



# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jorge Gonzalez, City Manager

FROM: Jerry Libbin, Commissioner *JL/sm*

DATE: June 23, 2009

SUBJECT: Consent Agenda item for the July 15, 2009 Commission Meeting

I have had a number of complaints by tourists, residents and businesses alike about the condition of the public bathrooms along our beach. There is a major concern about the fact that the bathrooms are closed by 6:00 p.m. and therefore there are no public facilities for tourists to use at night. This is problematic in particularly heavily visited commercial districts such as Ocean Drive. It forces people to ask businesses if they can use their facilities or worse yet, I have been told that some people simply use the beach.

I would like to refer this item to the Finance Committee to discuss possible solutions including outsourcing to have some of the facilities open until 12:00 midnight.

Please see the attached motion by the Beach Preservation committee urging the Commission to take action on this item.

JL/sm

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 2009 JUN 23 PM 6:55  
 OFFICE OF THE MAYOR AND COMMISSION

Agenda Item   C4C    
 Date   7-15-09



BEACH PRESERVATION COMMITTEE MINUTES:  
June 2, 2009 MEETING

**In Attendance:**

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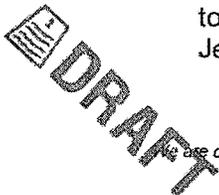
**BPC Members:** Ana Cordero  
Cork Friedman  
Barbara Herskowitz  
Robert "Raven" Kraft  
Matthew Krieger  
Morris Sunshine

**CMB Staff:** Lisa Botero, Environmental Resources Manager  
Elizabeth Wheaton, Environmental Specialist  
Caitlin Pomerance, Environmental Intern

**Guests:** Commissioner Jerry Libbin  
Jose Alberto, Code Compliance  
Alex Carulo, Miami Beach Police Department  
William Riley, Miami Beach Police Department  
Alfonso Ritchey, Sanitation Operations Supervisor  
Greg Tindle, Director Code Compliance  
Ana Cecelia Velasco, Asset Manger

**Minutes:**

1. Meeting called to order by Dr. Morris Sunshine at 9:35 AM.
2. The minutes from May's meeting were reviewed. Motion to approve May's minutes was proposed by Mrs. Ana Cordero. Motion seconded by Dr. Sunshine. Committee approved minutes at 9:45 AM.
3. Mr. Cork Friedman stated that on the weekends between 2<sup>nd</sup> and 3<sup>rd</sup> he has observed many people coming to the beach with large coolers containing alcohol. Such action is leaving the beach strewn with litter. Lieutenant Alex Carulo and Major William Riley stated that the Police Department has an afternoon shift that is addressing this issue. Mr. Greg Tindle, Director of Code Compliance stated that there are no bottles allowed on the beach. Lieutenant Carulo stated that there is a shortage of manpower to fully enforce the code. Major Riley stated that the Police Department is looking to bring in the shift which normally starts at 8PM early in order to have more officers on duty in the area to confiscate the alcohol. Commissioner Jerry Libbin believes that the biggest problem is not the alcohol but the litter.

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Commissioner Libbin is creating an ordinance that would make it unlawful to litter on the beach. Litter was defined as anything left on the sand by a beachgoer, even if they are not leaving. Warnings had not been written for litter previously due to the wording of the ordinance but it has since been changed. The punishment would be a large fine that could be paid off with community service in the form of a clean-up. Luis Rodriguez suggested that there be a massive media campaign in order to educate the community, especially young people, about the litter problem and the new ordinance. Mrs. Cordero suggested that more signs be placed along the beach. Dr. Sunshine made motioned requesting that the Parking Department use the electrical sign to read "Litter Laws Enforced". The Committee passed the motion at 10:01AM.

4. Mr. Robert Kraft stated that the restrooms located adjacent to the beach close around 5 PM everyday. He would like to see the restrooms remain open 24 hours and possibly have security guards to ensure the public's safety. Mr. Alfonso Ritchey, Sanitation Operations Supervisor explained that there are two (2) crews that service the restrooms adjacent to the beach. The morning crew begins at 8 AM opening the restrooms and the afternoon shift begins at 12 PM and works till 8:30 PM. The afternoon crew begins closing down each restroom so that all the restrooms are closed by approximately 8 PM. The restrooms at South Point Park stay open till about 8 PM because there is an additional crew servicing this area. This crew works from 1 PM till 9:30 PM. Mr. Ritchey stated that during Memorial Day weekend the restrooms at 6th Street and 14th Street remained open until 11 PM. Commissioner Jerry Libbin stated that it may be possible to outsource after-hours service for the restrooms. Dr. Morris Sunshine stated that patrons from Ocean Drive often urinate on the coral rock wall or the neighboring buildings because there are no public restroom facilities servicing this area after hours. In addition, Dr. Sunshine stated that many residents and visitors also walk along Lummus Park and Ocean Drive in the early morning before 8 AM and may need to use the restroom. Mr. Steve Boucher of the Boucher Brothers stated that security is an issue and should be investigated if the City chooses to keep the restrooms open at night. Mr. Boucher stated that he often observes the homeless taking cover in the restrooms during the day and during rain events. Commissioner Libbin suggested that the BPC pass a resolution to the City Commission recommending outsourcing this service. Dr. Sunshine made a motion to extend the hours of the restrooms servicing the beach and Ocean Drive and outsource the after-hours security and cleanliness maintenance. Motion was seconded by Mr. Diego Oramas. Mrs. Barbara Herskowitz opposed the motion.

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5. Mrs. Herskowitz expressed concern that there are vendors on the Boardwalk that are not permitted. Ms. Ceci Velasco, Asset Manager stated that when vendors are observed in this area she should be called in order to properly handle the problem. The City does not have no patrolling manpower, thus when issues with vendors or concessionaires is observed on the beach Ms. Velasco should be informed in order to send out an inspector or to contact Code Enforcement. Mr. Boucher mentioned that although vendors may be told to leave, they come back. Mr. Boucher suggested that more severe measures be taken in order to prevent their return. Such measures

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could include, but not be limited to, a fine and/or picture recording of the vendor. Commissioner Libbin reminded the Committee that some vendors are legal, but they must have a permit and a certificate which they wear or display. Mr. Tindle added that the vendor must comply with all codes, including the umbrella code. Dr. Sunshine suggested that the Boardwalk be monitored. Mr. Jose Alberto, Code Compliance advised the Committee to call 604-CITY with a noise complaint in order to be connected with a dispatcher who can visit the suspected vendor.

6. Mrs. Cordero requested that the trailer at 21<sup>st</sup> street, to the west of the dunes, be removed. Ms. Velasco stated that she would have the concessionaire remove it. Mr. Boucher suggested that trailers only be brought out during the rainy season to avoid such issues. Dr. Sunshine reported that the amount of chairs stored on the beach is also visual clutter and should be dealt with even though it is not a contractual violation. Ms. Velasco requested that the Police help with code enforcement concerning trailers because she has no staff. Mrs. Cordero suggested that a new system be created in order to cease the use of trailers. Dr. Sunshine motioned that Mrs. Cordero, Ms. Velasco, and Mr. Boucher meet in order to create a new program in writing for the Chairman and all members of the Committee. The motion was passed unanimously.
7. Mr. Luis Rodriguez asked for promotional assistance for the June 14<sup>th</sup> beach clean-up contest titled "Big Sweep". In addition, Mr. Rodriguez suggested that a brochure with green tips to keep beaches clean should be given to hotels in four (4) languages, English, Spanish, French and German, in order to help the beach ecosystem.
8. Commissioner Libbin provided an update regarding his efforts to involve the community with litter prevention on the beach. Nikki Beach will be sponsoring a beach clean-up on June 20<sup>th</sup>. In addition, Commissioner Libbin stated that he is sponsoring a poster contest until June 29<sup>th</sup>. The posters will be reminders to not litter on the beach. They will be located on various outlets along the beach.
9. The Bi-Annual Report is due in July from the BPC. Ms. Elizabeth Wheaton forwarded the standard template to Mrs. Cordero to complete. Ms. Wheaton will be forwarding Ms. Cordero's draft to all Committee members for review. Ms. Wheaton reminded the Committee to not hit "reply all" when forwarding their comments as to not violate the Sunshine Law.
10. Dr. Sunshine brought it to the attention of the Committee that he had attended a TRAC Committee meeting. The TRAC Committee suggested that the abolishment of the BPC. However, this suggestion was withdrawn. Dr. Sunshine believes it is important that the BPC be sure to take credit for contributions that are made. Dr. Sunshine thinks that all resolutions should be kept separate in order to display exactly the contributions of the Committee. Such contributions should also be

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recorded in the Bi-Annual Report. Ms. Wheaton will provide the BPC with information regarding what the City Manager has done with the resolutions.

11. Dr. Sunshine reported that the Committee's proposed name-change to "Waterfront Protection Committee" was no longer under effect. Ms. Wheaton stated that Commissioner Gross developed an ordinance to change the name of the BPC to the "Waterfront Protection Committee" to incorporate Baywalk as a part of the committee's purview. The proposed ordinance passed the first reading at May's Commission Meeting and will have a second viewing by the Commission in June. Dr. Sunshine expressed concern with BPC involvement with Baywalk due to the law suits surrounding this topic. Dr. Sunshine believes that an advisory committee with more power should take on the Baywalk topic. Dr. Sunshine thinks that a Mayor's Blue Ribbon Committee whose members include lawyers should be established to handle only issues pertaining to the Baywalk. Mrs. Herskowitz questioned why Dr. Sunshine is requesting a Blue Ribbon Committee be established to handle Baywalk issues if he is concerned that the BPC maybe eliminated. Mrs. Herskowitz stated that she wanted to rescind her vote in May approving the resolution to recommend the establishment of a Blue Ribbon Committee. Mr. Oramas stated that he was also was not in agreement for the establishment of a Blue Ribbon Committee.
  
12. Motion to adjourn proposed by Mrs. Herskowitz. Motion seconded by Mrs. Cordero. Committee adjourned at 11:29 AM.

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