

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA AN ADVISORY, NONBINDING STRAW BALLOT QUESTION ASKING WHETHER THE MAYOR AND CITY COMMISSION SHOULD ENACT AN ORDINANCE REQUIRING THAT ANY INCREASE IN ZONED BUILDING HEIGHT EXCEPT FOR (1) VARIANCES NO GREATER THAN THREE FEET, (2) HEIGHT REGULATION EXCEPTIONS IN CITY CODE SECTION 142-1161, AND (3) FUTURE HEIGHT INCREASES TO MITIGATE OR PROTECT AGAINST THE IMPACTS OF INCREASED FLOODING DUE TO SEA LEVEL RISE, REQUIRE A 6/7TH VOTE OF THE CITY COMMISSION, AND FURTHER THAT SUCH ORDINANCE SHALL NOT BE REPEALED OR AMENDED UNLESS ALSO APPROVED BY A 6/7 VOTE.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 8, 2016, for the purpose of submitting to the electorate the advisory, nonbinding straw ballot question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

SECTION 3.

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County Election Officials as set forth in the attached Exhibit "A".¹

SECTION 4.

Not less than thirty days notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

SECTION 5.

The Notice of Election ("Notice") shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 8th DAY OF NOVEMBER, 2016, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING ADVISORY, NONBINDING STRAW BALLOT QUESTION:

¹ As of date, the City of Miami Beach has not received from Miami-Dade County Elections Department the final list of polling places for the City's November 8, 2016 Special Election. Accordingly, attached to this Resolution is a list of polling places from the City's March 2016 Special Election, which upon receipt from the County, will be superseded by the Department of Elections' list of polling places for the City's subject November 8, 2016 Special Election, which list of polling places for the City's November 8, 2016 Special Election will be publicly noticed by the City.

Advisory, Nonbinding Straw Ballot Question
Building Height Increases By 6/7 Vote; Exceptions Including For Flooding

Should the City enact an Ordinance requiring that any increase in zoned building height, except for (1) variances no greater than three feet, (2) height regulation exceptions in City Code Section 142-1161, and (3) height increases to mitigate or protect against the impacts of flooding due to sea level rise, require a 6/7th vote of the City Commission; and further that such Ordinance shall not be repealed or amended unless also approved by 6/7th vote?

_____ YES
_____ NO

Said Notice shall further set forth the several polling places in the election precincts as established in accordance with Section 3 hereof, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 8, 2016, hereby called, shall be in substantially the following form:

OFFICIAL BALLOT

Advisory, Nonbinding Straw Ballot Question
Building Height Increases By 6/7 Vote; Exceptions Including For Flooding

Should the City enact an Ordinance requiring that any increase in zoned building height, except for (1) variances no greater than three feet, (2) height regulation exceptions in City Code Section 142-1161, and (3) height increases to mitigate or protect against the impacts of flooding due to sea level rise, require a 6/7th vote of the City Commission; and further that such Ordinance shall not be repealed or amended unless also approved by 6/7th vote?

_____ YES
_____ NO

SECTION 7.

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

SECTION 8.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for this Special Election until 5:00 p.m. on October 11, 2016. All persons eligible to vote in this Special Election must be registered before the time and date set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That the absentee voters participating in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee voting.

SECTION 10.

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade

County, Florida.

SECTION 11.

If any section, sentence, clause or phrase of the ballot measure set forth above in this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said ballot measure.

SECTION 12.

This Resolution shall be effective immediately upon its passage.

PASSED and **ADOPTED** this _____ day of _____, 2016.

ATTEST:

Mayor Philip Levine

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Ricky Arriola)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Paul G. L.
City Attorney

7/19/16
Date

NK

**PROPOSED BALLOT QUESTION
NOVEMBER 8, 2016 SPECIAL ELECTION**

I. PROPOSED BALLOT QUESTION:

**Advisory, Nonbinding Straw Ballot Question
Building Height Increases By 6/7 Vote; Exceptions Including For Flooding**

Should the City enact an Ordinance requiring that any increase in zoned building height, except for (1) variances no greater than three feet, (2) height regulation exceptions in City Code Section 142-1161, and (3) height increases to mitigate or protect against the impacts of flooding due to sea level rise, require a 6/7th vote of the City Commission; and further that such Ordinance shall not be repealed or amended unless also approved by 6/7th vote?

_____	YES
_____	NO

MIAMI BEACH

MIAMI BEACH SPECIAL ELECTION MARCH 15, 2016

MIAMI BEACH PRECINCTS LIST

Polling Place No.	Name	Location		Polling Place No.	Name	Location
011	Biscayne Elementary School	800 77 Street		030	Miami Beach Botanical Garden	2000 Convention Center Drive
013	North Shore Branch Library	7501 Collins Avenue		031	Miami City Ballet	2200 Liberty Avenue
014	North Shore Park Youth Center	501 72 Street		032	Miami Beach Regional Library	227 22 Street
015	Normandy Shores Golf Club	2401 Biarritz Drive		033	Miami Beach Senior High School	2231 Prairie Avenue
018	Indian Creek Fire Station #4	6860 Indian Creek Drive		036	Miami Beach Police Athletic League	999 11 Street
019	Normandy Park & Pool	7030 Trouville Esplanade		037	Miami Beach City Hall	1700 Convention Center Drive
020 T	North Shore Park Youth Center	501 72 Street		038	Veterans Foreign War Post #3559	650 West Avenue
023	Miami Beach Fire Station #3	5303 Collins Avenue		040	South Pointa Elementary School	1050 4 Street
024	Nautilus Middle School	4301 N. Michigan Avenue		041	South Shore Community Center	833 6 Street # 2
025	St. John's on the Lake Methodist Church	4760 Pine Tree Drive		042	Feinberg Fisher K-8 Center School	601 14 Place
028	Temple Beth Shalom	4144 Chase Avenue		043	Miami Beach Police Department	1100 Washington Avenue
029	North Beach Elementary School	4100 Prairie Avenue		048	Rebecca Towers	200 Alton Road

T = Temporary polling place change.

Please note that the above list is subject to change, if needed.

The voting precincts for the March 15, 2016 City of Miami Beach Special Election shall be as established by the Miami-Dade County election officials. On Election Day, all electors shall vote at the voting locations and the voting precincts in which the official registration books show that the electors reside. All questions concerning voting locations and voting precincts should be directed to the Miami-Dade County Elections Department, 2700 NW 87 Avenue, Doral, Florida 33172; Telephone: 305.499.VOTE (8683) or TTY: 305.499.8480.

Rafael E. Granado, City Clerk
City of Miami Beach

AD 1133

EXHIBIT A