area of the Village of Palmetto Bay. The Basin C project boundary is generally bounded by East Wayne Avenue to the north, SW 184th Street to the south, Railroad Avenue to the west, and SW 97th Avenue to the east. The project commenced mid-April, 2013, and is scheduled to be completed by June of 2014.

According to the Miami-Dade County Code, upon the County's installation of the main water and sewer lines in the public rights-of-way abutting a property, Miami-Dade County, pursuant to County Code Section 24-43.1, the adjacent property owners are required to connect to water and/or sewer mains within 90 days. Currently, the County Department of Environmental Protection may be recommending modifications to Section 24-43.1 of the County Code to among other changes, increase the required "hook-up" time frame from 90 days to 6 months.

Individual residential property owners are required to undertake the cost of engineers, architects, and contractors in order to connect to the County's water and sewer lines. The neighborhood is located within an Enterprise Zone and is a working class neighborhood made up of modest residences. The Village Council has become aware of the fact that the cost for utility line connection to these individual homeowners can be in excess of several thousand dollars, and their ability to arrange for the required "hook up" within a 90 day to 180 day period from installation of the main line could cause individual property owners a severe financial hardship due to the expenditure. During the May Council meeting Council Person Patrick Fiore sponsored a resolution, which was unanimously enacted, that authorized the Village Attorney and Manager to "appeal" to

the Environmental Quality Control Board, on behalf of the "Class" of Village residential properties affected by the improvements, in order to obtain a possible 5 to 10 year extension of the compliance date. During the same meeting Vice Mayor DuBois moved for the preparation of the attached resolution, as there may be a mechanism for petitioning directly to the County Commission for the same type of 5 or 10 year extension of the compliance deadline.

Based upon the foregoing, the Mayor and Village Council seek the assistance and support of the Miami-Dade County Commission for the single-family residences within Basin C to provide the residents with a minimum of a five (5) year extension of time to complete the process so that the cost can be managed and allocated in a fair and equitable manner.

Specifically, the Mayor and Village Council desire to petition the Miami-Dade County Commission for an administrative waiver for the class of residential homes affected by the Basin C water and sewer improvements to provide a five (5) year extension of time to "hook-up" and comply with the provisions of section 24-43.1 of the Miami-Dade County Code.

FISCAL/BUDGETARY IMPACT:

None at this time.

RECOMMENDATION:

Discretion of the Village Council.

1 RESOLUTION NO. _____
2

3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, SEEKING SUPPORT FROM
5 THE MIAMI-DADE COUNTY BOARD OF COUNTY
6 COMMISSIONERS, REQUESTING UP TO A FIVE-YEAR DELAY FOR
7 RESIDENTIAL HOOK UP TO THE MIAMI-DADE WATER AND
8 SEWER DEPARTMENT BASIN C CONSTRUCTION PROJECT NO
9 GOB-MISC-8; PROVIDING AN EFFECTIVE DATE. [Sponsored by Vice
10 Mayor John DuBois]
11

12 WHEREAS, Miami-Dade Water and Sewer Department is implementing the Basin "C"
13 water and sewer improvement project under Project No.: GOB-MISC-8; and,
14

15 WHEREAS, the project purpose is to provide new water and sewer infrastructure, fire
16 protection capacity, and facilitate economic development to the Basin C area of the Village of
17 Palmetto Bay; and,
18

19 WHEREAS, the project boundary is generally bounded by East Wayne Avenue to the north,
20 SW 184th Street to the south, Railroad Avenue to the west, and SW 97th Avenue to the east; and,
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22 WHEREAS, the project commenced mid-April, 2013, and is scheduled to be completed by
23 June of 2014; and,
24

25 WHEREAS, upon the County's installation of the main water and sewer lines in the public
26 rights-of- way abutting a property, Miami-Dade County, pursuant to County Code Section 24-43.1,
27 requires the adjacent property owners to connect to water and/or sewer mains within 90 days; and,
28

29 WHEREAS, the County may be modifying Section 24-43.1 to among other changes,
30 increase the required "hook-up" time frame from 90 days to 6 months; and,
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32 WHEREAS, individual residential property owners are required to undertake the cost of
33 engineers, architects, and contractors in order to connect to the County's water and sewer lines; and,
34

35 WHEREAS, the neighborhood is located within an Enterprise Zone and is a working class
36 neighborhood made up of modest residences; and,
37

38 WHEREAS, the cost for utility line connection to these individual homeowners can be in
39 excess of several thousand dollars, and their ability to arrange for the required "hook up" within a 90
40 day to 180 day period from installation of the main line could cause individual property owners a
41 severe financial hardship due to the expenditure; and,
42

43 WHEREAS, the Mayor and Village Council seek the assistance and support of the Miami-
44 Dade County Commission for the single-family residences within Basin C to provide the residents

1 with a minimum of a five (5) year extension of time to complete the process so that the cost can be
2 managed and allocated in a fair and equitable manner; and,
3

4 WHEREAS, the Mayor and Village Council desire to petition the Miami-Dade County
5 Commission for an administrative waiver for the class of residential homes affected by the Basin C
6 water and sewer improvements to provide a five (5) year extension of time to "hook-up" and
7 comply with the provisions of section 24-43.1 of the Miami-Dade County Code.
8

9 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
10 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:
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12 Section 1. The above whereas clauses are incorporated by reference herein.
13

14 Section 2. The Village Clerk is authorized on behalf of the Village to provide executed
15 copies of this resolution to the Mayor of Miami-Dade County, and each member of the Miami-Dade
16 Board of County Commissioners.
17

18 Section 3. This resolution shall be effective immediately upon its adoption.
19

20 PASSED and ADOPTED this _____ day of May, 2013.

21
22 Attest: _____
23 Meighan Alexander
24 Village Clerk
25

Shelley Stanczyk
Mayor

26 APPROVED AS TO FORM:
27

28 _____
29 Eve A. Boutsis
30 Village Attorney
31

32 FINAL VOTE AT ADOPTION:
33

34 Council Member Patrick Fiore _____
35

36 Council Member Tim Schaffer _____
37

38 Council Member Joan Lindsay _____
39

40 Vice-Mayor John DuBois _____
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42 Mayor Shelley Stanczyk _____
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