

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Neighborhood/Community Affairs Committee

Commissioner Edward L. Tobin, Chair Commissioner Micky Steinberg, Vice-Chair Commissioner Deede Weithorn, Member

Commissioner Joy Malakoff, Alternate

FROM: Jimmy L. Morales, City Manager

DATE: April 15, 2014

SUBJECT: MEETING OF THE NEIGHBORHOOD COMMUNITY AFFAIRS COMMITTEE (NCAC) ON

FRIDAY, MARCH 28, 2014

A meeting of the Neighborhood/Community Affairs Committee was held on Friday, March 28, 2014 at 3:00pm in the Commission Chamber, 3rd Floor of City Hall. Commissioners in attendance: Commissioners Micky Steinberg, Deede Weithorn, Joy Malakoff and Ed Tobin. Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet.

The agenda for the meeting is as follows:

OLD BUSINESS

1. Discussion Regarding Exploring Into An Establishment For A Handicap Beach Within Our City Limits 3:06pm

Eric Carpenter, Public Works Director, presented the item.

The City of Miami Beach offers many American Disability Act (ADA) compliant amenities to increase availability and access to not only the City itself, but also its seven miles of beautiful beaches. The City has Mobi-mats at 16 beach entrance locations (Attachment A). Mobi-mats are heavy-duty, polyester mats that provide traction, allowing the disabled and other users to traverse from the beachwalk system or parking lots to the hardpack sand while reducing the chance of slips, trips and falls. Currently, the Mobi-mats only extend to the eastern edge of the dunes and end where the hardpack sand begins.

Staff has identified the north end of Ocean Terrace at 75 Street as the best potential location to establish a handicap accessible beach that is ADA compliant (see Attachment D). In the ADA Parking Fines Fund there is currently \$60,000 available that staff recommends be used to establish a handicap accessible beach. Improvements will include the following elements: sidewalk connection between the parking lot and the North Beach Recreational Corridor beachwalk, installation of Mobi-mat or similar ADA compliant surface east of the dunes and hardpack to a scatter point, temporary shade structures and installation of signage. This project will create a designated ADA beach that will attract both

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

willing to enhance their concession at 75 Street to provide additional ADA amenities to complement the City's project.

The Parks and Recreation Department is in the process of developing a master plan for the open space located between 75 Street and 77 Street, east of Collins Avenue. During the master planning process, additional ADA accessible components can be incorporated in this area, including recreational and fitness elements. Future restroom needs will also be considered during the master planning process because the closest public restroom facility is currently located at 73 Street and Ocean Terrace. Staff will work with the Florida Department of Environmental Protection to obtain the necessary approvals to establish handicap accessibility elements on the state owned beach.

Commissioner Steinberg- Inquired how long the Mobi-mats would be.

Eric Carpenter- Stated that Public Works has been working with the State of Florida in obtaining a permit to have the Mobi-mat extend to the water's edge.

Commissioner Tobin- Inquired if there are any other cities that Miami Beach could contact for help.

Sabrina Cohen (resident) spoke.

Commissioner Tobin- Would like to have this item sent to Commission. Stated that at the Commissioner meeting he would like to hear why this beach was chosen and what are some of the funding options. Also stated that Public Works should work with the City's grant writer in order to find additional funding for this item.

Morris Sunshine (resident) spoke.

Sabrina Cohen (resident) spoke.

MOTION: by Commissioner Steinberg to send to Commission with positive recommendation.

Seconded by Commissioner Malakoff.

2. Discussion Of Placing A Plaque At Flamingo Park Tennis Center In Memory Of Jerry Moss, The First National Tennis Champion From Miami Beach. 3:15pm Commissioner Malakoff presented the item.

Jerry Moss won the Orange Bowl 12 and under, and 15 and under championship. He was captain of the Miami Beach Senior High School Tennis Team. In 1951, he won the 15 and under National Championship of the United States and the Junior National Championships of the United States and Australia in 1954. He was a member of the United States Junior Davis Cup Team in 1954. In that year, he was the top 18 and under tennis player in the world. He was also captain of the University of Miami Tennis Team and an All American in 1958 and 1959. He came from a very poor family and did this with virtually no support system. No family member ever attended his championship matches.

My request is that the plaque read "In Memory of Jerry Moss, the First National Tennis Champion from Miami Beach."

MOTION: by Commissioner Malakoff to send to Commission with a positive recommendation.

Seconded by Commissioner Steinberg.

3. Discussion Regarding A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report For 10-Foot Travel Lanes On Local Avenues And Streets As Well As Four (4) Feet Of Green Space And A 10-Foot Wide Path/Cycle Track Sidewalk Shared On Each Side In Lieu Of Bike Lane For 16th Street. 3:47pm

Eric Carpenter, Public Works Director, presented the item

At its October 17, 2007 meeting, the City Commission adopted the Atlantic Greenway Network (AGN) Master Plan, which included bicycle lanes on Euclid Avenue and 16th Street. The Flamingo Basis of Design Reports (BODR) and the AGN conflicted on Euclid Avenue. When the City moved forward with the Flamingo 10F Project (bound by 7 Street, Washington Avenue, 10 Street, and Meridian Avenue), the Flamingo Park Neighborhood Association (FPNA) objected to the bicycle lanes on Euclid Avenue, as it would have required a reduction in the 7.5-foot wide planting areas that were part of the BODR.

In exchange for support of the project and the bicycle lanes on Euclid Avenue, during a Historic Preservation Board meeting on August 10, 2010, the FPNA requested that all avenues designated as local have 1 0-foot travel lanes and that all sidewalks be a minimum of 6-feet in width. The Historic Preservation Board, per File No. 7192 and File No. 7232, approved the Flamingo 10F Project, including the 1 0-foot wide travel lanes on the local avenues, 6-foot wide sidewalks, and bicycle lanes on Euclid Avenue, during its August 10, 2010 and April 12, 2011 meetings, respectively. The Flamingo 10F project was then constructed per these criteria. Since the development of the Flamingo BODR and the AGN Master Plan, the Flamingo neighborhood has evolved. At the February 19, 2013 Neighborhood/Community Affairs Committee (NCAC) meeting, the Committee endorsed the reduction in travel lane width and increase in minimum sidewalk width in order to achieve the goal of becoming the most pedestrian-friendly neighborhood.

There has also been additional research on alternative types of bicycle facilities such as cycle tracks wherein bicyclists are separated from vehicular traffic. Cycle tracks (off-street bike path) are particularly suited for corridors in which there are few driveways and cross-streets which create potentially unsafe conflicts. Public Works staff has evaluated the cycle track cross-section for 16 Street and believe it could be a potential alternative to the bicycle lanes in this instance.

There are still some outstanding concerns regarding the mingling of pedestrian and bicycle traffic at intersections. As a result, if these are unable to be resolved these concerns, Public Works recommended defaulting back to the configuration that includes on-street bike lines on 16th Street.

Public Works advised that they would need to revise the BODR based on if the recommendation was accepted and would with the construction per the FY 2016/17 Capital Budget. However, given the characteristics and standards for off-road bicycle facilities and

the FPNA's desire to accommodate landscaping, further right-of-way constraints may be found during the design process. If right-of-way constraints are identified during the design and changes are required, Public Works recommended that they will be shared with the City Commission via a Letter to Commission.

The Administration recommended that if additional design changes are necessary and identified during the design process, the BODR amendment process be circumvented to avoid delays in the construction. Construction is scheduled to start in 2017.

Commissioner Malakoff- Inquired about the issue that takes place at the corner of each block because it is not a continuous path.

Eric Carpenter- The cycle track would be relocated to the street at each intersection, causing some parking spaces to be removed.

Commissioner Malakoff- Stated parking is already a big issue in the area and removing parking for the cycle track would be an inconvenience.

Commissioner Steinberg- Stated that if this item does pass, construction cannot start at the same time as the construction that is already occurring on Alton Road, but must be delayed till after it has finished.

Adam Shedroff (resident) spoke.

Commissioner Tobin- Asked if there was a significant amount of greenspace being eliminated.

Eric Carpenter- Stated that from his understanding the bicycle lane was just being moved adjacent to the sidewalk; therefore there should not be a significant amount of greenspace lost.

David Carson (resident) spoke.

Commissioner Steinberg- Stated that there are no bicycles allowed on Lincoln. This point is brought up because sidewalks are intended for pedestrians.

Commissioner Weithorn- Stated that until there are sufficient places for bicycles to ride, the bicycles need to be allowed on the sidewalk. Cities that have outlawed the bicycles on the sidewalk have alternatives for bicyclists.

Betsy Perry (resident) spoke.

Barry Donald (resident) spoke.

Adam Shedroff (resident) spoke.

Eric Carpenter- Stated that some kind of bicycle facility on 16 Street is needed; however, the way 16 Street is configured now seems to work and the City would be better off leaving it as is.

Commissioner Malakoff- Stated that if it currently works fine, then nothing should be done to it. Stated that it would be a very difficult task to accomplish given all that is happening. David Kelsey (resident) spoke.

Mary Thingelstad (resident) spoke.

Commissioner Weithorn- Agreed that she would like to see a bicycle lane that is continuous. In addition, the City's residents need to be better educated regard bicycle safety laws. Agreed with Eric regarding not changing the current street.

MOTION: by Commissioner Weithorn to amend the Basis of Design Report to remove the cycle track, keep the current bicycle lane, mitigate as much obstruction as possible from the pedestrian area and ensure that the bicycle lane is continuous and navigable.

Sheryl Gold (resident) spoke.

Seconded by Commissioner Steinberg.

4. An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," To Provide Regulations And Standards For Nude Dance Establishments. 3:16pm Aleksander Boksner and Deborah Turner, City Attorney's Office, presented the item.

Pursuant to the request of Commissioner Edward L. Tobin at the February 12, 2014 City Commission meeting, the above matter was referred by the City Commission to the Neighborhood/Community Affairs Committee for its recommendations with regard to establishing regulations and standards for nude dance establishments in the City.

Commissioner Tobin- Stated that he would like to see something established to protect those that work in these establishments.

Commissioner Malakoff- Inquired if one of the requirements was having a Compliance Officer.

Aleksander Boksner- Stated that yes, it was one of the requirement, that the establishment is responsible for employing a Compliance Officer.

Commissioner Malakoff- Inquired if the City will be able to see a copy of the compliance sheet.

Aleksander Boksner- Stated that the City will receive confirmation that the establishment is in compliance by a sworn document.

Commissioner Tobin- Inquired about the penalty for violating the ordinance.

Aleksander Boksner-Stated that the ordinance being proposed needs a penalty provision and that it is up to the discretion of the Commission to establish what those penalties should be.

Commissioner Tobin- Ask Jose Smith, City Attorney, to provide a penalty provision.

Commissioner Malakoff- Inquired if an ordinance established in the 1990s regulating adult entertainment establishments would have anything substantial that could be implemented in this ordinance regarding fully nude establishments.

Jose Smith- Stated that the adult entertainment establishment ordinance is general and will see if there are any enhancements that needs to be made.

Commissioner Tobin- Stated that this is not an attack against business, but an effort to regulate and ensure that those that work in these establishments are safe and protected. Commissioner Tobin- Inquired if this can be sent to Commission already.

Jose Smith- Suggested to wait until the penalty provisions are finalized.

Aleksander Boksner- Asked if the Commission would like to see criminal, civil, or a hybrid of civil and criminal penalties.

Commissioner Tobin- Would like to see civil penalties that would implement a monetary fine.

Commissioner Malakoff- Stated that civil penalties would be fine.

MOTION: by Commissioner Tobin to bring this ordinance back to NCAC with the penalty provisions.

Seconded by Commissioner Steinberg.

5. Discussion On Regulation Of Mechanical Equipment Noise. 3:36pm

Aleksander Boksner and Gary Held, City Attorney's Office, presented the item.

Pursuant to the request of Commissioner Deede Weithorn at the February 12, 2014 City Commission meeting, the above matter was referred by the City Commission to the Neighborhood/Community Affairs Committee for discussion on the enforcement action taken by the Code Compliance Department surrounding the noise emanating from the HVAC System located upon the rooftop of 6261 Collins Avenue. The Special Master heard the noise cases, and ruled in the City of Miami Beach's favor regarding all violations. At this juncture, RP/WC Cabana Owners L.P. (the "Hilton") have sought appellate review of the Special Master's decision, which is pending currently before the 11th Circuit Appellate Division.

Commissioner Malakoff- Would like to her the language in the ordinance.

Commissioner Malakoff- Inquired if there was a way to prohibit noise using decibels.

Gary Held- Stated that the noise ordinance City wide would have to also adopt a decibel standard, otherwise it would not be fair.

Commissioner Tobin- Inquired about the noise ordinance and its regulations.

Jose Smith- Stated that the noise ordinance only apply to music establishment not to mechanical equipment.

Commissioner Tobin- Would like the ordinance to be objective.

Jose Smith- Suggested to have this heard at the Noise Working Group.

Commissioner Tobin- Stated that it would be fine to have it heard at the Noise Working Group.

Commissioner Malakoff- Believes the ordinance is fine.

Commissioner Steinberg- Believes it is fine, however it does not to address the mechanical equipment noise.

Commissioner Tobin – Does not agree, believes it is not objective enough of a standard. Morris Sunshine (resident) spoke.

MOTION: by Commissioner Malakoff to send this item to the Noise Working Group.

Commissioner Tobin- Inquired when the City would have the ordinance implemented.

Jose Smith- Stated when it goes up to the Noise Working Group there will be a final draft of the ordinance proposed.

Barry Donald (resident) spoke.

Jose Smith- Stated that this is not a noise ordinance issue. The City has the ability to control Deco Bikes.

Barry Donald (resident) spoke.

Seconded by Commissioner Steinberg.

NEW BUSINESS

6. An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Florida, Entitled "Miscellaneous Offenses," By Amending Section 70-2, Entitled "Reserved" To Create Regulations That Define Nicotine Vaporized And Liquid Nicotine And That Prohibit The Sale, Barter, Providing Directly Or Indirectly, Gifting, Making Available For Use Or Possession, Or The Furnishing Of Nicotine Vaporizers And Liquid Nicotine To Persons Under The Age Of Eighteen (18);

Moreover, Making The Possession Of Nicotine Vaporizers And Liquid Nicotine Illegal For Persons Under The Age Of Eighteen (18); And Providing Penalties For Violations; Providing For Repealer; Severability; Codification; And An Effective Date. 3:27pm

Aleksander Boksner and Deborah Turner, City Attorney's Office, presented the item.

Pursuant to the request of Commissioner Micky Steinberg, the attached Ordinance was submitted for consideration by the Mayor and City Commission and was passed on First Reading at the March 5, 2014 City Commission meeting. The Ordinance was also referred by the City Commission to the Neighborhood/Community Affairs Committee for its recommendations prior to adoption. The Ordinance is scheduled for Second Reading/Public Hearing by the City Commission at the April 23, 2014 City Commission meeting.

Commissioner Steinberg-Would like to move forward with this ordinance due to how long it takes to get a bill pasted in the State Legislature.

Aleksander Boksner- The recommendation is to open and continue the matter that would allow the City to have flexibility.

Deborah Turner- The City's Attorney's Office could move forward, draft an ordinance with the way the City sees fit in order to be prepared when the State makes a decision.

Aleksander Boksner- The City's ordinance would have to track the State language.

Joe Jimenez, Assistant City Manager- Stated that one of the legislative priorities the City can take is to lobby against any preemption which would go in line with several bills the City is supporting in order for the City to keep control of the laws the City passes.

Commissioner Steinberg- Stated that she would like to see this get done.

Commissioner Steinberg- Would like to see where this item at the April 23rd meeting and see where the State is headed.

Commissioner Malakoff- Stated that some of the City's lobbyists should do some work in Tallahassee.

Jo Manning (resident) spoke

DIRECTION: by Commissioner Steinberg to be brought to the April 23 Commission Meeting with the final ordinance.

Commissioner Malakoff- Recommended have our lobbyists discuss it in Tallahassee.

7. An Ordinance Amending The Code Of The City Of Miami Beach, Florida Amending Chapter 6, Entitled "Alcohol Beverages in Movie Theaters. 4:17pm

Aleksander Boksner and Deborah Turner, City Attorney's Office, presented the item. The City Commission on March 5, 2014 referred this item to the Neighborhoods Committee for discussion and policy direction.

Regal Cinema has asked the City to amend City Code Chapter 6 to permit alcohol beverage sales in movie theaters. If amended, as proposed, it would allow such sales at the movie theater on Lincoln Road. While the ordinance originally proposed amendments to the Land Development Regulations requiring a conditional use for such alcohol sales, with restrictions on size and seating, controlling who would be permitted to apply for such a

conditional use permit, the current proposal would amend Chapter 6 to allow alcohol beverage sales in movie theaters with restrictions set forth in the ordinance, without the need for further review by a land use board. The proposed ordinance reflects the Regal's amended proposal for consideration. While similar proposals have been considered by the City, they have not received approval The evolution of uses on Lincoln Road, however, justifies a fresh look at this idea, which is consistent with the latest trends in amenities provided by movie theaters.

Mayor Levine spoke.

Commissioner Tobin- Stated that Administration would have to specify what times alcohol can be served at the movie theater.

Neisen Kasdin, Representative Regal Cinemas spoke.

Commissioner Tobin-Inquired about the hours of operation for serving alcohol.

Gary Held-Stated that at the moment there are no hours set forth in the ordinance; however, the ordinance does state a minor control plan that would have to be approved by the Planning Board.

Commissioner Steinberg- Stated that she is not opposed to the idea, but was wondering if it should be a conditional use permit.

Commissioner Malakoff- Stated that she does not believe it is necessary to have a conditional use as long as it is clearly stated in the ordinance.

Gary Held- Suggested the City Manager to review this matter, not the Planning Board.

Commissioner Weithorn- Stated that what is more important is that there is a no minor zone; therefore, one cannot bring their child. Is open to the idea, would just like to ensure that there are not timing issues.

Neisen Kasdin, Representative for Regal Cinemas spoke.

Commissioner Tobin- Inquired if it would be specified rows or is it theaters?

Neisen Kasdin, Representative for Regal Cinemas spoke.

Commissioner Weithorn- The ordinance sets forth and delineates segregated areas where no minors are allowed. The regulations that are being proposed are what should be included in the ordinance.

Barry Donald (resident) spoke.

Jo Manning (resident) spoke.

Morris Sunshine (resident) spoke.

Neisen Kasdin, Representative for Regal Cinemas spoke.

Gary Held- Stated that the City Attorney's Office will be reviewing and write some standards in to the ordinance.

Commissioner Tobin- Stated that he has voted against this in the past because some have made a completing argument that a movie theater is a safe haven where parents can send their children.

MOTION: by Commissioner Weithorn send to Commission with changes to the ordinance including strict requirements to protect minors.

Seconded by Commissioner Steinberg.

MOTION: by Commissioner Tobin to adjourn the meeting at **4:48pm** Seconded by Commissioner Steinberg.

● MIAMIBEACH

NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE MARCH 28, 2014

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	ORGANIZATION / DEPT.	PHONE NO.	EMAIL
model birto (1			
Shery (sold			
ות ו	in Seal	j	lose ostro
Stephon Di Garmine	16 m 87		Sticarmine @ mac.com
Guseppe Di Mura	16 4 3t	*	
Greesly Agwar	16th-1stren		
Kith Ridlar	16+6 St.		
Marcella Faz Col	John St.		misminizint equisily
Sibring Chen	Sabrium Chen Lovedo	5	sobinza cobelladuret
Bosy F Rem	Silvanis		Betsyt penge com
DAVID R. CAMSON	TC M ST		Jan 453139 chard, Cow
WHOU THINGESTAD	110 West		whengelstade govern. con
Jo Manning	1460 Ocen Drive	305.538.327	305.538.3676 johnanning/946@ gmail. Con

● MIAMIBEACH

NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE MARCH 28, 2014

*

SIGN-IN SHEET

PLEASE PRINT LEGIBLY

NAME	DEPT.	PHONE NO.	EMAIL
1410 MAGA1550	Garks & Rec.	#6960	TULLEMAGESTON MAMBER LEGG
Gany Held	those	x6532	
Car Dontor	CMB PWD	3801 519 505	
ZMINDSO LALIAS	CHB FWD	उठा द्या निक प्रक	307 673 Too year Imicias a manifector (500)
Vleuric 12, 11, acms	Chub Pwi)	11507	Mary Williams @ Widow, bud 18190
Migy Fernandez	FIR-12550E	0382	
SCOTT REYMOUSS	FIRE-OCEAN PRIGUE	ML	SNEYHOUNSENATHWE BEKKHEI. GON
David Dis La Espareina	Midail Beruf DB	2,85	
Aleksandr Boksner	City Attornay's OB-ye	CLhL	
DeporaTurner	Laal	1000	
Kallera, 3	Long!	VES?)	
0	X		