



# 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: June 3, 2009

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON MONDAY, MAY 18, 2009.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Monday, May 18, 2009 at 2:30pm in the City Commission Chambers, 3<sup>rd</sup> Floor, City Hall. **Commissioners in attendance:** Jerry Libbin, Jonah Wolfson, Victor M. Diaz Jr., and Saul Gross. **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; Fred Beckmann, Public Works Department Director; Fernando Vazquez, City Engineer; Kevin Smith, Parks and Recreation Department Director; Julio Magrisso, Parks and Recreation Department Assistant Director; John Oldenburg, Parks and Recreation Department Assistant Director; Anna Parekh, Real Estate, Housing and Community Development Director; Annette Ayala, Housing Specialist; Mercedes Rovirosa, Community Development Specialist; and Randi MacBride, Code Compliance Division.

**THE MEETING OPENED AT 2:45 PM.**

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

Commissioner Libbin and Commissioner Wolfson both expressed their concern that this item was not heard at the May 13, 2009 commission meeting as was agreed to at the last meeting of the Neighborhoods/Community Affairs Committee. Hilda M. Fernandez, Assistant City Manager, explained the process and that staff was still gathering information and the item was not ready for the May commission meeting. Commissioner Libbin apologized to those who attended the commission meeting in anticipation of hearing this item.

Roby Greer, Responsible Dog Owners (RDO), outlined the package proposed as a consensus of the three neighborhood groups concerned with the dog issues including the RDO, the mothers, and the South of Fifth Neighborhood Association, to address the following:

- Off-leash trial in South Pointe Park, for 90 or 180 days, as agreed to in the last meeting of the Neighborhoods/Community Affairs Committee. This would be at a specifically selected area within the park.
- That the City would establish a permanent, complimentary, fenced-in, programmed dog park at 2<sup>nd</sup> Street and Washington Avenue depending on the availability of the land (the area may be used for some time as a staging area for work planned in the neighborhood). This park would be a compliment to the South Pointe Park in the event the trial was successful and, if it was not successful, it would provide needed space anyway.

- The City to look into coordinating with Miami-Dade County on the non-dog park, dogs running free ordinance that they have.

Jose Smith, City Attorney, explained that the County has a code provision which regulates where and under what circumstances you may or may not allow a "bark park" and dogs running free. The County has preempted the issue of dog beaches and dog parks and while the County allows in very specific and narrow circumstances the ability of the City to allow dogs to run free in certain areas; you could read the County provision as requiring County consent before the City actually does that. The City, traditionally, has allowed bark parks based on its own ordinance. In terms of a dog beach situation, absent a change in the County Code, the City cannot legally allow one. The County has preempted that issue and there is a blanket prohibition under the County Code for dog beaches. He added that there would be a need for some effort to go to the county to amend the County code to allow a dog beach.

Commissioner Libbin recapped that a dog beach or any unsecured area of off-leash by either a fence or hedge for dogs would be something that the City Attorney would advise against until and unless the County approves something.

Frank Del Vecchio spoke on behalf of the mothers committee that is very concerned with off-leash dogs. He asked that the City Commission and the administration come to a decision that Washington Park, located at 2<sup>nd</sup> Street and Washington Avenue should be a long term off-leash facility and in the interim establish an off-leash area in South Pointe Park. He continued with his recommendations regarding a secured area in South Pointe Park.

Carla Probus suggested an alternate location within South Pointe Park.  
Jackie Lalonde also suggested an alternate location within South Pointe Park.

After some discussion regarding the proposed layout of the enclosed off-leash area in South Pointe Park, Commissioner Gross asked whether it would be removed once the dog park at 2<sup>nd</sup> Street and Washington Avenue was up and running. Commissioner Libbin stated that if the South Pointe Park location has no problems, he thought the plan would be to have both. Commission Gross stated that this would be too much, too close together.

Jeff Zerrer spoke and encouraged the committee to get something done today.

Commissioner Wolfson made a motion to recommend to the City Commission at the June 3, 2009 commission meeting, to direct the administration to negotiate and make part of the construction deal, once the property at 2<sup>nd</sup> Street and Washington Avenue becomes available, to build a dog park. Additionally, that the City uses the shaded area recommended in the agenda package and construct a hedge with a fence that is not to be seen in South Pointe Park. Commissioner Libbin seconded.

**ACTION:** The committee moved to recommend to the City Commission at the June 3, 2009 commission meeting, to direct the administration to negotiate and make part of the construction staging deal, once the property at 2<sup>nd</sup> Street and Washington Avenue becomes available, to build a dog park. Additionally, that the City use the shaded area recommended in the agenda package and construct a hedge with a fence that is not to be seen in South Pointe Park.

## **2. DISCUSSION REGARDING THE POTENTIAL OPERATIONAL ISSUES RELATED TO THE NEWLY RECONSTRUCTED SOUTH POINTE PARK. (ITEM DEFERRED)**

Item Deferred prior to the meeting.

**ACTION:** This item was deferred to a future meeting of the Neighborhoods/Community Affairs Committee.

### **3. DISCUSSION REGARDING AMENDMENTS TO THE GRAFFITI ORDINANCE AS IT PERTAINS TO ACID ETCHED GLASS.**

Hilda M. Fernandez, Assistant City Manager, reviewed the three options.

Commissioner Gross spoke regarding the cost and the length of time it takes to acquire tempered glass for replacement.

Mr. David Kelsey spoke and explained an option to polish the glass to remove acid etching at substantially less cost.

**ACTION:** The committee moved to defer this item to the next meeting of the Neighborhoods/Community Affairs Committee with additional information regarding the polishing of glass.

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

Robert Middaugh, Assistant City Manager, detailed what "traffic calming" includes. By definition it is a device that is built in the roadway that permanently alters drivers' behavior. He explained that this manual is strictly about measures that are employed on local streets. In seeking local control, State, County, Federal roads and major thoroughfares will not be considered in the City's traffic calming manual. Mr. Middaugh reviewed the process that would be followed and the differences between the County and City manuals.

Mike Hammon spoke regarding the high neighborhood voting requirement by the County.

Glenn Hall spoke regarding his concern with Pinetree and LaGorce.

Commissioner Wolfson made the motion to direct the administration, absent objections by the City Commission, to approach the County seeking the following: traffic calming authority on local roads according to the Traffic Calming Manual included in the agenda package; on behalf of Pine Tree and LaGorce, see if the City can implement the cushions; and, to change the County's voting requirement from two-thirds of the affected residents to two-thirds of those voting from the affected area. Commissioner Libbin seconded.

**ACTION: The committee moved to direct the administration, absent objections by the City Commission, to approach the County seeking the following:**

- Obtain traffic calming authority on local roads according to the Traffic Calming Manual included in the agenda package.
- On behalf of Pine Tree and LaGorce to see if the City can implement the cushions.
- To change the County's voting requirement from two-thirds of the affected residents to two-thirds of those voting from the affected area.

### **5. DISCUSSION REGARDING POTENTIAL AMENDMENT TO THE SIDEWALK CAFÉ REGULATIONS, CONCERNING THE STORAGE OF SIDEWALK CAFÉ FURNITURE.**

Fred Beckmann, Public Works Department Director, reviewed the recommended amendment to the Sidewalk Café Ordinance to allow all sidewalk cafes on Lincoln Road to leave their tables, chairs and umbrellas out and set-up. The ordinance still requires the cafes to take in the bus stations, keep the area clean, etc.

There was discussion regarding recent complaints and violations issued for advertising on the "specials board" that is allowed for sidewalk café operators. Complaints have been received because advertisements such as "50% off" and "2-for-1 drinks" have been displayed in multiple locations at individual businesses. Commissioner Libbin asked Greg Tindle, Code Compliance Division Director, to meet with Mr. David Kelsey of the South Beach Hotel and Restaurant Association, to work out an understanding regarding what can be included on these "specials boards".

Commissioner Wolfson made the motion to recommend the proposed amendment to the City Commission. Commissioner Diaz seconded.

**ACTION:** The committee moved to recommend allowing all sidewalk cafes on Lincoln Road to leave their tables, chairs, and umbrellas set up, regardless of what time they open for business.

**6. DISCUSSION REGARDING THE CITY OF MIAMI BEACH'S PROPOSED SUBSTANTIAL AMENDMENT TO THE 2008 ACTION PLAN AS REQUIRED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN ORDER TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS INCLUDED IN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.**

Hilda M. Fernandez, Assistant City Manager, explained the need to submit an amendment to the 2008 Action Plan in such a short time frame that will explain how the funds made available by the Federal Stimulus Program will be used by the City. Ms. Fernandez explained the recommendation to allow these funds to be allocated to fill gaps associated with current projects that have submitted funding through the Community Development Block Grant (CDBG) regular application process, as the city always receives more requests than there is funding available. There are several time constraints involved in the need to commit and expend these funds.

Jorge M. Gonzalez, City Manager, provided further explanation regarding the regular CDBG process and the use of stimulus funds.

Commissioner Diaz stated that he agrees with the recommendation of the Administration.

Commissioner Libbin suggested exploring the possibility of utilizing a portion of these funds to assist eligible condominium residents cover certain costs assessed related to improvements of their building to avoid foreclosure.

Commissioner Diaz recommended using funds allocated for homeless prevention.

Amy Perry, Chief Operating Officer at Mount Sinai Medical Center requested an opportunity to apply for some of the stimulus funding.

Commissioner Libbin suggested allowing new/additional applications be accepted for the supplemental funding.

Anna Parekh, Real Estate, Housing and Community Development Director explained that would not be possible due to multiple deadline requirements.

Mr. Gonzalez explained that the system that exists most quickly accomplishes the tight deadlines.

Dr. Morris Sunshine expressed his belief that the City has not availed itself of County dollars.

Commissioner Diaz made the motion to recommend to the City Commission the Administration's recommendation to use the process that is already in place and use this funding to identify those projects that can best benefit by an additional allocation.

Additional discussion continued regarding the ability to make these funds available to applicants that did not apply during the regular CDBG process.

Commissioner Wolfson seconded. Commissioner Libbin voted against and will put a discussion item on the June commission agenda regarding identifying funds for condominium owners.

**ACTION:** The committee moved to recommend to the City Commission the Administration's recommendation to use the process that is already in place and use this funding to identify those projects that can best benefit by an additional allocation.

**7. DISCUSSION REGARDING AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LITTER PROVISIONS IN CHAPTER 46 OF THE CITY CODE; BY AMENDING THE SECTIONS RELATING TO DEFINITIONS, ENFORCEMENT, AND FINES AND PENALTIES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

Commissioner Libbin explained his suggested changes to the Litter Ordinance as included in the supplemental agenda package.

Commissioner Diaz made the motion to move the amendments as recommended to the City Commission and to also add the words "Park, Baywalk, and Beachwalk" after the word "Beach" in Sec. 46-92 (a). Commissioner Wolfson seconded.

Wyatt Porter Brown spoke on the enforcement by Code Compliance.

Luiz Rodriguez spoke, suggesting a marketing campaign should be associated with these amendments.

**ACTION:** The committee moved the amendments as recommended to the City Commission and to also add the words "Park, Baywalk, and Beachwalk" after the word "Beach" in Sec. 46-92 (a). Commissioner Wolfson seconded.

**THE MEETING ADJOURNED AT 5:48 PM.**

**Note:** The next meeting of the Neighborhoods/Community Affairs Committee is scheduled for Wednesday, June 17, 2009 at 2:30pm in the City Manager's Large Conference Room, 3<sup>rd</sup> Floor, City Hall.

  
JMG/HMF/rfm



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## NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

May 18, 2009

### SIGN-IN SHEET

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72



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73

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