



MIAMI BEACH

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

COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee Members

FROM: Kathie Brooks, Interim City Manager

DATE: September 24, 2012

SUBJECT: **DISCUSSION REGARDING WHETHER THE CITY SHOULD HAVE A GENERAL STANDING RULE TO WAIVE CERTAIN FEES, SUCH AS PARKING AND OTHER, RELATED TO RECONSTRUCTION OF PRIVATE PROPERTY DAMAGED DUE TO A SEVERE STORM EVENT OF SIMILAR NATURE EVENT.**

BACKGROUND

This is a follow-up to the item previously brought to this Committee regarding development of post-event mitigation and assistance for businesses following certain severe storm events, which do not qualify as a “disaster” and/or “emergency” as defined by applicable local codes, state statutes, or federal regulations.

A complicating factor of many flooding events is that they may be highly localized with only portions of Miami Beach being affected. The majority of these incidents are isolated events that affect relatively few people. In addition, in the affected areas, although there may be property damage, the damage generally does not overwhelm the ability for people to care for themselves, meaning that the population is able to continue to provide itself food, water, and shelter. Given the fact that individuals remain able to mitigate and address the damage from local flooding on their own, usually via self resources or at times with private insurance, these events do not qualify as a “disaster” or “emergency” at a state or federal level.

Notwithstanding, an interest was expressed by the Committee for staff to perform some additional research. The Committee also limited the discussion of potential post-event mitigation and assistance to damage and problems connected to weather-related events such as storms or similar natural causes. On December 14, 2010, the Committee directed the Administration to return to the committee with recommendations on the handling of emergency/flooding events.

It is very important to consider that any costs of assistance provided by the City due to a local event that does not receive a federal or state emergency declaration will be paid for solely by the City. As such the fiscal impact of such an ordinance could be considerable, depending on the nature and impact of the event.

PRE-EVENT MITIGATION

Prior to a flooding event, the Office of Emergency Management coordinates a number of activities with City departments, including Communications, Public Works, Police, Parking, and Parks.

- NOAA alerts are provided to the Office of Communications for distribution to the public, with information on what type of weather event is forecast and the likely impacts;
- Localized areas are identified for Fire/Police/Public Works to monitor and be prepared to respond to;
- Public Works will check and if necessary clean catch basins in low lying areas that are

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prone to flooding; check the flexible valves at the stormwater outfalls; and prepare equipment (vacuum trucks, pumps, etc) and personnel for continued response operations (24/7 if necessary);

The City's operational departments provide the Emergency Manager with conditions updates during and following an event.

Additionally, on September 12, 2012, the Mayor and City Commission approved a referral to the NCAC of a Review of Hurricane Season & Seasonal Flooding Policies (memo attached). The purpose of the referral is to review the circumstances regarding free residential access to municipal garages during flooding events and periods of high tides with flooding potential.

The City's current parking policy at garages during a hurricane storm event is to open its municipal garage(s) at no cost for automobile storage upon issuance of a Hurricane Warning by the National Hurricane Center (NHC) and/or the issuance of a Mandatory Evacuation Order for the City of Miami Beach by the Miami-Dade County Office of Emergency Management. Availability is on a first-come basis with City vehicles taking a priority. Parking resumes normal operations once the city has been declared safe; a reoccupation has been granted; and/or at a pre-determined time.

During the most recent storm event, Hurricane Isaac, the City did not initially open municipal garages free of charge, because a Hurricane Warning was not issued for Miami-Dade County and the City was not required to evacuate. However, the Governor declared a State of Emergency and residents believed this allowed them to park for free. Residents were also concerned for any potential localized flooding as a result of the storm. The Interim City Manager then decided to open the garages for storage, free of charge and on a first-come first-served basis.

The Administration recommends considering an amendment to the City's current hurricane or storm related event policy establishing a different trigger for opening the municipal garages for no cost vehicle storage. The Committee may also want to develop another program to address impacts of localized flooding. One concept to assist residents in areas that experience flooding at times throughout the year is to create a pre-registered Resident Vehicle Storage Program. Registered participants in turn will receive a pass that will need to be shown and displayed upon entering and exiting the assigned parking facility. The City would create criteria to determine when the program would be implemented. Once the program is in effect, participants will be able to begin storing their vehicles in the garage they have been assigned to when registering. Participants will show their pass upon entrance and pull a ticket to indicate their time of entrance into the garage. Instructions may be given on where to park the vehicle. All parking spaces in the garage will be filled on a first-come, first-serve basis for registered participants. The participants will be able to access the garage up until the time the facility is full or the designated flooding event finishes.

POST-EVENT MITIGATION/ASSISTANCE

The proposed mitigation plan would be a component of the Flood Contingency Plan under development by the Office of Emergency Management. Should the City want to consider having a separate policy to address post-event mitigation and assistance not covered under a state or federally-declared emergency, any criteria that triggers the implementation of the assistance should be objective and have defined benchmarks. It would also be suggested that any program developed be designed to address impacts that affect more than one property.

Local Definition of Emergency that would prompt post-event Mitigation/Assistance:

The following are the thresholds that would be suggested to constitute any local action:

- Types of emergencies that could be considered for post-event mitigation/assistance could include:
 - significant, localized flooding;
 - tornado;
 - lightning strikes that cause other impacts (fire, etc.); and
 - sinkholes.
- Within the geographical area (to be defined) being considered for post-event mitigation/assistance, at least five (5) individual separately-owned properties must report significant damage due to a weather related event, such as a storm or similar natural cause. For purposes of this section, significant damage is defined as the ground floor being flooded by a weather event to a depth of six inches or greater; and/or structural or electrical or mechanical or plumbing damage significant enough to warrant a closure of all or a portion of the building by the Building Official or Fire Marshal; or
- At least 50% of the previous shift staffing complements for certain departments, including Police, Fire, Public Works, and Parking must be held over to address the issues connected with the event. This staff would be added to the normal shift complement so that there is 150% of the regular shift working the event. For purposes of this section, holdover staff, call-back staff, and call-in staff will all be included in the calculation of 50% of the previous shift staffing complement.

Potential Mitigation/Assistance:

Should such a program be developed, any post-event mitigation/assistance would be for a specific geographic area encompassing all or a portion of the City, and the following mitigation/assistance that might be made available.

The majority of the mitigation measures identified below are current practice and may be implemented by the City in response to a rain event without a formal program or emergency declaration.

The Administration may preliminarily determine that an area meets the criteria of a localized event for which mitigation/assistance is available. This determination must be ratified by the Mayor and City Commission at the next regularly scheduled meeting if the mitigation includes fee waivers, since any fees or fines issued will not be immediately due.

- Towing of Cars in the Right of Way
 - Vehicles that block traffic or are a threat to public safety (as determined by Police/Parking/Fire) will continue to be towed.
 - Vehicles that do not pose a threat to public safety will not be towed for a period of 24 hours.
- Contractors and Repairs
 - There are currently protocols in place that allow for expedited emergency repairs and after-the-fact permitting.
- Parking Meters
 - Authorize courtesy waiver of citations issued to affected vehicles connected to the event, upon request and substantiation, and following ratification of the event by the Mayor and City Commission.
 - Provide Hang Tags for access for a limited time to meters upon proof of eligibility/proof of financial interest for business owners in the affected area. (A City Code amendment will be required for implementation).
- Access

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- Authorize restricted access to the affected areas, if appropriate, to protect life and property, as determined by Police/Public Works.
- Code Compliance
 - Allow Temporary Signage in affected areas, primarily to direct customers to the business and provide information about the business. The Temporary Business Signs section of the City Code currently permits the use of temporary signage during this type of incident, for a limited period of time. City Code further authorizes the City Manager to extend the time limits for a temporary business sign.
- Communication
 - Continue to provide information on the event to the community.
 - Provide information from the Small Business Development Center, the Small Business Administration and SCORE to impacted businesses and identify resources to assist business recovery.

Next Steps

1. Prepare a Resolution creating the program that:
 - Establishes criteria for a designated mitigation event;
 - Formalizes the Business Mitigation Program for a period of 24-hours after the event ends (when water recedes in the case of flooding);
 - References and identifies those mitigation measures and activities that are currently performed by the City's operational departments (it is important to note that most these activities will may be implemented regardless of a formal declaration;
 - Suspends towing of cars within the designated area except for public safety purposes;
 - Requires retroactive approval of the designation by the Mayor and City Commission.
2. Prepare an Ordinance that implements the following:
 - Authorizes Hang Tags for use at parking meters for business owners in the designated area.

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Conclusion

This is offered as discussion points to address a very narrow situation. It should be kept in mind that should a "disaster" and/or "emergency" occur that affects the general area, it is likely that a declaration would be issued by the Governor.

Should the Committee direct the Administration to continue development of this program the Administration will develop the necessary resolutions and ordinances for presentation to the Mayor and City Commission along with a detailed fiscal impact analysis.

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