

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING A POLICY FOR THE ACCESS GATES LOCATED IN THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT.

WHEREAS, 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. 93-288; and

WHEREAS, on July 2, 1997, the Mayor and City Commission adopted Resolution No. 97-22449, to establish an Advisory Council appointed by the Board of Directors; and

WHEREAS, the streets within the District are public streets accessible via three convenience gates located: (1) on Biarritz Drive; (2) at the intersection of North Shore/ Fairway; and (3) on South Shore Drive; and

WHEREAS, in 2018, the City Attorney's Office issued a memorandum and opined that, in view of the City's statutory authority to create the District, and its separate authority to control and restrict access through the security gates pursuant to Section 316.008(w) of the Florida Statutes, the decision to set policy regarding access to the remote controlled gates is an administrative matter within the discretion of the City Commission; and

WHEREAS, in 2019, and early parts of 2020, the Advisory Council and the City upgraded the gate technology in the District to radio-frequency identification ("RFID"); and

WHEREAS, after extensive research, no records were found regarding the installation of the convenience gates in the District; and

WHEREAS, 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, including the District; and

WHEREAS, the City's Transportation & Mobility Department collaborated with MDCDTPW and submitted a queuing analysis, to retroactively review the placement of the gates; and

WHEREAS, MDCDTPW reviewed the analysis and requires a resolution of the City of Miami Beach, Florida to consider the current configuration of the gates; and

WHEREAS, irrespective of policy direction, the access gates will require final approval from the MDCDTPW; and

WHEREAS, the City, the District and stakeholders, have negotiated the following mutually agreed, the essential terms for the policy include:

- 1) Access to the gates shall be granted via RFID only for residents of the island:
 - a. 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; and
- 3) The parties agree to support seeking necessary permits and approval from the MDCDTPW related to the installation or reconfiguration of convenience gates; and
- 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; and

WHEREAS, the Administration recommends approval and adoption of this Resolution to establish and memorialize a policy for the District's gates based upon the parties' mutual agreement of the terms stipulated herein.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and adopt a policy for the access gates in the Normandy Shores Local Government Neighborhood Improvement District.

PASSED and ADOPTED this _____ day of 2021.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

City Attorney

ff 7-26-21

Date