

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: November 20, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL MAIL BALLOT ELECTION TO BE HELD FROM MARCH 1, 2025, TO APRIL 30, 2025, TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE CREATION OF THE SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS THE SOUTH BEACH BUSINESS IMPROVEMENT DISTRICT; PROVIDING THAT THE OFFICE OF THE CITY CLERK AND OFFICE OF THE CITY ATTORNEY SHALL CONDUCT SUCH ELECTION; PROVIDING FOR THE FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO GIVE NOTICE OF SUCH ELECTION AS REQUIRED BY THE CITY CODE AND STATE LAW.

### **RECOMMENDATION**

The Administration recommends the Mayor and City Commission adopt the Resolution.

### **BACKGROUND/HISTORY**

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

On December 17, 2014, the Mayor and City Commission adopted Resolution No. 2014-28881, initially contemplating a special assessment district for the Ocean Drive retail business district. Following this, a steering committee of property owners proposed expanding the district to include the Collins Avenue corridor, from 5th Street to 21st Street.

On September 12, 2018, the Mayor and City Commission adopted Resolution No. 2018-30487, authorizing the City Manager and City Attorney to collaborate with a steering committee of Ocean Drive and Collins Avenue property owners to establish a special assessment district under Chapter 170, Florida Statutes. The district was intended to enhance the retail business district, located within a nationally recognized historic district, through promotion, management, marketing, and other services.

On January 15, 2020, the Mayor and City Commission adopted Resolution No. 2020-31144, creating the South Beach Business Improvement District (the "District"), subject to approval by a majority of the affected property owners, for a term of ten (10) years. Pursuant to Chapter 170, Florida Statutes, creation of the District aimed to stabilize and improve the Ocean Drive and Collins Avenue retail business district, with services funded by special assessments in the amount of \$2,093,335 annually throughout the District's 10-year term. The Resolution also provided details on the levy, collection, and publication of these assessments.

On February 12, 2020, the Mayor and City Commission adopted Resolution No. 2020-31168, calling for a special mail ballot election from June 1, 2020, to August 31, 2020, to determine if a

majority of affected property owners approved the District's creation. Resolution No. 2020-31169 authorized a Memorandum of Understanding (MOU) for the special election. On March 13, 2020, the City and South Beach BID Partners, Inc., a Florida not-for-profit, representing property owners in the District ("South Beach BID Partners"), executed the MOU, which outlined the special election process and funding for the City's associated costs.

On April 22, 2020, the Mayor and City Commission adopted Resolution No. 2020-31236, repealing Resolution No. 2020-31168, due to the rapidly spreading COVID-19 pandemic. The City Commission's decision to postpone the special election was made in the interest of public health, safety, and welfare.

On September 11, 2024, the Mayor and City Commission adopted Resolution No. 2024-33229, amending and restating Resolution No. 2020-31144, which created the District, subject to the approval of a majority of affected property owners. Pursuant to Chapter 170, Florida Statutes, Resolution No. 2024-33229 established the District for a term of ten (10) years, with the aim to stabilize and improve the Ocean Drive and Collins Avenue retail business district, with services funded by special assessments starting at \$2,147,242 in the first fiscal year, increasing annually based on the Consumer Price Index (CPI), but not exceeding two percent (2%) per year. The Resolution also provided details on the levy, collection, and publication of these assessments.

A separate Resolution has also been placed on the November 20, 2024 City Commission meeting agenda, regarding a memorandum of understanding (MOU) to conduct the special mail ballot election to be held from March 1, 2025 to April 30, 2025, to determine whether a majority of the affected property owners approve the creation of the District (the "Election").

## **ANALYSIS**

The Resolution calls for a special mail ballot election (the "Election") to be held from March 1, 2025, to April 30, 2025, allowing affected property owners within the proposed South Beach BID boundaries to vote on the establishment of the BID. The Office of the City Clerk will conduct the Election in accordance with special mail ballot election procedures established by the Office of the City Clerk and the Office of the City Attorney ("Election Procedures"), which are attached to the Resolution as Exhibit "A." The ballot will be a paper form, instructing each voter to indicate their response by drawing a circle around the appropriate option.

The Resolution also directs the City Clerk to publish election notices in compliance with the City Code and Florida Statutes.

## **FISCAL IMPACT STATEMENT**

If the City Commission approves the Resolution and the Election is administered by the Office of the City Clerk, the City's related costs will be fully reimbursed by South Beach BID Partners, as outlined in the Election-related Memorandum of Understanding (MOU) between the City and South Beach BID Partners, which also includes a detailed cost estimate of approximately \$7,858.31. The Election-related MOU is attached as an exhibit to the companion resolution to this item.

## **Does this Ordinance require a Business Impact Estimate?** (FOR ORDINANCES ONLY)

**If applicable, the Business Impact Estimate (BIE) was published on:**

**See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>**

## **FINANCIAL INFORMATION**

The Election-related MOU, attached to the companion resolution for this item, contains a Cost Estimate with a detailed breakdown of the anticipated expenses for conducting the Election. These costs, estimated at approximately \$7,858.31, will be fully reimbursed by South Beach BID Partners and are consistent with those incurred during recent special mail ballot elections, to establish the 41st Street BID in June 2023 (approved by Resolution Nos. 2023-32565 and 2023-32566) and to renew the Lincoln Road BID, which is currently underway (approved by Resolution Nos. 2024-33230 and 2024-33231).

## **CONCLUSION**

The proposed Resolution approves the form of ballot and establishes election dates for a special mail ballot election, enabling affected property owners to decide on the creation of the South Beach Business Improvement District. The Resolution also authorizes the City Clerk and City Attorney to conduct the election and directs the City Clerk to notice the election in accordance with law. If creation of the District is supported in the Election, any concerned property owners and/or members of the public will have the opportunity to address the City Commission at a duly noticed public hearing.

If approved, the collection of assessments from District members will provide funding for services that aim to enhance and sustain the Ocean Drive and Collins Avenue retail corridors, fostering a cohesive and vibrant business environment that benefits property owners, visitors, and the community alike.

For these reasons, the Administration supports the establishment of the South Beach BID and recommends adopting the Resolution as outlined above.

## **Applicable Area**

South Beach

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** Yes

If so, specify the name of lobbyist(s) and principal(s): South Beach BID Partners, Inc. / Jonathan Plutzik and Ceci Velasco

## **Department**

Economic Development

## **Sponsor(s)**

Commissioner Joseph Magazine

## **Co-sponsor(s)**

Mayor Steven Meiner  
Commissioner Tanya K. Bhatt  
Commissioner Laura Dominguez  
Commissioner Kristen Rosen Gonzalez  
Commissioner Alex Fernandez  
Commissioner David Suarez

**Condensed Title**

Call Special Mail Ballot Election, Create SB Business Improvement District.  
(JM/SM/TB/LD/KRG/AF/DS)