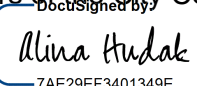




City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Alina T. Hudak, City Manager   
DATE: May 12, 2021  
SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROVING A POLICY IN REFERENCE TO NORMANDY SHORES DISTRICT GATES.**

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### **RECOMMENDATION**

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

### **BACKGROUND**

In 1993, the Normandy Shores Local Government Neighborhood Improvement District (the District) was created as a safe neighborhood district pursuant to Section 163.506 of the Florida Statutes and City Ordinance No. 93-2881. Initially, the City of Miami Beach Commission was designated as the Board of Directors to the District, with an Advisory Council comprised of property owners or residents. In 1997, the City adopted Resolution No. 97- 22449, wherein the Executive Committee of the Normandy Shores Homeowners Association was established with three members of the Advisory Council.

The streets within the District are public streets and can be access via three access points. On the west end, on Biarritz Drive, access is granted through the manned security gate entrance to anyone who wishes to enter the District. This provides access to all streets within the District regardless of residency. On the east side at the intersection of North Shore / Fairway is a second access point, with a third access point at South Shore Drive. These latter two entrances have security gates which can only be accessed with a clicker issued by the City. The single-family portion of the Normandy Shores island is within the boundaries of the District as referenced by Attachment A, attached hereto.

The streets within the District remain public streets. In 2018, the City Attorney's Office issued a memorandum, included herein as Attachment B, regarding the City's statutory authority to control and restrict access to the District through the manned security guard gate and the additional remote- controlled gates. The City Attorney has opined that, in view of the City's statutory authority to create the District and control and restrict access through the security gates, the decision to set policy regarding access to the remote controlled gates is an administrative matter within the discretion of the City Commission.

In 2019 and the early parts of 2020, the Advisory Council and the City upgraded the gate technology in the District, while also keeping the clicker technology intact. The new technology would eliminate the use of clickers and provide access via radio-frequency identification (RFID) decals to be adhered to vehicles. The Advisory Council has requested that said decals be limited to those that reside within the District's boundaries only. Individuals who reside outside the boundaries but who currently have clickers would no longer be able to access the east gates with the replaced technology if this were to be implemented without a policy direction to maintain the status quo for access. The upgraded system has yet to be deployed, pending that policy direction. On March 13, 2020, the Neighborhood and Quality of Life Committee (NQLC) held a discussion on this item and requested that Administration return with additional information on the history of the gates installed at Normandy Shores District.

After extensive research, including looking through permit databases for both the City and County, City staff were not able to locate any records regarding the installation of the convenience gates in the Normandy Shores neighborhood in 1993. The only permits that were found were the City Building permits for the reconfiguration of the convenience gates located at the intersection of North Shore Drive and Fairway Drive in 2015. This information was presented before the NQLC at its November 4, 2020 meeting. The Miami-Dade County Department of Transportation and Public Works (MDCDTPW) has jurisdictional authority to approve any permits related to the installation or reconfiguration of convenience gates in communities. In response to this, the City Transportation & Mobility Department collaborated with MDCDTPW, and submitted a traffic memorandum that focuses on a queuing analysis, in order to retroactively review and comment on the placement of the gates.

The queuing analysis included an assessment of the existing conditions and current operation of the gates. The analysis followed the standardized process set forth in the Institute of Transportation Engineers' (ITE) Transportation and Land Development Manual. MDCDTPW reviewed the report and responded that a resolution of the governing body would be required to consider the current configuration.

## **ANALYSIS**

Access to the Normandy Shores District's gates requires policy direction. After numerous discussions between City staff and the affected stakeholders, as well as the review of the City's queuing analysis, the following options are being presented for the Commission's review and discussion:

- Maintain the status quo (with the ability to obtain an RFID for access for all Normandy Shores island residents with proof of residency);
- The ability to obtain RFID access is limited to residents only living within gated boundaries of the District;
- Complete closure of both convenience gates (except for pedestrians, bicycles and emergency vehicles).

The City has reviewed the many disparate issues and challenges related to these gates over the past year, maintenance, queuing, cut-through traffic, speeding concerns, permitting and equity. Based upon that review it appears that the best solution to this continued discussion that has

come up multiple times over the 27 years of the existence of the District is to close the convenience gates on both South Shore Drive and Fairway Drive. This may remove some of the convenience from both the single family homes inside the District and the multifamily homes outside the District; however, it seems to create the most equitable solution that is consistent with the goals of creation of the District, and it will eliminate any queuing issues and cut-through traffic. The closure would be accessible to pedestrians, bicycles, and emergency vehicles (i.e. fire and police); however, access to the motoring public, no matter their affiliation to the District, would be removed.

Pursuant to the Miami-Dade County Traffic Flow Modification Procedure, the permanent closure of the two convenience gates to all vehicles except emergency services would require a traffic study. The study would consist of data collection, an operational analysis of the adjacent intersections to assess the impact of the closure, and a public hearing. If the Committee prefers a broader analysis to inform a decision on the appropriate access management strategy for the Normandy Shores District, the scope of the traffic study would need to be expanded to include an origin-destination analysis, community meetings, issues and opportunities analysis for each alternative, as well as an operational analysis of adjacent intersections for each alternative. It is important to note that no matter what the direction regarding access to the gates, the gates themselves will have to be approved by MDCDTPW.

This information was presented before the NQLC at their March 22, 2021 meeting. The Committee did not recommend in favor of closing the gates, and further directed Administration to present options to the City Commission. Additionally, the Committee requested data on the remote-control gate access devices (clickers).

#### Remote-Control Gate Access Devices

In 2019, the procedure for the sale of new and replacement remote-controlled gate access devices (clickers) was brought as a concern by the Normandy Shores Homeowners Association. The current procedure verifies proof of residency as being located within the entirety of Normandy Shores island. Residents with proof of residency may purchase an unlimited number of clickers at a cost of \$35.00 each. Since the matter was brought up as a concern and additional tracking was implemented, there have been 175 clickers issued. However, provided that clickers were deployed for several years prior to the vetting process, it is difficult to ascertain with certainty how many clickers were issued to addresses outside of the District.

Access control and restriction of the Normandy Shores District's gates requires policy direction by the City Commission. Provided the long history, challenges, traffic queuing, speeding concerns, permitting and equity, a viable solution may be achieved with the proposed options provided herein.

#### **CONCLUSION**

Based upon the information presented above the Administration seeks the approval and adoption of a City policy for the gates of the Normandy Shores Local Government Neighborhood Improvement District.