



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: November 17, 2010

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON TUESDAY, OCTOBER 5, 2010.**

A meeting of the Neighborhoods/Community Affairs Committee was held on Tuesday, October 5, 2010 at 2:30pm in the City Manager's Large Conference Room, 4th Floor, City Hall. **Commissioners in attendance:** Commissioners Jerry Libbin, Michael Góngora (*arrived at 2:49pm*), and Jonah Wolfson (*arrived at 3:40pm*). Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

THE MEETING OPENED AT 2:46 PM.

1. UPDATE REGARDING THE STATUS OF EFFORTS MADE BY THE ADMINISTRATION TO ENCOURAGE FDOT TO RE-STRIPE THE LANES IN THE MID-BEACH AREA ALONG ALTON ROAD. (3:30PM)

Mr. Fred Beckmann, Public Works Department Director explained that the Florida Department of Transportation (FDOT) has agreed that any on-street parking lanes that do not meet the minimum seven (7) foot width on Alton Road will be re-striped at FDOT's cost. Mr. Chris Tavella of FDOT added that those spaces that do not meet the minimum width will be re-striped and widened by one foot. Mr. Beckmann asked for authorization from the committee to proceed in this direction at FDOT's expense. Commissioner Góngora made the motion to proceed. Motion was seconded by Commissioner Libbin.

Gabrielle Redfern spoke.
Gerry Goldstein spoke.

Mr. Beckmann continued by reviewing the discussion with the Alton Road Homeowner's Association and explained the Transportation Design for Livable Communities (TDLC) standards. Mr. Tavella elaborated further on the TDLC.

ACTION: The committee (Commissioners Libbin and Góngora present) moved to direct staff to move forward with working with FDOT to re-stripe and widen those parking lanes on Alton Road from Michigan Avenue to 63rd Street that do not meet the minimum required width of seven (7) feet, at the cost of FDOT. **(Vote 2-0)**

2. DISCUSSION REGARDING AN ORDINANCE AMENDING CHAPTER 46 OF THE MIAMI BEACH CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE III THEREOF, ENTITLED "LITTER," BY AMENDING SECTION 46-92 TO CLARIFY AND PROVIDE FOR ADDITIONAL PROHIBITIONS AND DEFINITIONS FOR LITTER WITH REGARD TO LEAF BLOWERS AND YARD MAINTENANCE DEBRIS, AND CLARIFYING PENALTIES FOR

CERTAIN LITTER VIOLATIONS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE. (3:48 PM)

Commissioner Góngora introduced this item.

Commissioner Libbin stated that he is in favor of any measures against littering; however, as long as the legislation is enforceable.

Fred Beckmann, Public Works Department Director, explained the environmental impact of leaf blowers on air quality and the effects when the debris ends up in the catch basins, storm water infrastructure, and Biscayne Bay.

Cynthia Curry, Building Department Director, explained that while initially reviewing the implementation of the ordinance, it was not anticipated to be of great fiscal impact, and that it may actually be overestimated in the memorandum. There would be no need for a special detail to enforce this ordinance as it would be part of a Code Compliance Officer's routine detail. However, the offense would have to be witnessed by the Code Compliance Officer in order for enforcement action to take place. An education campaign was included in the fiscal impact because it would be reasonable to let the public know that this is something that staff will be looking at in the future and will be enforcing if violations continue beyond the education campaign.

Jorge Gomez, Assistant City Manager, added that it is important to note that the Litter ordinance is in place and this amendment refines and adds the fact that if a leaf blower is used to distribute the debris, a fine will be issued. Commissioner Góngora asked why the fine structure is limited to \$500. Debora Turner, First Assistant City Attorney, responded that the fines can be increased if that is the desire of the Commission.

Frank Del Vecchio spoke.
Gerry Goldstein spoke.
Carla Probus spoke.

Commissioner Góngora made the motion to move the proposed ordinance amendment forward to the next meeting of the full City Commission. Motion seconded by Commissioner Libbin.

ACTION: The committee (Commissioners Libbin and Góngora present) moved the proposed ordinance amendment forward to the next meeting of the full City Commission. **(Vote 2-0)**

3. DISCUSSION REGARDING STALLED CONSTRUCTION PROJECTS AND CODE VIOLATIONS. (4:00 PM)

Commissioner Libbin introduced the item for discussion and explained that he was unaware that this was part of a discussion at the Land Use and Development Committee. He expressed his concern regarding the abandoned project across from Fairway Park.

Commissioner Góngora explained some discussions at the Land Use and Development Committee have been to require a bond for projects so that there would be funding for property maintenance work that needs to be done if a project is stalled or abandoned, rather than having to spend City funds to take corrective action and then lien the property. Commissioner Libbin stated that he would support a bond requirement.

Cynthia Curry, Building Department Director, explained that she will be taking the lead to resume the meetings with the departments that were involved in the Abandoned Property Initiative working group to implement those things that have not already been implemented from the

report on the Abandoned Property Initiative from the Land Use and Development Committee meeting of April 6, 2009.

Commissioner Wolfson asked for clarification as to why compliance periods and notification periods are longer when cases are heard at Special Master in order to declare a property a nuisance. Ms. Curry will explore this further as part of the Abandoned Property Initiative working group.

Commissioner Libbin asked for more specific time frames to be declared in the steps for "Established Monitoring Policies" as outlined in the April 6, 2009 memo to the Land Use and Development Committee.

Frank Del Vecchio spoke.

Commissioner Libbin asked for a report as to the last time there was an inspection at the abandoned construction project across from Fairway Park.

Jorge Gomez, Assistant City Manager, stated that a problem with requiring a bond on an existing project that has been abandoned is that typically there is no one to collect the money from. An ordinance requiring a bond would come into play in the event a developer comes back to reinstate an abandoned project or re-approve it. When the project is kept alive through the six (6) month inspection process, the developer retains their rights.

Hilda M. Fernandez, Assistant City Manager, added that the bond would only be able to be used prospectively and the City could not apply it to any expenses that have already been incurred by the City. She stated that the City can condition the pulling of a new permit with satisfying any outstanding bills.

Mr. Gomez reminded the members of the committee of the State Bill that passed giving construction projects a two (2) year extension of time.

Commissioner Wolfson stated that he believes the best method for future prevention is to deal with this on the bond issue and for present problems to continue using the lot clearance procedures that former Building Department Director Alex Rey had in place.

Carla Probus spoke.

Commissioner Góngora made a motion to refer this discussion to the Land Use and Development Committee, adding it to that Committee's discussion on bonding for future projects. Motion seconded by Commissioner Libbin.

ACTION: The committee (Commissioners Libbin and Góngora present) moved to refer this discussion to the Land Use and Development Committee, adding it to that committee's discussion on bonding for future projects. **(Vote 2-0)**

**4. CONSIDERATION OF A PUBLIC ART PROJECT BY THE ARTIST TOBIAS REHBERGER TO BE COMMISSIONED FOR PLACEMENT IN SOUTH POINTE PARK, AS RECOMMENDED BY THE ART IN PUBLIC PLACES COMMITTEE (AiPP).
(2:54 PM)**

Max Sklar, Cultural Affairs and Tourism Development Director, reviewed the background and proposal as outlined in the agenda package. He explained that after a very lengthy process, the AiPP Committee is unanimously recommending to the Neighborhoods/Community Affairs Committee and to the full Commission Tobias Rehberger's "Lighthouse" project as Art in Public

Places for South Pointe Park. Mr. Sklar also reviewed the next steps to go forward with the project, including the Design Review Board and the City Commission.

Jeremy Chestler, Chair of the AiPP Committee, spoke regarding the artist and project.

Commissioner Libbin asked how long the project would take for completion, once it receives the green light. Dennis Leyva, Redevelopment Specialist, responded that the project would be ready for Art Basel 2011. Commissioner Libbin expressed his gratitude to the members of the AiPP Committee for all the time and effort they put into their work. He added that he would be happy to support this project.

Commissioner Góngora stated that he was curious to hear from the public as he is not an art expert and will need to be convinced as to why this is the best project. He also asked to hear from the Administration as to how this project may impact the off-leash area for dogs in the park.

Jocelyne Katz spoke.
Elizabeth Resnick spoke.
Rosa Lowenger spoke.
Carla Probus spoke.

Hilda M. Fernandez, Assistant City Manager, addressed concerns with the current condition of certain parts of the park, explaining that funding has been allocated to address these issues with the start of Fiscal Year 2010/11.

Lissette Olemberg Goldstein spoke.
Mariangela Capuzzo spoke.
James Weingarten spoke.
Silvia Cubina spoke.
Frank Del Vecchio spoke.
Gerry Goldstein spoke.
Alberto Chehebar spoke.

Commissioner Góngora reiterated his concern with the possibility of displacement of the off-leash area. Ms. Fernandez explained that there may be some impact during construction; however, she would expect that the "Lighthouse" and the off-leash area should be able to coexist. If the Commission wishes, the Administration could look for an alternate area for the dogs in the park; however, this location has some easily identifiable markers that identify the area. She reminded the members of the committee that the off-leash area is a pilot program that must be reauthorized after December and that its current location was authorized by the Commission with full knowledge that it was the site of the public art project for the park. She added that when the issue of the off-leash area comes back to Commission in December, should it be the will of the Commission to continue with the program, the Administration can proffer alternative locations for the off-leash area.

Commissioner Góngora made a motion to recommend moving the project forward for now and requested a briefing in more detail regarding the project and the Artist, including having the Administration return to the NCAC in November to provide ideas for what to do with the off-leash area for dogs during construction, as well as a detailed report to the Commission as a whole, regarding all the other issues/problems at the park. Commissioner Libbin asked that the report to Commission include timelines and objectives of correcting the problems in the park. Motion was seconded by Commissioner Libbin.

ACTION: The committee (Commissioners Libbin and Góngora present) moved to recommend moving the project forward for now and requested a briefing in more detail regarding the project

and the artist, asked that the Administration return to the NCAC in November to provide ideas for what to do with the off-leash area for dogs during construction, as well as a detailed report to the Commission as a whole regarding all the other issues/problems at the park with timelines and objectives for correcting the problems. **(Vote 2-0)**

5. DISCUSSION REGARDING THE RENAMING OF THE HANDBALL COURTS AT FLAMINGO PARK IN HONOR OF RICHARD BOWER, MAYOR BOWER'S LATE HUSBAND. (2:46 PM)

Hilda M. Fernandez, Assistant City Manager, explained that the handball courts were dedicated to the memory of the late Robert C. Haas, approved by the City Commission on July 1, 1964, and that there is currently a plaque stating that fact on the wall of the courts. Commissioner Libbin asked if a name could be added as he would prefer not removing someone's name. Ms. Fernandez stated that options may include removing a name, adding a second name or finding another way to memorialize Mr. Bower.

Jose Smith, City Attorney, suggested amending the ordinance to exempt the handball courts from the operation of the naming ordinance so that a referendum would not be required. Raul Aguila, Deputy City Attorney, explained that the naming ordinance has a distinction for naming inside a public facility which does not require a referendum and following that same logic, an amendment to the ordinance could be crafted to define certain components within parks, such as playgrounds, tot lots, handball courts, and discrete components of parks that would not rise to the level of a referendum. They would, instead, go to Committee then to Commission, as do the interiors of public facilities.

Commissioner Góngora made a motion to direct Legal to craft language to amend the naming ordinance to remove certain components of parks from the referendum requirement and return to the NCAC with that recommended language. Motion was seconded by Commissioner Libbin.

ACTION: The committee (Commissioners Libbin and Góngora present) moved to direct Legal to craft language to amend the naming ordinance to remove certain components of parks from the referendum requirement and return to the NCAC with that recommended language. **(Vote 2-0)**

THE MEETING ADJOURNED AT 4:20 PM.

Note: The remaining 2010 meeting of the Neighborhoods/Community Affairs Committee is scheduled for Tuesday, December 14, 2010 in the City Manager's Large Conference Room, 4th Floor of City Hall.


JMG/HMF/CWC/KT/rfm



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NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

October 5, 2010

SIGN-IN SHEET

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DENNIS LEYVA

AMB

6127

dleyva@miamibeachfl.gov

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NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
PRAKASH S. KUMAR	Collins Pl. Ngd. Assn		prkuss@yahoo.com
Miriam Lymon	APP		MARIANGELA E KORTIMINI.ARM
Jeremy T. Chestler	AIPP		Jchestler@postcenterfl.org
ROBERT SANTOS - ALBORNOZ	BUILDING		robertSantos-Alborna@MIAMIBEAACH.FL.GOV
Christina Curry	Building	x6812	ccurry@miamibeachfl.gov
BARBARA HAWKINS			
NARINDER SINGH	B.I.D.R. DEPT.	6801	NARINDER.SINGH@miamibeachfl.gov
Jo Manning	1460 Ocean Drive	305-538-3270	drmwk@juno.com
GERAY GLOSTON	ALTON RD	305 JE 84986	GERAY3040@AOL.COM
Rosa Lowinger			rosalawinger@gmail.com

Lisette Olmberg

Alberto Chehebar

Charabn Resnick

APP
Neighbor
AIPP

35158-1148

3-733-7751

lisette.gadstun@me.com

elizac2@aol.com



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NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
MATILDE REYES	CITY OF MIAMI BEACH-CIP	305 673 6884	matildereyes@miamibeachfl.gov
DAVID BALLARD	TAX PAYER	(609) 532-2206	dballard@bell.com
Yanette Bravo	City Commission Office - Tobin	305-673-7107	Yanette.bravo@miamibeachfl.gov
Jane Wempeforden	AIPP	305-632-9255	
FRANK DEL VECCIO	301 Ocean Drive, Unit 604, MARL	305-672-2486	fdelvecchio@atlantickb.net
Silvia K. Cuba	Bass Museum	305-673-7530	scubina@bassmuseum.org
KAREN	BASIC	305 790 5461	BKEM@tmac.com
Kristin Tigner	CMB Building		
Chris Tavello	FDOT	305-470-5551	chris.tavello@dot.state.fl.us
Ramon Sierra	FDOT	305-470-5335	ramon.sierra@dot.state.fl.us
Jocelyne Katz	Resident	305-528-8018	



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NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
Christine Bettn	CMB - Public Works	86768	c.bettn@miamibeachfl.gov
Lynn W Bernstein	CMB - Congr Office	6178	lynnbernstein@miamibeachfl.gov
Jose Albarrn	Code	6854	Josealbarrn@miamibeachfl.gov
Grace Escalante	CIP	6447	Graceescalante@miamibeachfl.gov
Greg Tindlo	Code	6749	gregtindlo@miamibeachfl.gov
Jorge Gomez	CMB	7010	jgomez@miamibeachfl.gov
Julio Magaisso	CMB - Parks & Rec.	6960	
GEORGE S CASTELL	CMB-BLDG/Code Cons.	6276	georgecastell@miamibeachfl.gov
Fernando Vazquez	CMB/PWD	6399	
Carlo Probus	Sofi Resident	248-506-	CProbus@
KEVIN SMITH	CMB P&R	3376	Atlantic66.net KEVINSMITH@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

DEBORA TURNER

LEGAC

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