

**Miami River Commission**  
**Meeting Minutes**  
**March 2, 2020**

The Miami River Commission (MRC) public meeting convened at noon, March 2, 2020, 1407 NW 7 ST.

**Miami River Commission (MRC) Policy Committee Members and/or Designees attending:**

Horacio Stuart Aguirre, MRC Chairman, Appointed by Governor Scott  
Frank Balzebre, Vice Chair, designee for Miami-Dade County Commissioner  
Patty Harris, designee for Governor  
John Michael Cornell, designee for Member at Large Appointed by the Governor  
Megan Kelly, designee for City of Miami Mayor Suarez  
Nancy Jackson, designee for County Commissioner Eileen Higgins  
David Maer, designee for Miami-Dade ST Attorney Fernandez-Rundle  
Philip Everingham, designee for Miami Marine Council  
Wanda Mendez, designee for Downtown Development Authority  
Bruce Brown, Miami River Marine Group  
Sandy O'Neil, designee for Greater Miami Chamber of Commerce  
Roselvic Noguera, designee for Sara Babun  
Tom Kimen, designee for Neighborhood Representative appointed by City of Miami

**MRC Staff:**

Brett Bibeau, Managing Director

**Others attending interested in the River:**

Please see attached sign in sheets.

**I) Chair's Report**

MRC Chairman Horacio Stuart Aguirre provided the following report:

On behalf of the Miami River Commission I extend our warm welcome to recently appointed new MRC volunteer board members Commissioner Alex Diaz de la Portilla, his designee and Chief of Staff Alex Barrera, Ms. Megan Kelly whom is Mayor Suarez' designee, the new Chair of the Dade Delegation Representative Joe Geller, and his designee Representative Anthony Rodriguez. The MRC looks forward to working closely with our new members on continued improvements along the Miami River.

Please note and help distribute the cordial invitations to the free 24<sup>th</sup> Annual Miami Riverday, which will be held April 4, 2020, featuring free Miami River boat rides, live music, environmental education, historic re-enactors, children activities, food, drinks, and more. I hope everyone will attend and enjoy. Friendly reminder that due to Riverday, the next MRC public meeting will be May 4.

I thank all the advertisers in the 17<sup>th</sup> Annual Miami River Map and Guide which is at the printers and will be released at Miami Riverday.

I thank the volunteers from Hands on Miami whom on Saturday, February 29 maintained the community vegetable and fruit garden and picked up garbage along the shoreline adjacent the public Riverwalk at County owned Robert Kind High elderly affordable housing, 1407 NW 7 ST.

## **II. City of Miami Administration's Proposed Draft Amendments to City Code CH.29, Article III "Landfills and Waterfront Improvements" and Appendix B**

City of Miami Public Works Director Dodd distributed and presented the City's proposed ordinance to increase seawall elevations in response to sea level rise. Director Dodd noted the administration's proposed ordinance is based on an ordinance recently adopted in Fort Lauderdale. Director Dodd explained compliance with the new code would be triggered by new construction, flooding or disrepair.

**The Miami River Commission unanimously recommended approval of the City's proposed ordinance to increase seawall elevations in response to sea level rise, with the following conditions:**

- 1) Work on addressing the required financing**
- 2) Include both private and public sector seawalls**
- 3) Consider any differences which may be needed in D1 and D3 zoning, in order to avoid any unintentional impacts**
- 4) In response to a code violation, amend the compliance deadline to 5-6 years to provide time needed to secure funding**
- 5) No code enforcement violations if flooding in severe storms**

## **III. Miami-Dade County Public Works Presentation of Plans to Reconstruct County Owned NW South River Drive from the Tamiami Swing Bridge to NW 36 ST**

Miami-Dade County Public Works distributed and presented almost 30% complete plans for a funded and needed \$9.85 million reconstruction of NW 36 ST, which is currently in disrepair and does not have sidewalks. All area properties will always have vehicular access to their properties for the duration of the construction project, with the exception of 1 particular day when their individual driveway is replaced. Miami-Dade County held a public meeting regarding this project on February 27, 6 PM, in Lummus Park. Parallel Parking was widened from 7' to 14' wide to accommodate trucks.

Lina Monacandilos, Bernuth Marine Shipping, made recommendations on behalf of the marine industrial business owners along NW South River Drive

Frank Balzebre, MRC designee for Miami-Dade County Mayor Carlos Gimenez, stated he wants the Miami-Dade Public Works Department to listen to the businesses and include their comments, even if additional funding is needed.

MRC Director Bibeau thanked the numerous adjacent marine industrial business owners, Miami-Dade County Public Works Department, consultants and Frank Balzebre for joining him on individual back to back 1-hour site visits scheduled all day on Friday, March 13.

**The Miami River Commission unanimously recommended Miami-Dade County continue working on the plans with input from the area's property owners, and seek consistency with the area's Palmer Lake District Zoning, for example using the County owned vacant large site in NW 37 Ave for truck parking, amend the contract if needed, and bring revised plans back to the MRC at 60% complete.**

#### **IV. Miami River Commission Subcommittee Reports**

##### **A. Greenways Subcommittee**

Since the City and County's adoption of the *Miami River Greenway Action Plan*, of the planned 10-mile public Miami River Greenway, 6.5 miles are complete. Currently 7 sections of the public Riverwalk are under construction at River Landing, Miami River Walk, Aston Martin, 1 ST Bridge, One River Point, Gramps by the Bay, and Riverside Miami. The MRC thanks the FDOT for awarding \$2 million in 2 federal grants to the City of Miami to construct the next section of the public Miami River Greenway. The MRC is pursuing multiple public and private funding sources for the remaining funding needed to construct and help maintain the remaining sections of the public Riverwalk.

##### **B. Stormwater Subcommittee**

The MRC thanked Miami-Dade County Commissioner Higgins, Mayor Gimenez, and the entire Board of County Commissioners for renewing the annual contract for the Scavenger Water Decontamination Vessel services in the Miami River.

#### **V. New Business**

The meeting adjourned.

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 Noon  
 1407 NW 7 ST  
 Miami, FL

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE &amp; E-MAIL</u>
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FRANK BONA, SR.	RIVER PROPERTIES	FRANK@BONAENT.COM
Lina Monocandilos	Bernuth Marine Shipping	305-766-7447 linam3201@gmail.com
Mark Bailey	Miami River Marine Group	markbailey@miamirivermarinegroup.org
HANS MUELLER	First Bank	HANS.MUELLER@FIRSTBANKFLA.COM
Eileen Johnston	3630 NW New	786 255-1103
Jorge Centeno	EWM Realty	JorgeCenteno88@gmail.com

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FRANK Bellzobre	Office of Mayor Gimenez	FRANK3@miamidade.gov
PATIL EVERINGHAM	MRC/MARINE COUNCIL	peemsd@hotmail.com
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PATRICIA HARRIS	MRC	305.262.3763 PATTYKAK@GMAIL.COM
Tom KIMEN	MRC	TK:men3@aol.com
MEGAN KELLY		megankelly065@gmail.com

agencies. These services would improve the River's water quality and result in a more aesthetically pleasing waterfront environment, critical to the successful re-development proposed by this Urban Infill Plan.

**ADDITIONAL GREENSPACE**

According to the 2001 Urban Parks study, authored by Peter Harnick, in conjunction by the Urban Land Institute and Trust for Public Land, the City of Miami has the least park space per resident of any large city in the Country. The Urban Infill Plan therefore recommends additional greenspace be provided where feasible. Since Greenspace is permeable surface, it is critical to replenish our water source, the Biscayne Bay Aquifer. In addition, the trees and landscaping found in Greenspace improve air quality. Therefore, additional Greenspace results in improving the natural environment. An example of creating new Greenspace is found at the new East Little Havana Riverside Garden, adjacent to and beneath the Flagler Bridge. This area was once a barren illegal dumping site, and is now providing a lush garden for the neighboring community. We recommend similar beautification projects beneath all bridges crossing the Miami River. The Trust for Public Lands have been directed by the Florida Legislature and the South Florida Water Management District to develop a Strategic Biscayne Bay Access Plan. The MRC, City and the County should work with TPL to include all existing access points that need improvements and to add new access points consistent with this Plan.

**CONTINUED REMOVAL OF DERELICT VESSELS**

The Miami River was once a haven for derelict vessels. Both Miami-Dade County and the City of Miami conduct removal of vessels designated as derelict by Florida Fish and Wildlife Conservation Commission (FFWCC) with funding for



*A derelict vessel along the Miami River*

contractual services provided through grants from FFWCC and Florida Inland Navigational District (FIND). Today only a few derelict vessels are in the River. Since Derelict Vessels damage the natural environment and may be a hazard to public health and boating safety, the Infill Plan recommends the continued removal of vessels determined to be derelict.

**ENVIRONMENTAL EDUCATION**

A fundamental component of improving the Miami River's natural environment is Environmental Education. The Florida Fish and Wildlife Conservation Commission Advisory Council on Environmental Education, the Florida Inland Navigation District, and Miami-Dade County have recurring grant programs for funding selected environmental education topics. In recent years, the South Florida Water Management District has also received special appropriations from the Florida Legislature for Biscayne Bay-related education projects. The MRC was awarded a grant from Miami-Dade County to fund environmental riverboat tours for students and Community Based Organizations. In addition, Environmental Education is a central component of public outreach in annual events such as Miami Riverday, Earth Day, Baynanza, and the Honorable Representative Ileana Ros-Lehtinen's Annual River Clean-Up.



*Local children learning about the environment at Riverday*

**BISCAYNE BAY AND EVERGLADES RESTORATION**

The Miami River was historically a fresh water tributary, connecting the inland Everglades to Biscayne Bay. Today it is primarily a water management canal, part of the Central and Southern Florida Flood Control Project. It moves excess stormwater from inland agricultural areas and coastal urban areas to tide, to prevent flooding. Salt water control gates prevent inland intrusion of salt water caused by the lowering of



Sec. 50-503. - Procedure for removal or relocation.

- (a) *Without prior notice.* Where a law enforcement officer determines that a vessel constitutes a navigational hazard or a hazard to public safety or is determined to interfere with another vessel or where a derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons, the Law enforcement officer may immediately remove or relocate, but not destroy, the vessel pursuant to F.S. §§ 327.44, 327.70, 376.15, and 823.11.

In the event a derelict vessel is removed or relocated prior to notice being given to the owner of the derelict vessel, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the last registered owner(s) of the derelict vessel. The law enforcement officer shall also contact the department of highway safety and motor vehicles in order to determine the name and address of any person(s) who has filed a lien on the derelict vessel as provided in F.S. § 319.27(2) or (3) or F.S. § 328.15(1). On receipt of this information, the law enforcement officer shall mail a notice by certified mail, return receipt requested, to the owner(s) and lienholder(s), if any, advising of the location where the derelict vessel is being held, the reason for removal or relocation, that the owner(s) may request an administrative hearing in accordance with section 50-504 of this article, and that failure to request a hearing pursuant to section 50-504 of this article shall be deemed a waiver of the right to a hearing and an agreement to the remedy of removal, sale, destruction, or other disposition of the derelict vessel.

Notice given pursuant to this subsection is presumed to be delivered when it is deposited with the United States Postal Service, certified, and properly addressed with prepaid postage. Certified mail that is returned undeliverable or if delivery is refused shall be deemed as delivered for purposes of this section.

- (b) *With prior notice.* Except where a derelict vessel constitutes an immediate hazard to navigation, the environment, or to public health, safety, and welfare, a law enforcement officer shall affix a notice upon the derelict vessel at least **45 21** days before removing or relocating it, in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN

THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed. Failure to remove the property will result in the City of Miami taking steps to have the property removed and destroyed pursuant to Chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and destruction of the property as provided by law. Incident/Summary Number (setting forth incident/summary number). Date of Posting: (setting forth the date of posting of notice), signed: (setting forth name, title, address, and telephone number of Law Enforcement Officer).

THIS ACTION MAY AFFECT YOUR INTERESTS. YOU MAY HAVE A RIGHT TO AN ADMINISTRATIVE HEARING ON THESE ISSUES. PLEASE CONTACT THE CITY OF MIAMI DEPARTMENT OF HEARING BOARDS AT (305) 416-2030 IMMEDIATELY. URGENT ACTION REQUIRED.

Such notice shall be not less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting notice upon the derelict vessel, the law enforcement officer shall make a reasonable effort to ascertain the name and address of the last registered owner(s) of the derelict vessel. If such is reasonably available to the law enforcement officer, he or she shall mail a copy of the aforementioned notice by certified mail, return receipt requested, to the owner(s) on or before the date of posting. The law enforcement officer shall also contact the department of highway safety and motor vehicles in order to determine the name and address of any person(s) who has filed a lien on the derelict vessel as provided in F.S. § 319.27(2) or (3) or F.S. § 328.15(1). On receipt of this information, the law enforcement officer shall mail a copy of the aforementioned notice by certified mail, return receipt requested, to the lienholder(s), if any.

Notice given pursuant to this subsection is presumed to be delivered when it is deposited with the United States Postal Service, certified, and properly addressed with prepaid postage.

Certified mail that is returned undeliverable or if delivery is refused shall be deemed as delivered for purposes of this section and will begin the ~~45~~ 21 day count for removal if the derelict vessel has been posted with the derelict vessel notice sticker. If, at the end of ~~45~~ 21 days after posting the notice and mailing such notice, if required, the subject derelict vessel is not removed, the law enforcement officer may immediately remove or relocate, but not destroy, the derelict vessel pursuant to F.S. §§ 327.44, 327.70, 376.15, and 823.11.

(Ord. No. 13797, § 2, 10-11-18)