



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: January 19, 2011

SUBJECT: **REPORT OF THE NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE MEETING HELD ON TUESDAY, DECEMBER 14, 2010.**

A meeting of the Neighborhoods/Community Affairs Committee (NCAC) was held on Tuesday, December 14, 2010 at 2:30 pm in the City Manager's Large Conference Room, 4th Floor, City Hall. **Commissioners in attendance:** Commissioners Jerry Libbin, Edward L. Tobin, and Jorge Exposito (arrived at 3:06 pm). Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

THE MEETING OPENED AT 2:54 PM.

- 1. DISCUSSION REGARDING WHETHER THE CITY SHOULD HAVE A GENERAL STANDING RULE TO WAIVE CERTAIN FEES, SUCH AS PARKING AND OTHER, RELATED TO RECONSTRUCTION OF PRIVATE PROPERTY DAMAGED DUE TO A SEVERE STORM EVENT OR SIMILAR NATURE EVENT. (3:02 PM)**

Commissioner Tobin suggested leaving this to Administration to handle on a case by case basis and have them come to the Commission with a recommendation when needed.

Commissioner Libbin stated that he believes the Mayor or the City Manager should have the ability to make a declaration of a temporary emergency in the event it is necessary to waive certain fees. Commissioner Tobin reiterated to leave it to the Administration to come up with a solution as to what to do in the event of an emergency. Commissioner Libbin advised Hilda M. Fernandez, Assistant City Manager, to come back to the Committee with the Administration's recommendation as to how to handle the emergency / flooding situations. He added that the Committee is okay with the Mayor and the City Manager having the authority for a limited time to waive fees and not ticket cars.

ACTION: The Committee (Commissioners Libbin and Tobin present) directed the Administration to return to the NCAC with their recommendations on the handling of emergency / flooding events.

- 2. STATUS OF TECHNOLOGY RECOMMENDATIONS IN THE TRANSPARENCY, RELIABILITY, ACCOUNTABILITY COMMITTEE (TRAC) REPORT.**

Item was not discussed and was deferred to a future meeting of the NCAC.

Agenda Item	<u>CLCA</u>
Date	<u>1-19-11</u>

3. STATUS OF THE JERRY MOSS AND LUIS HERNANDEZ MEMORIAL PLAQUE PLACEMENTS. (3:05 PM)

Kevin Smith, Parks and Recreation Department Director, reviewed the status of the Jerry Moss plaque which is pending the Flamingo Park Tennis Center completion. He added that the plaque for Luis Hernandez is working through the process of design.

4. DISCUSSION REGARDING THE PLACEMENT OF A PLAQUE ON THE BOARD WALK IN HONOR OF NORMAN CIMENT. (3:06 PM)

Kevin Smith, Parks and Recreation Department Director, reviewed with the Committee a sample of the plaque included in the agenda.

Commissioner Tobin asked if there is a method or rules involved in the process to request a plaque. Raul Aguila, Deputy City Attorney, stated that it is in the City Code and explained the process.

Commissioner Libbin expressed his concern with the recent plethora of requests and his belief that it is good to discuss as a policy.

Hilda M. Fernandez, Assistant City Manager, explained that the decision on whether or not to recommend for naming is really going to become a policy decision while the City's Code of Ordinances (Code) provides a mechanism by which it can be done. It was requested that the Administration propose criteria that the Commissioners would have to consider if they want to recommend the naming of anything.

Commissioner Libbin suggested limiting the number of times each Commissioner could recommend a naming during their term of office.

Ms. Fernandez noted for the record that, with the exception of the Luis Hernandez plaque, these plaques are unfunded and unbudgeted expenses for the City.

Commissioner Tobin made the motion to recommend the placement of the plaque on the Boardwalk in honor of Mr. Norman Ciment as presented in the package along with the plaque honoring Mr. Harold Tillman (see item 6). Motion seconded by Commissioner Exposito. **(Vote: 3-0)**

ACTION: The Committee (Commissioners Libbin, Tobin, and Exposito) moved to recommend the placement of the plaque on the Boardwalk in honor of Mr. Norman Ciment as presented in the package along with the plaque honoring Mr. Harold Tillman (see item 6).

5. DISCUSSION REGARDING THE RENAMING OF THE HANDBALL COURTS AT FLAMINGO PARK TO RICHARD BOWER, MAYOR BOWER'S LATE HUSBAND.

Commissioner Libbin stated that it is his understanding that the Mayor would be more than satisfied with just a plaque recognizing her late husband. Commissioner Tobin stated he would defer to the Mayor's preference.

Hilda M. Fernandez, Assistant City Manager, explained that this discussion previously had expanded to amending the naming ordinance to allow for the naming of certain locations within City parks without having to go to a referendum. She referred to the amendment to the ordinance, included in the agenda package.

Commissioner Libbin suggested a plaque be placed at the handball courts in memory of Mr. Bower, not amending the ordinance as presented, and maybe consider limiting the number of "namings" each Commissioner can recommend.

After some discussion, Commissioner Tobin made the motion to send the discussion regarding the renaming of the handball courts and the amendment to the ordinance as proposed in the agenda without a recommendation, to the Commission for first reading at which time the Commission may discuss the Mayor's wishes regarding a plaque or renaming in honor of her late husband. Motion was seconded by Commissioner Exposito. **(Vote: 3-0)**

ACTION: The Committee (Commissioners Libbin, Tobin and Exposito) moved to send the discussion regarding the renaming of the handball courts and the amendment to the ordinance as proposed in the agenda, without a recommendation, to the Commission for first reading, at which time the Commission may discuss the Mayor's wishes regarding a plaque or renaming in honor of her late husband.

6. DISCUSS THE PLACEMENT OF A SMALL PLAQUE AT THE BUS SHELTER LOCATED IN FRONT OF 3801 COLLINS AVENUE IN MEMORY OF MR. HAROLD TILLMAN WHO WAS INSTRUMENTAL IN THE PLACING OF THE BUS SHELTER THERE AND RECENTLY PASSED AWAY.

During the discussion of item 4 above, Commissioner Tobin made the motion to recommend the placement of a small plaque honoring Mr. Harold Tillman (see item 4).

ACTION: The committee (Commissioners Libbin, Tobin, and Exposito) moved to recommend the placement of a small plaque honoring Mr. Harold Tillman (see item 4).

7. DISCUSSION REGARDING AN AMENDMENT TO INCREASE THE MEMBERSHIP ON THE DISABILITY ACCESS COMMITTEE (DAC). (3:04 PM)

Mr. David New, Chairman of the Disability Access Committee (DAC), requested expanding the number of its members from seven (7) to fourteen (14).

Commissioner Libbin clarified that the desire is to expand the number of people involved in planning things and not to expand the number of meetings. He also cautioned that this increase could potentially cause a problem with reaching a quorum; however, he has been assured that it should not be a problem.

Commissioner Tobin expressed his support and made the motion to recommend to the Commission the increase in the number of members of the DAC from seven (7) to fourteen (14). Motion seconded by Commissioner Libbin. **(Vote: 2-0)**

ACTION: The Committee (Commissioners Libbin and Tobin present) moved to recommend to the Commission the increase in the number of members of the DAC from seven (7) to fourteen (14).

8. DISCUSSION REGARDING AN ORDINANCE AMENDING CHAPTER 70 OF THE MIAMI BEACH CITY CODE ENTITLED "MISCELLANEOUS OFFENSES" BY AMENDING ARTICLE III, ENTITLED "GRAFFITI", BY AMENDING DIVISION I, ENTITLED "GENERALLY", BY AMENDING SECTION 70-126, ENTITLED "RESPONSIBILITY OF PROPERTY OWNER(S) TO REMOVE GRAFFITI; GRAFFITI

REMOVAL AND NOTICE; ENFORCEMENT”, BY AMENDING THE RESPONSIBILITIES OF PROPERTY OWNERS WITH REGARD TO THE ABATEMENT OF GRAFFITI AND AMENDING ENFORCEMENT PROVISIONS. (4:00 PM)

Commissioner Libbin briefly reviewed the lengthy history of the ordinance amendment.

Commissioner Tobin made a motion to bring the ordinance amendment back to the Commission for first reading. Commissioner Exposito seconded the motion. **(Vote 3-0)**

Jose Smith, City Attorney, noted that Paragraph 3 in the amendment no longer applies and should be removed before first reading.

ACTION: The Committee (Commissioners Libbin, Tobin and Exposito) moved to bring the ordinance amendment back to the Commission for first reading.

9. DISCUSSION REGARDING WHAT TO DO WITH THE OFF-LEASH AREA FOR DOGS DURING CONSTRUCTION OF THE PUBLIC ART PROJECT BY THE ARTIST TOBIAS REHBERGER IN SOUTH POINTE PARK. (3:42 PM)

Hilda M. Fernandez, Assistant City Manager, reviewed the history of the off-leash area.

Carla Probus spoke.

Commissioner Libbin stated that if the Commission decides in January to continue with the off-leash dog area in the park that he wouldn't have any problem with the dogs going back to the area where they are currently located sharing the space with the artwork. In the meantime, he would have no problem with the temporary relocation to Option B identified in the supporting documentation during construction of the artwork.

Discussion continued regarding the possibility of natural barriers for the off-leash area and reasons for the hours that were decided upon for the area during previous discussions.

Commissioner Exposito made the motion to direct staff to go with the temporary relocation of the off-leash area to Option B at a point in time during construction of the artwork where fencing of the area becomes necessary. Motion seconded by Commissioner Tobin. **(Vote: 3-0)**

ACTION: The committee (Commissioners Libbin, Tobin and Exposito) moved to direct staff to go with the temporary relocation of the off-leash area to Option B at a point in time during construction of the artwork where fencing of the area becomes necessary.

10. DISCUSSION REGARDING RESTRUCTURING THE SAFETY COMMITTEE. (2:54 PM)

Commissioner Libbin recapped that the Commission voted to change the structure of the Safety Committee to require, after a certain date, with an allowance for a six month period for training, that one of the two appointments by each Commissioner be Citizens Emergency Response Team (CERT) certified.

Raul Aguila, Assistant City Attorney, concurred with Commissioner Libbin.

Robert Parcher, City Clerk, reminded the Committee that this topic was referred to this Committee for discussion between first and second reading. However, the Commission took action on second reading during its December 8, 2010 meeting. No action was needed by the Committee.

11. DISCUSSION REGARDING THE ISSUE OF A PARKING PROBLEM BY THE HEBREW ACADEMY. (3:22 PM)

Commissioner Tobin explained why he requested this item be discussed so quickly. He was wondering if something could be done to increase parking for the Hebrew Academy as it has become a life safety issue.

Leah Klein spoke.
Dr. Roni Raab spoke.

Saul Frances, Parking Department Director, reviewed the difficulties for both the residents and the Hebrew Academy in this neighborhood. There was discussion about the use of a particular parcel for additional parking.

Jose Smith, City Attorney, explained that there is a very complicated settlement agreement from 1995 that he needs to review, including its exhibits, to determine if the parcel that is being discussed is within the settlement agreement or outside of it.


Commissioner Exposito believes the parcel is not part of the settlement agreement; however, he will defer to the City Attorney's opinion. He brought out a map to point out the parcel being discussed as a potential parking lot to ensure everyone was on the same page. Commissioner Tobin recalled reading an old document that he believes gave the Hebrew Academy a potential option to purchase the swale area with the consent of the City.

Commissioner Tobin made a motion to direct the City Attorney's Office to research whether the parcel is unencumbered by the settlement agreement and if there is an option available for the Hebrew Academy to either purchase or lease the property, and for Mr. Frances to measure and report as to what can be done in the space available and report back to the Committee. Motion seconded by Commissioner Exposito. **(Vote: 3-0)**

ACTION: The Committee (Commissioners Libbin, Tobin and Exposito) moved to direct the City Attorney's Office to research whether the parcel is unencumbered by the settlement agreement and if there is an option available for the Hebrew Academy to either purchase or lease the property, and for Mr. Frances to measure and report as to what can be done in the space available and report back to the Committee.

THE MEETING ADJOURNED AT 4:05 PM.

Note: The next meeting of the Neighborhoods/Community Affairs Committee is scheduled for Tuesday, January 11, 2011 in the City Manager's Large Conference Room, 4th Floor of City Hall at 3:00 pm.


JMG/HMF/KT/rfm



MIAMIBEACH

NEIGHBORHOODS/COMMUNITY AFFAIRS COMMITTEE

December 14, 2010

SIGN-IN SHEET

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72

NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
Morris Sunshine	---	305 672 9090	Waiscentral@Bk
GERRY GOLOSTEIN		305 5E8 4986	GERRY3040@AOL.COM
Lynn Wyman	SUFIA K9's	908 256-3000	L.wyman@hro-ny.com
CLAUDIA KANTROWITZ	SUFIA K9	305-817-0177	CLAUDKZ@GMAIL
Dr. Roni Raab	RASG Hebrew Academy	305-532-6421	r.raab@rasg.org
Robyn Malek	Hebrew Academy	305-532-6421	EMALEK@RASG.ORG
LEAH KLEN	Hebrew Academy	305-185-5763 305-532-0421	HABOARD@att.net
Elaine Dobin	Hebrew Academy	305 798 3222	EDOBINEB@att.net
Robin Jacobs	Hebrew Academy	305 992 2007	Rockin Robin 39 radice
DAVID NEW	DISABILITY ACCESS COMMITTEE 6799A 2100	305-401-6168	madonnaj@gmail.com