

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: September 11, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIAMI BEACH AND THE LINCOLN ROAD BUSINESS IMPROVEMENT DISTRICT, INC. (THE "BID"), TO CONDUCT A SPECIAL MAIL BALLOT ELECTION TO DETERMINE WHETHER A MAJORITY OF THE AFFECTED PROPERTY OWNERS APPROVE THE RENEWAL OF THE SPECIAL ASSESSMENT DISTRICT KNOWN AS THE LINCOLN ROAD BUSINESS IMPROVEMENT DISTRICT, WHICH ELECTION SHALL BE CONDUCTED BY THE OFFICE OF THE CITY CLERK AND THE OFFICE OF THE CITY ATTORNEY, AND TO PROVIDE THAT THE BID SHALL COVER THE COSTS OF CONDUCTING SUCH ELECTION.

### **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 April 15, 2015, the Mayor and City Commission adopted Resolution No. 2015- 28992, creating the Lincoln Road Business Improvement District ("District") for a ten-year period to stabilize and improve the Lincoln Road retail business district, which is located within a nationally recognized historic district.

On February 21, 2024, the Mayor and City Commission adopted Resolution No. 2024-32911, authorizing the Offices of the City Manager and City Attorney to work with the Lincoln Road Business Improvement District, Inc. (the "BID") on renewing the District, set to expire in 2025, pursuant to Chapter 170, Florida Statutes.

On July 24, 2024, the Mayor and Commission adopted Resolution No. 2024-33178, renewing the District, subject to approval by a majority of the affected property owners, for an additional ten years. Pursuant to Chapter 170, Florida Statutes, the renewal aimed to continue stabilizing and improving the Lincoln Road retail business district, with services funded by special assessments starting at \$1,570,117 in the first year, increasing by three percent (3%) annually. The Resolution also provided details on the levy, collection, and publication of these assessments.

The proposed Resolution under consideration calls for a Memorandum of Understanding, which is addressed further below. The Resolution is sponsored by Mayor Steven Meiner, and co-

sponsored by Vice Mayor Alex Fernandez and Commissioners Kristen Rosen Gonzalez, Laura Dominguez, Tanya K. Bhatt, and Joseph Magazine.

A separate Resolution has been placed on the September 11, 2024 City Commission meeting agenda, calling for a special mail ballot election to be held from November 12, 2024 to December 16, 2024, to determine whether a majority of the affected property owners approve the creation of the District (the "Election").

## **ANALYSIS**

The Resolution authorizes the City Manager to execute a Memorandum of Understanding (MOU) between the City and the BID, attached as Exhibit "A" to the Resolution. The MOU outlines the agreement for conducting the Election, with the City responsible for administering it according to the procedures attached to the MOU ("Election Procedures"). The BID agrees to cover all City-related costs for the Election, including staffing, postage, printing, mailing, supplies, advertising, and translation, as summarized in the Cost Estimate attached to the MOU.

## **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 the BID, as outlined in the MOU. A detailed summary of these costs is included in the Cost Estimate attached to the MOU.

## **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 Cost Estimate attached to the MOU provides a detailed breakdown of the anticipated expenses for conducting the Election, including newspaper advertising in English and Spanish, translation services, ballot printing, stamps, supplies, and approximately 20 hours of labor. These costs are consistent with those incurred during the special mail ballot election to establish the 41st Street BID in June 2023, approved by Resolution Nos. 2023-32565 and 2023-32566.

## **CONCLUSION**

The Resolution authorizes a Memorandum of Understanding (MOU) with the Lincoln Road BID to:

- Conduct a special mail ballot election to determine whether a majority of the affected property owners approve the renewal of the Lincoln Road Business Improvement District.
- Require the BID to cover the costs associated with conducting the election.

On behalf of its membership, the Lincoln Road BID has requested that the City Commission provide property owners with the opportunity to decide whether to continue assessing themselves. If a majority votes in favor of the renewal of the District, concerned property owners and/or members of the public will have the opportunity to address the City Commission at a duly noticed public hearing.

Since its formation, the District has successfully unified Lincoln Road stakeholders and provided funding for services that enhance this prominent commercial district. For these reasons, the Administration supports the renewal of the District and recommends the adoption of the Resolution as outlined above.

**Applicable Area**

South Beach

<b><u>Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?</u></b>	<b><u>Is this item related to a G.O. Bond Project?</u></b>
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Yes

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):**

Lincoln Road Business Improvement District, Anabel Llopis, Executive Director

**Department**

Economic Development

**Sponsor(s)**

Mayor Steven Meiner

**Co-sponsor(s)**

Vice Mayor Alex Fernandez  
Commissioner Kristen Rosen Gonzalez  
Commissioner Laura Dominguez  
Commissioner Tanya K. Bhatt  
Commissioner Joseph Magazine  
Commissioner David Suarez

**Condensed Title**

Execute MOU w/ LRBID, Conduct Special Mail Ballot Election. (SM/AF/KRG/LD/TB/JM/DS) ED