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City Commission Meeting



Wednesday, October 13, 2021 • 8:30 a.m.

City Hall Commission Chamber
1700 Convention Center Drive, 3rd Floor

To participate or provide comments during our
Commission Meeting, join the webinar at:

<https://miamibeachfl.gov.zoom.us/j/81392857671>

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To watch the meeting live, it can be streamed via Facebook Live
(www.facebook.com/cityofmiamibeach) or watched on MBTV channel 660 on
Atlantic Broadband or channel 99 on AT&T U-Verse.

In-Person Public Participation Members of the public who do not have access to a computer and wish to provide public comment at the Commission meeting, may appear in-person at Miami Beach City Hall, Third Floor, 1700 Convention Center Drive, Miami Beach, FL 33139.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6. TTY users may call via 711 (Florida Relay Service).

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**The September 17, 2021 Commission Meeting
will be held in a hybrid format - [click here for more info.](#)**

To join the virtual commission meeting via Zoom:

Please click this link to join the webinar: <https://miamibeachfl.gov.zoom.us/j/81392857671>

Access ID 81392857671#

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It will also be streamed live on MBTV Channel 660 on Atlantic Broadband or 99 on AT&T U-Verse, on the City's website, and on Facebook Live at [facebook.com/cityofmiamibeach](https://www.facebook.com/cityofmiamibeach).

IF YOU WISH TO SPEAK ON AN ITEM DURING THE MEETING:

Via Zoom, please click the "raise hand" button on the screen to raise your hand as soon as the item is called. This will pull you to the top of the list and make it easier for the team to find you in the list of attendees. Or via phone, press *9 to raise a hand to be placed in queue to speak.

Want to read the proposed Commission agenda items and get info about the Commission meeting on Friday? Click [here](#).

Want to contact your elected officials directly? Click [here](#).

In Case You Missed It...

The **Candidate Forums** for Groups 1, 3, and Mayor can be viewed on our website [HERE](#). Our **Fourth Annual Scorecard** for FY2020-2021 and our positions on the ballot referenda items can be viewed [HERE](#).

Commission Meeting October 13, 2021 These are Miami Beach United's Resolutions:

CO-OWNERSHIP OF SINGLE FAMILY HOMES AND
PROHIBITION ON APARTMENT HOTELS
C4-G AND C4-H

Executive Summary:

These items seek to address loopholes in the existing City Code which allow short-term rentals.

Why It Matters:

- Tallahassee prevents municipalities from enacting legislation which prohibit vacation rentals or regulate the duration or frequency of vacation rentals.
- However, there are opportunities to tighten up code to minimize the impact of short term rentals (STRs).
- Apartment-hotels and other co-ownership models are not compatible with trying to manage the impact of STRs, and every effort should be made in order to close the loopholes in order to preserve the quality of life for residents, anywhere in the city.

Miami Beach United **SUPPORTS** this resolution.
Read the MBU Resolution in its entirety by clicking [HERE](#)

Read the Commission documents by clicking [HERE](#) and [HERE](#)

REPAIRS EXCEEDING 50% TO NONCONFORMING RESIDENTIAL BUILDINGS -

R5-D

Executive Summary:

This ordinance seeks to incentivize the renovation and/or maintenance of buildings by removing the obstacle that the entire building be made to conform to the current land development regulations if the value of the work exceeds 50 percent of the value of the building.

Why It Matters:

- Currently there are two options for buildings which fall into this category: let them continue to deteriorate to the detriment of the safety of the residents, or sell them which will typically result pricing residents out.
- This offers a third option, allowing buildings to maintain all existing non-conforming attributes provided the work includes structural, electrical, life-safety and related repairs to comply with and/or exceed the requirements of the Florida Building Code.
- However, we believe if a property takes advantage of this incentive, the use of the property should revert back to the current use(s) allowed in the underlying zoning district. For example, hotels are not allowed in the RM-1 zoning district. Therefore, if a building is currently operating as a hotel in the RM-1 district and wants to fully renovate the property at a cost of more than 50 percent of its value, the use of the building as a hotel would no longer be allowed.

Miami Beach United **SUPPORTS** this resolution.

Read the MBU Resolution in its entirety by clicking [HERE](#)

Read the Commission documents by clicking [HERE](#)

PROHIBITION ON APARTMENT HOTELS

R5-F

Executive Summary:

This resolution seeks to prohibit apartment hotels in the South of Fifth neighborhood where all other transient/short term rentals are already prohibited.

Why It Matters:

- Apartment hotel uses have provided options for older, historically significant buildings to be renovated, preserved and restored. However, the number of apartment hotel conversions over the last couple of years within the RPS-2 district has negatively impacted existing residential apartment uses, as well as the residential character of the RPS-1 and RPS-2 districts.
- The zoning already prohibits all short-term-rentals, except apartment-hotels. As we have seen, STRs change the social fabric of neighborhoods.
- Apartment-hotels are not compatible in this mostly residential apartment neighborhood and should be a prohibited use in order to preserve the quality of life for residents.

Miami Beach United **SUPPORTS** this resolution.

Read the MBU Resolution in its entirety by clicking [HERE](#)

Read the Commission documents by clicking [HERE](#)

WRITTEN NOTICE TO MBPD BY ESTABLISHMENTS WITH 5AM ALCOHOL LICENSE
REGARDING ANY PROMOTED EVENT OR CONCERT WITH LIVE MUSICAL
PERFORMANCE OR ENTERTAINMENT

R5-G

Executive Summary:

This item seeks to provide notice so the City of Miami Beach, via the Police Department, can better prepare for possible high-impact events at late night establishments.

Why It Matters:

- Large promoted events at late-night establishments can draw significant crowds.
- MBU recommends that this notification system apply to all establishments with a 2 a.m. liquor license as well.

Miami Beach United **SUPPORTS** this resolution.

Read the MBU Resolution in its entirety by clicking [HERE](#)

Read the Commission documents by clicking [HERE](#)

WAIVER OF REQUIREMENT THAT WRITTEN WARNING BE PROVIDED PRIOR TO
ISSUING NOTICE OF VIOLATION OF EXCESSIVE NOISE LAWS FOR VEHICLES

R5-H

Executive Summary:

This ordinance seeks to eliminate the unrealistic requirement of issuing a written warning and fifteen minutes to comply prior to vehicles being cited for violating noise laws.

Why It Matters:

- For far too long, unreasonably loud and excessive noise has had an adverse effect and significant impact upon the quality of life of the residents and visitors subjected to such nuisance conduct.
- Enforcement has been virtually impossible because the current requirement that a written warning (and fifteen minutes to comply) be provided prior to the issuance of a notice of violation
- The proposed ordinance would authorize the immediate issuance of a notice of violation without providing 15 minutes to comply and a prior written warning, and will update the penalty fines which haven't been increased since 2006.

Miami Beach United **SUPPORTS** this resolution.

Read the MBU Resolution in its entirety by clicking [HERE](#)

Read the Commission documents by clicking [HERE](#)

LANDSCAPE NEIGHBORHOOD OVERLAYS -
TREE PRESERVATION AND PROTECTION

Executive Summary:

Improving our city's resiliency is a critical goal moving forward. Adding shade trees to our canopy is an important step in that goal, but it should not come at the expense of existing palm trees; it should be an additive step.

Why It Matters:

- It is also important to preserve prominent, iconic palm tree landscapes, which contribute to the unique, individual character of specific neighborhoods.
- These items allow for neighborhoods to have a say in their place-making landscape, rather than have it be dictated with no recourse.

Miami Beach United **SUPPORTS** this resolution.

Read the MBU Resolution in its entirety by clicking [HERE](#)

Read the Commission documents by clicking [HERE](#) and [HERE](#)

DEVELOPMENT OF THE 72ND STREET COMMUNITY COMPLEX PROJECT

R7-H

Executive Summary:

The City seeks to move forward with the current vision for the 72nd Street Community Complex, which has become a divisive issue and is significantly different from what was proposed and voted on in the G.O. Bond. Furthermore the City continues to marry the reimagination of the Byron Carlyle Theater with this project and they should not be linked in any way going forward.

Why It Matters:

- This community complex and the Byron Carlyle project must not be linked together going forward as these are completely independent, discrete projects and have no bearing on each other; the funding of the Byron Carlyle project should not be used as political leverage to strong arm funding for the community complex.
- The project was included in the GO Bond, and sold to voters, with a budget of \$53.8 million; with additional soft costs it's budgeted at \$64.4 million; it is currently estimated at \$107 million, far exceeding that which was proposed, sold, and voted on by residents as part of the G.O. Bond.
- Some additional funding has been identified, but there is still a significant budget shortfall, which the Commission proposes to address by borrowing even more money and selling off yet more public land.
- There are serious engineering issues which don't seem to have been fully investigated regarding whether or not an Olympic competition pool is even possible several stories above ground.
- The outsized cost of this project is pulling resources away from other equally valid, or possibly more important (like seawalls or replacing sewer pipes) projects that affect North Beach and the City as a whole
- The 72nd Street Community Complex, which is already divisive among neighborhood residents, must be re-examined and reconfigured to fall into the voter-approved funding range. If no such agreement can be reached, the project should be eliminated.

Miami Beach United **OPPOSES** this resolution.
Read the MBU Resolution in its entirety by clicking [HERE](#) and [HERE](#).
Read the Commission documents by clicking [HERE](#)

PROVIDING DATA RELATING TO CONVICTION RATES FOR MUNICIPAL PROSECUTIONS

R7-L

Executive Summary:

This item requests a discussion regarding transparent and timely accuracy in collecting and sharing data pertaining to those arrested in the city of Miami Beach in order to better understand where the issues lie in how the judicial system may or may not be working in these matters.

Why It Matters:

- The data would include information about conviction rates before the Covid-19 pandemic and during the ongoing pandemic, as well as a breakdown of dismissals by the court or by prosecutors, and information concerning consequences of dismissals for defendants.
- This item would also seek an update on the municipal prosecution program, the role of the state attorney's office and the courts, and related matters, such as enforcement of habitual misdemeanor offenders and the utilization of stay away orders as an enforcement tool to address quality of life offenses in the city.
- The goal is to understand how effectively the judicial system is performing and can help identify tools, policies and resources that may enhance more aggressive prosecutions such as a municipal prosecution court as needed.

Miami Beach United **SUPPORTS** this resolution.
Read the MBU Resolution in its entirety by clicking [HERE](#)
Read the Commission documents by clicking [HERE](#)

DISCUSSION AND POSSIBLE ACTION REGARDING RETAIL FULFILLMENT CENTERS AND POTENTIAL RESTRICTIONS BY DISTRICT OR CITYWIDE

R9-H

Executive Summary:

In the quest to provide better, more efficient public bus transportation, Miami-Dade County may be unwittingly advocating against Miami Beach riders' best interests.

Why It Matters:

- Several months ago, the Planning Board and City Commission declined to adopt an ordinance that would have permitted a retail fulfillment center to operate in the Harding Townsite district in North Beach. Nonetheless, the fulfillment center is now about to open on Alton Road under the existing code definition of a convenience store.
- The code, written decades ago, did not anticipate such a business; therefore, a new definition that more accurately captures the distinctions between retail fulfillment centers and a convenience store needs to be created.

- It is also necessary to identify zoning districts where retail fulfillment centers may or may not be permitted, conditional, and/or prohibited uses.
- The city needs to address and close any loopholes that might allow warehouse-like fulfillment centers to proliferate in our neighborhoods.

Miami Beach United **SUPPORTS** this item.

Read the MBU Resolution in its entirety by clicking [HERE](#)

Read the Commission documents by clicking [HERE](#)



Our Mission Dedicated to improving the quality of life for Miami Beach residents, managed and measured growth of our city, and ethical leadership of government – for a vibrant city rooted in history, its people, resources and neighborhoods, with focus on the future – by providing educational and analytical focus on the organization, structure, policies and performance of Miami Beach government. We share our newsletters with over 8000 subscribers, 75% of whom are registered Miami Beach voters.