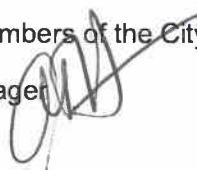




City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Alina T. Hudak, City Manager 

DATE: July 28, 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.**

RECOMMENDATION

The Administration recommends that the Mayor and City Commission adopt the 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 remote-control gate access devices (clicker) technology intact. The new technology will eliminate the use of clickers and provide access via radio-frequency identification (RFID) decals to be adhered to vehicles. The upgraded system has yet to be deployed, pending 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 was 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 were presented for 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).

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. 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.

At the March 22, 2021 NQLC meeting, the Committee directed Administration to present options to the City Commission. On May 12, 2021, the Mayor and City Commission deliberated on the proposed options and directed Administration to provide recommendations for the access control and restriction of the Normandy Shores District's gates.

After several negotiations with the District and affected stakeholders, the Administration recommends the following essential terms, the parties have agreed to:

- 1) Access to the gates shall be granted via RFID only for residents of the island:
 - Proof of residency with driver's license and vehicle registration is required to obtain RFID access on an annual basis.
- 2) An initial fee of \$50 for setup and \$25 for renewals respectively will be required for the administration and implementation of the RFID system.
- 3) The parties agree to support seeking necessary permits and approval from the Miami-Dade County Department of Transportation and Public Works (MDCDTPW) related to the installation or reconfiguration of convenience gates.
- 4) Miami-Dade County Public Schools busses will be permitted to obtain RFIDs in order to facilitate access to the gates and safely board and drop-off children.

Access to the 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 parties mutually agreed upon essential terms, which the Administration has recommended herein.

CONCLUSION

In consideration of the foregoing, the Administration recommends the approval and adoption of the Resolution to formalize City policy for the gates of the Normandy Shores Local Government Neighborhood Improvement District based upon the parties' mutual agreement of the terms stipulated herein.