

1. 6/14/11

Documents: [6.14.11 AGENDA ITEM 6.PDF](#), [6.14.11 ITEM ADD ON
RESOLUTION_SUMMER_YOUTH_PROGRAM_NEWMAN_EV_CA.PDF](#), [6.14.11 STORY DISCUSSION
ADDITIONAL INFORMATION.PDF](#), [6.14.11.PDF](#)

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June 13, 2011

Dr. Hector Mirabile, PhD, City Manager
City of South Miami City Hall
6130 Sunset Drive
South Miami, FL 33143

Re: South Miami City Commission Meeting
June 14, 2011
Agenda Item No. 6

Dear Dr. Mirabile:

On June 7, 2011, the undersigned, on behalf of the South Miami Police Department Bargaining Units and the Dade County Police Benevolent Association, attended the South Miami City Commission regarding Agenda Item No. 17 on the June 7, 2011 Commission Agenda relative to term limits on the Pension Board. The June 7, 2011 meeting was adjourned prior to Agenda Item # 17 being called.

Unfortunately, I will be out of town on June 14, 2011 when presumably the same issue will be called up before the Commission for their review.

Our position regarding term limits is that as a rule term limits provide an infusion of new blood, new thought processes and energy to what can become a business as usual board. We are not unmindful of the training and learning curve associated with the Pension Board we believe that term limits provide a check and balance on Board members becoming too familiar and set in their ways regarding the South Miami Pension System.

Our main concern however, is that there be no change to how and how often the South Miami Police Bargaining Units select their Pension Board Representatives. Currently, the Police Bargaining Units allow for any bargaining unit member to seek election to the Pension Board at the end of the current member's two year term or when a vacancy occurs. The Bargaining Units will then hold an election to determine who the representatives shall be.

Dr. Hector Mirabile, PhD, City Manager

June 13, 2011

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Therefore, please accept this letter as the official position of the South Miami Police Department Bargaining Units and the Dade County Police Benevolent Association supporting the current term limit language and urging there be no change to the two year term of the PBA Bargaining Unit Representative to the Pension Board and the current election process.

Once again I apologize for not being able to address the Mayor and Commission directly and urge that this letter be provided to the Mayor and Commission and made part of the official record regarding Agenda Item #6 on June 14, 2011.

Thank you for your attention to this matter.

Sincerely,

James C. Casey

JCC:ep

cc: Mayor and City Commissioners
Thomas F. Pepe, City Attorney
Maria M. Menendez, City Clerk
PBA Representatives

RESOLUTION NO. _____

A Resolution authorizing the City Manager to disburse funding in the amount of \$300 to facilitate a scholarship enrollment of one (1) resident of the City into the City of South Miami Summer Youth Program; charging account no. 001-1100-511-4020 (Vice Mayor Newman's Discretionary Account).

Whereas the City of South Miami Parks & Recreation Department holds Summer Camp every summer; and

Whereas the cost for a resident is \$30.00 per week, at 10 weeks for the camp; and

Whereas scholarships are not available to those who do not live in the CRA area; and

Whereas, Vice Mayor Newman would like to sponsor a resident who lives in the City of South Miami but who is not a resident of the CRA district but who would otherwise qualify for a scholarship; and

Whereas the total amount to sponsor a child for the entire summer camp program would be \$300.00 for a resident of the City of South Miami.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, that:

Section 1. The City Manager is hereby authorized to disburse funding in the amount of \$300 from account no. 001-1100-511-4020 with a balance of \$1,500.00 to facilitate the enrollment into the City of South Miami Summer Youth Program of one (1) resident of the City who would otherwise qualify for a scholarship but for the fact that he or she does not reside in the CRA district

Section 2. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this ____ day of _____ 2011.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

COMMISSION VOTE:

Mayor Stoddard:

Vice Mayor Newman:

Commissioner Palmer:
Commissioner Beasley:
Commissioner Harris:

READ AND APPROVED AS TO FORM
AND SUFFICIENCY:

CITY ATTORNEY

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For Discussion Purposes Only

<i>Municipality</i>	<i>Max Floor Height (feet)</i>	<i>Parking Level Height</i>	<i>Parking Level Counted</i>
South Miami	14	None defined	No – Included in overall building height
Miami	14	None defined	No - Habitable space only
Aventura	Varies by district between 10 – 13 ft	Varies by district to a max of 6 stories	Yes
Homestead	Varies by district 12-14 ft	None defined	N/A
Key Biscayne	14	None Defined	No - Included in overall building height
Miami Springs	Varies by district between 13 – 14 ft	None defined	N/A
Naples	14	None defined	No – Habitable space only
Sarasota	14	None defined	Yes
Boca Raton	Varies by district between 12.5 – 15 ft	None defined	N/A
Tallahassee	Governed by overall building height	None defined	No – Habitable space only
Coral gables	Governed by overall building height and FAR	None defined	No - Included in overall building height
Miami Beach	Governed by overall building height and FAR	None defined	No - Included in overall building height; parking levels shall be screened from street view and have a pedestrian entrance.
West Palm Beach	Varies by district 10-13 ft	None defined	No – Habitable and mechanical space only

City of South Miami – Section 20-8.2 - Definitions.

Story: The horizontal division of a building between the surface of a floor and the surface of the next floor above, or the next ceiling if there is no floor above. For the purposes of these regulations, a **story** shall be interpreted as each vertical unit of fourteen (14) feet maximum, e.g. a one-floor cinema twenty-two (22) feet tall shall be considered a two-**story** building.

(Ord. No. 9-97-1630, § 1, 4-1-97)

From American Planners Association Planner's Dictionary:

Story

1. Space in a building between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above; provided, however, that where the floor level of the first story is at least five feet below the adjoining finished grade, the space shall be considered a basement and not counted as a story. (Glendale, Ariz.)
2. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building

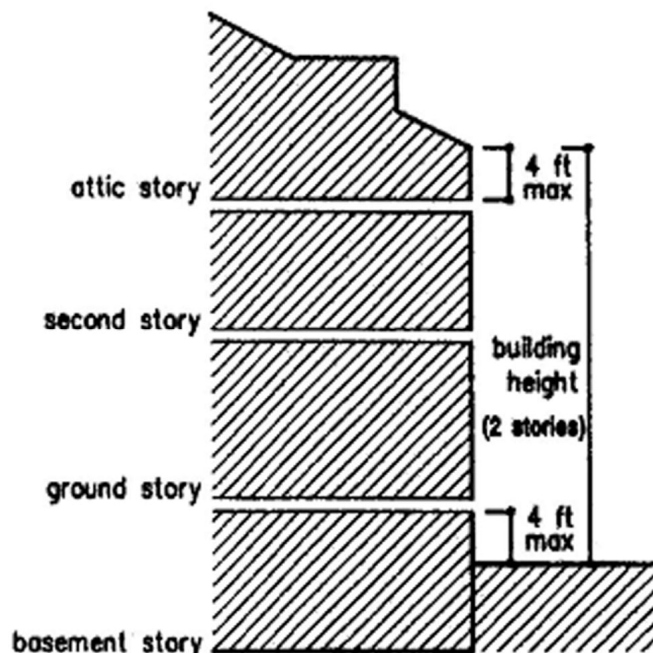
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included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under floor space shall be considered a story. (Redmond, Wash.)

3. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. (Ford County, Kans.)
4. The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters. (Prince William County, Va.)
5. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such as usable or unused under-floor space shall be considered as a story. (Mora, Minn.)

City of Sarasota [This definition was developed by Duany Plater-Zyberk & Company]

Story: A floor level within a building of no more than 14 feet in height from finished floor to finished ceiling. The first story shall be the ground or entry-level floor, which includes open areas and parking garages under a building. However, basements that emerge less than four feet from grade or attics, with or without dormer windows, not exceeding four feet at the knee wall shall not constitute a story. See illustration.



For Discussion Purposes Only

Building height.

(1) *Purpose.* The height limits are intended to control the overall scale of buildings.

The purpose of using stories as the measurement of height (rather than feet) in the downtown zone districts is to provide an incentive for the creation of buildings with improved exterior and interior proportions resulting from greater floor-to-ceiling heights. Experience has shown that the use of feet as a measurement of maximum height provides an incentive to minimize floor-to-ceiling heights in order to maximize the number of stories, often resulting in ill-proportioned buildings. It is recognized that the use of stories as the unit of measurement will result in a range of actual building heights due to the variety of other factors impacting decisions regarding the number of stories and the floor-to-ceiling height of each of the stories for any particular development. The purpose of limiting the dimension of each story to 14 feet between finished floor and finished ceiling is to preclude the possibility of inserting additional stories within an allowable story. (The uninhabited space between stories is not regulated). It is expressly not the purpose or intent of this method of measurement to provide a rationale for supporting rezonings or other arguments for the increase in building height by calculating a total theoretical height based on allowable stories multiplied by the maximum floor-to-ceiling height.



MAYOR:	Philip K. Stoddard, Ph.D	CITY MANAGER:	Hector Mirabile, Ph.D
VICE MAYOR:	Valerie Newman	CITY ATTORNEY:	Thomas F. Pepe
COMMISSIONER:	Velma Palmer, Ph.D	CITY CLERK:	Maria M. Menendez
COMMISSIONER:	Brian D. Beasley		
COMMISSIONER:	Walter A. Harris		

CITY COMMISSION AGENDA

City Commission Meeting

Regular Meeting Date: June 14, 2011 Time: 7:00 PM
Next Regular Meeting Date: July 19, 2011 Time: 7:00 PM
6130 Sunset Drive, South Miami, FL; Phone: (305) 663-6340

City of South Miami Ordinance No. 08-06-1876 requires all lobbyists before engaging in any lobbying activities to register with the City Clerk and pay an annual fee of \$500.00 per Ord. No. 44-08-1979. This applies to all persons who are retained (whether paid or not) to represent a business entity or organization to influence "City" action. "City" action is broadly described to include the ranking and selection of professional consultants, and virtually all-legislative, quasi-judicial and administrative action.

CALL TO ORDER:

- A. Please silence or turn off all cell phones. If you must speak please leave the room:**
- B. Add-On Item(s):**
- C. Roll Call:**
- D. Moment of Invocation:**
- E. Pledge of Allegiance:**
- F. Lobbyists addressing the City Commission tonight must have been registered with the City Clerk as indicated above.**
- G. Presentation(s) 7:00 p.m.**
 - 1) Officer of the Month
 - 2) Courteous Officer of the Month
 - 3) Employee of the Month

ITEM (S) FOR THE COMMISSION'S CONSIDERATION:

1. **Approval of Minutes**

(There was not enough time to finish the minutes for 6/07/11)

2. **City Manager's Report** (25 minutes)

3. **City Attorney's Report** (15-minutes)

a) Rescheduling the Executive Session regarding the Moya Case.

PUBLIC REMARKS

(5 minutes)

4. **Commission Reports, Discussion & Remarks** (25 minutes)

UNFINISHED BUSINESS

RESOLUTION (S) PUBLIC HEARING (S)

5. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, relating to a request pursuant to Section 20-3.4(B)(4)(b) of the Land Development Code for Special Use Approval to locate a general restaurant at 5701 SW 72 Street (The Shops at Sunset Place) within the "SR(HD-OV)" Specialty Retail (Hometown District-Overlay); and providing an effective date. 3/5

(City Manager - Planning/Zoning Dept.)

ORDINANCE (S) FIRST READING

6. An Ordinance, amending Section 2-22 of the Code of Ordinances of the City of South Miami, Florida, to eliminate term limits for commissions, boards and committees; providing for severability, ordinances in conflict and providing for an effective date. 3/5

(Mayor Stoddard)

7. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the Land Development Code by deleting Section 20-3.1(E) entitled "Business Outside a Building", inserting new Section

20-3.6 (V) to be entitled "Commercial Activity Conducted Outside of a Building" in order to provide regulations for allowing for outside merchandise display on private property and public sidewalks; establishing limitations on type, location and extent of outside merchandise display; providing a process for obtaining permits; and providing for exceptions for certain permitted uses; providing for severability; providing for ordinances in conflict; and providing an effective date. (Deferred 5/26/11) 5/5

(City Manager-Planning Dept.)

ORDINANCE (S) SECOND READING PUBLIC HEARING (S)

8. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending Section 15-63 of the Code of Ordinances of the City of South Miami, Florida regarding mobile street sales restrictions by clarifying the prohibition against sales during a special event, such as an exhibition, exposition, art show and/or festival; providing for severability, ordinance in conflict, and an effective date. 3/5
(City Manager - Code Enforcement)

9. An Ordinance of the Mayor and City Commission of the City of South Miami, Florida, amending the Land Development Code Section 20-2.3 entitled "Definitions" in order to modify the definition of "Story" to clearly indicate that the use of any floor of a building as a parking level or partially for parking shall be included in the definition of a single story for the purpose of determining of the number of stories in a building; providing for severability; providing for ordinances in conflict; and providing an effective date. 3/5

*(Approved on 1st Reading 4/4/11 * Discussed on 2nd Reading 4/19/11 & moved to be placed again for 2nd Reading on 6/07/11 - See Excerpt Minutes attached)*

(City Manager - Planning/Zoning Dept.)

(END OF UNFINISHED BUSINESS)

BEGINNING OF CONSENT

10. A Resolution directing the City Manager to pay Luis Reiter, with the firm of Squire Sanders and Dempsy LLP the sum of \$19,467.17 for services rendered for the period May 2, 2011 through May 31, 2011. 3/5
(City Attorney)

11. A Resolution of the Mayor and City Commission of the City of South Miami, Florida, authorizing the City Manager to permit the Parks Foundation of Miami-Dade County to host the *Taste of the Town* on top of the South Miami Municipal Parking Garage by holding its' 1st Annual Million Trees Miami fundraising event on July 9, 2011, to provide a venue for fundraising and using the raised funds through the Parks Foundation of Miami-Dade County, for the planting of approved trees in the City of South Miami; providing for an effective date. 3/5
(City Manager-Parks/Recreation Dept.)

(END OF CONSENT)

RESOLUTION(S)

12. A Resolution of the Mayor and the City Commission of the City of South Miami, Florida, petitioning Miami-Dade County School Board to re-open J.R.E. Lee Alternative School located at 6521 SW 62nd Avenue in the City of South Miami, Florida, to be used as an elementary/community school. 3/5
(Commissioner Beasley)

ORDINANCE (S) SECOND READING PUBLIC HEARING (S)
(NONE)

RESOLUTION (S) PUBLIC HEARING (S)
(NONE)

ORDINANCE (S) FIRST READING

(CONT'D)

13. An Ordinance of the City of South Miami, Florida, amending the City of South Miami Comprehensive Plan to amend the current future land use map category titled "Public/ Institutional Uses (Four-Story)." 3/5
(City Manager-Planning/Zoning Dept.)
14. An Ordinance of the City of South Miami, Florida, amending the City of South Miami Comprehensive Plan to adopt a new future land use map category titled "Clinic / Veterinarian (Two-Story)." 3/5
(City Manager-Planning/Zoning Dept.)
15. An Ordinance of the City of South Miami, Florida, amending the City of South Miami Comprehensive Plan to adopt a new future land use map category titled "Clinic (Two-Story)." 3/5
(City Manager-Planning/Zoning Dept.)

CITY HAS A SIGNIFICANT GOVERNMENTAL INTEREST IN CONDUCTING EFFICIENT AND ORDERLY COMMISSION MEETINGS. SPEAKERS PLEASE TAKE NOTICE THAT SECTION 2-2.1(K)(2) OF THE CODE OF ORDINANCES PROVIDES THAT "ANY PERSON MAKING PERSONAL IMPERTINENT, OR SLANDEROUS REMARKS OR WHO SHALL BECOME BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE FORTHWITH BARRED FROM FURTHER AUDIENCE BEFORE THE COUNCIL BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE BE GRANTED BY A MAJORITY VOTE OF THE COMMISSION."

PURSUANT TO RESOLUTION No. 246-10-13280, "ANY INVOCATION THAT MAY BE OFFERED BEFORE THE START OF REGULAR COMMISSION BUSINESS SHALL BE THE VOLUNTARY OFFERING OF A PRIVATE CITIZEN, FOR THE BENEFIT OF THE COMMISSION AND THE CITIZENS PRESENT. THE VIEWS OR BELIEFS EXPRESSED BY THE INVOCATION SPEAKER HAVE NOT BEEN PREVIOUSLY REVIEWED OR APPROVED BY THE COMMISSION, AND THE COMMISSION DOES NOT ENDORSE THE RELIGIOUS BELIEFS OR VIEWS OF THIS, OR ANY OTHER SPEAKER."

PURSUANT TO FLA STATUTES 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OR OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.