

CITY OF MIAMI BEACH

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CITY CHARTER REVIEW BOARD Minutes of December 8, 2003 Meeting

Board Members in attendance:

Chairman Steve Zack
Vice-Chair Jonathan Beloff
Board Member Ricky Arriola
Board Member Victor Diaz
Board Member Larry Herrup
Board Member Abraham Laeser
Board Member Seymour Gelber

Board Liaison Personnel

Jean Olin, Deputy City Attorney
Robert Parcher, City Clerk
Liliam R. Hatfield, Secretary to City Clerk

Meeting called to order at 6:00 p.m.

Roll call: All members present.

I. APPROVAL OF MINUTES OF NOVEMBER 6, 2003

ACTION: Motion made by Vice Chair Beloff; seconded by Member Diaz to adopt the minutes of November 6, 2003 with the following amendments:

- 1) **Roll Call:** Chairman Zack requested that the roll call reflect only the absence of Member Gelber, since Member Arriola and Chairman Zack arrived at the meeting late.
- 2) **Zoning Reform Section 1.03(c) FAR:** 2nd par., 2nd line, Member Diaz amended language to read: ... In the City Charter to all other properties in the City;
- 3) **NEW ITEM:** Member Diaz amended language to the 2nd line of the paragraph to read ...Chairman Zack discuss the proposed creation of the Blue Ribbon Committee....

Blue Ribbon Committee on Campaign Finance Reform –

Chairman Zack informed the Board Members that he spoke to Commissioner Garcia and Jean Olin, Deputy City Attorney, regarding the Campaign Finance legislation and informed the Board that the City Commission has opted not to pursue the idea of creating a separate Blue Ribbon Committee.

II. ISSUES FOR DELIBERATION:

1. Zoning Reform Section 1.03 (c) FAR

Chairman Zack made reference to a letter from City Attorney Murray Dubbin, dated December 10, 2003, included in the CRB Agenda as Informational Material.

Debora Turner, First Assistant City Attorney, briefly explained the contents of the letter and the Bert J. Harris Act.

Motion made by Member Diaz; seconded by Vice-Chair Beloff, to amend the first portion of the proposed ballot question to read:

AMENDING CHARTER SECTION 1.03 (c) RE: VOTER APPROVAL PRIOR TO FLOOR AREA INCREASE

SHALL CHARTER SECTION 1.03 (c) REQUIRING VOTER APPROVAL BEFORE FLOOR AREA RATIO MAY BE INCREASED ON PROPERTIES ADJACENT TO SPECIFIED WATER BODIES ADJACENT TO THE (‘ ATLANTIC OCEAN, GOVERNMENT CUT, INDIAN CREEK, OR BISCAYNE BAY ‘) BE EXPANDED AMENDED TO DELETE LANGUAGE REFERENCING SUCH WATERBODIES, THEREBY EXPANDING THE REQUIREMENT OF VOTER APPROVAL TO APPLY TO ALL APPLICABLE PROPERTIES WITHIN CITY LIMITS; ...

Vote: 7-0. Discussion continued.

Motion made by Member Diaz; seconded by Vice-Chair Beloff to amend the second portion of the language as follows:

.... EXEMPTING DIVISION OF LOTS, OR THE AGGREGATION OF DEVELOPMENT RIGHTS ON UNIFIED ABUTTING PARCELS (OTHERWISE PERMITTED BY ORDINANCE). ~~AND CERTAIN SETTLEMENTS OR DEVELOPMENT AGREEMENTS...~~ AND SETTLEMENT OF ANY CLAIMS ON WHICH THE CITY HAS BEEN NOTIFIED AS OF DECEMBER 10, 2003.

Vote: 7-0.

Jorge Gomez, Planning Director spoke. Discussion continued.

Member Diaz suggested that, if the City Commission is not receptive to the proposed exemptions, an alternative proposal would be to require supermajority vote (5/7) of both the Planning Board and the City Commission.

2. Zoning Reform Section 1.03 (b) Alienability of Public Owned Lands

Member Diaz summarized the discussion from the November 6, 2003 CRB meeting regarding this issue.

Jorge Gomez, Planning Director, spoke regarding the city owned properties, which include the Altos del Mar parking lot, the Convention Center parking lot, Lincoln Road parking lot, 72nd and Collins parking lot and other small lots in the South Pointe area.

Chairman Zack stated that 2% of the entire city is presently not covered.

Vice-Chair Beloff expressed his opposition to any amendments to this section, and stated that he is confident that the City Commission, Planning Department and preservationists will make the appropriate decisions for these properties. He added that waterfront properties should be preserved, but not small portions of City owned properties. Discussion continued.

Gary Held, First Assistant City Attorney, spoke.

Motion made by Member Diaz; seconded by Member Laeser, to send back the original recommendation deleting the reference to public purpose, adding an exception for alleyways and incidental encroachments not to exceed 500 square feet, and clarifying that city property includes, but is not limited to, land water and air rights as well. Voice vote: 5-2. Opposed: Vice-Chair Beloff and Member Arriola. This item will be presented to the City Commission at the December 10, 2003 Commission Meeting, time certain 2:45 p.m.

Chairman Zack briefly explained the informational materials under 7/30/03 Afteraction, which lists the four ballot questions to be presented at the Commission Meeting of 12/10 regarding the Bill of Rights, City Manager's Powers, Section 4.02 (i), Budget & Finance Art V and Related Special Acts, Art II and III, Public Library and Municipal Projects.

IV. ADJOURNMENT

Meeting adjourned at 7:05 p.m.

The next meeting is to be scheduled early in January 2004. The City Clerk's Office Secretary will coordinate a final schedule date.

REP:JO/lh

Attachment: Sign-In Sheet