

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



City Clerk's Office

CharterReview@miamibeachfl.gov

Telephone 305-673-7411

Facsimile 305-673-7254

## CITY CHARTER REVIEW BOARD Minutes of May 13, 2003 Meeting

### Board Members in attendance:

Chairman Steve Zack  
Vice-Chair Jonathan Beloff  
Ricky Arriola, Esq.  
Victor Diaz, Esq.  
Hon. Seymour Gelber  
Larry Herrup, CPA  
Abraham Laeser, Esq.

### Board Liaison Personnel

Jean Olin, Deputy City Attorney  
Robert E. Parcher, City Clerk  
Liliam R. Hatfield, Secretary to City Clerk

\*\*\*

Meeting called to order at 5:30 p.m.

### I. APPROVAL OF MINUTES

**ACTION:** Motion made by Member Herrup; seconded by Vice-Chair Beloff to approve the minutes of the meeting of May 6, 2003. Vote: 7-0.

### II. ISSUES FOR DISCUSSION

#### 1. ELECTION REFORM

##### A) Runoff Election

Chairman Zack gave a brief explanation of the reason municipalities are required to have a two-week runoff. Bob Parcher, City Clerk, stated that per conversation with David Leahy, Supervisor of Elections, Miami-Dade County municipalities are required to go to a two-week runoff, due to new electronic equipment.

##### B) Residency Requirement

Chairman Zack stated that because of the uniqueness of this community and the complexity of the population, one year is necessary for residency requirement. There is also the question of what constitutes residency. Discussion held.

Jean Olin, Deputy City Attorney stated that case law authority has not upheld residency requirement exceeding one year.

Jo Asmundsson spoke.

##### C) Change Election Date to Even Years

Item deferred to May 29, 2003. Chairman Zack informed the Members that a representative from Miami-Dade County Elections Department will be present at that time.

#### 2. ZONING REFORM

##### A) Sec. 1.03 (b) Waterfront Property

Member Diaz reported to the Board the outcome of the conference call requested at the meeting of May 6, 2003 between Jean Olin, Deputy City Attorney, Dan Paul, Outside Counsel and Member Diaz. In summary, Member Diaz stated that there was no objection on the part of Counsel to the Board discussing Sec. 1.03 (b) Waterfront Property. Discussion held.

Richard Ovelmen, Outside Counsel from Jordan, Burt, Berenson, and Johnson LLP concurred with Member Diaz.

Gary Held, First City Attorney, advised the Board not to discuss specific parcels in litigation. In addition, he stated that if a referendum requirement is considered, if stronger protections are desired, an alternative of a supermajority provision could be written into existing City legislation.

Jorge Gomez, Planning Director, spoke.

Dan Paul, Outside City Counsel spoke.

Chairman Zack requested that Jorge Gomez, Planning Director, prepare a map representing by colored areas detailing what is waterfront land and what land is protected to assist the Board with its deliberation. He further requested a chart with figures representing what percentage of land is affected by this Charter section. Member Diaz requested guidance from the City Attorney's Office with regards to the interpretation of what is waterfront, what land is currently protected and the issues of rezoning and disposition of land.

**B) Sec. 1.03 (c) FAR**

Member Diaz explained that the Board should discuss what is protected under this section, and added that there should be some limits on the ability of City Government to increase density in the City. He further reported on the conference call with Outside Counsel on this matter and explained that there were comments that should be avoided due to pending litigation. Discussion held.

Richard Ovelmen, Outside Counsel, Jorden, Burt, Berenson, and Johnson LLP, advised the Board not to discuss the Kramer & Westside Properties case.

Jorge Gomez, Planning Director, explained what is FAR for the public.

Gary Held, First City Attorney, explained what is concurrency for the public.

The Board requested that the Legal Department submit language at the next meeting regarding what "adjacent" means, and what is protected land and what is not.

**C) ZBA – 5 to 7**

Gary Held, First City Attorney, suggested that the provision in the Related Special Acts regarding Zoning Board of Adjustment is also embodied in the City's Land Development Regulations, and as such, the subject Related Special Act section is unnecessary and should be deleted. He suggested that present language providing "ex-officio" members be changed to delete the reference to "ex-officio" and instead provide those members to be regular voting members. Vice-Chair Beloff requested amended language to be submitted at the next meeting.

**PUBLIC COMMENTS:**

There was a good and welfare where the public was provided an opportunity to speak. Minnette Benson spoke.

Chairman Zack stated that the items for the next agenda would include:

**1) Election Reform**

- a. Change Election Date to Even Years (Ch. §2.01)

**2) Form of Government/Commission Powers**

- a. Strong Mayor (Ch. §1.01)
- b. Increase Mayor's Term (Ch. §2.02)
- c. Increase Salaries – no lobbying, public ethics (Ch. §2.02)
- d. Delete Subpoena Power (Ch. §2.03)

**3) City Manager/Administrative Changes**

- a. Department Directors Not Confirmed by Commission (Ch. §4.02)
- b. Amend Charter to consider long term economic impact when adopting Resolutions and allocating funds (Ch. §5.02)

**III. ADJOURNMENT**

Meeting adjourned at 7:30 p.m.

The next meeting is scheduled for **May 29, 2003 at 4:30 p.m.** in the Commission Chambers.

Chairman Zack informed the Board that the meeting for its deliberation has been tentatively scheduled for June 3 or June 10, 2003.

REP:JO/lh  
Attachment: Sign-In Sheet