



To: Dona Spain

From: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "CL", is written over the end of the "From:" line.

RE: Legal Opinion Regarding Merrick House Project - AIPP fees

Date: September 14, 2016

I have reviewed the definition of Municipal Construction Project on page 3-110 of the Zoning Code, which excludes from the definition “projects to the extent funded from . . . historic related grant funding” or “projects that solely consist of historic restoration” In my opinion, based on our discussion, this is a historic restoration project related to one of the most historic buildings in Coral Gables (and South Florida as well). The City is also receiving historic related grant funding from the State of Florida. The exclusion therefore applies for two reasons. Finally, I would also note that the funds being used to restore the Merrick House are serving the same purpose as the Art in Public Places Program.

For all of these reasons, the Art in Public Places fee need not be paid for the Merrick House restoration project.

This opinion is issued pursuant to sections 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Subject: FW: Merrick House project - AIPP fees
Date: Wednesday, September 14, 2016 11:45:04 AM
Attachments: [image001.png](#)

Please publish.

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
City, County and Local Government Law*

City of Coral Gables

405 Biltmore Way

Coral Gables, Florida 33134

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Email: cleen@coralgables.com



CORAL GABLES
THE CITY BEAUTIFUL

Celebrating 90 years of a dream realized.

From: Leen, Craig
Sent: Wednesday, September 14, 2016 11:45 AM
To: Spain, Dona
Cc: Cathers, Catherine; Ramos, Miriam; Kautz, Kara; Suarez, Cristina; Throckmorton, Stephanie
Subject: RE: Merrick House project - AIPP fees

Dona,

I have reviewed the definition of Municipal Construction Project on page 3-110 of the Zoning Code, which excludes from the definition “projects to the extent funded from . . . historic related grant funding” or “projects that solely consist of historic restoration” In my opinion, based on our discussion, this is a historic restoration project related to one of the most historic buildings in Coral Gables (and South Florida as well). The City is also receiving historic related grant funding from the State of Florida. The exclusion therefore applies for two reasons. Finally, I would also note that the funds being used to restore the Merrick House are serving the same purpose as the Art in Public Places Program.

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Craig E. Leen, City Attorney

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Celebrating 90 years of a dream realized.

From: Spain, Dona
Sent: Wednesday, September 14, 2016 10:13 AM
To: Leen, Craig
Cc: Cathers, Catherine; Ramos, Miriam; Kautz, Kara
Subject: Fwd: Merrick House project - AIPP fees

Craig - did you ever answer this?

Sent from my iPhone

Begin forwarded message:

From: "Spain, Dona" <dspain@coralgables.com>
Date: July 20, 2016 at 10:36:51 AM EDT
To: "Leen, Craig" <cleen@coralgables.com>
Cc: "Ramos, Miriam" <mramos@coralgables.com>, "Suarez, Cristina" <csuarez@coralgables.com>, "Cathers, Catherine" <ccathers@coralgables.com>, "Kautz, Kara" <KKautz@coralgables.com>, "Guin, Elizabeth" <eguin@coralgables.com>, "Pino, Ernesto" <epino@coralgables.com>,

"Gonzalez, Yusbel" <ygonzalez@coralgables.com>, "Flores, Vanessa" <vflores@coralgables.com>, "Pounds, Michael" <mpounds@coralgables.com>
Subject: FW: Merrick House project - AIPP fees

Craig - attached are opinions you've done in the past concerning Art in Public Places fees for City Municipal Construction Projects involving the installation of art. I was asked whether the AIPP fees need to be paid for the restoration of the Merrick House project (a City Municipal Construction Project). Remember there are two funds:

Historic Public Art Fund - 1% of the aggregate project value for City Municipal Construction projects to be used for restoration, maintenance and acquisition of historic public art. I don't think that these fees apply since it's a restoration project.

Art Acquisition Fund - 1/2% of City Municipal Construction Projects to be used according to the Master Art Plan. I do think that these fees may apply for the Merrick House Project.

I think we've discussed this before, I just can't remember what the determination was.

Dona M. Spain
Historical Resources and Cultural Arts Director
City of Coral Gables, Florida
(305) 460-5095

-----Original Message-----

From: Cathers, Catherine
Sent: Wednesday, July 20, 2016 10:22 AM
To: Spain, Dona
Subject: RE: Merrick House project

I'm searching. I recall the discussion . . .
I've attached the opinion regarding public art projects and would think it similarly applies to a historic project, since that is the intended use of the historic art funds.
Will keep looking.

Catherine Cathers
Arts & Culture Specialist

Historical Resources and Cultural Arts Department
2327 Salzedo St
Coral Gables, FL 33134
305.460-5094
CCathers@coralgables.com

www.coralgables.com

-----Original Message-----

From: Spain, Dona

Sent: Wednesday, July 20, 2016 9:48 AM

To: Cathers, Catherine

Subject: Merrick House project

Do you have an email from the city attorney on whether we collect AIPP fees for this project?

Sent from my iPhone