

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

TO: Mayor Steven Meiner and Members of the City Commission

FROM: Alina T. Hudak, City Manager

Rickell Williams for

MEETING DATE: January 31, 2024

SUBJECT: BUSINESS IMPACT ESTIMATE FOR:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 33, ENTITLED "NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE," TO AMEND SECTION 2-190.151 THEREOF, ENTITLED "COMPOSITION; KNOWLEDGE AND EXPERIENCE" TO ADD A REPRESENTATIVE OF THE NORMANDY FOUNTAIN BUSINESS ASSOCIATION AS A NONVOTING, EX OFFICIO MEMBER OF THE COMMITTEE; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Is a Business Impact Estimate Required?

Yes **No** (If no, please check one of the boxes below)

If one or more boxes are checked below, this means the City of Miami Beach has determined that a Business Impact Estimate for the above-referenced Ordinance is not required by State law.

- The proposed Ordinance is required for compliance with Federal or State law or regulation;
- The proposed Ordinance relates to the issuance or refinancing of debt;
- The proposed Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed Ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the City;
- The proposed Ordinance is an emergency ordinance;
- The Ordinance relates to procurement; or
- The proposed Ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

If none of the above exceptions apply, this Business Impact Estimate is hereby provided in accordance with Section 166.041(4), Florida Statutes.

1. A summary of the proposed Ordinance and its purpose is more fully set forth in the Commission Memorandum accompanying the Ordinance, as well as in the recitals to the Ordinance itself, which are attached hereto.

2. An estimate of the direct economic impact of the proposed Ordinance on private, for-profit businesses in the City of Miami Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed Ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The City of Miami Beach estimates that the proposed Ordinance will have no direct economic impact on private, for-profit businesses in the City of Miami Beach, that the proposed Ordinance will have no direct compliance costs that businesses may reasonably incur; that the proposed Ordinance will not impose any new charge or fee for which businesses will be financially responsible, and that the proposed Ordinance will not impact the City of Miami Beach's regulatory costs and will not generate any revenue from new charges or fees.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed Ordinance:

The City of Miami Beach estimates that no businesses are likely to be impacted by the proposed Ordinance.

4. Additional comments: None.



MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Alina T. Hudak, City Manager
DATE: January 31, 2024

First Reading

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 33, ENTITLED "NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE," TO AMEND SECTION 2-190.151 THEREOF, ENTITLED "COMPOSITION; KNOWLEDGE AND EXPERIENCE" TO ADD A REPRESENTATIVE OF THE NORMANDY FOUNTAIN BUSINESS ASSOCIATION AS A NONVOTING, EX OFFICIO MEMBER OF THE COMMITTEE; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission ("City Commission") approve the Ordinance at First Reading.

BACKGROUND/HISTORY

On January 13, 2021, the Mayor and City Commission adopted Resolution No. 2021-31560, establishing the Ad Hoc North Beach CRA Advisory Committee (the "Ad Hoc Committee") as an advisory body to the Mayor, City Commission, and City Manager, in connection with the North Beach Community Redevelopment Agency (North Beach CRA).

On February 10, 2021, Resolution No. 2021-31594 amended Resolution No. 2021-31560 and modified the requirements for composition of the Ad Hoc Committee. On January 13, 2022, the Ad Hoc Committee sunsetted in accordance with City Code Section 2-22, which requires all ad hoc agency, board, and committee terms to expire after one (1) year.

On January 20, 2022, the Mayor and City Commission adopted Resolution No. 2022-32005, re-establishing the Ad Hoc Committee and extending the term of the existing members for an additional year. Following regular monthly meetings, the Ad Hoc Committee sunsetted on January 20, 2023.

On February 1, 2023, the Mayor and City Commission adopted Resolution No. 2023-32455, re-establishing the Ad Hoc Committee and extending the term of the existing members for an additional year, unless terminated earlier by the City Commission.

On June 28, 2023, the Mayor and City Commission adopted Ordinance No. 2023-4558, establishing the permanent North Beach Community Redevelopment Agency Advisory Committee (the "Committee") to advise the Mayor, City Commission, and City Manager in connection with the North Beach CRA including, but not limited to, review and input regarding the redevelopment plan for the North Beach CRA ("Redevelopment Plan"), and the prioritization of public projects included in the Redevelopment Plan.

The Committee currently consists of seven (7) voting members appointed at-large for a term of up to two (2) years. As required, Committee member composition includes four (4) resident members, one (1) business member, one (1) real estate industry member, and one (1) attorney member.

ANALYSIS

The Normandy Fountain Business Association (the "NFBA") is a not-for-profit entity formed with the purpose of stabilizing and improving the Normandy Fountain Business District through promotion, activation, marketing and other similar services by representing and advocating for the property and business owners located within the Normandy Fountain Business District. As the Normandy Fountain Business District is among the most important business hubs and commercial corridors within the geographic boundaries of the North Beach CRA Redevelopment Area, it is critical to the long-term success of the North Beach CRA.

By promoting and encouraging the continued development of a diverse and dynamic setting for business activity, the NFBA aims to enhance the neighborhood for area residents, patrons and the visiting public. The NFBA's objectives are closely aligned with the primary goals of the North Beach CRA, i.e., to increase economic development; to promote resiliency and infrastructure; to support cultural arts, branding and marketing; to revitalize neighborhood character; to improve quality of life for residents, local businesses and visitors; and to leverage available resources for the benefit of residents and businesses within and external to the CRA's boundaries.

The proposed Ordinance would enlarge the membership of the Committee from seven (7) members to eight (8) to now include a non-voting, ex-officio NFBA designee to be appointed at-large.

BUSINESS IMPACT ESTIMATE

In accordance with Section 166.041(4), Florida Statutes, the City of Miami Beach is required to assess whether a Business Impact Estimate is required for the subject ordinance. As noted in the attached, a Business Impact Estimate is required for the subject Ordinance. The City of Miami Beach estimates that no businesses are likely to be impacted by the proposed Ordinance. The Business Impact Estimate was published on the City’s website on January 22, 2024.

LOBBYIST DISCLOSURE

In accordance with Resolution No. 2023-32857, adopted by the City Commission on December 13, 2023, the following information has been provided by the primary item sponsor as it relates to the subject ordinance amendment:

1. Was the Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? Yes
2. If so, specify name of lobbyist(s) and principal(s): David Sexton, Normandy Fountain Business Association

SUPPORTING SURVEY DATA

According to the Miami Beach 2022 Community Satisfaction Survey, between 2019 and 2022, the percentage of respondents who perceive the City as open and interested in hearing the concerns or issues of business fell from 51% to 40.2%. Appointment of a nonvoting, ex-officio member of the Normandy Fountain Business Association will allow for greater North Beach business participation and engagement in North Beach CRA activities and initiatives.

FINANCIAL INFORMATION

No fiscal impact is anticipated.

CONCLUSION

Participation of a Normandy Fountain Business Association designee as a non-voting, ex-officio member of the North Beach Community Redevelopment Agency Advisory Committee would allow for the indirect participation of the various businesses within the Normandy Fountain Business District, providing valuable insight to the Committee regarding concerns of businesses in the Redevelopment Area. The Administration recommends approval of the Ordinance amending the membership composition of the Committee.

Applicable Area

North 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 Tanya K. Bhatt

ATTACHMENTS:

Description

- [Ordinance North Beach CRA Advisory Committee](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE MIAMI BEACH CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 33, ENTITLED "NORTH BEACH COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE," TO AMEND SECTION 2-190.151 THEREOF, ENTITLED "COMPOSITION; KNOWLEDGE AND EXPERIENCE" TO ADD A REPRESENTATIVE OF THE NORMANDY FOUNTAIN BUSINESS ASSOCIATION AS A NONVOTING, EX OFFICIO MEMBER OF THE COMMITTEE; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on June 28, 2023, the Mayor and City Commission adopted Ordinance No. 2023-4558, establishing the North Beach Community Redevelopment Agency Advisory Committee (the "Committee") to advise the Mayor, City Commission, and City Manager in connection with the North Beach Community Redevelopment Agency (the "North Beach CRA"), including, but not limited to, review and input regarding the redevelopment plan for the North Beach CRA ("Redevelopment Plan"), and the prioritization of public projects included in the Redevelopment Plan; and

WHEREAS, the Normandy Fountain Business District is among the most important business hubs and commercial corridors within the geographic boundaries of the North Beach CRA Redevelopment Area; and

WHEREAS, the Normandy Fountain Business Association (the "NFBA") is a not-for-profit entity formed with the purpose of stabilizing and improving the Normandy Fountain Business District through promotion, activation, marketing and other similar services by representing and advocating for the property owners and business owners located within its boundaries; and

WHEREAS, by promoting and encouraging the continued development of a diverse and dynamic setting for business activity, the NFBA aims to enhance the neighborhood for area residents, patrons and the visiting public; and

WHEREAS, the NFBA's objectives are closely aligned with the primary goals of the North Beach CRA, i.e., to increase economic development; to promote resiliency and infrastructure; to support cultural arts, branding and marketing; to revitalize neighborhood character; to improve quality of life for residents, local businesses and visitors; and to leverage available resources for the benefit of residents and businesses within and external to the CRA's boundaries; and

WHEREAS, participation of a NFBA designee as a non-voting, ex-officio member of the Committee would allow for the indirect participation of the various businesses that are members of the NFBA, providing valuable insight to the Committee regarding

concerns of businesses within this important business district within the North Beach CRA.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Section 2-190.151 of Division 33, of Article III, of Chapter 2 of the City Code, entitled "Administration," is hereby amended as follows:

**CHAPTER 2
ADMINISTRATION**

* * *

ARTICLE III. AGENCIES, BOARDS AND COMMITTEES

* * *

DIVISION 33. North Beach Community Redevelopment Agency Advisory Committee .

* * *

Sec. 2-190.151. Composition; knowledge and experience.

The Committee shall be composed of seven (7) at-large appointments, all of whom shall be appointed to serve for a term of no more than two (2) years at a time. There shall also be one (1) nonvoting, ex-officio representative of the Normandy Fountain Business Association, who shall not count toward a quorum of the Committee.

The seven voting (7) members and one (1) nonvoting member shall be affiliated with the City; this requirement shall be fulfilled in the following ways:

(1) Resident Members.

- a. At least one (1) of the seven members must currently reside, for a minimum of five (5) years, within the North Beach area, generally considered as that portion of Miami Beach located north of 63rd Street.
- b. At least three (3) of the seven members must currently reside, for a minimum of five (5) years, within the geographic boundaries of the North Beach CRA, or within a 300-foot radius thereof.
- c. The five (5) year minimum residency requirement in subsections (1)(a) and (1)(b) may be waived upon a 5/7ths vote of the city commission, in the event a resident within the applicable geographic area is available to serve on the committee and is exceptionally qualified by training and/or experience.

- (2) Business Member. At least one (1) of the seven members must demonstrate an Ownership Interest, for a minimum of five (5) years, in a Business established within the geographic boundaries of the North Beach CRA, without regard to that person's residency. A candidate who satisfies requirements as both a Resident and Business Owner may qualify for either the Resident Member category, or the Business Member category pursuant to this subsection.
- (3) Real Estate Industry Member. At least one (1) of the seven members of the Committee must be a real estate industry professional, residing generally within the City of Miami Beach.
- (4) Attorney Member. At least one (1) of the seven members of the Committee must be an attorney with experience in land use, real estate, or other related practice area, residing generally within the City of Miami Beach or maintaining a full-time law practice and physical office located in North Beach.
- (5) General Requirements. Each of the seven (7) members must have a demonstrated interest in neighborhood leadership issues, including, without limitation, neighborhood business groups, homeowner or condominium associations and cooperatives, civic groups, and/or other similar qualifications.
- (6) Ex Officio Normandy Fountain Business Association Member. The nonvoting, ex-officio representative of the Normandy Fountain Business Association shall be nominated by the Association and subject to the approval of the City Commission.

For the purposes of this section these terms shall have the following meaning:

- "*Ownership Interest*" shall mean the ownership of ten percent (10%) or more of a Business (including the ownership of 10% or more of the outstanding capital stock).
- "*Business*" shall mean any sole proprietorship, partnership, corporation, limited liability company, but shall exclude either a business engaged in the real estate industry (including development, brokerage, or property management), or a law firm, as individuals practicing in either of those areas would be covered under the Real Estate Industry Member category in subsection 2-190.151(3) herein or the Attorney Member category in subsection 2-190.151(4)

Appointed members shall be required to demonstrate compliance with the Committee's Membership Composition requirements herein by executing an affidavit, in a form prepared by the City Clerk's Office, stipulating that the member has met the requirements set forth above, prior to being sworn in as a Committee member.

SECTION 2. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the ____ day of _____, 2024.

PASSED AND ADOPTED this ____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor


Rafael E. Granado, City Clerk

(sponsored by Commissioner Tanya K. Bhatt)

(underlined text denotes new additions

Double-underlined text denotes new additions after 2nd reading)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

1-18-24

Date