



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: May 13, 2009

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON WEDNESDAY, APRIL 15, 2009.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Wednesday, April 15, 2009 at 3:00pm in the City Commission Chambers, 3<sup>rd</sup> Floor, City Hall. **Commissioners in attendance:** Mayor Matti Herrera Bower, Commissioners Jerry Libbin, Edward L. Tobin, Jonah Wolfson, Victor M. Diaz Jr., Saul Gross, and Deede Weithorn. **City staff in attendance:** Hilda M. Fernandez, Assistant City Manager; Robert Middaugh, Assistant City Manager; Jose Smith, City Attorney; Raul Aguila, Deputy City Attorney; Deborah Turner, First Assistant City Attorney; Max Sklar, Cultural Affairs and Tourism Development Director; Barbara Hawayek, Code Compliance Division; Alex Rey, Building Department Director; Julio Magrisso, Parks Department Assistant Director; John Oldenburg, Parks Department Assistant Director; Christopher Latt, Parks Supervisory/Urban Forester; and Randi MacBride, Code Compliance Division.

**THE MEETING WAS OPENED AT 3:15 PM.**

**1. UPDATE ON ART IN PUBLIC PLACES PROGRAM, SPECIFICALLY THE THIRD STREET AND WASHINGTON AVENUE PROJECT, "RED SEA ROAD", AND FUTURE PROJECTS.**

Max Sklar, Cultural Affairs and Tourism Development Director, explained the results of the testing, so far, with the reflection of the tiles on the project at 3<sup>rd</sup> Street and Washington.

Commissioner Diaz stated that he was pleasantly surprised with the effect of the tiles on the panels. He added that he is still concerned about the hinges and handles on the boxes where the tiles will be placed and how they will look and affect the appearance of the project.

Mr. Sklar stated that the Art in Public Places committee (AiPP) has recommended deaccessioning the "Speed Love Seats". He added that Mr. Peter Saile has spoken with the artist of the "Red Sea Road" piece, Barbara Neijna, and it looks as though there may be an agreement for restoration of the project to eventually be on display in the Altos del Mar Sculpture Park. There is still more work to be done with regard to an agreement between all three parties.

Agenda Item COC  
Date 5-13-09

Commissioner Diaz thanked Mr. Saile for his efforts and expressed his hope that the City Commission will support an agreement to turn the piece over to the Altos del Mar Sculpture Park.

Mr. Saile spoke on the status of the discussions regarding the Altos del Mar project.

**ACTION:** The committee made no motion.

**2. DISCUSSION REGARDING CONDUCTING THE GENERAL ELECTIONS AND RUN-OFF ELECTION A MINIMUM OF THREE (3) WEEKS APART.**

Mr. Robert Parcher, City Clerk, explained that the supervisor of elections suggested changing the run-off period from a two-week cycle to a three-week cycle. The City's Charter calls for a two-week cycle. He explained that one reason for the change being requested was for the processing of absentee ballots. The City of Miami has already held a meeting prior to the meeting today and he understands that the Elections Department has agreed to a two-week run-off which would take us back to the two-week cycle.

Tara Smith of the Elections Department explained the reason her department asked municipalities to go to a three-week cycle was they feel the more time they have to prepare, the better. Since the City of Miami has decided to go with a two-week cycle, the elections department would like all municipalities having elections to have them at the same time so at this time they are happy to make two-weeks work.

Commissioner Libbin stated he wanted to be sure that there will be no problem in handling the absentee ballots of the residents and that all votes will be counted. Ms. Smith assured the committee there will be no problem.

**ACTION:** The committee made no motion.

**3. DISCUSSION REGARDING REQUESTS OF THE ALTON ROAD HOMEOWNERS ASSOCIATION REGARDING DESIRED UPGRADES.**

Commissioner Libbin explained that this item was to discuss the request by the Alton Road Homeowners Association for a re-striping of the lanes on Alton Road to allow for the narrowing of the travel lanes to allow for the widening of the parking lanes on Alton Road.

Thomas Rockwell spoke on the difficulties, dangers, and requests made by the Alton Road Homeowners Association.

Chris Tavella, of FDOT explained that the travel lanes are currently at the minimum width. Carlos Francis with FDOT added that the department minimum for a parking lane is seven feet and a travel lane is twelve feet.

Commissioner Diaz asked if the City can request that FDOT reduce the travel lines to less than eleven feet. Mr. Tavella responded that the City can and the District Design Engineer would have to approve such a design variation. However, the engineer would probably not approve as there would be no reasonable engineering justification since the benefit gained by widening of the parking lane would not be justified because of the decrease in the safety due to the loss of lane width in the travel lanes. Mr. Francis added that it was the City's consultant that recommended the bulb outs five years ago.

Commissioner Diaz asked why the City cannot have the speed limit painted on the road. Mr. Francis responded that the department's position is to stay away from painting speed limits on the road because it causes slippery spots that mostly impact motorcyclists.

A lengthy discussion ensued regarding the maintenance and condition of the mahogany trees on Alton Road.

Mr. Francis added that HOA requested speed feedback signs in the median and the department is open to the concept.

Mayra Diaz-Buttacavoli spoke on the history of the maintenance of the mahogany trees. Tammy Young spoke.  
Laurie Davis spoke.

Commissioner Libbin expressed his thought that, in the future, the City may consider trying to craft legislation similar to the "pull over" law that in the event an accident happens involving someone getting in or out of their car there would be additional penalties.

Commissioner Tobin moved to take all of the requests made by the residents, appoint a point-person within the city, and ask our State of Florida lobbyist to assist us in getting the things we need done and have the point person come back to the committee to report on the status. Commissioner Diaz made a friendly amendment to the motion to also recommend to the City Commission whatever requests the committee decides to push for and once the City Commission determines which requests they wish to push for to send a letter to the District Director requesting a review an approval of those changes.

Commissioner Wolfson expressed his concern that painting speed limits on the roadway would make is dangerous for motorcyclists. Commissioner Gross asked to have Mr. Latt do an inventory of the trees on Alton Road and determine which trees need to be replaced and ask FDOT to replace them and if the City is responsible for the trees then they could be replaced with funds from the reforestation program. Mr. Latt does not see the trees as a problem for vehicles in the travel lanes.

Commissioner Tobin changed his motion to adopt all of the requests of the Alton Road HOA and direct staff to do whatever needs to be done to get these requests in front of FDOT and ask FDOT to get these done for us. He also asked to have the State Lobbyist to help with these requests and have Mr. Latt to provide an inventory of the trees. Commissioner Libbin seconded.

**ACTION:** The committee moved to adopt all of the requests of the Alton Road HOA and direct staff to do whatever needs to be done to get these requests in front of FDOT and ask FDOT to get these done for us. He also asked to have the State Lobbyist to help with these requests and have Mr. Latt to provide an inventory of the trees.

#### **4. DISCUSSION ON THE CITY OF MIAMI BEACH DRAFT TRAFFIC CALMING MANUAL.**

Item was not reached.

**ACTION:** The item was not reached and was deferred to the next meeting of the Neighborhoods/Community Affairs Committee.

## 5. DISCUSSION REGARDING AMENDMENTS TO THE GRAFFITI ORDINANCE.

Hilda M. Fernandez, Assistant City Manager, explained that one of the items requested to be discussed between first and second reading of this amendment to the graffiti ordinance dealt with community service hours. Specifically, the request was for the ability to work off the fines be provided at a higher level than recommended by the administration so that every five dollars of fines would require one hour of community service time. She stated that has been incorporated into the amendment. Additionally, at the first reading, the Commission had requested that the administration provide some recommendations as to dealing with graffiti from acid etching into glass. Ms. Fernandez distributed a memo with information gathered from three cities on their handling of graffiti: Atlanta, New York, and Chicago. She summarized that Atlanta and New York have stated that it has not been enough of a problem and they treat acid etched glass the same as regular graffiti in terms of the compliance requirements. Chicago provides a little bit of leniency in terms of the time frame for repair of etched glass. Ms. Fernandez reviewed the three options that the administration has prepared for the committee to consider in dealing with graffiti etched in the glass.

Commissioner Libbin stated that he had asked Debora Turner of the City Attorneys' Office to incorporate into the ordinance language similar to what was put into the enforcement of the Dog ordinance so that at the discretion of the City Manager, security guards or police officers would be able to issue citations. He added that he had asked for some language corrections to make sure there was consistency throughout the ordinance noting that community service must be agreed to and that community service hours would be spent cleaning graffiti within the city of Miami Beach. He also suggested that the language be changed back to business days when referring to the timeframe for correction from calendar days.

Commissioner Gross expressed concern with requiring the entire wall be repainted as a result of graffiti. Commissioner Libbin suggested requiring the painting of the entire area defaced. Ms. Fernandez will work with the legal department on the right terminology. Commissioner Gross suggested requiring a substantially similar match of the paint rather than an exact match.

A lengthy discussion ensued regarding the acid etching graffiti enforcement. Commissioner Diaz was not comfortable with no regulation regarding the acid etching and suggested the City come up with something that gives a reasonable amount of time, sets a cost threshold, and provides for some type of method for the property owner to claim undue hardship and go to the Special Master and that would be a basis for the Special Master to relieve them of the code violation. Commissioner Libbin suggested taking action aside from the etching.

Commissioner Tobin moved to pass the ordinance as amended to second reading without the acid etching and discuss the issue of acid etching at the next meeting of the Neighborhoods/Community Affairs Committee. Seconded by Commissioner Diaz.

**ACTION:** The committee moved to pass the ordinance to second reading and discuss the issue of acid etching at the next meeting of the Neighborhoods/Community Affairs Committee.

**6. DISCUSSION REGARDING WHAT THE CITY IS DOING, AND WHAT IT CAN DO, TO MITIGATE THE UNSIGHTLINESS OF IDLE CONSTRUCTION SITES.**

Alex Rey, Building Department Director explained that the state has proposed legislation that will expand any permit or approval that has been issued for two years in addition to their current expiration. In addition, the state is proposing legislation that will prohibit any new requirements, such as issues being discussed here today, to be imposed between May 1, 2009 and May 1, 2011. Commissioner Diaz clarified that the legislation is proposed, not passed, so he did not think the committee should not take action because there is proposed legislation. He also asked for legal to address whether the state legislature has the power to create a two year extension over design review and other zoning approvals granted by cities.

Commissioner Gross suggested foreclosing on the liens the City already has, collect a millions dollars plus, and use that money as a fund to address abandoned properties. It is so hard to get a building permit in the City and he wouldn't want to tell someone that in addition to all the other requirements when you want to get a permit that there is an additional bond that they must place, as was submitted as an option.

Commissioner Diaz stated that a proposal was made at the Land Use meeting that the top ten most expensive; the top ten oldest liens would immediately be put into foreclosure. Commissioner Gross added that the top ten biggest negative impacts on the neighborhoods in which they are located would be on the list for foreclosures.

Commissioner Wolfson agreed not to add an additional requirement to the permit process.

Tammy Young spoke.

A lengthy discussion ensued regarding chain link fences at construction sites, abandoned properties and the length of time to be allowed.

Commissioner Wolfson made the motion to recommend to the City Commission items 2-10, 12 and 13 as listed in the *Proposed Legislative Recommendations* section of the memo included in this committee's agenda package and the last meeting of the Land Use Committee, and deleting the request for the posting of a bond as a funding option and to not apply the chain link fence to vacant residential lots. Commissioner Diaz seconded.

**ACTION:** The committee moved to recommend to the City Commission items 2-10, 12 and 13 as listed in the *Proposed Legislative Recommendations* section of the memo included in this committee's agenda package and the last meeting of the Land Use Committee, and deleting the request for the posting of a bond as a funding option and to not apply the chain link fence to vacant residential lots.

**7. DISCUSSION REGARDING A RESOLUTION AUTHORIZING THE CITY ADMINISTRATION AND CITY ATTORNEYS OFFICE TO PREPARE AN ORDINANCE MAKING THE MAYOR'S GAY BUSINESS DEVELOPMENT COMMITTEE, WHICH IS CURRENTLY AN AD HOC COMMITTEE, INTO A STANDING CITY COMMITTEE, TO BE KNOWN AS THE CITY OF MIAMI BEACH GAY, LESBIAN, BISEXUAL AND TRANSGENDER (GLBT) COMMUNITY RELATIONS COMMITTEE; FURTHER INCLUDING THE INITIAL TERMS FOR ESTABLISHMENT, AS SET FORTH IN THE RESOLUTION; AND EXTENDING THE DURATION OF THE MAYOR'S GAY**

**BUSINESS DEVELOPMENT COMMITTEE (COMMENCING RETROACTIVELY ON MARCH 15, 2009) UNTIL SUCH TIME AS THE MAYOR AND CITY COMMISSION APPROVE THE ORDINANCE ESTABLISHING THE GLBT COMMUNITY RELATIONS COMMITTEE ON SECOND AND FINAL READING.**

Mayor Bower introduced the item. Raul Aguila, Deputy City Attorney, explained that the resolution included in the agenda package is the recommendation of the committee itself. Commissioner Diaz stated that the seven existing members could remain however he does not feel that one member of the commission should be appointing the majority of the members. Mayor Bower suggested each commissioner appoint two members and the Mayor appoints three members to the committee.

Commissioner Diaz made the motion to have a fifteen member committee with the commissioners each appointing two members and the mayor appointing three members. Commissioner Wolfson seconded.

**ACTION:** The committee moved to have a fifteen member committee with the commissioners each appointing two members and the mayor appointing three members.

**8. DISCUSSION REGARDING THE ISSUE OF DOGS OFF LEASH IN CITY PARKS AND OTHER PUBLIC PROPERTIES IN GENERAL.**

Commissioner Diaz expressed that he likes the open area that was to be off-leash during certain hours but does not like the idea of fencing in the area in South Pointe Park.

Commissioner Wolfson stated that he thinks the area should be fenced in and it seems that the people are willing to accept a fenced in area as opposed what was originally promised. He also stated that he does not think that the Marjory Stoneman Douglas Park is a good location. He stated that he would accept the recommendation made in the agenda package.

Commissioner Gross would not like to see a fence in South Pointe Park and stated that he would be willing to try off-leash in a restricted area for limited hours and if that does not work then use the Washington Avenue and 2<sup>nd</sup> Street location.

Commissioner Weithorn stated she will not support a fenced in dog park in South Pointe Park. She added that she is willing to do the trial.

Speakers from the public included:

Lucia Greer  
Gordon Freeman  
Roby Greer  
Tammy Young  
Ruth Remington  
Karen Bromberg  
Randall Bogner  
Mac Thames  
Erica Burton  
Jeff Zerrer  
Catherine Prescott  
Stefano Santoro

Commissioner Wolfson made the motion to refer the plan as presented in the agenda that includes a fenced in area that is done in an aesthetically pleasing way so that the fence is covered up by landscaping, to the May 2009 commission meeting. Commissioner Libbin seconded. Mayor Bower stated that she will give the item a time certain after 5:00pm and requested that parents be advised of the meeting.

**ACTION:** The committee moved to refer the plan as presented in the agenda that includes a fenced in area that is done in an aesthetically pleasing way so that the fence is covered up by landscaping, to the May 2009 commission meeting. with a time certain set after 5:00pm.

**THE MEETING ADJOURNED AT 6:03 PM.**

  
JMG/HMF/rfm



MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

April 15, 2009

SIGN-IN SHEET

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MIAMI BEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

April 15, 2009

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