

March 24th, 1948

MINUTES OF ADJOURNED MEETING OF THE COMMISSION OF THE CITY OF MIAMI, FLORIDA

On the 24th day of March, 1948, the Commission of the City of Miami, Florida, met at the City Hall in said City pursuant to an adjournment taken at the meeting of March 17, 1948. The meeting was called to order at 9:35 o'clock a.m. by Chairman Robert L. Floyd, and on roll call the following members of the Commission were found to be present: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. Absent: None.

TRAFFIC COURT:

The following resolution was introduced by Mr. Quigg, who moved its adoption:

RESOLUTION NO. 20536

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NOTIFY THE JUDGE OF THE NIGHT TRAFFIC COURT TO HOLD COURT MONDAYS, TUESDAYS, WEDNESDAYS, THURSDAYS AND FRIDAYS OF EACH WEEK IN COMPLIANCE WITH ORDINANCE NO. 3198, INSTEAD OF THREE NIGHTS PER WEEK, FOR THE PURPOSE OF TRYING ALL UNSET CASES PENDING IN THE NIGHT TRAFFIC COURT

WHEREAS, Ordinance No. 3198 provides that sessions of the Municipal Court in and for the City of Miami, Florida, shall be held each day at 8:30 a.m. except Sundays, and at 7:00 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays of each week for the trial of all persons charged with the violation of any ordinance of the City of Miami, and

WHEREAS, there was a back-log of approximately 500 cases unset for trial, which was caused by the policy of only 20 cases a night for three nights being heard by the night judge, and

WHEREAS, under Resolution No. 20370 the City Manager was requested to have the proper official set for trial before Cecil C. Curry, the Municipal Judge of the City of Miami, of traffic cases that were unset for trial, at the Court's earliest convenience, and

WHEREAS, Cecil C. Curry did try all of the unset cases, and

WHEREAS, there is now pending approximately 125 cases, a back-log from the night traffic court, all of which should be tried without delay;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA: Section 1. That the City Manager be, and he is, hereby authorized and directed to notify the Judge of the night traffic court to comply with Ordinance No. 3198 and to hold sessions of the traffic court on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays of each week in compliance with Ordinance No. 3198 instead of only three nights per week, and to clear the docket of all unset cases.

Upon being seconded by Mr. Charles, the resolution was passed and adopted by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

DAYLIGHT SAVING TIME:

Mr. John I. Prosser, representing Radio Station WKAT, appeared to inquire whether or not the City will adopt daylight saving time and pointed out that he was not representing any other radio station and that he was not favoring or opposing daylight saving time. He stated that in the past the radio stations had gone on record as favoring daylight saving time but that the radio stations in the State are going to operate on Eastern Standard Time. He stated that New York has again adopted daylight saving time and that programs from New York will be delayed one hour before piping into Florida, and pointed out that if Miami adopts daylight saving time it will mean a two-hour delay in radio programs.

Mr. Gardner stated that he was in favor of a resolution opposing daylight saving time since the whole country will remain on standard time.

The Mayor stated that the Commission has requested the County Commission to place the question of daylight saving time on the ballot at the Primary election to be held May 4th.

ORDINANCE REGULATING JEWELRY AUCTION SALES:

The Mayor announced that a proposed ordinance to regulate jewelry auction sales would be considered at 2:00 p.m.

Attorney Simon Englander inquired whether the Commission had received a copy of the revised ordinance, and the Mayor replied in the negative.

Mr. Palmer suggested that the ordinance be submitted to the City Manager and copies furnished to the proponents and opponents, and the Commission then hold a meeting.

Mr. Englander stated that the ordinance should be drafted by the City Attorney rather than by any self-appointed guardian of the Commission.

The Mayor stated that the matter would be heard at 2:00 p.m.

VARIANCE PERMIT - 2920 CORAL WAY:

An ordinance entitled -

AN ORDINANCE AMENDING ORDINANCE NO. 1682, OTHERWISE KNOWN AS THE GENERAL ZONING ORDINANCE OF THE CITY OF MIAMI, PROVIDING FOR THE ISSUANCE OF A VARIANCE PERMIT TO ALLOW THE INSTALLATION OF AUTOMATIC SYNTHETIC CLEANING MACHINE IN PRESSING CLUB AND LAUNDRY AGENCY ON LOT 3, BLOCK 2, MIAMI SUB-URBAN ACRES - 2920 CORAL WAY; AND REPEALING ALL LAWS IN CONFLICT

adopted on its first reading at the meeting of March 3, 1948, was taken up for its final reading in full and adoption. On motion of Mr. Charles, seconded by Mr. Palmer, the ordinance was thereupon given its second and final reading in full, and adopted on its second and final reading by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None. Said ordinance was designated Ordinance No. 3530.

March 24th, 1948

VARIANCE PERMIT - 1360 NW 36TH STREET:

An ordinance entitled -

AN ORDINANCE AMENDING ORDINANCE NO. 1682, OTHERWISE KNOWN AS THE GENERAL ZONING ORDINANCE OF THE CITY OF MIAMI, PROVIDING FOR THE ISSUANCE OF A VARIANCE PERMIT TO ALLOW USE OF BUILDING ON REAR OF BUSINESS LOT AT 1360 NW 36TH STREET FOR RESIDENTIAL PURPOSES; AND REPEALING ALL LAWS IN CONFLICT

adopted on its first reading at the meeting of March 3rd, 1948, was taken up for its final reading in full and adoption. On motion of Mr. Quigg, seconded by Mr. Palmer, the ordinance was thereupon given its second and final reading in full, and adopted on its second and final reading by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None. Said ordinance was designated Ordinance No. 3531.

ZONING ORDINANCE AMENDMENT - SUMMIT PARK:

An ordinance entitled -

AN ORDINANCE AMENDING ORDINANCE NO. 1682, OTHERWISE KNOWN AS THE GENERAL ZONING ORDINANCE OF THE CITY OF MIAMI, PROVIDING FOR A CHANGE OF ZONING CLASSIFICATION FOR LOTS 9 THROUGH 12, BLOCK 2, SUMMIT PARK; AND REPEALING ALL LAWS IN CONFLICT

adopted on its first reading at the meeting of March 3, 1948, was taken up for its final reading in full and adoption. On motion of Mr. Quigg, seconded by Mr. Palmer, the ordinance was thereupon given its second and final reading in full, and adopted on its second and final reading by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None. Said ordinance was designated Ordinance No. 3532.

CITY CODE AMENDMENT - COMMUNITY BUILDINGS IN PUBLIC PARKS:

An ordinance entitled -

AN ORDINANCE TO AMEND SECTION 1 OF CHAPTER 36 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, 1945, FOR THE PURPOSE OF PRESCRIBING TERMS AND CONDITIONS FOR THE USE OF COMMUNITY BUILDINGS IN PUBLIC PARKS BY CIVIC OR OTHER QUASI-PUBLIC ORGANIZATIONS; TO REPEAL ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH

adopted on its first reading at the meeting of March 3, 1948, was taken up for its final reading in full and adoption. On motion of Mr. Quigg, seconded by Mr. Palmer, the ordinance was thereupon given its second and final reading in full, and adopted on its second and final reading by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None. Said Ordinance was designated Ordinance No. 3533.

ZONING ORDINANCE AMENDMENT - ROBERT CLAY HOTEL:

An ordinance to be entitled -

AN ORDINANCE AMENDING ORDINANCE NO. 1682, OTHERWISE KNOWN AS THE GENERAL ZONING ORDINANCE OF THE CITY OF MIAMI, PROVIDING FOR THE ISSUANCE OF A VARIANCE PERMIT FOR THE ERECTION OF A SERIES OF CABANAS IN CONNECTION WITH SWIMMING POOL AND A TWO-STORY BUILDING TO PROVIDE FOR HOTEL DINING FACILITIES ON THE FIRST FLOOR AND RADIO AND TELEVISION STUDIO ON THE SECOND FLOOR, AND TO CONSTRUCT A TUNNEL UNDER SE FIRST COURT TO CONNECT THE ROBERT CLAY HOTEL WITH THESE IMPROVEMENTS, AND TO PROVIDE SETBACKS OF SUCH BUILDINGS 5 FEET FROM NORTH, EAST AND WEST PROPERTY LINES, WITH 12½ FEET FROM WEST PROPERTY LINE NEXT TO TUTTLE HOTEL BUILDING, AND PROVIDING FOR WIDENING OF SE 1ST PLACE TO ITS ZONED WIDTH OF 50 FEET; AND REPEALING ALL LAWS IN CONFLICT

was introduced by Mr. Charles, seconded by Mr. Quigg, and passed on first reading by title only by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

VARIANCE PERMIT - BISCAYNE BOULEVARD AND 13TH STREET:

An ordinance to be entitled -

AN ORDINANCE AMENDING ORDINANCE NO. 1682, OTHERWISE KNOWN AS THE GENERAL ZONING ORDINANCE OF THE CITY OF MIAMI, PROVIDING FOR THE ISSUANCE OF A VARIANCE PERMIT TO PERMIT THE MAINTENANCE AND OPERATION OF EXISTING BULLETIN BOARDS ON LOTS 6, 7 AND 8, BLOCK 1, WINDSOR PARK 3RD AMENDED FOR A PERIOD OF ONE (1) YEAR COMMENCING APRIL 1, 1948; AND REPEALING ALL LAWS IN CONFLICT

was introduced by Mr. Gardner, seconded by Mr. Palmer, and passed on first reading by title only by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

VARIANCE PERMIT - 7129 NW 2ND AVENUE:

AN ORDINANCE AMENDING ORDINANCE NO. 1682, OTHERWISE KNOWN AS THE GENERAL ZONING ORDINANCE OF THE CITY OF MIAMI, PROVIDING FOR THE ISSUANCE OF A VARIANCE PERMIT TO PERMIT OCCUPANCY OF EXISTING NON-CONFORMING COMMERCIAL BUILDING IN R-4 ZONE AT 7129 NW 2ND AVENUE FOR A BARBER SHOP; AND REPEALING ALL LAWS IN CONFLICT

was introduced by Mr. Gardner, seconded by Mr. Charles, and passed on first reading by title only by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

VARIANCE PERMIT - 216 SW 12TH AVENUE:

An ordinance to be entitled -

March 24, 1948

AN ORDINANCE AMENDING ORDINANCE NO. 1682, OTHERWISE KNOWN AS THE GENERAL ZONING ORDINANCE OF THE CITY OF MIAMI, PROVIDING FOR THE ISSUANCE OF A VARIANCE TO PERMIT USE OF STORE ON LOT 2, BLOCK 81, LAWRENCE ESTATE LAND CO., FOR WHOLESALE SALE OF NEW TIRES IN A B-1 ZONE; AND REPEALING ALL LAWS IN CONFLICT

was introduced by Mr. Quigg, seconded by Mr. Palmer, and passed on first reading by title only by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

VARIANCE PERMIT - SW CORNER OF NW 27TH AVENUE AND 17TH STREET:

An ordinance to be entitled -

AN ORDINANCE AMENDING ORDINANCE NO. 1682, OTHERWISE KNOWN AS THE GENERAL ZONING ORDINANCE OF THE CITY OF MIAMI; PROVIDING FOR THE ISSUANCE OF A VARIANCE PERMIT TO PERMIT RE-ESTABLISHMENT OF A GASOLINE SERVICE STATION ON LOTS 29 AND 30, PARADISE PARK AMENDED, IN A B-3 ZONE, BUT LESS THAN THE REQUIRED 750 FEET DISTANCE; AND REPEALING ALL LAWS IN CONFLICT

was introduced by Mr. Quigg, seconded by Mr. Palmer, and passed on first reading by title only by the following vote - AYES: Messrs. Palmer, Quigg, Floyd. NOES: Messrs Charles and Gardner.

VARIANCE PERMIT - NW CORNER OF SW 57TH AVENUE AND 5TH TERRACE:

An ordinance to be entitled -

AN ORDINANCE AMENDING ORDINANCE NO. 1682, OTHERWISE KNOWN AS THE GENERAL ZONING ORDINANCE OF THE CITY OF MIAMI, PROVIDING FOR THE ISSUANCE OF A VARIANCE PERMIT TO ALLOW THE ERECTION OF A DUPLEX DWELLING ON LOT 14, MALCOMB & WARREN SUBDIVISION IN R-1 ZONE; AND REPEALING ALL LAWS IN CONFLICT

was introduced by Mr. Quigg, seconded by Mr. Palmer, and passed on first reading by title only by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

Mr. Frank Stearns, Executive Secretary of the Planning Board, stated that the Board would ordinarily consider this spot zoning, but that the Board is of the opinion that 57th Avenue should have a more liberal classification.

VARIANCE PERMIT - LOTS 6 AND 7, BLOCK 30, TWELFTH STREET MANORS:

An ordinance to be entitled -

AN ORDINANCE AMENDING ORDINANCE NO. 1682, OTHERWISE KNOWN AS THE GENERAL ZONING ORDINANCE OF THE CITY OF MIAMI, PROVIDING FOR THE ISSUANCE OF A VARIANCE PERMIT TO ALLOW A 5-FOOT SIDE YARD FROM THE WEST PROPERTY LINE AND ALLOWING A 5-FOOT SETBACK FROM THE EAST PROPERTY LINE OF LOTS 6 AND 7, BLOCK 30, TWELFTH STREET MANORS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH

was introduced by Mr. Charles, seconded by Mr. Palmer, and passed on first reading by title only by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

PROPOSED ELECTRICAL ORDINANCE:

A motion by Mr. Quigg to pass the proposed electrical ordinance on first reading did not receive a second.

The City Manager stated that Mr. Clifton W. Whitmore had submitted a letter protesting the ordinance and requesting that the architects, electrical contractors, engineers, Fire Underwriters, I. B. electrical workers and the Power Company be requested to appoint individuals or a committee to draft a suitable electrical ordinance that could be used as a standard for Dade County and other municipalities, as well as Miami.

Mr. Charles suggested that Section 3 be amended so that the members of the Examination Board be appointed by the City Commission rather than by the City Manager.

Mr. Gardner stated that he would not vote in favor of the ordinance until he has had an opportunity to study it.

Mr. Quigg stated that he was willing to pass the ordinance on first reading in order to give both sides an opportunity to be heard.

The City Manager expressed the opinion that a public hearing should be held on this proposed ordinance.

PROPOSED ORDINANCE - ONE-WAY STREETS:

The City Manager submitted an ordinance designating NW 1st Avenue a one-way street southbound from NW 5th Street to NW 1st Street, and stated that a survey made by the Traffic Engineer's office shows that approximately 70% of the total traffic on said Avenue is Southbound, but that the northbound traffic adds to the confusion at NW 5th Street and 1st Avenue and seriously complicates the traffic at NW 5th Street and 1st Avenue.

Mr. Quigg stated that he would like to discuss the matter with some members of the Police Department before voting on same.

Mr. Charles suggested that the City Manager furnish each Commissioner with a copy of the diagram of the route and also suggested that the City Manager study the possibility of designating Flagler Street as a one-way street westbound and the two First Streets one-way eastbound streets.

March 24th, 1948

Mr. Quigg stated that the suggestion has been made to him that NE 2nd Avenue be designated a one-way southbound street, but pointed out that it would require a great deal of study.

No action was taken on the proposed ordinance.

CODE AMENDMENT - PARKING METERS:

An ordinance to be entitled -

AN ORDINANCE AMENDING SECTIONS 15 AND 16 OF CHAPTER 55 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, 1945; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH, INSOFAR AS THERE IS CONFLICT; DECLARING THAT THIS ORDINANCE IS AN EMERGENCY MEASURE UPON THE GROUND OF URGENT NEED FOR THE PRESERVATION OF PEACE, HEALTH, SAFETY OR PROPERTY; AND DISPENSING WITH THE READING OF THIS ORDINANCE ON TWO SEPARATE DAYS BY A FOUR-FIFTHS VOTE OF THE MEMBERS OF THE COMMISSION

was introduced by Mr. Charles, and read the first time. Moved by Mr. Quigg, that the requirement of reading the ordinance on two separate days be dispensed with and that the ordinance be read the second and final time in full, and put upon its passage. Which was agreed to by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None. And the ordinance, with title above stated, was read the second and final time in full. Moved by Mr. Charles, seconded by Mr. Quigg, that the ordinance be passed, and upon call of the roll on the passage of the ordinance the vote was - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None. And the ordinance was declared passed, title as stated, and is designated Ordinance No. 3534.

TIME EXTENSION - PLAT OF GABLES MANOR:

The following resolution was introduced by Mr. Quigg, who moved its adoption:

RESOLUTION NO. 20537

A RESOLUTION AUTHORIZING A SIX-MONTHS EXTENSION OF TIME FOR THE OPERATION OF A CONTRACT TO COMPLETE IMPROVEMENTS AT THE SUBDIVISION GABLES MANOR UNTIL SEPTEMBER 5, 1948

WHEREAS, Ordinance No. 3281, dated March 5, 1947, accepted the street dedication in the record plat of Gables Manor; and

WHEREAS, said plat has now been recorded in Plat Book 47, Page 36 of Public Records of Dade County, Florida; and

WHEREAS, a Performance Bond in the amount of \$14,000 has been filed to accompany a contract to complete improvements at the property; and

WHEREAS, all paving and sidewalk improvements have been completed with the exception of sidewalks adjoining five lots facing on the principal thoroughfare, SW 37th Avenue; and

WHEREAS, the owner has requested an extension of six months for the completion thereof; and

WHEREAS, the United States Guarantee Company of New York has furnished a bond rider indicating that the bond is in full force for the requested extension period; and

WHEREAS, the Director, Department of Public Service has recommended that said extension be granted;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. That the City Manager and the City Clerk are hereby authorized to accept the bond rider from the United States Guarantee Company, Bond No. 1499251, extending same until September 5, 1948.

Section 2. That the operation of the contract between the City of Miami and Mangham-Butler, Inc. for improvements at GABLES MANOR is hereby extended and made effective until September 5, 1948.

Upon being seconded by Mr. Charles, the resolution was passed and adopted by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

WAIVING ACCRUED INTEREST ON SPECIAL ASSESSMENTS:

The following resolution was introduced by Mr. Quigg, who moved its adoption:

RESOLUTION NO. 20538

A RESOLUTION WAIVING ACCRUED INTEREST ON SPECIAL ASSESSMENTS AGAINST PROPERTY DESCRIBED HEREIN, SUBJECT TO THE CONDITIONS SET FORTH

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

That the Director of Finance be, and he is, hereby authorized to waive all interest accrued to date on the special assessments against the following property, to wit:

Description	Principal
Lot 11, Block 3, Allapattah Homesites	\$ 53.81
Lot 15, Block 11, Bellecamp Manor	20.56
Lot 16, Block 4, Bragg Investment Co's Sub.	47.33
Lot 6, Block 10, Bryan Park	33.79
N 94' Lot 13, Block 3, Buena Vista Hts. Add. Amd.	50.00
S 50' Lots 13-17, Block 3, Buena Vista Hts. Add.	182.93
Lot 3, Block 4, Buena Vista Hts Add Amd	58.23
Lots 1 & 2, Block 12, Buena Vista Estates	99.36
Lots 3-16, Block 7, Carter Add.	75.46
Lot 49, Cedarhurst	62.06
Lot 88, City Line Park	19.65
Lots 31 & N $\frac{1}{2}$ Lot 32, Block 3, Dale Miller Tract	120.04
Lot 14, Block 4, Dale Miller Tract	54.33
Lot 8, Block 9, Dale Miller Tract	65.64
Lot 12, Block 3, Easthaven	44.69

March 24th, 1948

Description	Principal
Lot 2, Block 2, Evergreen Lawns #2	\$ 70.65
Lot 3, Flower's Subdivision	26.15
Lots 31 & 32, Block 28, Frow Homestead	73.86
Lot 8, Block 32, Frow Homestead	16.93
Lot 21, Block 33, Frow Homestead	25.86
Lot 6, Glenroy al Amd.	16.38
Lots 18 & 19, Block 4, Grapeland Rev.	158.42
Lot 5, Block 12, Grapeland Rev.	15.04
Lot 34, Block 16, Hopkins Sub.	66.76
E 104' of that part of Lot 19 & E 104' of Lot 20 lying S of County Road, Jackson Peacock's Sub.	32.93
Lot 2, Block 1, Kentucky Corners	77.51
Lot 1, Block 30, Kirkland Hts.	11.49
Lots 9 & 10, Block 1, LaAllapattah Amd.	43.56
Lot 58, Block 6, Miami Suburban Acres Amd.	27.02
Lot 15, Block 1, Morris Park	102.46
Lot 14, Mulberry Park	62.06
E 12' of W 17' Lot 6, Block 4, Ocoee Park	60.48
Lots 8-11, Block 1, Parkdale	32.04
Lot 40, Peacock's 2nd Amd.	6.00
Lot 6, Block 1, Pomelo Park	74.45
Lot 18, Block 2, Riversedge &	61.70
Lot 25, Block 16, Realty Sec. Corp. Sub. of Coconut Grove	
Lot 3, Block 15, Riverside Farms	34.31
Lot 6, Block 27, Riverside Farms	12.38
Lot 13, Block 2, Rosemount Park	42.86
Lot 10, Block 4, Santa Clara Sub.	45.70
Lot 1, Block 1, Silver Bluff Business Center	2.99
Lot 17, Silver Bluff Gardens	28.39
Lot 106, Silver Bluff Gardens	28.39
Lot 205, Silver Bluff Gardens	17.04
Lot 36, Block 7, Lots 1-4, Block 13, Silver Bluff Homesites	38.89
Lot 10, Sutcliff Sub.	61.28
Lot 13, Block 2, St. Alban's Park	18.47
Lots 9 & 10, Block 4, St. Albans Park	36.92
Lots 15-20, Block 2, Tamiami Pines	123.41
Lot 3, Block 3, Weaver's Sub.	34.28
Lot 4, Block "C", J. A. Dann's 2nd Add.	83.33
Lots 29 & 30, Block 2, Westhaven	99.30
Lot 2, Block 33, Waddell's Add.	104.18
W $\frac{1}{2}$ of W 72.37' of the E 169.37' of S 129.34' of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ less S 25' Section 27-53-41	19.55
W 53' of N 330' of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 34-53-41	95.78
N $\frac{1}{2}$ W $\frac{1}{2}$ of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ less tract in NW corner & less N 30' E 25' & W 25' ST Section 14-53-41	78.14

Upon being seconded by Mr. Charles, the resolution was passed and adopted by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

PARKING METERS:

Mr. Gardner suggested that the City Manager study the matter of creating additional parking spaces at SE Second Street, east of the Boulevard, and stated that there would also be sufficient space for the erection of a new amphitheatre and bandshell, and that the revenue from parking would pay for the cost of the property.

Mr. Quigg stated that he has been checking from 100 to 150 parking meters a day for the past three days and that he has found from 23 to 28 Duncan-Miller meters out of order each day. He stated that the police are not enforcing parking regulations when they see a violation on one of the Duncan-Miller meters. He stated that when the Company was negotiating with the City for more meters, the Company's representative brought a repairman from Miami Beach to Miami each morning before 9:00 a.m. to repair the meters on the Boulevard and the City records showed that the meters were fine but since then the City has found a lot of them out of order. He stated that the City should get rid of these meters and put in good meters which would mean \$100,000 more revenue a year.

Mr. Gardner stated that if it were taken out of politics and turned over to the City Manager he could handle it.

In response to a question by Mr. Quigg, Mr. Gardner stated that his suggestion would be to turn it over to the City Manager and let him handle it. He stated that the reason he picked the man was because the recommendation came from the City, and that if the Commission wants to straighten out the meter business, it should turn it over to the City Manager.

Mr. Quigg stated that his man is the City of Miami.

Mr. Charles stated that the City should experiment with all makes of meters and then standardize them for the entire city.

Mr. Quigg stated that the Commission had agreed to accept the Micro-Meter until they withdrew their bid.

AGREEMENT - BOARD OF PUBLIC INSTRUCTION:

The following resolution was introduced by Mr. Charles, who moved its adoption:

RESOLUTION NO. 20539

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE BOARD OF PUBLIC INSTRUCTION OF DADE COUNTY, FLORIDA

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

March 24th, 1948

Section 1. That the City Manager and the City Clerk be, and they are, hereby authorized and directed to enter into an agreement with the Board of Public Instruction of Dade County, Florida, which is as follows:

THIS INDENTURE, made and entered into on this the 17th day of March, A.D. 1948, by and between the City of Miami, a municipal corporation under the laws of Florida, hereinafter called the "City", of the first part, and The Board of Public Instruction of Dade County, Florida, a body corporate and politic under the laws of Florida, hereinafter called the "Board", of the second part, WITNESSETH that:

WHEREAS, the City is the owner of the following described lands, situate in the City of Miami, County of Dade and State of Florida, to wit:

Lot 8 of T. R. Glass' Subdivision amended according to plat in Plat Book 4, Page 76, of the Public Records of Dade County, Florida

known and designated as West End Park; and

WHEREAS, the Board is now negotiating for the purchase of and hereby undertakes, insofar as it lawfully can, to acquire by purchase or condemnation lands immediately North of and adjacent to said hereinabove described lands so owned by the City for the construction, maintenance and operation of a school center and school site; and

WHEREAS, the City, having a lawful right so to do, desires to make available to the Board a part and portion of said hereinabove described lands for use and utilization as a temporary school site and center pending the acquisition of lands now being sought by the Board for a permanent school site, it is agreed by and between the parties as follows:

(1) The City does hereby lease and let unto the Board the said described lands for a period of two years from the date of March 17, A.D. 1948, to be used and utilized exclusively for a school center and school site and for playground and recreational purposes.

(2) The Board agrees to place on said lands in such order and at such places as the City shall designate seven (7) individual buildings known as portables for classroom and school administrative offices which shall remain the property of the Board and be by it removed at the expiration of said period of two years or any extension thereof as shall be granted by the City.

(3) The Board further undertakes and agrees to construct on said lands at such place as the City shall designate a permanent building and to install therein toilet fixtures and facilities for use of pupils attending said school and others using the said lands for playground and recreational purposes; said building will be of similar design and construction as the building now situate on the Coconut Grove community center and known as the Coconut Grove Community House. The size of said structure, floor area and arrangement and toilet facilities and equipment to be later agreed upon between the City and the Board and their respective authorized representatives. This structure shall be of permanent nature, to cost not more than \$12,000 and at the expiration of this agreement and any extension thereof shall revert to and become the property of the City and by the City accepted in lieu of rent for the lands and premises hereinabove described.

(4) The City undertakes and agrees that if and when the Board shall acquire the lands now being sought for use therefor and shall have established and constructed a school center and permanent school buildings thereof, the City shall make available to the Board the first hereinabove described lands for use, under proper rules and regulations of the City, as a playground and recreational facilities by the pupils of said school so established as well as the general public.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their proper officers and agents thereunto duly authorized on this the day and year first above written.

ATTEST:

Clerk

CITY OF MIAMI

By _____

ATTEST:

Secretary

THE BOARD OF PUBLIC INSTRUCTION
OF DADE COUNTY, FLORIDA

By _____

Chairman

Upon being seconded by Mr. Gardner, the resolution was passed and adopted by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

CONTRACT AWARDS - CLARK LINEN & EQUIPMENT COMPANY AND MILLS HOSPITAL SUPPLY COMPANY:

The following resolution was introduced by Mr. Charles, who moved its adoption:

RESOLUTION NO. 20540

A RESOLUTION ACCEPTING THE BIDS OF CLARK LINEN & EQUIPMENT COMPANY AND MILLS HOSPITAL SUPPLY COMPANY FOR TEXTILES TO BE FURNISHED JACKSON MEMORIAL HOSPITAL AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SAID CONCERNS

WHEREAS, bids were received by the City Commission on March 17th, 1948, for the furnishing of textiles for Jackson Memorial Hospital, and

WHEREAS, after study and analysis of same, Dr. Hillman recommends that contracts for the purchase of textiles be entered into with the above named concerns in accordance with the written memo hereinafter set forth, dated March 22, 1948.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI:

Section 1. That the bids are hereby awarded to Clark Linen & Equipment Company and Mills Hospital Supply Company in accordance with the written memo attached hereto, and made a part hereof, and the City Manager is hereby authorized to enter into a contract with the above named concerns for the furnishing of textiles.

MEMORANDUM

To R. G. Danner,
City Manager
From C. C. Hillman, M. D.
Director

Date 3/22/48
Subject Textiles

March 24th, 1948

Attached hereto please find original bids from Clark Linen & Equipment Company and Mills Hospital Supply Company and tabulation sheet. If same meets with your approval, we recommend the following items be awarded to the Clark Linen & Equipment Company:

#2	50 doz.	Pillow Cases, 45"x 36", Type 140	@ \$ 7.07	- \$	353.50
#3	200 doz.	Diapers-Baby, 27"x27", Birdseye	@ 2.17125	-	434.25
#4	6 doz.	Gowns, Operating, Large size Jean Twill, sanforized, white	@ 32.50	-	195.00
#5	12 doz.	Gowns, Operating, Large size (extra) Jean Twill, sanforized, white	@ 32.50	-	390.00
#7	200 yds.	Scarfing, white 18" wide, striped huck, plain	@ .295	-	59.00
					\$1,431.75
We recommend the following items be furnished by Mills Hospital Supply:					
#1	100 doz.	Towels, huck, 17"x36" Name Woven (green stripe)	@ 4.80	- \$	480.00
#6	100 ea.	Single Blankets, all cotton, 72"x84" white, whipped ends,	@ 2.35	-	235.00
#8	2000 Yds.	Toweling, blue border, 18" wide, cotton and linen mixed	@ .31		620.00
					\$1,335.00

Upon being seconded by Mr. Palmer, the resolution was passed and adopted by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

PUBLIC HEARING - CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY:

The following resolution was introduced by Mr. Quigg, who moved its adoption:

RESOLUTION NO. 20541

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING ON THE APPLICATION OF JAMES J. NELSON, HERMAN M. KAY, FRANK V. CAMARCA, WILLIAM OWID AND JOHN R. KEAN FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI:

That May 5th, 1948, be, and it is, hereby set as the date for a public hearing on the applications of James J. Nelson, Herman M. Kay, Frank V. Camarca, William Owid and John R. Kean for Certificates of Public Convenience and Necessity for the operation of taxicabs.

Upon being seconded by Mr. Charles, the resolution was passed and adopted by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

Mr. Quigg suggested that no more applications be accepted.

The City Attorney stated that the ordinance would have to be amended.

Mr. Floyd made the following statement: "I feel that if we will have a policy to open up, let's open for 60 days and accept applications and then close it."

At the suggestion of Mr. Quigg, the City Attorney was instructed to prepare an ordinance to provide for hearings to be held twice a year on applications for Certificates of Public Convenience and Necessity.

PURCHASING AGENT ORDINANCE:

Mr. Quigg inquired about the proposed purchasing agent ordinance which was referred to the City Attorney at a previous meeting.

The City Attorney replied that he was working on it now and that he would deliver it to the Commission within the next week, together with comments on matters which he felt should be changed before the ordinance is considered.

Mr. Quigg asked the City Attorney whether the ordinance, as submitted to the Commission, does not contain provisions which are unconstitutional.

The City Attorney replied that some of the provisions are not in compliance with the City Charter.

BIDS - PURCHASE OF X-RAY EQUIPMENT:-

The following resolution was introduced by Mr. Quigg, who moved its adoption:

RESOLUTION NO. 20542

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR SEALED BIDS FOR PURCHASING X-RAY EQUIPMENT

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI:

That the City Manager be, and is, hereby authorized to advertise for sealed bids to be received by the City Commission at 9:45 a.m. E.S.T., April 21st, 1948, for furnishing X-Ray Equipment for use of the Jackson Memorial Hospital, in accordance with specifications on file in the office of the Purchasing Agent at Jackson Memorial Hospital.

Upon being seconded by Mr. Charles, the resolution was passed and adopted by the following vote - AYES: Messrs. Charles, Gardner, Palmer, Quigg, Floyd. NOES: None.

Prior to the adoption of the resolution, the City Manager explained that this matter was discussed at the time the present hospital budget was prepared and it was decided that

March 24th, 1948

possibly repairs could be made to carry through the year, but that he has been advised that this unit is no longer servicable and that it has broken down several times recently. He stated that the cost of the new unit will be between \$11,000 and \$12,000. He stated that there are no funds available in the hospital budget for the purchase of the unit, but pointed out that it is an extremely essential service at the hospital. He suggested that the City advertise for bids.

ADDITIONAL WORK - MUNICIPAL ORANGE BOWL STADIUM:

The following resolution was introduced by Mr. Quigg, who moved its adoption:

RESOLUTION NO. 20543

A RESOLUTION AUTHORIZING THE CITY MANAGER TO INCREASE THE SCOPE OF WORK UNDER THE GUST K. NEWBERG CONSTRUCTION COMPANY'S CONTRACT FOR ADDITIONS TO THE MUNICIPAL ORANGE BOWL STADIUM, IN THE TOTAL AMOUNT OF \$2,249.63

WHEREAS, certain extra work is deemed necessary on the additions to the Municipal Orange Bowl Stadium; namely, furnishing and installing safety glass and metal glazing beads in press box windows, for the sum of \$2,249.63; and
WHEREAS, Gust K. Newberg Construction Company has performed this extra work to the satisfaction of the Engineer; and
WHEREAS, the City Manager recommends that said construction company can be paid for work performed in accordance with the price quoted above;
NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI:
Section 1. That the City Manager is hereby authorized to increase the scope of work, under the Gust K. Newberg Construction Company's contract on additions to the Municipal Orange Bowl Stadium, to include furnishing and installing of safety glass and metal glazing beads in the press box windows, in the total amount of \$2,249.63; said sum to be charged against the Stadium Construction Fund.

Upon being seconded by Mr. Palmer, the resolution was passed and adopted by the following vote - AYES: Messrs. Gardner, Palmer, Quigg, Floyd. NOES: Mr. Charles.

ADJOURNMENT:

There being no further business to come before the Commission at this meeting, on motion duly made and seconded, the meeting was adjourned at 11:10 o'clock A.M. until 2:00 o'clock P.M. this date.

MAYOR

ATTEST:

City Clerk

March 24th, 1948

MINUTES OF ADJOURNED MEETING OF THE COMMISSION OF THE CITY OF MIAMI, FLORIDA

On the 24th day of March, 1948, the Commission of the City of Miami, Florida, met at the City Hall in said City pursuant to an adjournment taken this date. The meeting was called to order at 2:30 o'clock P.M. by Chairman Robert L. Floyd, and on roll call the following members of the Commission were found to be present: Messrs. Charles, Quigg, Floyd. Absent: Messrs. Gardner and Palmer.

ORDINANCE REGULATING JEWELRY AUCTION SALES:

The Mayor announced that the Commission was ready to consider a proposed ordinance to regulate jewelry auction sales.

Attorney Simon Englander, representing certain local merchants, engaged in the auction of jewelry, stated he had just received a copy of the proposed ordinance ten minutes before the meeting and had not had an opportunity to study it.

Attorney Abe Aronovitz, representing retail jewelry merchants, stated that the proposed ordinance is substantially the same as the ordinance submitted on March 17th with the exception of two or three changes, and that he had written a letter to Mr. Englander four or five days ago notifying him that this matter would come before the Commission today, and that he had also contacted other interested parties.

NOTE: Mr. Gardner entered the meeting at 2:35 o'clock P.M.

Mr. Englander requested that the matter be deferred for one week in order to give him an opportunity to examine carefully the provisions of the ordinance and that in the interim the ordinance could be submitted to the City Attorney for opinion.

The Mayor stated that the Commission would entertain the arguments and if it developed that the subject matter was questionable from a legal standpoint, it would be referred to the legal department.

Mr. Englander suggested that he be reserved the right to withhold his legal arguments and present them at the next meeting.

An ordinance entitled -

AN ORDINANCE TO AMEND CHAPTER 6 OF THE CITY CODE PASSED AND ADOPTED ON THE 22ND DAY OF JANUARY, 1945, AND HERETOFORE KNOWN AS ORDINANCE NO. 2712, WITH RESPECT TO AUCTION SALES COVERING JEWELRY, WATCHES AND DIAMONDS, AND PROVIDING NEW AND ADDITIONAL REGULATIONS GOVERNING THE SALE AND OFFERING FOR SALE AT PUBLIC AUCTION JEWELRY, WATCHES AND DIAMONDS, PROVIDING FOR THE FILING OF APPLICATIONS TO CONDUCT SUCH AUCTION SALES, AND THE CONTENTS OF SUCH APPLICATIONS; PROVIDING FOR THE INVESTIGATION OF SUCH APPLICATIONS AND THE ISSUANCE OF PERMITS TO CONDUCT SUCH AUCTION SALES; AND PROVIDING FOR THE TIME THEREOF, AND PROHIBITING THE MAKING OF FALSE STATEMENTS IN CONNECTION WITH SUCH APPLICATIONS OR SALE; PROVIDING FOR THE REGULATION AND SUPERVISION OF SUCH SALES; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING THAT IF ANY SECTION, SUB-SECTION, SENTENCE, CLAUSE, PHRASE, OR WORD OF THIS ORDINANCE IS FOR ANY REASON HELD TO BE UNCONSTITUTIONAL OR INVALID, SUCH HOLDING OR INVALIDITY SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; DECLARING THIS ORDINANCE TO REPEAL ALL OTHER AND PRIOR ORDINANCES IN ANYWISE DEALING WITH THE SAME SUBJECT

was introduced by Mr. Charles, seconded by Mr. Quigg, and passed on first reading by title only by the following vote - AYES: Messrs. Charles, Gardner, Quigg, Floyd. NOES: None.

In casting his vote, Mr. Quigg made the following statement: "Last week I voted against it, but this week I vote for it because the amount of the bond has been reduced to \$3,000, and I believe that the length of time of residence of references should be reduced from five to two years."

Prior to roll call, Mr. Aronovitz stated that the ordinance has been approved by the Retail Merchants Division of the Chamber of Commerce. He stated that he has read and studied every case which has been decided by the Supreme Court of Florida and pointed out that the Court has distinctly made a difference between ordinary auctions and jewelry auctions.

NOTE: Mr. Charles left the meeting at 2:50 o'clock P.M.

In discussing the provisions of the ordinance, Mr. Aronovitz stated that the Supreme Court has ruled that the City can make regulations concerning sales of jewelry, diamonds and watches, while it may not be able to do so as to furniture and clothing. As to the hours of sale, he stated the Court has ruled that the present law fixing the hours of sale between 9:00 A.M. and 6:00 P.M. is legal. He stated that in the proposed ordinance the amount of bond has been reduced from \$10,000 to \$3,000.00.

NOTE: Mr. Charles re-entered the meeting at 2:57 o'clock P.M.

Mr. Floyd stated it was his understanding that under present regulations a person engaged in auction sales must file one inventory, unless he purchases new merchandise.

Mr. Aronovitz replied that the inventory only contains the quantity but under the proposed ordinance each article has to be tagged.

Mr. Englander stated that he had received a letter from Mr. Aronovitz dated March 19th advising him that an ordinance to regulate auction sales would be submitted to the Commission March 24th, but that he did not furnish him with a copy of the ordinance.

In calling attention to certain provisions of the ordinance, Mr. Englander stated that he did not know of any bonding company who would write a bond of this type, and said the provisions would prohibit an applicant from securing a license. He stated the provision requiring an applicant to present letters from five Miami citizens who have been residents for a minimum

March 24th, 1948

period of five years, is arbitrary and is also in the nature of being prohibitive, and expressed the opinion that it should provide for letters from three references who have been residents for one year, so it would not be prohibitive. With reference to the clause fixing the hours of sale from 10:00 A.M. to 5 P.M., he stated that the Supreme Court has ruled that such clause is a violation of the inherent right of an individual in his pursuit of liberty, and that such clause is invalid and unconstitutional. He also stated that the provision requiring the applicant to furnish the name and address of the person from whom the item was purchased is arbitrary and unconstitutional.

Mr. Charles: "If we pass this ordinance on first reading, and if you have any amendments and suggestions, we may be able to work them in when it comes up the next time, and if you have any modifications they should be inserted. I have observed auction sales and have seen them strike off an article at one price and sell it to three people for the same price, so that there is a need for the adoption of an ordinance."

Mr. Englander stated he would furnish citations at the next meeting.

Mr. Englander also questioned the constitutionality of certain other provisions of the ordinance. He stated that if the City desires to regulate jewelry auctioneers, the ordinance should include all jewelers and all auctioneers, and not be discriminatory.

Mr. Frank Morgan, an auctioneer, stated that the proposed ordinance is satisfactory to the auctioneers.

Mr. Aronovitz stated that the Supreme Court has already recognized the classification of auction of jewelry from other businesses, and it has passed on limiting the hours of auction and the bond requirement.

Mr. M. Burns expressed the opinion that there is a need for regulations governing itinerant auctions.

ADJOURNMENT:

There being no further business to come before the Commission at this meeting, on motion duly made and seconded, the meeting was adjourned at 4:02 o'clock P.M.

MAYOR

ATTEST:

City Clerk