

CPS-2 ENTERTAINMENT

ORDINANCE NO. 2015-3948

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 "ZONING DISTRICTS AND REGULATIONS;" ARTICLE II, "DISTRICT REGULATIONS", DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT" TO MODIFY PERMITTED USES WITHIN THE CPS-2 DISTRICT TO INCLUDE NON-AMPLIFIED PIANO AND STRING INSTRUMENTS WITHIN RESTAURANT INTERIORS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," includes specialized use regulations that address alcoholic beverages; and

WHEREAS, Chapter 142 is proposed to be amended to allow the limited use of non-amplified string instruments within the interior of restaurants in the CPS-2 district; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, "Zoning Districts and Regulations" is amended, as follows:

DIVISION 18. PS PERFORMANCE STANDARD DISTRICT

* * *

Sec. 142-693. Permitted uses.

* * *

(c) For purposes of this section, pawnshops and dance halls and entertainment establishments are not permitted as a main permitted or accessory use south of Fifth Street; however, in the C-PS3 and C-PS4 districts dance halls and entertainment establishments shall be permitted as an accessory use within a hotel of 250 rooms or more with access to the dance hall or entertainment establishment only from the interior lobby and not from the street. Additionally, for restaurants located in the C-PS2 district, on the south side of Fifth Street between Michigan Avenue and Alton Road, non-amplified piano or string instruments, played at a volume that does not interfere with normal conversation, may be permitted as a conditional use within the interior of the premises, in accordance with the requirements of Chapter 118, Article IV, and only during periods in which full meals are being served, and no later than 2:00 am.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or

re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EXCEPTIONS.

This Ordinance shall not apply to an application filed for Land Use Board Approval with the Planning Department on or before February 24th, 2015.

SECTION 6. EFFECTIVE DATE.

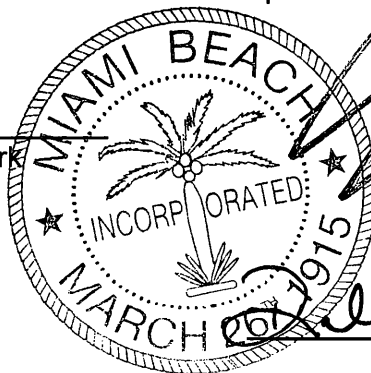
This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this 8 day of July, 2015.

Philip Levine, Mayor

ATTEST:

[Signature]
Rafael E. Granado, City Clerk



APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

[Signature] 5/27/15
City Attorney Date

First Reading: June 10, 2015
Second Reading: July 8, 2015

Verified by: [Signature]
Thomas Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes removed language

[Sponsored by Commissioner Grieco]

Condensed Title:

An Ordinance to amend the requirements for non-amplified entertainment in the CPS-2 Zoning District.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character. Increase satisfaction with development and growth management across the City.

Supporting Data (Surveys, Environmental Scan, etc 48% of residential respondents and 55% of businesses rate the effort put forth by the City to regulate development is "about the right amount."

Item Summary/Recommendation:

SECOND READING – PUBLIC HEARING
 The proposed Ordinance would allow for non-amplified piano or string instruments within the inside of restaurants located in the C-PS2 district, on the south side of Fifth Street between Michigan Avenue and Alton Road through the Conditional Use process.

On February 18, 2015 the Land Use and Development Committee recommended approval of the Ordinance.

On June 10, 2015, the City Commission: 1) accepted the recommendation of the Land Use and Development Committee via separate motion; and 2) approved the proposed Ordinance at First Reading and scheduled a Second Reading Public Hearing for July 8, 2015.

The Administration recommends that the City Commission adopt the Ordinance.

Advisory Board Recommendation:

On April 28, 2015, the Planning Board (vote of 6-0), transmitted the attached proposal to the City Commission with a favorable recommendation. (Planning Board File No. 2252).

Financial Information:

Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary:

In accordance with Charter section 5.02, which requires that the "City of Miami Beach shall consider the long-term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration evaluated the long-term economic impact (at least 5 years) of this proposed legislative action, and determined that there will be no measurable impact on the City's budget.

City Clerk's Office Legislative Tracking:

Thomas Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2015\July\PLANNING\CPS2 Entertainment - SUM Second Reading.docx

MIAMI BEACH

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

MEMO #

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 8, 2015

SUBJECT: **CPS-2 Entertainment - Non-Amplified Instruments**


SECOND READING – PUBLIC HEARING

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 “ZONING DISTRICTS AND REGULATIONS;” ARTICLE II, “DISTRICT REGULATIONS”, DIVISION 18, “PS PERFORMANCE STANDARD DISTRICT” TO MODIFY PERMITTED USES WITHIN THE CPS-2 DISTRICT TO INCLUDE NON-AMPLIFIED PIANO AND STRING INSTRUMENTS WITHIN RESTAURANT INTERIORS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the Ordinance.

BACKGROUND

On February 11, 2015, the City Commission (Item C4K), at the request of Comm. Michael Grieco, referred a discussion item to the Land Use and Development Committee (LUDC) regarding a proposed amendment to the City Code pertaining to allowable musical instruments within enclosed restaurants in the C-PS2 district.

On February 18, 2015, the Land Use and Development Committee (LUDC) discussed the item and proposed the attached amendment to Section 142-693(c) of the City Code pertaining to permitted uses in CPS-2 districts.

On March 11, 2015, the City Commission (Item C4B) referred the item to the Planning Board.

ANALYSIS

Section 142-693 of the Land Development Regulations lists “Permitted Uses” in the Performance Standard Districts. Presently entertainment establishments are prohibited in the areas south of Fifth Street, with the exception of certain accessory uses to large hotels. This prohibition prevents restaurants from having any sort of entertainment for the patrons.

However, there are certain circumstances under which a minimal level of entertainment would be appropriate and create no impacts to surrounding residents. The proposed Ordinance allows

for the playing of non-amplified piano or string instruments within the inside of restaurants located in the C-PS2 district, on the south side of Fifth Street between Michigan Avenue and Alton Road through the Conditional Use process. In addition to the safeguards provided by the Conditional Use process, the proposed Ordinance requires that the instruments only be located within the interior of the premises and must be played at a volume that does not interfere with normal conversation. In addition, it requires that the instruments only be played during periods in which full meals are being served, and no later than 2:00 am.

PLANNING BOARD REVIEW

On April 28, 2015, the Planning Board (by a 6-0 vote) transmitted the proposed Ordinance to the City Commission with a favorable recommendation.

FISCAL IMPACT

In accordance with Charter Section 5.02, which requires that the "City of Miami Beach shall consider the long term economic impact (at least 5 years) of proposed legislative actions," this shall confirm that the City Administration City Administration evaluated the long term economic impact (at least 5 years) of this proposed legislative action. The proposed Ordinance is not expected to have a negative fiscal impact upon the City.

SUMMARY

On June 10, 2015, the subject Ordinance was approved at First Reading.

CONCLUSION

The Administration recommends that the City Commission adopt the Ordinance.



CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that the following public hearings will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **July 8, 2015**, at the times listed, or as soon thereafter as the matter can be heard:

10:00 a.m.

A Resolution To Consider Approval, Following First Reading/Public Hearing Of A Development And Ground Lease Agreement As Authorized Under Section 82-37 Of The City Code, Section 118-4 Of The City Code, And Sections 163.3220 - 163.3243, Florida Statutes, Between The City And Portman Miami Beach, LLC ("Portman"), For The Development Of An 800-Room Convention Headquarter Hotel And Related Facilities, Including Up To 95,000 Square Feet Of Conference And Ballroom Facilities, And Up To 37,400 Square Feet Of Restaurant Facilities (The "Hotel"), On An Approximately 2.65 Acre Site Bounded Roughly By The Miami Beach Convention Center To The North, 17th Street To The South, The Fillmore Miami Beach at the Jackie Gleason Theater To The East, and Convention Center Drive to the West (The "Leased Property"); Delineating The Conditions For The Design, Construction, Equipping And Operation Of The Hotel On The Leased Property With No City Funding Therefor; Providing For A 99-Year Term Of The Leased Property Once Certain Conditions Are Satisfied; Prohibiting Gambling Establishments On The Leased Property; And Providing For Base Rent To The City Once The Hotel Opens, Including, After The Third Year Following The Hotel's Opening And Each Year Thereafter, Four Percent (4%) Of The Gross Revenues Of The Hotel; And Further Setting The Second And Final Reading Of The Development And Ground Lease Agreement For A Time Certain. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:05 a.m.

A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee, And Approving And Authorizing The Mayor And City Clerk To Execute A New Lease Agreement Between The City And SB Waxing, Inc. D/B/A Uni-K-Wax (Tenant), For An Initial Term Of Five (5) Years, With One (1) Renewal Option For Four (4) Years And Three Hundred And Sixty Four (364) Days, Involving The Use Of Approximately 1,291 Square Feet Of City-Owned Property Located At 1701 Meridian Avenue, Unit 3 (W/WA 771 17th Street), Miami Beach, Florida (Premises); And Further Waiving By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The Public. *Inquiries may be directed to the Tourism, Culture and Economic Development Department at 305.673.7577.*

10:10 a.m.

A Resolution Approving, On Second And Final Reading Of This Resolution And Following A Daily Noticed Public Hearing, The Transfer, Via Quit Claim Deed, To The Florida Department Of Transportation (FDOT) The Property Identified In Exhibit A, As The Property Has Been Constructed Upon By FDOT And Utilized As A Turning Lane From Michigan Avenue Onto Alton Road; Containing Approximately 4,014 Square Feet In Total Area; Waiving By 5/7th Vote, The Competitive Bidding Requirements And Independent Appraisal Requirements Of Section 82-39 Of The City Code, Finding That The Public Interest Would Be Served By Waiving Such Conditions. *Inquiries may be directed to the Office of the City Attorney at 305.673.7470.*

10:15 a.m.

A Resolution Pursuant To Section 142-425(D) Of The City Code, Waiving By 5/7th Vote Of The City Commission After Public Hearing, The Development Regulations Under Chapters 130 And 142 Of The Land Development Regulations Of The City Code Pertaining To Required Off-Street Parking Spaces And Minimum Required Setbacks, At The Bass Museum Of Art, 2100 Collins Avenue. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:20 a.m.

An Ordinance Amending Chapter 142 "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District" To Modify Permitted Uses Within The CPS-2 District To Include Non-Amplified Piano And String Instruments Within Restaurant Interiors; Providing For Repealer, Severability, Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:25 a.m.

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3, "Residential Multi-Family Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," To Prohibit Bed And Breakfast Inns Within The Palm View Local Historic District; By Amending Article V, "Specialized Use Regulations," Division 7, "Bed And Breakfast Inns," To Prohibit Bed And Breakfast Inns Within The Palm View Local Historic District; Providing For Codification, Repealer, Severability And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

10:30 a.m.

An Ordinance Amending Chapter 114 "General Provisions," Section 114-1, "Definitions", By Modifying The Definition Of Commercial Vehicle; By Amending Chapter 142 "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations", Division 1, "Generally" To Modify The Requirements For Required Enclosures To Create An Allowance For The Outdoor Exposure Of Rental Car Vehicles; Providing For Repealer, Severability, Codification; And An Effective Date. *Inquiries may be directed to the Planning Department at 305.673.7550.*

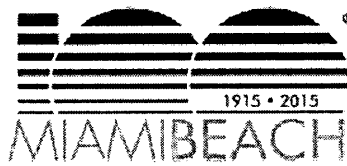
Dr. Stanley Sutnick Citizen's Forum - Pursuant to Resolution No. 2013-28440, the times for the Dr. Stanley Sutnick Citizen's Forum are **8:30 a.m.** and **1:00 p.m.**, or as soon as possible thereafter. Approximately thirty minutes will be allocated to each session, with individuals being limited to no more than three minutes or for a period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these items are available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting, or any item herein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk
City of Miami Beach



CITY OF MIAMI BEACH

NOTICE OF AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF MIAMI BEACH CODE OF ORDINANCES

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that a public hearing will be held by the Mayor and City Commissioners of the City of Miami Beach, Florida, in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **July 8, 2015 at 10:20 a.m.**, or as soon thereafter as the matter can be heard, to consider:

CPS-2 Non-Amplified Instruments.

An Ordinance Amending Chapter 142 "Zoning Districts And Regulations;" Article II, "District Regulations", Division 18, "PS Performance Standard District" To Modify Permitted Uses Within The CPS-2 District To Include Non-Amplified Piano And String Instruments Within Restaurant Interiors; Providing For Repealer; Severability; Codification; And An Effective Date.

Inquiries may be directed to the Planning Department at 305.673.7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, First Floor, City Hall, Miami Beach, Florida 33139. This item is available for public inspection during normal business hours in the Office of the City Clerk, 1700 Convention Center Drive, First Floor, City Hall, Miami Beach, Florida 33139. This item may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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Rafael E. Granado, City Clerk
City of Miami Beach

Ad 1034

IN RE: CITY OF MIAMI BEACH COMMISSION MEETING
ITEM NO.: ITEM R5A PUBLIC HEARING

CITY OF MIAMI BEACH
COMMISSION MEETING

JULY 8, 2015

ITEM R5A PUBLIC HEARING

CPS-2 ENTERTAINMENT

1 COMMISSION MEMBERS:

2 PHILIP LEVINE, MAYOR
3 MICHAEL GRIECO, COMMISSIONER
4 JOY MALAKOFF, COMMISSIONER
5 EDWARD L. TOBIN, COMMISSIONER
6 DEEDE WEITHORN, COMMISSIONER
7 MICKY STEINBERG, COMMISSIONER

8

9 ALSO PRESENT:

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11 JIMMY L. MORALES, CITY MANAGER
12 RAUL J. AGUILA, CITY ATTORNEY
13 RAFAEL E. GRANADO, CITY CLERK

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1 (Thereupon:)

2 MAYOR LEVINE: Okay. Ms. Clerk,
3 R5A.

4 THE CLERK: R5A is an ordinance of
5 the Mayor and City Commission of the City
6 of Miami Beach, Florida, amending
7 Chapter 142, zoning districts and
8 regulations Article 2, district regulations
9 Division 18, PS performance standard
10 district, to modify permitted uses within
11 the CPS-2 district.

12 To include nonamplified piano and
13 string instruments within restaurants'
14 interiors providing for repeal or
15 severability, codification and an effective
16 date.

17 This is a second reading public
18 hearing. This item requires a five-seventh
19 vote.

20 MAYOR LEVINE: Okay.

21 UNIDENTIFIED SPEAKER: Okay.

22 Mr. Mayor, this particular ordinance was
23 approved at first reading on June 10th and
24 it would create the allowance on a very
25 limited basis for certain types of

1 entertainment within the C-PS2 district
2 south of 5th Street, specifically
3 nonamplified piano or string instruments
4 within the inside of restaurants on the
5 south side of 5th Street between Michigan
6 Avenue and Alton Road would be allowed
7 through the conditional use process.

8 The music would have to be played at
9 a volume that does not interfere with
10 normal conversation and also the
11 instruments could only be played during
12 periods in which full meals are being
13 served and no later than 2 a.m.

14 MAYOR LEVINE: Okay. Commissioner
15 Malakoff, do you want --

16 COMMISSIONER MALAKOFF: I received
17 some comments from people from south of 5th
18 neighborhood, and I want to emphasize it's
19 nonamplified piano and string instruments.
20 This makes a huge difference, because the
21 amplification of whether it's a piano or a
22 guitar, the decibels go way, way, way up,
23 and the other part is that it still has to
24 go through the conditional use process.

25 UNIDENTIFIED SPEAKER: Yeah, Frank

1 Del Vecchio.

2 MAYOR LEVINE: Do you want to open
3 it up? Someone open it up.

4 COMMISSIONER MALAKOFF: No, I move
5 that the public hearing be open.

6 COMMISSIONER GRIECO: And just so --
7 just so everybody knows, yeah, I'm
8 obviously very sensitive to -- to the
9 concerns out in the 5th. I made sure that,
10 that -- that SOFNA was involved in the
11 conversation, I spoke with several of their
12 members.

13 I know that Frank and I have had
14 several conversations about this over,
15 I don't know, maybe a six-month period,
16 this has gone through the ringer a few
17 times. And mind you, this is on the south
18 side of 5th Street, which is -- it's a
19 commercial corridor, this is a very
20 specific area. It's not some slippery
21 slope issue, and it's for non -- it's
22 pianos and stringed instruments and
23 nonamplified.

24 It's -- it's a micro issue, and
25 I defer to Mr. Del Vecchio if he has any

1 comments as well.

2 MR. DEL VECCHIO: Frank Del Vecchio,
3 301 Ocean Drive. I think this is
4 supportable. What I would like to say to
5 the members of the commission is that for
6 many years south of 5th activists have
7 worked closely with restaurants and coming
8 before boards for land development
9 approvals, and we've had really a very
10 productive working relationship where
11 they've agreed to limit outdoor
12 entertainment and outdoor hours.

13 There's a particular problem on a --
14 on a small corner of south of 5th running
15 west of Michigan to Alton. There are two
16 relatively new commercial buildings that
17 have been attempting to lease its
18 restaurant space, ground floor space.

19 Those are -- there are absolutely no
20 adjacent or nearby residential. Each of
21 these two commercial buildings has interior
22 parking, so in the event a restaurant that
23 takes advantage, now, of this opportunity
24 does open, the -- there will be no
25 penetration of destination traffic coming

1 to these restaurants into the south of 5th
2 community. This is a very isolated
3 segment. There will be no adverse impacts
4 on the community, and I think in the spirit
5 of working with the commercial community,
6 this is benign, and it will not adversely
7 affect other businesses or other residents
8 and I recommend you enact it. Thank you.

9 MAYOR LEVINE: Thank you, Mr. Del
10 Vecchio.

11 MR. DEL VECCHIO: Thank you.

12 MAYOR LEVINE: Thank you. Okay.
13 Someone to move it?

14 COMMISSIONER GRIECO: Do we have
15 any --

16 MAYOR LEVINE: Any discussion?

17 COMMISSIONER GRIECO: (Inaudible.)

18 MAYOR LEVINE: Do you want to close
19 the public hearing?

20 COMMISSIONER MALAKOFF: Yeah, motion
21 to close the public hearing.

22 MAYOR LEVINE: Okay.

23 COMMISSIONER GRIECO: I'll move the
24 item if there's no concerns.

25 MAYOR LEVINE: Okay.

1 COMMISSIONER MALAKOFF: Second.

2 MAYOR LEVINE: There's a second,
3 okay. All those in favor -- oh, you'll do
4 a --

5 THE CLERK: Roll call.

6 MAYOR LEVINE: Okay.

7 THE CLERK: Commissioner Steinberg?

8 COMMISSIONER STEINBERG: Yes.

9 THE CLERK: Vice Mayor Tobin?

10 VICE MAYOR TOBIN: Yes.

11 THE CLERK: Commissioner Malakoff?

12 COMMISSIONER MALAKOFF: Yes.

13 THE CLERK: Commissioner Greco?

14 COMMISSIONER GRIECO: Yes.

15 THE CLERK: Commissioner Wolfson is
16 absent.

17 Commissioner Weithorn?

18 COMMISSIONER WEITHORN: Yes.

19 THE CLERK: Mayor Levine.

20 MAYOR LEVINE: Yes.

21 THE CLERK: Motion carries, the item
22 is approved.

23 (End of recording.)

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CERTIFICATE

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I, Matthew J. Haas, Court Reporter and
Transcriptionist, do hereby certify that I was
authorized to and did listen to and
stenographically transcribe the foregoing
recorded proceedings and that the transcript is a
true record to the best of my professional
ability.

Dated this 22nd day of January,
2017.



MATTHEW J. HAAS
Court reporter