

RESOLUTION NO. 2023-32630

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE OFFICIAL ELECTION CERTIFICATION OF THE CANVASSING BOARD FOR THE SPECIAL MAIL BALLOT ELECTION HELD IN THE CITY OF MIAMI BEACH FROM JUNE 5, 2023 TO JUNE 27, 2023, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE 41ST STREET BUSINESS IMPROVEMENT DISTRICT.

WHEREAS, on March 27, 2023, the Mayor and City Commission adopted Resolution No. 2023-32544, which created, pursuant to Chapter 170, Florida Statutes, and subject to the approval of a majority of the affected property owners, a special assessment district to be known as the 41st Street Business Improvement District (the "District"), for a term of ten (10) years, to stabilize and improve that certain area of the City of Miami Beach herein referred to as the 41st Street Business Improvement District, through promotion, management, marketing, and other similar services; and

WHEREAS, on April 28, 2023, the Mayor and City Commission adopted Resolution No. 2023-32566, which called for a special mail ballot election (the "Election"), to be held from June 5, 2023 to June 27, 2023, to determine whether a majority (50% plus one) of the affected property owners approve the creation of the District; and

WHEREAS, pursuant to Resolution No. 2023-32566, the Mayor and City Commission designated Rafael E. Granado, City Clerk; Faroat Andasheva, Senior Assistant City Attorney; and Rogelio A. Madan, Development & Resiliency Officer, Planning Department, to serve as the members of the Canvassing Board for the Election; and

WHEREAS, on June 27, 2023, at 6:00 p.m., the Canvassing Board tabulated and certified the results of the Election; and

WHEREAS, 34 ballots were cast in favor of the creation of the District, 9 ballots were cast in opposition to the creation of the District, 1 ballot was rejected as improperly cast, and 18 ballots were not returned; and

WHEREAS, the Official Election Certification of the Canvassing Board is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, on May 17, 2023, and pursuant to Chapter 170, Florida Statutes, the City Commission adopted Resolution No. 2023-32601, setting a public hearing on July 26, 2023, at 5:03 p.m., subject to the approval of a majority of the affected property owners in the Election, at which public hearing the owners of the property to be assessed

or any other interested persons may appear before the City Commission and be heard as to the propriety and advisability of making such improvements and providing such services (and funding them with special assessments on property), as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved; and

WHEREAS, following the testimony, the Mayor and City Commission shall make a final decision on whether to levy the special assessments; and

WHEREAS, thereafter, pursuant to Chapter 170, Florida Statutes, the City Commission shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and shall adjust and equalize the assessments on a basis of justice and right.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby adopt the Official Election Certification of the Canvassing Board for the Special Mail Ballot Election held in the City of Miami Beach from June 5, 2023 to June 27, 2023, to determine whether a majority of the affected property owners approve the creation of a special assessment district to be known as the 41st Street Business Improvement District.

PASSED and ADOPTED this 28 day of June 2023.

ATTEST



Rafael E. Granado, City Clerk

JUL - 5 2023



Dan Gelber, Mayor

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION



City Attorney NK

6-28-23
Date



MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Alina T. Hudak, City Manager
DATE: June 28, 2023

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE OFFICIAL ELECTION CERTIFICATION OF THE CANVASSING BOARD FOR THE SPECIAL MAIL BALLOT ELECTION HELD IN THE CITY OF MIAMI BEACH FROM JUNE 5, 2023 TO JUNE 27, 2023, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE 41ST STREET BUSINESS IMPROVEMENT DISTRICT.

RECOMMENDATION

Adopt the Resolution which is sponsored by Commissioner Steven Meiner.

BACKGROUND/HISTORY

Chapter 170, Florida Statutes, authorizes any municipality, subject to the approval of a majority of the affected property owners, to levy and collect special assessments against property benefitted for the purpose of stabilizing and improving retail business districts, wholesale business districts, or nationally recognized historic districts, or any combination of such districts, through promotion, management, marketing, and other similar services.

On February 25, 2021, the Mayor's 41st Street Blue Ribbon Committee passed a motion requesting the City to conduct an educational and informational public webinar to inform the 41st Street community about the benefits of creating a business improvement district (BID). On March 23, 2021, the City Administration in collaboration with the Office of the City Attorney conducted the town hall webinar.

On October 26, 2022, the Mayor and City Commission adopted Resolution No. 2022-32348 which, in pertinent part, authorized the Offices of the City Manager and City Attorney to work with a Steering Committee of 41st Street commercial property owners, for the purpose of establishing a special assessment district, pursuant to Chapter 170, Florida Statutes, to stabilize and improve the 41st Street retail business district, through promotion, management, marketing, and other similar services.

On March 27, 2023, the Mayor and City Commission adopted Resolution No. 2023-32544,

which created, pursuant to Chapter 170, Florida Statutes, and subject to the approval of a majority of the affected property owners, a special assessment district to be known as the 41st Street Business Improvement District (the "District"), for a term of ten (10) years, through promotion, management, marketing, and other similar services.

On April 28, 2023, the Mayor and City Commission adopted Resolution No. 2023-32566, which called for a special mail ballot election (the "Election"), to be held from June 5, 2023 to June 27, 2023, to determine whether a majority (50% plus one) of the affected property owners approve the creation of the District. Pursuant to Resolution No. 2023-32566, the Mayor and City Commission designated Rafael E. Granado, City Clerk; Feroat Andasheva, Senior Assistant City Attorney; and Rogelio A. Madan, Development & Resiliency Officer, Planning Department, to serve as the members of the Canvassing Board for the Election.

On May 17, 2023, the Mayor and City Commission adopted Resolution No. 2023-32601, setting, subject to the approval of a majority of the affected property owners in the Election, and pursuant to Chapter 170, Florida Statutes, a **public hearing on July 26, 2023, at 5:03 p.m.**, for the owners of the affected property to be assessed, or any other interested persons, to be heard by the City Commission as to the propriety and advisability of making such improvements and providing such services (and funding the aforementioned with special assessments on property), as to the cost thereof, as to the manner of payment therefor, and as to the amount to be assessed against each affected property so improved.

ANALYSIS

The Canvassing Board, established by the City Commission per Resolution No. 2023-32566, has been scheduled to convene on June 27, 2023 at 6:00 p.m. to tabulate and certify the results of the Election.

Attached for consideration by the City Commission is a Resolution adopting the Certification of the Canvassing Board for the Election. The Certification of Election Results is attached as an Exhibit to the Resolution.

Pursuant to Chapter 170, Florida Statutes, at the public hearing set for July 26, 2023, at 5:03 p.m., the Mayor and City Commission shall meet as an equalizing board to hear and consider any and all complaints as to the special assessments and to adjust and equalize the assessments on a basis of justice and right. Following the testimony, the Mayor and City Commission will consider a final decision on whether to levy the special assessments.

SUPPORTING SURVEY DATA

As currently proposed in the Year 1 Budget, 'branding and marketing' will receive the largest funding allocation among categories of BID services. According to the 2022 City of Miami Beach Community Survey, when asked what type of support would help advance their business, the highest number of responses—reflecting some 27.5% of businesses participating in the survey—selected 'support with business marketing, branding, and social media'.

FINANCIAL INFORMATION

No fiscal impact is anticipated.

CONCLUSION

As of the date this memorandum was printed, the Election remains ongoing, and will conclude on June 27, 2023. The City Clerk's Office will provide copies of the official Election results at the June 28, 2023 City Commission meeting, and will advise whether a majority of the affected property owners vote in favor of, or in opposition to, the creation of the District. Furthermore, if a majority vote in favor of the creation of the District, any affected property owner and/or any other concerned person will have the opportunity to address the City Commission, serving as the equalizing board, at the duly noticed public hearing on July 26, 2023, at 5:03 p.m.

With affected commercial property owners voting to assess themselves and investing collectively in services that benefit the district, the 41 Street Business Improvement District could serve as an economic funding tool and forge a unified voice among 41st Street stakeholders in their relationship with the City.

The Administration recommends that the Mayor and City Commission proceed with this step in the creation of the District by adopting the Resolution to accept the Official Election Certification of the Canvassing Board.

Applicable Area

Middle Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Prosperity - Revitalize targeted areas and increase investment.

Legislative Tracking

Economic Development

Sponsor

Commissioner Steven Meiner

ATTACHMENTS:

Description

- Resolution