

## RESOLUTION #2007- 04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, EXPRESSING ITS CONCERN RELATING TO THE JANUARY 29, 2007 PUBLIC HEARING BY THE TOWN OF MEDLEY RELATING TO A PROPOSED EXPANSION OF THE MEDLEY LANDFILL; FINDING THAT THE LACK OF PROPER AND ADEQUATE NOTICE TO THE CITY OF DORAL IS INCONSISTENT WITH INTERGOVERNMENTAL COORDINATION REQUIRED BY MEDLEY'S OWN COMPREHENSIVE PLAN AND WITH THE INTENT AND GOOD FAITH DISCUSSIONS OF THE TOWN OF MEDLEY PURSUANT TO CHAPTER 164, FLORIDA STATUTES; REQUESTING THE TOWN TO POSTPONE CONSIDERATION OF THE ITEM AND TO PROVIDE THE CITY WITH PROPER AND ADEQUATE NOTICE OF THE DATE FOR CONSIDERATION OF THIS AND ALL OTHER APPLICATIONS RELATING TO THE PROPOSED EXPANSION OF THE LANDFILL; PROVIDING FOR A COPY OF THIS RESOLUTION TO BE DELIVERED TO THE TOWN OF MEDLEY; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Town of Medley and Waste Management Inc., of Florida have entered into an agreement for the expansion of the Medley Landfill; and,

**WHEREAS**, the City of Doral opposes the expansion of the Landfill as such will adversely affect the City and its residents, especially given objectionable terms in the Development Agreement between the Town of Medley and Waste Management that is intended to minimize truck traffic in Medley resulting in an increased burden on the roadways within the City of Doral; and,

**WHEREAS**, the City has filed a challenge to Medley Ordinance C-306, which while receiving an adverse ruling from the Department of Community Affairs and the Florida Division of Administrative Hearings, is currently on appeal to the 3<sup>rd</sup> District Court of Appeal; and,

**WHEREAS**, Objective 1 and Policy 1.3 of the Town's Comprehensive Plan, requires "coordination among governmental entities within the Town of Medley's areas of concern" and provides "for an exchange of information regarding requests for changes of zoning or land use within the area of the city limits;" and,

**WHEREAS**, notwithstanding the decision contrary to the City's position, the Administrative Law Judge found that those provisions of the Town's Comprehensive Plan required the Town to give interested persons the opportunity to provide input on such decisions; and,

**WHEREAS**, a real opportunity to provide input requires proper and adequate notice of such opportunity; and,

**WHEREAS**, the City Council adopted Resolution 2006-52, initiating the dispute resolution process with the City of Doral pursuant to Chapter 164, Florida Statutes, providing actual notice to the Town of Medley of the City's opposition to the expansion of the Medley Landfill; and,

**WHEREAS**, the Town and City conducted a conflict assessment meeting on October 11, 2006, during which the two municipalities commenced a dialogue on resolving the dispute concerning the proposed expansion of the Landfill; and,

**WHEREAS**, the Town of Medley is scheduled to conduct a special meeting of its Town Council on January 29, 2007, to conduct a public hearing to consider an application by Waste Management Inc. of Florida to determine if the Medley Landfill qualifies for and may be expanded pursuant to the Town's Ordinance C-306; and,

**WHEREAS**, despite the provisions of its own Comprehensive Plan and the on-going dispute resolution process, the Town failed to provide proper notice and adequate

time for the City to respond to the pending application by the scheduled public hearing;  
and,

**WHEREAS**, given the lack of notice, the City's ability to provide meaningful input on January 29, 2007 is significantly compromised, and the City will be prejudiced if the Town proceeds with the hearing on January 29, 2007;

**NOW THEREFORE IT IS HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing "WHEREAS" clauses are confirmed and ratified as being true and correct and are hereby incorporated herein.

**Section 2.** The City Council expresses its concern over the Town of Medley's decision to consider an application for the proposed expansion of the Medley Landfill at the January 29, 2007 special meeting of the Medley Town Council, as the Town failed to provide proper and adequate notice to the City of Doral of this special meeting and public hearing. The Town's failure to provide proper and adequate notice to the City of the public hearing on the application is inconsistent with the intergovernmental coordination element of Medley's Comprehensive Plan. It is further inconsistent with good faith in the on-going dispute resolution process between the City and the Town pursuant to Chapter 164, Florida Statutes.

**Section 3.** The City Council of the City of Doral respectfully requests the Town of Medley to postpone its public hearing in order to provide the City with a meaningful opportunity to provide input on the pending application. Without a postponement, the City will not have a real opportunity to participate given that it learned of the hearing on January 24, 2007 – only 3 business days prior to the scheduled hearing, and learned of it only through a third party.

**Section 4.** The City Council requests that the Town provide notices with adequate time to respond prior to all future applications relating to the expansion of the Medley Landfill to the City of Doral, through the City Clerk, including notice of any re-scheduled public hearing on the pending application in the event that the Town honors the City's request to postpone the public hearing scheduled for January 29, 2007.

**Section 5.** The City Council hereby directs the City Clerk to deliver certified copies of this Resolution to the Town's Mayor, Clerk, and Town Attorney, to be received no later than Friday, January 26, 2007.

**Section 4.** This Resolution shall become effective immediately upon its passage and adoption.

[Section left blank intentionally]

The foregoing Resolution was offered by Councilwoman Ruiz who moved its adoption. The motion was seconded by Councilman Van Name and upon being put to a vote, the vote was as follows:

Councilman DiPietro	Yes
Councilwoman Ruiz	Yes
Councilman Van Name	Yes
Vice Mayor Cabrera	Yes
Mayor Bermudez	Absent

PASSED and ADOPTED this 24<sup>th</sup> day of January, 2007.

  
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
JOHN J. HEARN, ESQ., CITY ATTORNEY