Town of Surfside
Town Commission Meeting
AGENDA
June 14, 2016
7 p.m.
Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

**** Denotes agenda items as "must haves" which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.***

1. **Opening**

   A. **Call to Order**
   B. **Roll Call of Members**
   C. **Pledge of Allegiance**
   D. **Mayor and Commission Remarks** – Mayor Daniel Dietch
   E. **Agenda and Order of Business** Additions, deletions and linkages
   F. **Community Notes** – Mayor Daniel Dietch
   G. **National Flood Insurance Program Community Rating System** – Mayor Daniel Dietch

2. **Quasi-Judicial Hearings (None)**

3. **Consent Agenda** ***(Set for approximately 7:30 p.m.)***
   All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the Consent Agenda and discussed separately.

   Recommended Motion: To approve all consent agenda items as presented below.

   A. **Minutes** – Sandra Novoa, MMC, Town Clerk **Page 1-13**
   May 10, 2016 Regular Commission Meeting Minutes

   B. **Budget to Actual Summary as of March 30, 2016** – Guillermo Olmedillo, Town Manager **Page 14-16**

   ***C. Town Manager's Report** – Guillermo Olmedillo, Town Manager **Page 17-70**

   1. See Click Fix
   2. Development Applications
   3. Code Compliance Cases
   4. Prohibitions Regarding the Sale or Use or Expanded Polystyrene Food Service Articles
   5. Code Compliance Workshop
   6. Parks and Recreation Programs
   7. Police Department May Significant Arrests
   8. Traffic Management Report
   9. Sergeant's Promotional Examination
   10. Opening for Community Service Aide Position
   11. Trial Program – Surfside Residential Overnight Parking
   12. Multi-Agency Traffic Educational/Enforcement Event
   13. Police Events
   14. New Recycling Program
   15. Information Technology and TV Broadcasts

***D. Town Attorney's Report** – Linda Miller, Town Attorney **Page 71-76**

E. Committee Reports – Guillermo Olmedillo, Town Manager **Page 77-91**

- February 24, 2016 Pension Board Meeting Minutes
- April18, 2016 Parks and Recreation Committee Meeting Minutes
- April 28, 2016 Planning and Zoning Board Meeting Minutes

F. Mutual Aid Agreement between the City of North Miami Beach Police Department and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager **Page 92-106**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE MUTUAL AID AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE, FLORIDA POLICE DEPARTMENT; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

G. Proclamation Request – Declaring July 2016 as Donate Life Month in Support of the Life Alliance Organ Recovery Agency – Mayor Daniel Dietch **Page 107-109**

H. Report on Code Enforcement Petitions received on April 21, 2016 and May 3, 2016 from Mr. Jonathan Horn – Sandra Novoa, MMC, Town Clerk **Page 110-113**

4. Ordinances
(Set for approximately 7:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

1. **Planning and Zoning Design Review Board Membership Ordinance** – Guillermo Olmedillo, Town Manager **Page 114-118**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-15 "MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS,

OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS" CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE PLANNING AND ZONING BOARD; SPECIFICALLY AMENDING SECTION 90-18 "DESIGN REVIEW BOARD" CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE DESIGN REVIEW BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

(Set for approximately __7:40__ p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. **Construction Hours and Notice** – Guillermo Olmedillo, Town Manager **Page 119-122**

   AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING "CHAPTER 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE II. - BUILDING CODE"; SPECIFICALLY CREATING SECTION 14-32; "CONSTRUCTION SCHEDULE AND NOTICE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

2. **Amending Special Events Ordinance** – Guillermo Olmedillo, Town Manager **Page 123-127**

   AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING CHAPTER 35 ARTICLE I "SPECIAL EVENTS"; CREATING SECTION 35-5. "SPECIAL EVENTS INVOLVING THE COMMERCIAL USE OF SINGLE-FAMILY RESIDENTIAL PROPERTIES PROHIBITED"; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

3. **Sheds** – Sarah Sinatra Gould, AICP, Town Planner **Page 128-132**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING"; SEC. 90-19. "SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS"; SPECIFICALLY AMENDING SECTION 90-19.7 EXEMPTING SHEDS FROM PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD REVIEW AND PROVIDING THE DESIGN GUIDELINES SHALL BE FOLLOWED; AMENDING "SECTION 90-54 "ACCESSORY BUILDINGS AND STRUCTURES IN THE H30A AND H30B DISTRICTS" SPECIFICALLY AMENDING SECTION 90-54.7 RELATED TO SHEDS AND LANDSCAPE REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **Resolutions and Proclamations**
(Set for approximately __9:00__ p.m.) (Note: Depends upon length of Good and Welfare)

A. **Sustainability Subcommittee of the Planning and Zoning Board –** Guillermo Olmedillo, Town Manager **Page 133-136**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE TOWN OF SURFSIDE SUSTAINABILITY SUBCOMMITTEE OF THE PLANNING AND ZONING BOARD TO MEET ON A PERIODIC BASIS; PROVIDING FOR RULES AND PROCEDURES; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

B. **Ad Hoc Citizen Traffic Mitigation Advisory Committee** – Guillermo Olmedillo, Town Manager **Page 137-141**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE TOWN OF SURFSIDE AD HOC CITIZEN TRAFFIC MITIGATION ADVISORY COMMITTEE; TO EXIST FOR THREE (3) MONTHS IN DURATION AND TO HOLD THREE (3) MEETINGS; TO STUDY, REVIEW AND TO PROVIDE RECOMMENDATIONS FOR THE DEVELOPMENT OF THE COMPREHENSIVE TRAFFIC MITIGATION PROGRAM PROVIDING; PROVIDING FOR RULES AND PROCEDURES; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

C. **Mill and Pave 88th Street East of Collins** – Guillermo Olmedillo, Town Manager **Page 142-148**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDING PROPOSAL/CONTRACT TO M&M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING; TO MILL AND PAVE 88TH STREET EAST OF COLLINS AVENUE; AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED $18,294.00 FROM THE FISCAL YEAR 2015/2016 TRANSPORTATION FUND ACCOUNT NO. 107-8500-549-4911; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

D. **Approval of Expenditure for Emergency Repair to Sanitary Lift Station Pump** – Guillermo Olmedillo, Town Manager **Page 149-152**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT OF $17,000.00 FROM THE FISCAL YEAR 2015/2016 WATER AND SEWER REPAIR AND MAINTENANCE ACCOUNT NO. 401-9900-536-4601 FOR THE EMERGENCY REPAIR TO A SANITARY LIFT STATION PUMP; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION AND PROVIDING AN EFFECTIVE DATE.

E. **Purchase a stand-by sanitary pump for lift stations as sole source to match existing pumps in operation** – Guillermo Olmedillo, Town Manager **Page 153-160**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED $35,000.00 FROM THE FISCAL YEAR 2015/2016 MACHINERY AND EQUIPMENT ACCOUNT NO. 401-9900-536-6410 PURCHASE A HOMA AMX644-350/60GU/CFM DRY PIT NON-CLOG SEWAGE PUMP FROM BARNEY'S PUMPS, INC.; WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(6) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

F. **Surfside Seawall Replacement Project Phase II – Award Contract to Pac. Comm. Inc.**– Guillermo Olmedillo, Town Manager **Page 161-166**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDING A CONTRACT TO PAC COMM, INC. FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2015/2016; TRANSFERRING FUNDS IN THE AMOUNT OF $376,750.00 FROM THE STORMWATER FUND TO THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340; APPROPRIATING FUNDS IN THE CAPITAL PROJECTS FUND; AUTHORIZING THE EXPENDITURE OF THE AMOUNT NOT TO EXCEED $723,000.00 FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340 FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

G. **Surfside Seawall Replacement Project Phase II – Professional Engineering Services** - Guillermo Olmedillo, Town Manager **Page 167-178**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING WORK AUTHORIZATION NO. 98 SEAWALL GRANT APPLICATION AND MANAGEMENT FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2015/2016; TRANSFERRING FUNDS IN AN AMOUNT OF $65,257.73 FROM THE STORMWATER FUND TO THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340; APPROPRIATING FUNDS IN THE CAPITAL PROJECTS FUND; AUTHORIZING THE EXPENDITURE OF THE AMOUNT NOT TO EXCEED $65,257.73 FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340 FOR SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II FOR PROFESSIONAL ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

H. **Approval of Expenditure for Enhancement and Replacement of A/C Ductwork and Variable Air Volume Boxes** – Guillermo Olmedillo, Town Manager **Page 179-184**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PROPOSAL AND SALES AGREEMENT FROM D.A.C. AIR CONDITIONING CORP.; AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN THE AMOUNT OF $33,567.00 FROM THE CAPITAL IMPROVEMENTS TOWN HALL IMPROVEMENTS ACCOUNT NO. 301-4400-539-6220 FOR ENHANCEMENT AND REPLACEMENT OF AIR CONDITIONING DUCTWORK AND VARIABLE AIR VOLUME BOXES; WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(6) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

I. **School Nurse Initiative** – Guillermo Olmedillo, Town Manager **Page 185-199**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR ISLANDS, THE VILLAGE OF BAL HARBOUR AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION; TO SUPPORT AND ENHANCE THE NURSE INITIATIVE FOR 2016-2017 SCHOOL YEAR; AUTHORIZING THE APPROPRIATION OF $3,667.00 FROM THE FISCAL YEAR 2016-2017 ANNUAL BUDGET FOR THE TOWN OF SURFSIDE'S PROPORTIONATE SHARE OF FUNDING FOR THE NURSE ENHANCEMENT INITIATIVE; SUBJECT TO APPROVAL IN THE TOWN OF SURFSIDE FISCAL YEAR 2016-2017 ANNUAL BUDGET; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

6. **Good and Welfare** ***(Set for approximately 8:15 p.m.)***
Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

7. **Town Manager and Town Attorney Reports**
   Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.
   All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request that an item be removed from the consent agenda and discussed separately.

8. **Unfinished Business and New Business**

9. **Mayor, Commission and Staff Communications**

   A. **Boards and Committees Appointments** – Guillermo Olmedillo, Town Manager **Page 200-201**
   B. **Town Asset Maximization Diagrams**– Guillermo Olmedillo, Town Manager **Page 202**
   C. **Demolition permitting for Single Family Homes with Architectural or Historic Significance** – Linda Miller, Town Attorney **Page 203-215**
   D. **Beach Chairs Plan** – Guillermo Olmedillo, Town Manager **Page 216**
   E. **Miami Dade Urban Debate League** – Guillermo Olmedillo, Town Manager **Page 217**
   F. **Post Office Lot Parking Update** – Guillermo Olmedillo, Town Manager **Page 218-219**
   G. **Practical Difficulty Variance** – Mayor Daniel Dietch **Page 220-229**
   H. **Sid Tepper Street Designation** – Mayor Daniel Dietch **Page 230-231**
   I. **Draft Discussion Item Memorandum Template** – Mayor Daniel Dietch **Page 232**
   J. **Sustainability Subcommittee and the Comprehensive Plan (Comp Plan)** – Commissioner Michael Karukin **Page 233-241**

10. **Adjournment**

Respectfully submitted,

Guillermo Olmedillo
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY ATTEND THIS MEETING.

THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.

Town of Surfside
Town Commission Meeting
MINUTES
May 10, 2016
7 p.m.

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:03 P.M.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Daniel Dietch, Vice Mayor Barry Cohen, Commissioner Michael Karukin, Commissioner Tina Paul and Commissioner Daniel Gielchinsky.

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Gielchinsky said he was at the beach when an incident occurred and Miami-Dade Fire Rescue and Police were called and he was wondering if Surfside was at the point where they are in need of more lifeguards. Mayor Dietch said there was planning for some funding for new lifeguard stands and operations and will ask the City Manager to bring forth those items. Commissioner Gielchinsky also commended staff for the Earth Day event which was very successful.

E. Agenda and Order of Business Additions, deletions and linkages

Commissioner Paul linked Item 9-I Sustainability Subcommittee of Planning and Zoning and Item 9-K at-Large Members for the Environmental Resources Sustainability Subcommittee

Mayor Dietch linked Item 9-G April 19, 2016 Town Traffic and Parking Mitigation Meeting and Item 9-H Ad-Hoc Citizen Traffic Mitigation Advisory Committee

Commissioner Karukin made a motion to accept the above linkages. The motion received a second from Commissioner Gielchinksy and all voted in favor.

Town Manager Olmedillo asked to defer item 9-F Town Asset Maximization Diagrams.

Commissioner Gielchinsky made a motion to accept the deferral. The motion received a second from Commissioner Karukin and all voted in favor.

Town Manager Olmedillo made reference to a letter from Ms. Carol and asks the Commission to accept the fact that the petition letter was insufficient. Passing the gavel, Mayor Dietch made a motion to accept the transmittal letter from the Town Clerk. The motion received a second from Commissioner Gielchinsky and the motion passed 4/1 with Commissioner Karukin voting in opposition.

F. Community Notes – Mayor Daniel Dietch
Mayor Dietch announced the upcoming community events which can be found in the Gazette and on the Town's website.

G. Legislative Update – State Representative Joseph Geller (spoke before the opening of Good and Welfare) Representative Geller gave an update report which included medical benefits, education and school bullying, environmental funding, budget, civil justice, elections and voter fraud. The Mayor asked Representative Geller to bring forward to the State sea coastal issues. Representative Geller answered questions from the Commission regarding red light cameras and sea level rise.

H. Youth Environmental Alliance - Lee Gottlieb, Director of Community Outreach
Mr. Gottlieb gave an update on the item and spoke on the successful Earth Day Event and said staff did an excellent job. He hopes the city will continue doing this type of work. The Mayor thanked Mr. Gottlieb for all his efforts.

I. Presentation of Certificate of Achievement for Excellence in Financial Reporting – Mayor Daniel Dietch
Town Manager Olmedillo said this was a very prestigious award received from the GFOA and Director Nelson thanked his staff for the excellent work. This was the first time the City of Surfside has received this award. Mayor Dietch expressed his appreciation to the staff.

J. Dafne Cano Proclamation – Mayor Daniel Dietch
See agenda item 1L

K. Laurie Lehman Proclamation – Mayor Daniel Dietch
See agenda item 1L

L. Abigail Rubin Proclamation – Mayor Daniel Dietch
Commissioner Paul made a motion to approve the proclamations for Dafne Cano, Laure Lehman, and Abigail Rubin. The motion received a second from Commissioner Karukin and all voted in favor.

M. Law Day Proclamation – Mayor Daniel Dietch
Mayor Dietch asked if Vice Mayor Cohen would participate and Vice Mayor Cohen agreed. Commissioner Karukin made a motion to approve the Law Day Proclamation. The motion received a second from Commissioner Paul and all voted in favor.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Pulled Items:
Commissioner Paul pulled Item 3-A of the minutes as there was a typing error.
Mayor Dietch pulled Item 14 – Solid Waste.

Commissioner Karukin made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Paul and all voted in favor.

A. Minutes – Sandra Novoa, MMC, Town Clerk

April 12, 2016 Quasi-Judicial Hearing

April 12, 2016 Regular Commission Meeting Minutes (pulled by Commissioner Paul and Commissioner Gielchinsky)

Correction to the minutes:

1. 9340 Collins Gallery of Surfside History "Commissioner Paul gave her ideas on the item and thinks they should keep their museum at their space."

2. "Commissioner Gielchinsky made a motion that the CIC become subject to the renaming of a new advisory sub-committee to the Planning and Zoning Board with different liaisons from the Planning and Zoning Board and Town Commission and meetings to be held regularly abolishing the CIC. CIC funding to be transferred to the new committee. The motion received a second from Commissioner Karukin and all voted in favor."

3. Commissioner Gielchinsky thought the paragraph under qualifications of the **Planning & Zoning Board** was to be corrected. Town Clerk Sandra Novoa said she would check the video and make the necessary amendments.

B. Budget to Actual Summary as of February 29, 2016 – Guillermo Olmedillo, Town Manager

***C. Town Manager's Report** – Guillermo Olmedillo, Town Manager

1. See Click Fix
2. Development Applications
3. Commercial Property Maintenance
4. Payments on Code Compliance Cases
5. Parks and Recreation Programs
6. Police Department April Significant Arrests
7. Traffic/Parking Improvement Recommendation Meeting
8. New Parking Enforcement Officer in the Police Department
9. National Police Appreciation Month
10. Police Events
11. Traffic Calming
12. Parking Lot Restructure
13. Hazardous Waste Day

14. New Recycling Program (Item pulled by Mayor Dietch)
    The Mayor wanted to be sure this will get into the Gazette and asked how we are notifying residents of the change. A correction to the minutes "Southern Waste Systems to manage our recycling materials."
15. Storm Drain Maintenance
16. Dumpster Exchange
17. Information Technology and TV Broadcasts

Commissioner Karukin made a motion to approve the pulled consent agenda items. The motion received a second from Commissioner Gielchinsky and all voted in favor.

***D. Town Attorney's Report –** Linda Miller, Town Attorney

E. Committee Reports – Guillermo Olmedillo, Town Manager

- **March 7, 2016 Tourist Board Meeting Minutes**
- **March 31, 2016 Planning and Zoning Board Meeting Minutes**
- **April 4, 2016 Tourist Board Meeting Minutes**

4. Ordinances

A. Second Reading Ordinances

B. First Reading Ordinances

1. **Planning and Zoning Design Review Board Membership Ordinance –** Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-15 "MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS" CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE PLANNING AND ZONING BOARD; SPECIFICALLY AMENDING SECTION 90-18 "DESIGN REVIEW BOARD" CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE DESIGN REVIEW BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Gielchinsky made a motion for discussion purposes. The motion received a second from Commissioner Paul.

Commissioner Gielchinsky reviewed the conversation regarding the appointments made at the April 12, 2016 Commission Meeting and the problem that arose. Mayor Dietch suggested we include chemical engineers and the years of experience for each category as suggested by the Planning and Zoning Board. Commissioner Paul questioned the inclusion of a real estate developer. Mayor Dietch said if there was a conflict of interest they can recuse themselves. Commissioner Karukin was not in favor of limiting the number of professional years' experience. There was further discussion regarding qualifications and experience. For consistency, the Board discussed three years' experience for all. Town Planner Sarah Sinatra gave some input on the item.

Mayor Dietch read into the record to amend items 1-7.

Commissioner Gielchinsky made a motion to adopt the amendment made by the Mayor. The motion received a second from Commissioner Paul and all voted in favor.

5. Resolutions and Proclamations

A. Resolution No. 12-Z-2078 – Scrivener Error Correction – 9564 Abbott Avenue – Linda Miller, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA TO CORRECT A SCRIVENER'S ERROR IN RESOLUTION NO. 12-Z-2078 WHICH APPROVED A SITE PLAN APPLICATION AT A QUASI-JUDICIAL HEARING HELD ON APRIL 10, 2012 TO PERMIT YOUNG ISRAEL CONGREGATION TO BUILD A SYNAGOGUE; **REPLACING PROPERTY ADDRESS 9564 BYRON AVENUE WITH PROPERTY ADDRESS 9564 ABBOTT AVENUE IN CONDITION B.3.; PROVIDING APPROVAL AND AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Gielchinsky made a motion to accept. The motion received a second from Vice Mayor Cohen and all voted in favor.

B. Purchase a 2016 Ford F-150 P/U – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING THE

EXPENDITURE OF FUNDS IN THE AMOUNT OF $23,000.00 FROM THE EXECUTIVE DEPARTMENT ACCOUNT NO. 001-2000-524-6410 FOR THE PURCHASE OF A 2016 FORD F-150 PICKUP TRUCK; PIGGYBACKING OFF THE FLORIDA SHERIFFS ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES BID NO. 15-23-0904; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution. Town Manager Olmedillo presented the item.

Commissioner Karukin made a motion to accept. The motion received a second from Commissioner Gielchinsky and all voted in favor.

C. **Purchase a 2016 Ford Escape SUV** – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING THE EXPENDITURE OF FUNDS NOT TO EXCEED $20,000.00 FROM MACHINERY AND EQUIPMENT ACCOUNT NO. 001-2000-524-6410 FOR THE PURCHASE OF A 2016 FORD ESCAPE; PIGGYBACKING OFF THE FLORIDA SHERIFFS ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES BID NO. 15-23-0904; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Karukin made a motion to accept. The motion received a second from Vice Mayor Cohen and all voted in favor.

Mayor Dietch asked the Town Manager to look into Hybrid vehicles in the future. Manager Olmedillo said they have looked into it and said the cost of repairs is very high.

D. **Approval of Expenditure of Funds to Purchase Two Patrol Vehicles**– Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AND APPROVING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF $63,538.00 FROM THE FISCAL YEAR 2015/2016 GENERAL FUND ACCOUNT NO. 001-3000-521-6410 FOR THE PURCHASE OF TWO (2) 2016 FORD POLICE INTERCEPTOR 4-DOOR SEDANS; PIGGYBACKING OFF

THE FLORIDA SHERIFFS ASSOCIATION AND FLORIDA ASSOCIATION OF COUNTIES BID NO. 15-23-0904; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.
Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Karukin made a motion to accept. The motion received a second from Commissioner Paul and all voted in favor.

Commissioner Karukin asked if the vehicles were unmarked and Chief Allen said they are marked police cars. Commissioner Paul asked if the cost of the vehicles could be offset by construction sites and if the older cars be moved to the construction site.

E. Water and Sewer Rate Study Update – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF $9,625.00 FROM THE FISCAL YEAR 2015/2016 WATER AND SEWER FUND, ACCOUNT NO. 401-9900-536-3110 TO CONTRACT WITH BLACK & VEATCH MANAGEMENT CONSULTING, LLC; TO REVISE AND UPDATE THE 2010 COMPREHENSIVE WATER AND SEWER COST OF SERVICE AND RATE DESIGN STUDY, EXEMPT FROM THE COMPETITIVE BID PROCEDURE PURSUANT TO SECTION 3-13(2) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.
Town Clerk Sandra Novoa read the title of the resolution. Town Manager Olmedillo presented the item. Commissioner Karukin had questions regarding the rate study. Public Works Director Kroll and Finance Director Nelson gave more information regarding the rate study.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Paul and all voted in favor

Commissioner Karukin made a motion to allow Representative Geller to speak before Good and Welfare. The motion received a second from Commissioner Gielchinsky and all voted in favor.

5. Good and Welfare

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers

-Jonathan Horn said he felt there was a disconnect between Biscaya and the Condos. He spoke on construction demolition on Saturdays, short term rentals, code enforcement, trash and recycling bins.

Commissioner Gielchinsky made a motion to allow Mr. Horn and additional two minutes to speak. The motion received a second from Commissioner Paul and all voted in favor.

He continued speaking about code enforcement and keeping up with one's property.

-Deborah Cimadevilla spoke about new construction on the beach and asked how the City is going to assure that the sand ordinance is adhered to. She also spoke about parking of vehicles of construction employees.

Commissioner Paul made a motion to allow Ms. Cimadevilla an additional two minutes to speak. The motion received a second from Commissioner Karukin and all voted in favor.

She asked if the Surf Club is going to have a walkway for residents to go to the beach.

-Terry Cohen said in her area on Biscaya Drive there are no speed bumps and feels they are needed as they have no sidewalks. She also spoke about the noise ordinance and feels the times on weekends should be changed.

-Marianne Meischeid asked about the beach chair ordinance and the corridor analysis.

-Jeff Platt spoke about the Coastal Committees recommendation which he feels was ignored. He said the Marriott is advertising a Beach Club which includes numerous chairs and served food and this he feels is unacceptable.

-Sansay Kamlane agrees with Mr. Horn's comments and would like to see more code enforcement regarding trash left on the street for a few days before scheduled pick-ups.

He also spoke about vacant lots and thinks the green fences look terrible.

-Mel Sahlessor supports Mr. Horn and Mr. Kamlane. He also is against the short term rentals and feels this is not good for residents who have to listen to the noise all day.

-Lee Gottlieb representing the Audubon Society and climate change feels the town needs to take action and not wait for Tallahassee.

Commissioner Karukin spoke regarding beach chairs and said he will address this later. Short term rentals he said an ordinance and a pre-emption was in place and asked the Town Attorney about it and she said she will research it. He thinks the speed bumps for Biscaya Drive is a good idea.

Commissioner Paul responded to the Biscaya residents and as to vacant lots she is proposing that demolition cannot take place until a building plan is in place. Regarding trash and noise it is a matter of neighbors respecting each other and more code enforcement. As to beach chairs she believes the ordinance has to be reworked. She also said they will be looking into environmental issues.

Commissioner Gielchinsky thanked all the people attending from Biscaya and hoped they will continue to participate in the meetings.

Vice Mayor Cohen feels the Commission has an obligation and can deal with the issues brought forth and they will be addressed.

Mayor Dietch thanked the residents for coming. He spoke about code enforcement and feels the City Manager should hold a workshop on priorities and process of code

compliance. He also asked the Town Manager to look into the beach chair issue and present his recommendations to the Commission. The Mayor also addressed other issues raised by the public speakers. He directed the Town Attorney to send a strong letter to rental agencies regarding short term rentals in Surfside.

Commissioner Paul made a motion that a Special Meeting on priorities and process of Code Compliance be held within 45 days. The motion received a second from Commissioner Karukin and all voted in favor.

Commissioner Karukin made a motion that staff presents within 30 days a plan regarding beach chairs. The motion received a second from Commissioner Paul and all voted in favor.

The Mayor closed Good and Welfare.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. Boards and Committees Appointments – Guillermo Olmedillo, Town Manager

The Mayor appointed Terry Henley to the Police Officer's Pension Trust. Commissioner Paul made a motion to accept the appointment. The motion received a second from Commissioner Gielchinsky and all voted in favor.

Vice Mayor Cohen made a motion to appoint Sasha Plutko to the Personnel Appeals Board. The motion received a second from Commissioner Paul and all voted in favor.

B. Construction Hours and Notice – Guillermo Olmedillo, Town Manager

Manager Olmedillo gave an update and asked for direction from the Commission regarding construction noise hours. Commissioner Karukin had concerns regarding the difference between commercial work and residents working on their own homes on weekends as may be the only time they do so.

Commissioner Paul made a motion that commercial work may only occur Monday-Friday from 8:00 a.m.-6:00 p.m. and non-commercial work Saturday from 10:00 a.m.-6:00 p.m. No major commercial work on Saturday without appropriate notice sent to homes within 300 ft. of construction site with start and end dates. Working outside of scheduled hours needs approval from the town. No hours permitted on Sundays or Federal Holidays. The motion received a second from Vice Mayor Cohen and all voted in favor.

The staff was directed to come back in June with an ordinance.

Public speaker Jonathan Horn spoke how commercial type construction affects people's quality of life. He is against Saturday construction as people work all week and need quiet on weekends. Manager Olmedillo said language could be defined as "minor work."

C. Town Commission "Liaison" "Ex-Officio" – Guillermo Olmedillo, Town Manager

Manager Olmedillo asked for direction to define the role of a liaison.

Commissioner Karukin agrees we need some framework on the liaison role. The Mayor said a liaison is only a representative on a committee not to give input but to report back to the Commission. The Commissioners agreed with that definition.

Public speaker Marianne Meischeid wanted to be clear on what the role of a liaison is and that a liaison position is not used as a platform for personal views.

D. October 11, 2016 Meeting – Yom Kippur – Guillermo Olmedillo, Town Manager

Manager Olmedillo said there is a conflict with Yom Kippur and the Commission meeting date of October 11, 2016.

Commissioner Gielchinsky made a motion to move the Commission Meeting to Thursday, October 13, 2016. The motion received a second from Vice Mayor Cohen and all voted in favor.

E. Post Office Parking Lot Potential Opportunity – Guillermo Olmedillo, Town Manager

Manager Olmedillo gave an update and his conversation with Mr. Spodek the owner of the property. Commissioner Gielchinsky believes we should revisit the memo from the Manager and perhaps look at different sites as this lot may become financially unfeasible. He would like to discuss a process for taking over the post office lot perhaps by imminent domain. Commissioner Paul is not supportive of using imminent domain in Surfside. She feels the nearby developments should provide their own parking spaces. The parking trust fund was discussed and the lack of parking spaces. Vice Mayor Cohen thinks the Manager answered some of the questions in his recommendations for the Town Hall lot and Abbott lot and they should be explored. Commissioner Karukin said the Town Hall area appealed to him.

The Mayor opened the public hearing.

<u>Public Speakers</u>

-Max Leifer representing Draco Capital gave an update of conversations with Mr. Spodek and their interests in developing a parking structure. He feels a deal could be worked out with the Spodek family.

-Marianne Meischeid wanted to make sure the Commission was aware that Mr. Spodek, Sr. passed away. She also feels we should not be spending more time and money on this item.

-Victor May said the proposal from the Town Manager has no solution. He gave some ideas for obtaining space to develop a parking lot.

Mayor Dietch was not in favor of imminent domain and spoke of the challenges the town faces regarding this problem. Vice Mayor Cohen said we should look at the Abbot lot and presented some of his ideas. Commissioner Karukin does not feel underground structures are a good idea.

Manager Olmedillo recommended that he recirculate his memo to the Commission for further review and he would go back to Mr. Spodek and discuss the issue to try to come to an agreement.

Commissioner Paul made a motion to accept the Manager's recommendation. Commissioner Gielchinsky made a friendly amendment that the Manager's memo be recirculated and brought back to the June meeting as an agenda item. Commissioner Paul accepted the friendly amendment. The motion received a second from Commissioner Gielchinsky and all voted in favor.

Commissioner Karukin made a motion to extend the meeting to 12:00 a.m. (midnight). The motion received a second from Commissioner Gielchinsky and all voted in favor.

F. **Town Asset Maximization Diagrams–** Guillermo Olmedillo, Town Manager (Item deferred)

G. **April 19, 2016 Town Traffic and Parking Mitigation Meeting –** Guillermo Olmedillo, Town Manager (linked to Item 9-H)
Manager Olmedillo gave an update on the meeting.
Mayor Dietch opened the item to public speakers.
Public Speakers:
-Steven Parker first thanked the police department for doing a good job. He would like to see 94th Street westbound between Abbot and Byron reopened with a gate with a transponder to get in and also reopen 96th at Bay and Dickens with a gate and transponder for residents to get in. He also suggested closing Byron to eliminate traffic going through residential streets and keeping the traffic to A1A. He also spoke about shul traffic when children are picked up from school.
-Deborah Cimadevilla said many residents have spoken about the hardships on 91st Street and the terrible traffic issue which is dangerous. She said traffic on streets has to be equally distributed and closing streets and one way streets are not the answer.
-Terry Cohen spoke about Biscaya Drive and the dangerous curve in Biscaya.
-Steve Levine spoke about Surfside Blvd and agrees with Ms. Cimadevilla and how difficult it is for one to pull out of their driveway. He believes stop signs at every intersection would help with speeding cars. He feels Carlisle should be open.
-Clara Diaz-Leal said the speed bumps help and suggested creating fake walkways to slow down speed. She said the reason they have this problem was because several streets were closed off and the traffic diverts to other residential streets. The shul traffic issue has to be revisited.

Vice Mayor Cohen liked the idea of a transponder. Commissioner Karukin said he had proposed the idea of transponders for residents long ago and is in favor of it. The residents seem most concerned with traffic incursion, cars cutting through their neighborhoods. He suggested purchasing new software that would simulate the issues and also the ideas presented to help find a resolution.

Commissioner Paul supports more speed bumps, especially on Biscaya and other calming devices. Commissioner Gielchinsky spoke about gating and said many residents are in favor. He believes it will not allow traffic to use these streets as a cut through especially for non-residents. Mayor Dietch feels gating is a false sense of security but he is not suggesting it be taken off the table. He feels this could be handled as a program and would like to direct the administration to put together a short, long-term matrix within 30 days and identify what can be done immediately. Commissioner Karukin said what he understands from the discussion is that short term solutions they can do now would be more stop signs, speed bumps and opening up 94th Street east/west. Mayor Dietch said he would not support gating the community within the next two years. Commissioner Karukin and Commissioner Paul are not supportive of gating the community. There was a difference of opinion and more discussion regarding gating.

Passing the gavel, Mayor Dietch made a motion to direct the Town Manager to develop a traffic mitigation program to identify short, intermediate, long-term initiatives. The motion received a second from Commissioner Paul and all voted in favor.

H. Ad-Hoc Citizen Traffic Mitigation Advisory Committee – Mayor Daniel Dietch (linked to Item9-G)

Mayor Dietch gave an overview and said he would like to make appointments next month.

-Public Speaker Deborah Cimadevilla said she would like to be on the committee. She said if there is a committee it must be fair and there must be equal distribution of traffic.

Commissioner Paul made a motion to accept. The motion received a second from Vice Mayor Cohen and all voted in favor.

Commissioner Paul made a motion to extend the meeting an additional 30 minutes. The motion received a second from Commissioner Gielchinsky. The motion passed 4-1 with Vice Mayor Cohen voting in opposition.

I. Sustainability Subcommittee of Planning and Zoning – Guillermo Olmedillo, Town Manager (linked to 9-K)

Manager Olmedillo gave an update and is asking for direction. Commissioner Karukin said he is not supportive as he feels this is part of various other larger committees. Mayor Dietch explained why this is needed. Commissioner Paul said Mr. Lee Gottlieb and Mr. George Kousoulas both expressed their desire to be on this committee. The Mayor said he has deep respect for Mr. Gottlieb and Mr.

Kousoulas but would like this committee to stand as is before adding additional members.

Commissioner Gielchinsky made a motion to adopt the draft of the Sustainability Subcommittee Charter and to form a Sustainability Subcommittee of the Planning and Zoning Board to meet periodically and to have a liaison from each of the Planning and Zoning Board and the Commission to participate in the Sustainability Subcommittee meetings. The motion received a second from Vice Mayor Cohen and all voted in favor.

Public Speaker Lee Gottlieb spoke how the community will survive when there is sea level rise or a major catastrophe and we have to take action and not wait.

J. Demolition Permitting for Single Family Home in the H30A and H30B Districts – Commissioner Tina Paul

Passing the gavel, Mayor Dietch made a motion to direct the Town Attorney to research legal sufficiency and strategies to provide a process by which homes within H30A, H30B and H30C districts are not demolished until a site plan is approved. The motion received a second from Vice Mayor Cohen and all voted in favor.

Public Speaker Marianne Meischeid thinks this is a good idea but thinks the wording of site plan should be changed to building permit.

K. At-Large Members for the Environmental Resources Sustainability Subcommittee – Commissioner Tina Paul (linked to Item 9-I)
Public Speaker Marianne Meischeid spoke thought it was a good idea to have members at large and appointees should have some expertise on the subject.

10. Adjournment

The meeting adjourned at 12:22 a.m.

Respectfully submitted,

Accepted this _____day of _____, 2016

_____
Daniel Dietch, Mayor

Attest:

_____
Sandra Novoa, MMC
Town Clerk

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2015/2016

AS OF **March 31, 2016**

50% OF YEAR EXPIRED (BENCHMARK)

Agenda Item # Page 1 of 3

Agenda Date: **June 14, 2016**

GOVERNMENTAL FUNDS	ACTUAL		ANNUAL BUDGETED	% BUDGET
GENERAL FUND				
REVENUE	$9,190,358		$12,429,832	74%
EXPENDITURES	5,979,911		$12,429,832	48%
Net Change in Fund Balance	3,210,447			
Fund Balance-September 30, 2015 (Unaudited)	5,362,611	A		
Fund Balance-March 31, 2016 (Reserves)	$ 8,573,058			
RESORT TAX (TEDAC SHARE)				
REVENUE	$ 284,761	B	$661,870	43%
EXPENDITURES	236,932		$661,870	36%
Net Change in Fund Balance	47,829			
Fund Balance-September 30, 2015 (Unaudited)	345,969			
Fund Balance-March 31, 2016 (Reserves)	$ 393,798			
POLICE FORFEITURE/CONFISCATION				
REVENUE	$ 37,689		$80,000	47%
EXPENDITURES	31,244		$80,000	39%
Net Change in Fund Balance	$ 6,445			
Fund Balance-September 30, 2015 (Unaudited)	112,666			
Fund Balance-March 31, 2016 (Reserves)	$ 119,111			
TRANSPORTATION SURTAX				
REVENUE	$ 95,029		$260,350	37%
EXPENDITURES	105,491		$260,350	41%
Net Change in Fund Balance	(10,462)			
Fund Balance-September 30, 2015 (Unaudited)	435,359			
Fund Balance-March 31, 2016 (Reserves)	$ 424,897			
CAPITAL PROJECTS				
REVENUE	$ 76,691		$152,700	50%
EXPENDITURES	68,794		$152,700	45%
Net Change in Fund Balance	7,897			
Fund Balance-September 30, 2015 (Unaudited)	647,342			
Fund Balance-March 31, 2016 (Reserves)	$ 655,239			

NOTES:

* Many revenues for March 2016 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.

A. Includes $2,000,000 available for hurricane/emergencies.The balance of $3,362,611 is unassigned fund balance (reserves).

B. Resort Tax Revenues total collected through February 2016 is $829,591 ($284,761 is the TEDAC and $544,830 is the General Fund).

ENTERPRISE FUNDS	ACTUAL		ANNUAL BUDGETED	% BUDGET
WATER & SEWER				
REVENUE	$ 1,477,751		$3,098,177	48%
EXPENDITURES	1,015,901		$3,098,177	33%
Change in Net Position	461,850			
Unrestricted Net Position-September 30, 2015 (Unaudited)	(1,846,415)			
Restricted Net Position	1,260,776	**C1**		
Unrestricted Net Position-March 31, 2016 (Reserves)	$ (123,789)	**C2**		
MUNICIPAL PARKING				
REVENUE	$ 570,010		$1,042,000	55%
EXPENDITURES	489,117		$1,042,000	47%
Change in Net Position	80,893			
Unrestricted Net Position-September 30, 2015 (Unaudited)	1,096,280			
Unrestricted Net Position-March 31, 2016 (Reserves)	$ 1,177,173			
SOLID WASTE				
REVENUE	$ 846,957		$1,576,387	54%
EXPENDITURES	989,354		$1,576,387	63%
Change in Net Position	(142,397)			
Unrestricted Net Position-September 30, 2015 (Unaudited)	425,634			
Unrestricted Net Position-March 31, 2016 (Reserves)	$ 283,237			
STORMWATER				
REVENUE	$ 246,717		$678,848	36%
EXPENDITURES	187,320		$678,848	28%
Change in Net Position	59,397			
Unrestricted Net Position-September 30, 2015 (Unaudited)	4,029,729			
Restricted Net Position	347,140	**C3**		
Unrestricted Net Position-March 31, 2016 (Reserves)	$ 4,436,266			

NOTES:(con't)

C1. The Restricted Net Position of $1,260,776 includes $1,017,776 for renewal and replacement, and $243,000 for State Revolving Loan reserves.

C2. The reserves balance of ($123,789) is the result of a change in current net position as of March 2016 of $461,850 net position as of September 30, 2015 of ($1,846,415) includes $651,144 for rate stabilization, plus Restricted Net Position of $1,260,776.

C3. The Restricted Net Position of $347,140 includes $266,140 for renewal and replacement, $81,000 for State Revolving Loan reserves.

Donald G. Nelson, Finance Director
**ATTACHMENT

Donald Nelson 5/25/16

Guillermo Olmedillo, Town Manager

Town of Surfside

Fund Balance (Reserves)

3/31/2016

FUND	9/30/2013	9/30/2014	9/30/2015	3/31/2016
General	$ 5,304,042	$ 6,366,391	$ 5,362,611	$ 8,573,058
Resort Tax	94,497	180,297	345,969	393,798
Police Forfeiture	138,143	159,626	112,666	119,111
Transportation Surtax	131,475	396,740	435,359	424,897
Capital	255,263	849,445	647,342	655,239
Water & Sewer	(5,261,333)	(3,501,884)	(1,846,415)	(123,789)
Parking	1,066,574	1,000,355	1,096,280	1,177,173
Solid Waste	227,274	116,662	425,634	283,237
Stormwater	2,520,512	3,838,412	4,029,729	4,436,266
Total	$ 4,476,447	$ 9,406,044	$ 10,609,175	$ 15,938,989

TOWN MANAGER'S REPORT
JUNE 2016

COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS

1. **See Click Fix** -- Report attached.

PLANNING, ZONING AND DEVELOPMENT

2. Development Applications

A. 9133-9149 Collins Avenue – A site plan application for the Surf Club II has been received and a Development Review meeting was held on September 4, 2015. The plans include restoring a 16 dwelling unit historic building (the Seaway Villas) and adding a 34 unit, 12 story building immediately north of the Surf Club I. The plans were resubmitted on March 18. The second Development Review meeting was held on April 18, 2016. A DIC meeting will be scheduled after the plans are resubmitted and all comments are addressed.

B. 9011 Collins Avenue – A site plan amendment application for the northwest building at the Surf Club has been received. A Development Review meeting was held on May 16, 2016. Once the plans are revised and resubmitted, a second Development Review meeting will be scheduled.

C. 9011 Collins Avenue – A site plan amendment application to add one pool and modify the landscaping at the rear of the Surf Club site has been received. A Development Impact Committee meeting was held on February 11, 2016. The Planning and Zoning Board heard this application in May. This item will be scheduled for an upcoming Town Commission meeting.

D. 9300 Collins Avenue – A site plan application for 68 townhouse units, replacing 101 multifamily units, has been submitted. A Development Review meeting was held on March 10, 2016. A second Development Review meeting was held on April 27, 2016. A DIC meeting was held on May 23, 2016 and Planning and Zoning is tentatively scheduled for July 16, 2016.

E. 8851 Harding Avenue – A site plan application for 23 units was submitted in 2014. A Development Review meeting was held in January 2015. No resubmittal has been received to date.

TOWN DEPARTMENTS

Code Compliance

3. Code Compliance Cases

A. Code Violation Cases – as of May 18, 2016, the Code Compliance Unit is managing 115 open cases, 30 cases that are scheduled for a hearing before the Special Master, and 17 liened cases.

B. Harding Avenue Commercial Property Maintenance Cases – between March 22 and April 4, 2016, the Code Compliance Unit opened thirty (30) commercial property maintenance violations relating to the Harding Avenue businesses. Of these cases, 15 violations have been closed by compliance, 7 violations have been scheduled for a hearing before the Special Master, and 8 cases are still open but still working towards compliance by their respective property owners and tenants.

C. Collected Civil Penalty Fines - unresolved Code Compliance cases accrue fines until the code violation is resolved. After the violation is abated, then the property owners are notified to remit the fine amount due. In many cases, the fine amount is either paid, resolved via a settlement agreement, or referred to the Town's Special Master for a hearing and ruling on the fine amount due. The following is a summary by fiscal year of the fine amounts collected:

FY 15/16: 90 cases have submitted payments totaling $111,457 (thru May 18, 2016)
FY 14/15: 26 cases paid/settled for a total of $86,869
FY 13/14: 6 cases paid/settled for a total of $67,293
FY 12/13: 9 cases paid/settled for a total of $15,750
FY 11/12: 8 cases paid/settled for a total of $16,875

4. Prohibitions Regarding the Sale or Use of Expanded Polystyrene Food Service Articles

On November 10, 2015, the Town Commission passed and adopted Town Ordinance 15-1639, which amended Chapter 34 (Environment). The amendment created Section 34-10, Prohibitions Regarding the Sale or Use of Expanded Polystyrene Food Service Articles. This section applies to all food service providers and store doing business in Surfside. Under the Definitions section of this code, food service providers is defined as chain food service providers, restaurant, fast food restaurants, cafes, sidewalk cafes, delicatessens, coffee shops, grocery stores, markets, supermarkets, drug stores, pharmacies, bakeries, caterers, gas stations, vending trucks or carts, and cafeterias. Effective June 1, 2016, the Code Compliance Division is authorized to enforce the provisions of this code section.

5. Code Compliance Workshop

The Town of Surfside will hold a public Code Compliance Workshop on June 22, 2016 from 5:00 to 7:00 p.m. The purpose of the Workshop is to inform the public about the Town's Code Compliance Division - its mission statement, responsibilities, the code enforcement process, established enforcement priorities, and established schedule of civil fines. At the conclusion of the presentation, questions from the public will be answered.

Parks and Recreation

6. Programs

a. The Parks and Recreation Committee voted to move the Hawthorne Tot Lot renovation to the number one priority for the Parks and Recreation 5 year Capital Plan. This was done during the May 16, 2016 meeting. A proposal for the renovation will be presented to the Town Commission in the August meeting. Funding will be provided through the Developers Contributions that have been collect for Parks and Recreation Capital Projects.

b. As of May 13, 2016 the Parks and Recreation Department 2016 summer camp was officially filled to capacity. The summer camp is a staple of the Town and the Parks and Recreation Department. We look forward to another busy and fun filled summer.

Police Department

7. May Significant Incidents

Missing Juvenile/ Recovered- May 5, 2016

Missing Endangered Elderly with Dementia /Recovered- May 7, 2016

8. Traffic Management Report

In the May 10, 2016 Town Commission Meeting, the Town Commission directed Staff to prepare a traffic mitigation plan proposing short term, mid and long term solutions. The Commission has received numerous updates of actions and recommendation over the past couple of years (see attached documentation). A Traffic & Parking Mitigation Town meeting was held on April 19, 2016. Approximately seventy (70) residents attended the meeting. Florida Department of Transportation representatives were also in attendance. Staff made a presentation of the traffic and parking mitigation actions that have been implemented along with several ideas and recommendations for the future. In the end, the residents were not in agreement on any of the proposals except installing additional stop bar reflectors and speed calming tables. In response to the Commission's request for additional proposals / actions the following is respectfully submitted:

Add stops signs for east west traffic at:

- 91 Street & Abbott Avenue
- 91 Street & Carlyle Avenue
- 91 Street & Emerson Avenue

Add Stop Bar Reflectors to all stops bars on 91st Street

Add stops signs for north south traffic at:

- 89 Street & Abbott Avenue

Add speed bumps to 88 Street:

- Between Hawthorne Avenue & Garland Avenue
- Between Emerson Avenue & Dickens Avenue
- In front of 1272 Biscaya Drive

The aforementioned traffic mitigation devices have been ordered and are scheduled to be installed June 27, 28, 29 and 30. The estimated total cost of this project is $16,000.

The ongoing loop detector project engineering cost totaled $84,994. The final design is pending. Traffic mitigation actions over the past 18 months including the 9500 block of Byron Avenue improvements as well as the current speed bumps added to Byron Avenue, Bay Drive, Abbott Avenue and new stops signs at 93 Street & Byron Avenue have totaled a cost of $33,026.

Thus far, the costs of our traffic mitigation actions have totaled $134,020, funded from the Citizens Independent Transportation Trust (CITT).

Upon completion of the latest traffic mitigation actions, a 90 day evaluation period will be conducted. Additionally, at the May 10, 2016 Town Commission meeting, the Town Commission directed the Town Administration to develop a charter for an Ad Hoc Citizen Traffic Mitigation Advisory Committee to be presented to the Town Commission at the June 14th Commission Meeting for ratification and appointments. The purpose of the Committee is to act as a sounding board for residents from various segments of the community to the development of the Comprehensive Traffic Mitigation Program to provide further short term, plus mid-term and long term solutions, proposals and ideas. Membership will include: Five (5) residents each appointed by an Elected Official, two (2) that reside on Collins or Harding Avenue, one (1) that resides on Byron Avenue north of 94th Street, one (1) that resides south of Surfside Boulevard and one (1) that resides north of Surfside Boulevard. The staff liaison will be the Town Manager. There will be a representative from the Public Works Department, Police Department and a Traffic Engineer from Calvin, Giordano and Associates at an hourly rate of $175. The Committee meetings will be open to members of the public. The Committee will comply with all applicable provisions of law on the Florida Sunshine Law, public hearings, public notice and all applicable code of ethics and conflict of interest laws.

A crucial aspect of a long term traffic plan will include a town wide traffic model including the creation of the Synchro SIMTRAFFIC simulation. The Calvin, Giordano & Associates estimated cost for such a model is $100,000. The model will collect new a.m./p.m. peak hour manual turning movement counts at the following 76 intersections (59 stop controlled and 17 signalized):

- 88th and Collins
- 88th and Harding
- 89th and Collins (stop)
- 89th and Harding (stop)
- 90th and Collins
- 90th and Harding (stop)
- 91st and Collins (stop)
- 91st and Harding
- 92nd and Collins (stop)
- 92nd and Harding (stop)
- 93rd and Collins
- 93rd and Harding
- 94th and Collins
- 94th and Harding
- 95th and Collins
- 95th and Harding
- 96th and Collins
- 96th and Harding
- Collins and Harding
- Collins and Harbour Way
- 96th and Byron Avenue
- 96th and Abbott Avenue (stop)
- 96th and 500 block
- 96th and Bay Drive (stop/channelized)

- 96th and Bay Harbor Drive
- 95th and Byron (roundabout)
- 95th and Bay Drive (stop)
- 95th and Abbot Avenue (stop)
- 95th and Carlyle (stop)
- 94th and Bay Drive (stop)
- 94th and Carlyle (stop)
- 94th and Abbott Avenue (stop)
- 94th and Byron Avenue (stop)
- 93rd and Bay Drive (stop)
- 93rd and Dickens (stop)
- 93rd and Carlyle (stop)
- 93rd and Byron Avenue (stop)
- 93rd and Abbott Avenue (stop)
- 92nd and Bay Drive (stop)
- 92nd and Froude Ave (stop)
- 92nd and Dickens (stop)
- 92nd and Emerson (stop)
- 92nd and Carlyle (stop)
- 92nd and Byron Ave (stop)
- 92nd and Abbott Ave (stop)
- 91st and Bay (stop)
- 91st and Garland Ave (stop)
- 91st and Froude (stop)
- 91st and Emerson (stop)
- 91st and Dickens (stop)
- 91st and Carlyle (stop)
- 91st and Byron Ave (stop)
- 91st and Abbott Ave (stop)
- 90th and Bay Drive (stop)
- 90th and Hawthorne (stop)
- 90th and Froude (stop)
- 90th and Emerson (stop)
- 90th and Dickens (stop)
- 90th and Carlyle (stop)
- 90th and Byron Ave (stop)
- 90th and Abbott Ave (stop)
- 89th and Garland Ave (stop)
- 89th and Froude Ave (stop)
- 89th and Emerson (stop)
- 89th and Dickens (stop)
- 89th and Carlyle (stop)
- 89th and Byron Ave (stop)
- 89th and Abbott Ave (stop)
- 88th and Hawthorne (stop)
- 88th and Garland Ave (stop)
- 88th and Froude Ave (stop)
- 88th and Emerson (stop)

- 88th and Dickens Ave (stop)
- 88th and Carlyle (stop)
- 88th and Byron Ave (stop)
- 88th and Abbott Ave (stop)

The traffic model will include each of the stop controlled and signal controlled intersections. CGA will incorporate the current Miami Dade County Traffic Department signal timings in the model. This does not include any traffic forecasting of new trips from new developments or geometric or signal modifications to intersections, etc. This is to create an existing conditions model based on one scenario of the worst case condition (am/pm peak hour) from the new collected intersection turning movement counts. This is based on the assumption that the work product files (including Synchro files, etc.) from the traffic study completed by ATEC in August of 2014 and the FDOT simulation model along 96th Street (from recent traffic workshop) will be provided to CGA by the Town/FDOT for incorporation. This estimated fee does not include attendance at any public hearings, workshops or meetings. This will be an additional fee based on the number of meetings requested. Final modifications to this estimated fee will be provided once feedback is received from the Town of Surfside.

9. Sergeant's Promotional Examination

The Miami-Dade College School of Justice Assessment Center will direct a Sergeant of Police examination for the Surfside Police Department on June 21, 2016. The assessment examination will be a Behavioral Assessment Dimension Guided Evaluation (BADGE). Candidates are presented with job related scenarios (5) that are intense and challenging situations that require immediate decisions and action. Candidates will have 25 to 30 minutes to respond to all scenarios and the sessions are video-taped. The candidate is to answer each scenario in free-response manner and must arrange their own time. Candidate video-taped responses will be evaluated by an assessor team at a later date/time.

The Eligibility List for candidates will be posted by July 13, 2016 at 5:00 pm.

10. Opening for Community Service Aide Position

We are anticipating an opening for the position of Community Service Aide to replace Danny Sanchez who has been hired by the Broward Sheriff's Office as a police officer and will attend the police academy in June. Human Resources has advertised the position. Interviews will be conducted as soon as possible. Congratulations to Danny Sanchez.

11. Trial Program - Surfside Residential Overnight Parking

The Town of Surfside has initiated a "Trial Program" that allows Town residents to park their vehicles overnight at designated locations between the hours of 9:00pm – 7:00am each day of the week. Town Residents will utilize the present Town Parking Permit that is affixed to their vehicle's front windshield as an identifier for the overnight parking. Residents will be permitted to park overnight at on-street parking spaces that are currently pay for parking spaces and to also park overnight at Town of Surfside Parking Lots with the following exceptions:

- No overnight parking will be permitted in the Abbott Parking Lot
- No overnight parking in the on-street spaces in the 9400 block of Harding Avenue and the 9500 block of Harding Avenue (Business District)

- No overnight parking will be permitted in the on-street parking spaces in the 300 block of 94th Street (between Harding Avenue and Abbott Avenue)
- No overnight parking will be permitted in the on-street parking spaces in the 300 block of 95th Street (between Harding Avenue and Abbott Avenue)

This "Trial Program" will be offered from May 3, 2016 through July 31, 2016 at which time the program will be evaluated to determine if it will continue or if any modifications are necessary. To ensure the success of this program we are asking that all residents parking their vehicles overnight to please move them by 7:00am. This "Trial Program" is the result of resident requests for additional parking options.

12. Multi-Agency Traffic Educational/Enforcement Event

A traffic educational/enforcement detail conducted on May 18, 2016 was a success. The purpose of this operation was for the apprehension and/or citation of drivers and for public education and awareness of the dangers of driving under the influence, aggressive driving, distracted driving, speeding, red-light running, move-over law violation, seat belt compliance, and general traffic safety. This operation was conducted at various locations in unincorporated Miami-Dade County.

Through the mutual-aid agreement and the Community Traffic Safety Team (CTST) program, participating agencies (Surfside Police Department, Miami-Dade Police Department, Florida Highway Patrol, and Sunny Isles Beach Police Department) were effectively able to educate the general public on traffic safety and those that violated traffic safety laws were cited accordingly. The event yielded 58 citations, one arrest and over 20 educational items were also distributed to support the on-going Drive Safe – Aggressive Driving Awareness Campaign and general traffic safety. The NE CTST team plans to conduct a similar operation next month.

13. Police Events

- The Surfside Police Department hosted a community blood drive on June 1, 2016
- The Monthly Crime Stoppers' Board of Directors meeting met June 1, 2016 in Doral. NRO Dianna Hernandez attended.
- Surfside PD, Sunny Isles Beach PD, Indian Creek PD and Bal Harbour PD hosted a Shred a Thon on June 11, 2016 at Bill Bird Marina (Haulover Park). NRO Dianna Hernandez coordinated this event.
- The Police Teen Summer Program in conjunction with the Parks and Recreation Teen Camp begins on June 14 and concludes on August 4 with a graduation for the teenagers. The presentations will include K-9, Florida Fish and Wildlife Conservation Commission, Officer Survival, Crime Scene Investigation, SWAT and visits to the Coast Guard Air Base and Fire Rescue Department Station 21 in Haulover.
- The Surfside Police Department will host a Mobile Department of Motor Vehicles event for residents to apply for and renew their driver's licenses on June 15, 2016 from 9:30 a.m. to 2:30 p.m. in the Police Training Room.
- The Southeast Florida Crime Prevention Association will meet June 22, 2016 at 10:30 a.m. The location is to be determined. NRO Dianna Hernandez will attend.
- Coffee with the Cops will be June 24, 2016 at Starbucks at 10:00 a.m. The monthly Bike with the Chief will be June 29, 2016 at Town Hall at 5:00 p.m.

Public Works

14. New Recycling Program

Public Works began its new recycle program on June 1, 2016. Letters were sent out to all residents notifying the new pick up day, what can be recycled, what container to use, and what not to recycle. Also, all commercial, businesses and condo buildings were notified as well.

PROJECTS PROGRESS UPDATES

15. Information Technology and TV Broadcasts

IT is gathering quotes for a records management system for the Building Department to have files scanned and posted to a cloud provider. Parks and Recreation has ordered a replacement ID printer. The MailArchiva software has been upgraded. IT is going to set up training for the Town Website. IT and the GIS Department from CGA are working on updating maps for the Police Department.

Respectfully submitted:

Guillermo Olmedillo, Town Manager

Town of Surfside, FL

SEE CLICK FIX
MAY 1 - JUNE 1, 2016

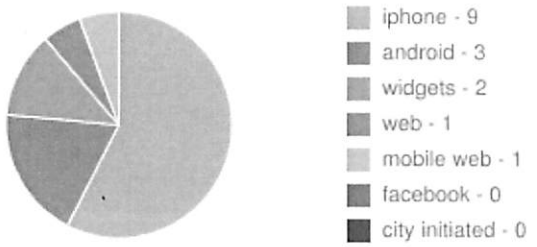
Between May 01, 2016 and Jun 01, 2016

16 issues were opened

22 issues were closed

The average time to close was 14.4 days.

Issues by Source



SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Other	5	9	24.7
Beach Issue	2	3	1.0
Street lights (PW)	3	3	5.9
Barking Dog	1	2	36.6
Police (Safety Concern)	1	1	0.1
Beach Patrol	1	1	0.0
Code Compliance (Violation)	1	1	0.1
Construction Issues	1	1	0.1
Utilities (Water/Sewer) (PW)	1	1	0.5
96 Street Park (P & R)	0	0	0.0
Code Compliance (Safety Concern)	0	0	0.0
Community Center (P & R)	0	0	0.0
Dead Animal	0	0	0.0
Dog Stations (P & R)	0	0	0.0
Drainage/Flooding (PW)	0	0	0.0
Graffiti (in park) (P & R)	0	0	0.0
Graffiti (PW)	0	0	0.0
Hawthorne Tot-Lot (P & R)	0	0	0.0
Parking Issue	0	0	0.0
Pothole (PW)	0	0	0.0
Solid Waste	0	0	0.0

(Commercial) (PW)			
Solid Waste (Residential) (PW)	0	0	0.0
Surfside Dog Park (P & R)	0	0	0.0
Veterans Park (P & R)	0	0	0.0

Town of Surfside, FL

SEE CLICK FIX
JAN 1, 2010 - JUNE 1, 2016

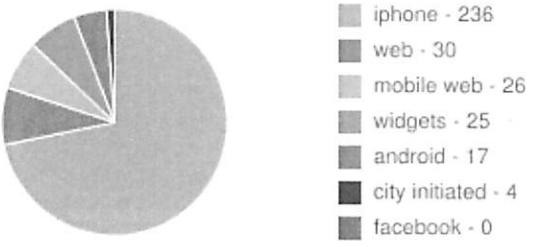
Between Jan 01, 2010 and Jun 01, 2016

338 issues were opened

336 issues were closed

The average time to close was 38.0 days.

Issues by Source



SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Other	94	94	20.2
Police (Safety Concern)	56	56	9.3
Beach Issue	40	40	16.4
Code Compliance (Violation)	28	26	64.6
Street lights (PW)	24	24	235.8
Parking Issue	14	14	1.2
Code Compliance (Safety Concern)	12	12	138.3
Barking Dog	9	9	21.8
Surfside Dog Park (P & R)	7	7	1.2
Utilities (Water/Sewer) (PW)	9	9	0.8
96 Street Park (P & R)	7	7	4.5
Drainage/Flooding (PW)	7	7	37.7
Construction Issues	7	7	4.8
Hawthorne Tot-Lot (P & R)	4	4	5.2
Pothole (PW)	4	4	5.6
Dog Stations (P & R)	4	4	0.2
Community Center (P & R)	3	3	0.1
Graffiti (PW)	3	3	25.2
Solid Waste (Residential) (PW)	3	3	4.3

Solid Waste (Commercial) (PW)	2	2	0.1
Beach Patrol	1	1	0.0
Dead Animal	0	0	0.0
Graffiti (in park) (P & R)	0	0	0.0
Veterans Park (P & R)	0	0	0.0

Town of Surfside
Commission Communication

Agenda Item #:

Agenda Date: December 9, 2014

Subject: Traffic Signal Proposal – 91 Street and Collins Avenue

Background: A traffic signal at 91 Street and Collins Avenue would provide traffic control for vehicles and pedestrians to safely cross at this intersection. Vehicular and pedestrian traffic will increase substantially with the development of the new Surf Club Four Seasons Hotel. Additional new projects along that same block are also very likely to be developed in the near future. In the past, an analysis by the Florida Department of Transportation showed that a traffic signal is not warranted at this intersection. FDOT and Miami-Dade Commissioner Sally Heyman have been contacted for their support to re-examine this issue.

Budget Impact: N/A

Recommendation: Town staff recommends that we work cooperatively with FDOT and the Surf Club Four Seasons Hotel for approval for the installation of a traffic signal at 91 Street and Collins Avenue.

David Allen, Chief of Police

John Di Censo, Interim Town Manager

Town of Surfside
Commission Communication

Agenda Item #:

Agenda Date: February 10, 2015

Subject: Byron Avenue Traffic Congestion/ Public Safety Concern

Background:

Traffic has substantially increased on Collins and Harding Avenues regionally as well as locally in Surfside. These roadways have become major north/ south thoroughfares for vehicles to avoid I-95 and Biscayne Blvd. traffic congestion. The multiple lane closures at the developments in Surfside and neighboring jurisdictions have only added to this traffic overcrowding. Drivers have learned that they can avoid the backup on Collins and Harding Avenue by traveling west into the residential neighborhoods and north or south on Byron Avenue. The developments have also brought up to 2000 construction workers daily to Surfside. Due to parking restraints put in place by the Town, workers are not allowed to park in the municipal lots and some are parking in our residential neighborhoods causing more obstruction on these streets. This influx has also increased our property crimes in the neighborhoods and at the construction sites. The Town will soon put in place a pilot resident only parking program on two blocks of Byron Avenue in order to address this problem.

There are no sidewalks in the neighborhoods in Surfside. The population has changed dramatically and we have many families and children who play, walk and bike on the streets. Over 1400 children attend Ruth K. Broad K-8 and half of them live in Surfside and most walk through the neighborhoods to and from school each day. The traffic problem has become a public safety issue for Surfside residents. There have been 18 motor vehicle accidents on Byron Avenue over the past three years and five resulted in injuries. Two accidents involved bicyclist and one involved a pedestrian. One accident in 2013 involved an overturned vehicle.

In order to address this issue, Town staff has had meetings with Miami-Dade County and Florida Department of Transportation officials over the past several months. Surfside requires authorization from FDOT for any changes to Collins Avenue, Harding Avenue, and 96 Street which are all state roads. Authorization from Miami-Dade County is required for changes to the residential neighborhoods including the placement of signage, speed calming devices, closing of streets, or changing streets to one ways. Town staff has also met with residents of Byron Avenue who are strongly in favor of changes to ensure their safety and quality of life.

Surfside has conducted two traffic studies over the past few years (Calvin, Giordano and Associates, 2012 and Advanced Transportation Engineering Consultants, 2014). Both have recommended improvement to the operational efficiency to the traffic signals on Collins and Harding Avenues. Adjustments in the timing have been made by the County but vehicle and pedestrian detections are needed at Collins and 95 St., Harding Ave. and 96 St., Harding Ave. and 95 St., Harding Avenue and 94 St., and Harding Avenue and 93 St. This will allow traffic to flow better north and southbound when there are no vehicles waiting at the cross street. Currently the traffic signals cycle automatically and when not needed, adding to the congestion at times. These are County traffic lights and would need County approval to add the detections.

Additionally the 2012 study recommends traffic calming proposals in the residential neighborhoods. Although many of the locations for traffic calming devices meet the minimum volume criteria and the speed percentile, the County requires a street to be at least 750 feet in length to be eligible for speed humps/ tables. Most streets in Surfside do not meet this requirement except for 88 Street which also needs calming devices but Miami-Dade County can approve an exception.

The Police Department staffs Byron Avenue with personnel on a daily basis to deter traffic violators and congestion. Hundreds of citations and warnings have been issued on Byron Avenue to drivers avoiding Collins Avenue and Harding Avenue. Most recently, the Police Department is temporarily closing blocks to traffic on Byron Avenue during rush hours to deter drivers from utilizing this road as a thruway to avid congestion. More permanent, effective and efficient solutions are needed to make this area safe. These answers include speed calming devices, street closures, traffic light and pedestrian detections and other measures as soon as possible. Miami-Dade County officials have agreed to conduct a study on Byron Avenue in order to review some of our recommendations.

Budget Impact:

1. Cost to close street end:
    - New curb: $1,440
    - Dirt and sod: $500
    - Landscape: $3,500
    - Miscellaneous signage: $250
    - Total cost: $5,690

2. The cost of one speed table installed: $5,250

Conclusion:

The Police Department has experienced a decrease in vehicular traffic in those blocks which have been temporarily closed during peak hours and residents have voiced a notable improvement. Based on the estimated costs comparison between closing a street end and one speed table, the more effective and cost efficient remedy to control and prevent outside traffic from traveling through the residential neighborhoods will be closing streets. In order to move forward with a more permanent solution to the public safety concern regarding Byron Avenue a certified traffic study and design of the roadway modifications will have to be conducted at a cost to the Town. The design / recommendations will then be submitted to Miami-Dade County for approval.

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

Town of Surfside
Commission Communication

Agenda Item #:

Agenda Date: April 14, 2015

Subject: Traffic Management Plan

Background: A plan of action has been developed with the support of area residents to address the public safety matters related to vehicular traffic in the single family residential areas. After lengthy reviews of documented traffic studies, analysis and temporary measures, the following actions will take place:

90 Street & Byron Avenue will be closed to northbound vehicular traffic. A landscaped concrete curb will be installed on the north side of the intersection of 90 Street & Byron Avenue allowing pedestrian, special needs and bicyclist's access only. The 9000 block of Byron Avenue will become a dead end street with vehicular access from the north / 91 Street. 18 of the 18 residents who live on this block are in favor of the closing.

94 Street & Byron Avenue will be closed to southbound vehicular traffic. A landscaped concrete curb will be installed on the south side of the intersection of 94 Street & Byron Avenue allowing pedestrian, special needs and bicyclist's access only. The 9300 block of Byron Avenue will become a dead end street with vehicular access from the south / 93 Street. 13 residents are in favor of the change, 3 are not, and 3 did not respond of the 19 who live on this block.

The traffic circle in the intersection of 95 Street & Byron Avenue will be removed. That intersection will be a three way stop intersection.

The 9500 block of Byron Avenue will be enhanced by the addition of four landscaped concrete curb extensions, two at the beginning of the block (North side of intersection at 95 Street & Byron Avenue) and two more at mid-block. The curb extensions will better delineate a single northbound vehicle lane. This feature will make it easier and safer for those exiting residential driveways in the block. The 16 of the 20 residents living at these locations are in favor of the enhancements. We did not get a response from the other four.

There will be speed calming tables installed at the following locations:

- 88 Street, west of Garland Avenue

- 91 Street & Abbott Avenue

- 9500 block of Byron Avenue (Mid-block)

Budget Impact: Approximately $25,000 in funds from the Miami-Dade County Citizens Independent Transportation Trust.

Recommendation: Town staff recommends that the Town Commission provide direction to a more permanent solution to address this public safety issue and vehicular traffic concern.

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

Town of Surfside
Commission Communication

Agenda Item #:

Agenda Date: May 12, 2015

Subject: Traffic Management Plan – Short Term Solutions

Background: The Town Commission held a Special Commission Meeting on April 27, 2015 to discuss short term and long term solutions to the traffic concerns in Town. Traffic experts from Miami-Dade County, the Florida Department of Transportation, and Calvin, Giordano and Associates presented information and answered questions for the Town Commission and the residents. The Town Commission directed the Town Manager to develop a plan of action for short term solutions that can be implemented immediately to relieve the traffic congestion issues.

The following measures have been executed:

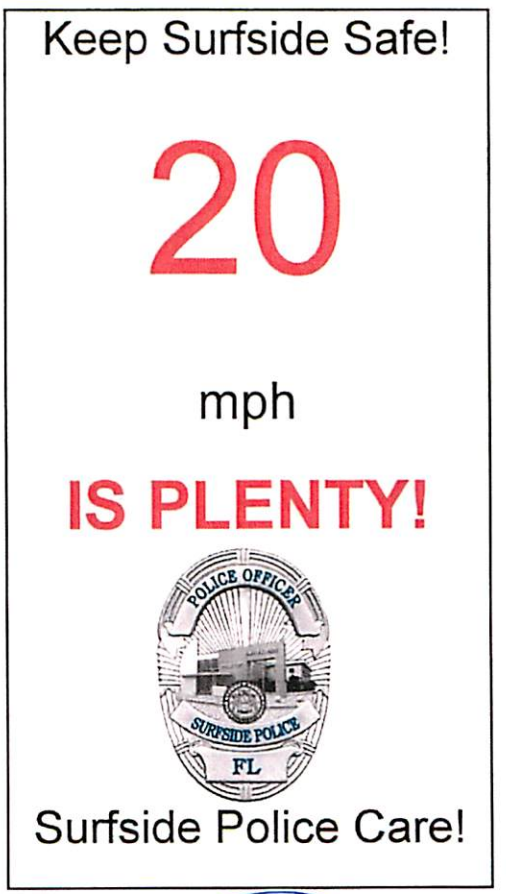
- Two decoy police vehicles have been deployed in the high traffic residential neighborhoods and will be rotated between 89 Street and 95 Street.
- A minimum of one Police Officer has been assigned during rush hours Monday through Friday on Byron Avenue to enforce traffic violations and control traffic congestion. Additional Officers will be assigned, staffing permitted, to Byron Avenue during peak traffic volume hours and between calls for service. Officers on overtime will also be assigned if needed.
- Lane closures on Harding and Collins Avenue are opened to traffic during morning and afternoon rush hours.
- A traffic management plan meeting with command officers from Surfside, Bal Harbour, and Bay Harbor Islands Police Departments was held on April 28, 2015 to coordinate traffic control among the three towns.
- The traffic signals on the state roads have been synchronized. Vehicle and pedestrian traffic loop detections as recommended by both traffic studies would further assist with vehicular movement along the state roads. The cost is approximately $31,000 for the installation at five signals.
- Surfside, Bal Harbour, and Bay Harbor Islands have developed traffic control plans for critical incidents within their own jurisdictions. These plans have been implemented in the past during traffic blockage from bridge closures, fires, crashes involving serious injury or fatality, and gas leaks.
- Police Officers will execute temporary lane closures if necessary in the residential neighborhood upon authorization of the police command staff.
- FDOT has completed a study on a new traffic signal at 96 Street and Abbott Avenue and removing the traffic signal at 96 Street and Byron Avenue and denied it. FDOT will take a second review at the request of the Town Commission.

- Staff will review intersections in need of stop signs and request approval through Miami-Dade County.
- Staff will request FDOT to install U-Turn sign on 96 Street near Bay Drive.
- Staff will develop signage to designate residential neighborhoods.

Additional traffic details will operate routinely in the following areas:

- Bay Drive - Speeding.
- Surfside Blvd (91 Street) – Speeding.
- A1A Collins and Harding Avenues – Speeding.
- 88 Street & Byron Avenue – Calming device violations.
- No thru trucks on the restricted residential streets.

An informational pamphlet will be created that officers can distribute on traffic stops to provide safe driving tips and cooperation among residents, for example:



David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

Town of Surfside
Commission Communication

Agenda Item #:

Agenda Date: June 9, 2015

Subject: Traffic Management Plan – Long Term Solutions

Background: The Town Commission held a Special Commission Meeting on April 27, 2015 to discuss short term and long term solutions to the traffic concerns in Town. Traffic experts from Miami-Dade County, the Florida Department of Transportation, and Calvin, Giordano and Associates presented information and answered questions for the Town Commission and the residents. The Town Commission directed the Town Manager to develop a plan of action for short term solutions that can be implemented immediately to relieve the traffic congestion issues. The short term solutions were implemented and discussed at the May 12 Town Commission meeting. The Town Commission also at the May 12 meeting directed staff to develop more permanent traffic solutions for the June 9 meeting for discussion.

The following measures are recommended by staff:

- Continue traffic enforcement and visibility in the residential area and on Byron Avenue during afternoon rush hours.
- Install vehicle and pedestrian traffic loop detections as recommended by both traffic studies to further assist with vehicular movement along the state roads. The cost is approximately $31,000 from the Miami-Dade County Citizens Transportation Trust or the installation at the five signals.
- FDOT has completed a study on a new traffic signal at 96 Street and Abbott Avenue and removing the traffic signal at 96 Street and Byron Avenue and denied it. FDOT will take a second review at the request of the Town Commission. At this time staff is waiting for a response from FDOT.
- Staff will review intersections in need of stop signs and request approval through Miami-Dade County.
- Remove the FDOT No U-Turn sign on 96 Street near Bay Drive. Staff is waiting on a response from FDOT.
- Staff will develop signage to designate residential neighborhoods.
- Remove the traffic circle in the intersection of 95 Street & Byron Avenue. That intersection will be a three way stop intersection.
- Enhance the 9500 block of Byron Avenue by the adding of four landscaped concrete curb extensions, two at the beginning of the block (north side of intersection at 95 Street & Byron Avenue) and two more at mid-block. The cost is $25,000 from the Miami-Dade County Citizens Transportation Trust. Install speed calming devices and place "20 MPH" lettering to the street.

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

Town of Surfside
Commission Communication

Agenda Item #:

Agenda Date: July 14, 2015

Subject: Traffic Management Plan – Long Term Solutions (9500 Block of Byron Avenue)

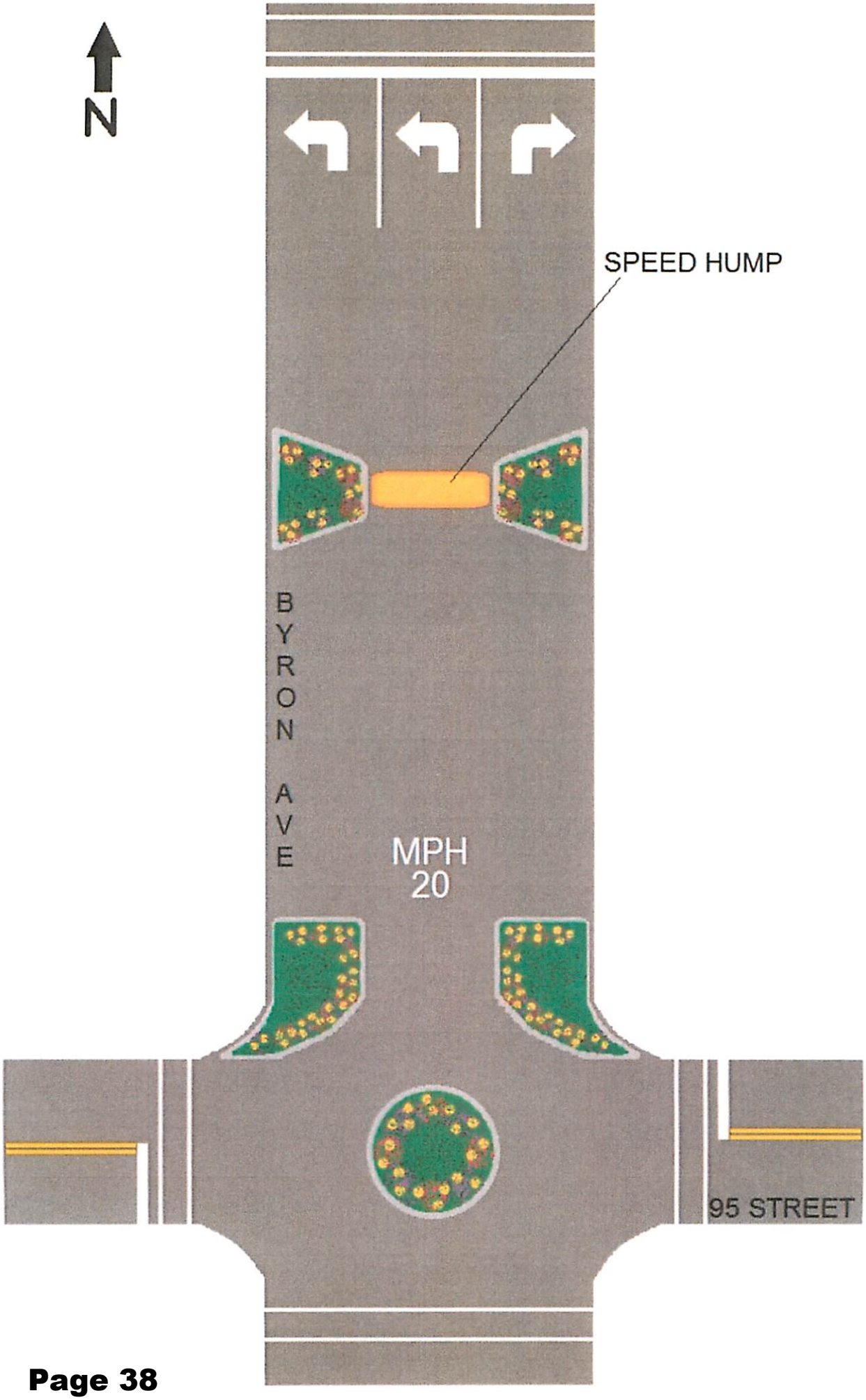
Background: The Town Commission held a Special Commission Meeting on April 27, 2015 to discuss short term and long term solutions to the traffic concerns in Town. Traffic experts from Miami-Dade County, the Florida Department of Transportation, and Calvin, Giordano and Associates presented information and answered questions for the Town Commission and the residents. The Town Commission directed the Town Manager to develop a plan of action for short term solutions that can be implemented immediately to relieve the traffic congestion issues. The short term solutions were implemented and discussed at the May 12 Town Commission meeting. The Town Commission also at the May 12 meeting directed staff to develop more permanent traffic solutions for the June 9 meeting for discussion. Town staff made recommendations for permanent traffic solutions at the June 9 Town Commission meeting. The Town Commission directed staff at this meeting to include visual aids for the permanent traffic solutions for the 9500 block of Byron Avenue. Attached are two different diagrams (one set of with two curb extensions and one with one set of curb extensions), a diagram of speed calming devices, and two photographs of curb extensions.

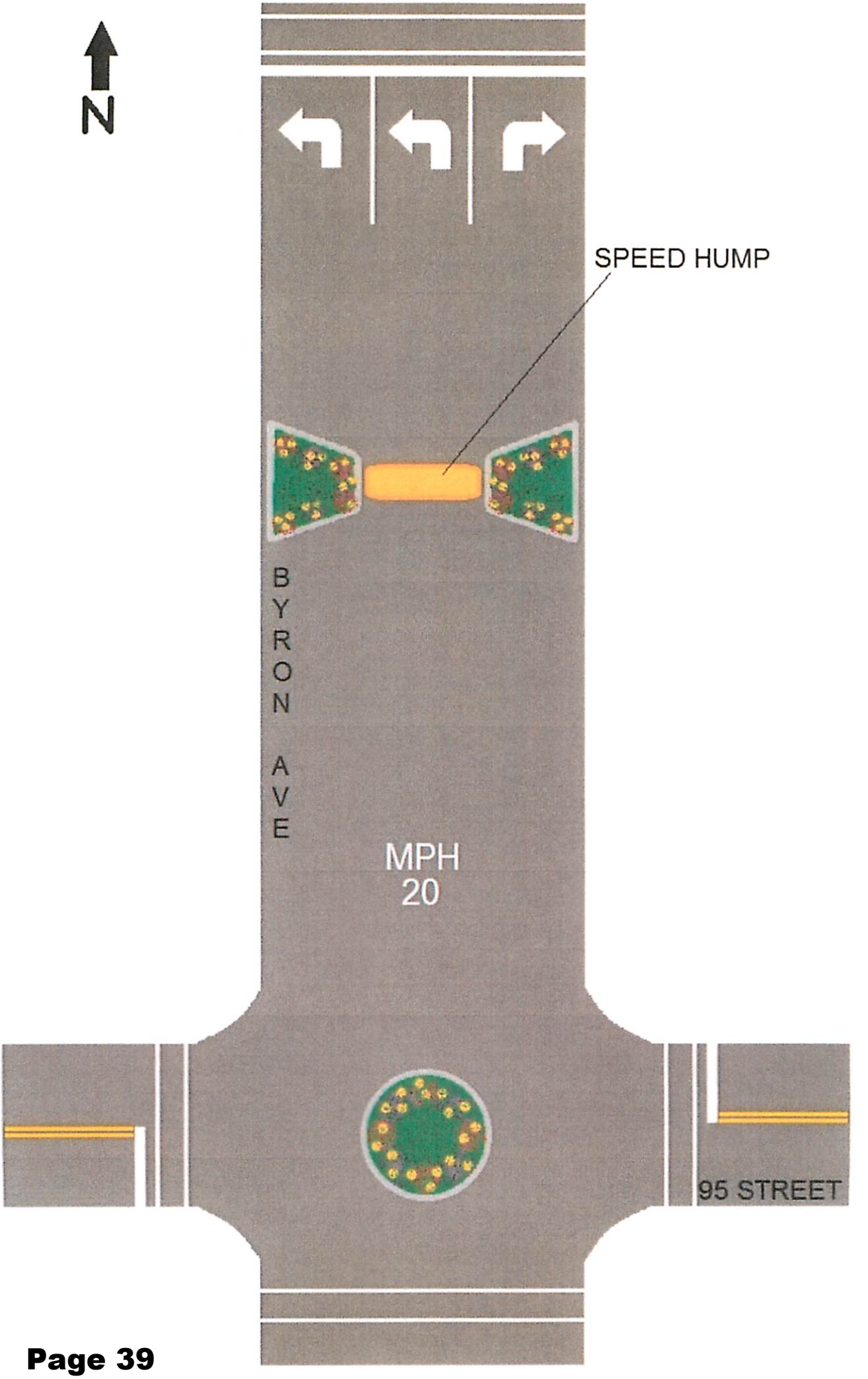
The following measures are recommended by staff for the 9500 block of Byron Avenue:

- Reduce the size of the traffic circle in the intersection of 95 Street & Byron Avenue. The intersection will be a three way stop sign intersection.
- Add four landscaped concrete curb extensions, two at the beginning of the block (north side of intersection at 95 Street & Byron Avenue) and two more at mid-block.
- Install speed calming devices between the mid-block curb extensions.
- Place "20 MPH" lettering on the roadway surface.
- Eliminate the solid white lanes from the roadway surface that designate the three travel lanes.
- The total cost is approximately $25,000 funded from the Miami-Dade County Citizens Independent Transportation Trust.

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager


N
SPEED HUMP
BYRON AVE
MPH
20
95 STREET

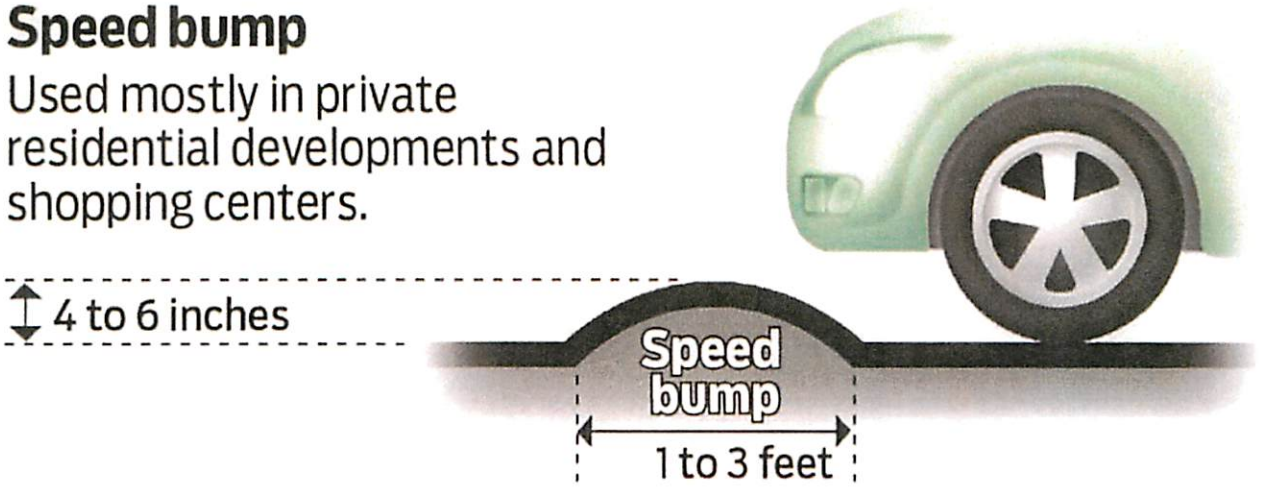

N
SPEED HUMP
BYRON AVE
MPH
20
95 STREET

Traffic-control methods

Traffic-control devices are installed on public roads and in private developments. They are not used on main roads such as U.S. 1 and Military Trail.

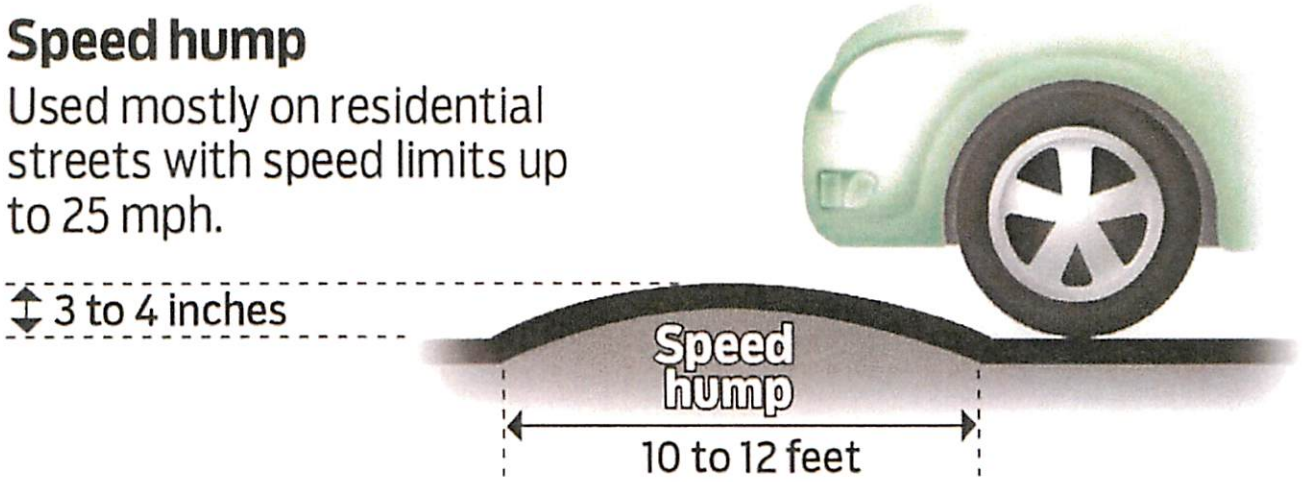
1 Speed bump

Used mostly in private residential developments and shopping centers.



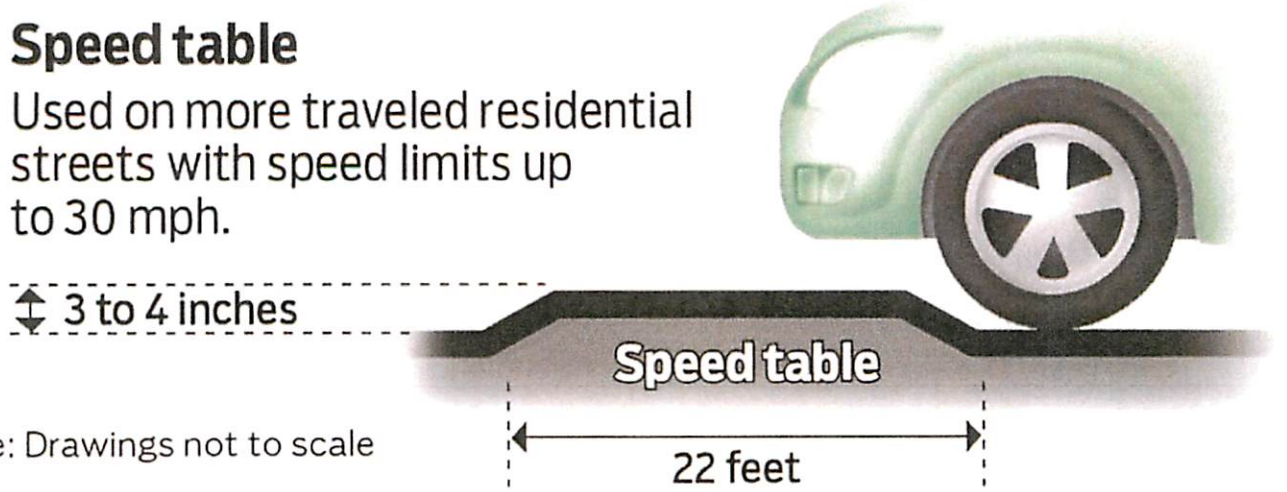
2 Speed hump

Used mostly on residential streets with speed limits up to 25 mph.



3 Speed table

Used on more traveled residential streets with speed limits up to 30 mph.



Note: Drawings not to scale

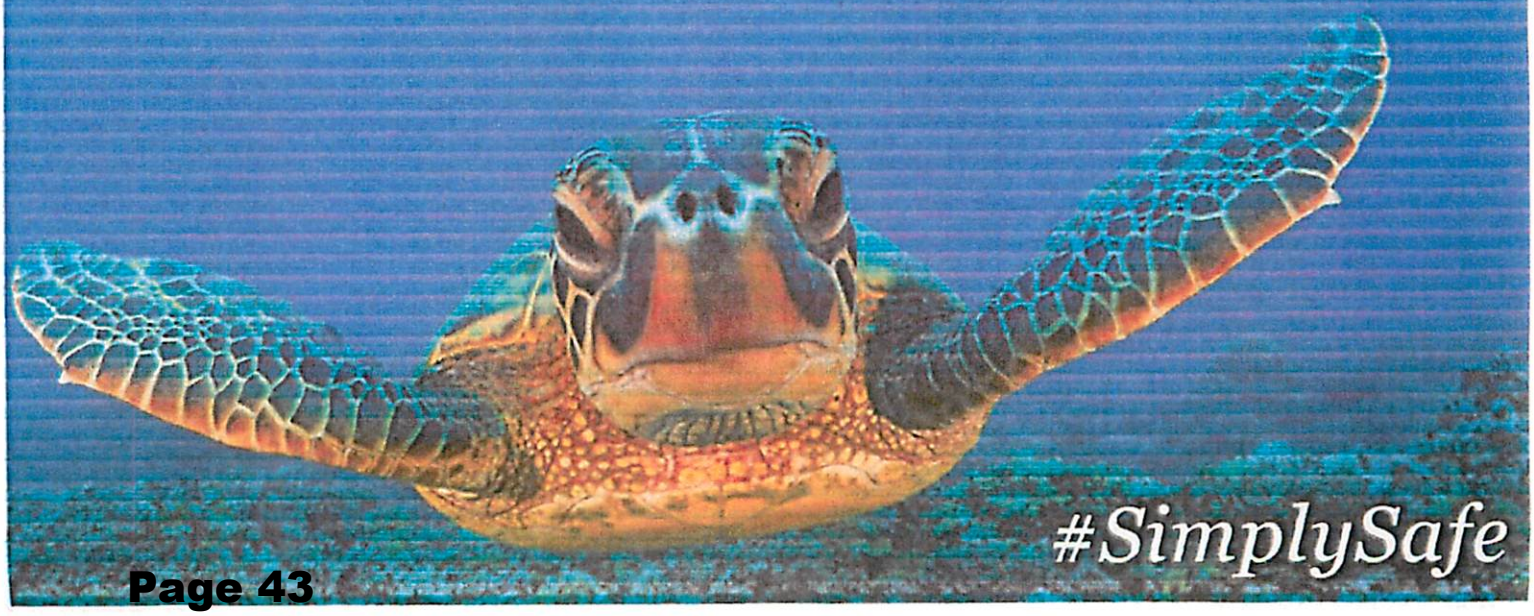
Sources: Palm Beach County and local communities

Steve Lopez/The Palm Beach Post

TRACKER
AVX4205
GEO

YOU ARE NOW ENTERING A RESIDENTIAL ZONE

PLEASE TAKE NOTICE OF THE SPEED LIMITS AND SURROUNDINGS



#SimplySafe

Town of Surfside
Commission Communication

Agenda Item #:

Agenda Date: February 9, 2016

Subject: Traffic Mitigation Efforts

Background:

At the January Town Commission meeting, the Commission requested a synopsis of staff's traffic mitigation efforts. The following is an overview of police operations, analysis, meetings, recommendations and actions reported to the Town Commission over the last year pertaining to the ongoing traffic congestion in the Town of Surfside and surrounding areas. Surfside requires authorization from FDOT for any changes to Collins Avenue, Harding Avenue and 96 Street, which are all state roads. Authorization from Miami-Dade County is required for changes to the residential neighborhoods including the placement of signage, speed calming devices, closing of streets, or changing streets to one ways.

In January 2015, an overtime traffic detail was initiated to strictly monitor and enforce traffic on Byron Avenue. Officers worked during the afternoon rush hour periods focusing on speeders and identifying drivers using Byron Avenue to avoid A1A congestion. Decoy vehicles were deployed at strategic locations to slow down drivers.

On January 20, 2015, the SPD hosted a Community Meeting brought on by the increasing complaints of speeders and congestion on Byron Avenue. Several residents primarily from Byron Avenue voiced their concerns. Mr. Ayman Elbermawy, Section Head of Traffic operations from the Traffic Engineering Division of Miami-Dade County was present. Several residents primarily from Byron Avenue attended and voiced their concerns.

January 27, 2015, in response to a Town Mayor inquiry, SPD reported that months earlier the regional traffic study for area traffic signals was presented to the town commission at a meeting. The cost was split between Bal Harbour and Surfside. Surfside's cost was picked up by developers. The study recommended loop detections installed at traffic signals in Surfside. There was no action taken by the commission. This was also the same recommendation from the 2012 traffic study. The county would not pay for the installation.

In February 2015, officers were used to temporarily close streets (90 Street & Byron Avenue & 94 Street & Byron Avenue) in an attempt to divert cross through traffic of drivers avoiding Collins Avenue congestion.

Beginning February 3, 2015, the Surfside Police Department implemented a pilot residential parking permit program for the 9400 and 9500 blocks of Byron Avenue only. The program was to be re-evaluated after 90 days. Only residents and their guests were allowed to park on the two blocks. The purpose of the program was to mitigate the daily problem of workers, beach goers and others parking on these two blocks. Residents were required to provide proof of residency, and complete a registration application which was available in the Communications Unit. The program has been a success and continues in effect to date.

In the February 2015 Commission Meeting, the police department reported Town staff held meetings with Miami-Dade County and Florida Department of Transportation officials over several months discussing options to address and improve the traffic congestion. Town staff also met with residents of Byron Avenue who were strongly in favor of changes to ensure their safety and quality of life. The following bullet points were introduced:

- Surfside has conducted two traffic studies (Calvin, Giordano and Associates, 2012 and Advanced Transportation Engineering Consultants, 2014). Both recommended improvement to the operational efficiency to the traffic signals on Collins and Harding Avenues. Adjustments in the timing were made by the County but vehicle and pedestrian detections are needed at Harding Ave. and 96 St., Harding Ave. and 95 St., Harding Avenue and 94 St., and Harding Avenue and 93 St. This will allow traffic to flow better north and southbound when there are no vehicles waiting at the cross street. Currently the traffic signals cycle automatically and when not needed.
- The Police Department staffed Byron Avenue with personnel on a daily basis to deter traffic violators and congestion. Hundreds of citations and warnings were issued on Byron Avenue.
- The Police Department also temporarily closed blocks to traffic on Byron Avenue during rush hours to deter drivers from cutting through the residential neighborhoods to avoid heavily traveled Collins Avenue.
- Miami-Dade County officials conducted a study on Byron Avenue in order to review some of our recommendations. A resolution from the Town Commission requesting a review and approval for Miami-Dade County to address and work cooperatively with Surfside on this public safety issue would be significant to expedite the process.

In March 2015, the Police Department reported the following totals of issued Uniform Traffic Citations by the four Patrol Squads for the months of December, January & February:

3 months - Total issued = 1291

In the month of January, during the peak of the Byron Avenue detail officers issued the following: January - Total issued = 631

The majority of citations issued in the residential area occurred on Byron Avenue. Officers conducted radar enforcement throughout Byron Avenue at rush hours and issued numerous speeding violations, primarily in the 9500 block of Byron. Other blocks heavily enforced were from 90th. Street to 93rd. Street. The speeding violations were mostly in the 30 mph range, with the occasional driver clocked in the low 40 mph range. A continuous focus was directed at 95 Street & Byron Avenue where there were constant violations of running the stop signs. Often drivers would complain that the traffic circle (calming device) confused them and that was the reason they did not come to a complete stop. Verbal traffic warnings well exceeded the number of citations issued.

In the efforts to mitigate traffic congestion and primarily drivers cutting through the residential neighborhood ongoing discussions touched on topics such as creating one-way streets and even opening Carlyle Avenue.

Other efforts were tested such as having officers temporarily close 95 Street & Abbott Avenue at peak hours. Closing 95th Street & Abbott Avenue in particular seemed to create a problem by causing a large backup of eastbound traffic on 96 Street approaching Abbott Avenue. Drivers were frustrated and the closures were stopped immediately.

Another discussion item has been creating a Special Taxing District and developing a gated community. The SPD has presented the steps required to begin such a process and provided the following guide to often asked questions:

SPECIAL TAXING DISTRICTS MOST FREQUENTLY ASKED QUESTIONS

1. What is a Special Taxing District?

A special taxing district is a mechanism used to provide public improvements and special services which could not conveniently or equitably be provided otherwise.

2. Under what legal provision are these districts created by the County?

Chapter 18 of the Miami-Dade County Code.

3. How is the process to create a Special Taxing District initiated?

An official incorporated homeowners' association, for the same area under consideration, or in its absence at least 10% of the area property owners, request a petition package from the Public Works Department Special Taxing Districts Division, 111 NW 1st Street, Suite 1500, Miami, Florida 33128. The request letter must describe desired improvements, district boundaries and level of service.

4. What does the process consist of?

I. The Petition

The Special Taxing Districts Division prepares the petition package, tailored to the request of the community as well as Public Works Department's requirements, and adjusted, for security guard districts, to reflect Police and Fire Rescue concerns. This petition will provide a description of the proposed improvements, as well as the range of assessments estimated for

the project. A traffic study by an independent consultant, and at the expense of the community, may be required in security guard districts involving street closures prior to issuance of the petition. For road improvement projects, full right-of-way dedication will be required prior to preparation of the petition package.

Community volunteers then circulate the petition among all district property owners. A maximum of four months is allowed for the collection of signatures.

The petition, once returned to Miami-Dade County, is validated by the Public Works Department's Special Taxing Districts Division. The petition must contain signatures of 50% or more of the resident property owners for the process to continue (we use homestead exemption as an indication of residency or require new property owners who become district residents after the filing date for homestead exemption to provide us a notarized affidavit so indicating). The petition and the results of the validation are filed with the Clerk of the Board.

II. The Cost & Feasibility Study (for valid petition request)

The Public Works Department prepares a report detailing improvements, cost estimate, assessment method, and district boundaries. Then, an informational community meeting is held, normally at a neutral site such as a community school, to which all district property owners are invited by mail by the Public Works

Department's Special Taxing Districts Division. Facts pertaining to the proposal are presented to the district residents and questions by the community pertaining to the process and the proposal are entertained. No decision is made at that meeting. The Public Works Department's

report is then filed with the County Manager who in turn files his written report and recommendation with the Clerk of the Board, and schedules a formal public hearing.

III. District Creation

The Board of County Commissioners then conducts a Public Hearing to which all property owners are invited by letter from the Clerk of the Board. Notices are published by the Clerk in a newspaper of general circulation and are also posted in five public places within the district. If the Board decides that the proposal should move forward, an ordinance creating the district is adopted. The assessment roll resolution is usually adopted at the same public hearing as the creation ordinance. The resolution authorizes and directs the Miami-Dade County Tax Collector to place special assessments on a specified year's tax bill.

IV. District Ratification

Election is conducted by mailed ballot on an available election date set by the County. All registered voters residing within district boundaries are eligible to vote. A majority vote of returned ballots in favor of the project is needed to ratify district creation.

V. Collection of Special Assessments

Those districts which are approved by the electorate are billed in advance for each fiscal year (October 1 through September 30) and are included as an itemized portion of the annual combined tax bill.

VI. Implementation Phase

Final engineering of capital improvements, bidding (for capital improvements and/or service) and construction take place. The improvement would then be placed in service or the service would commence.

5. Is community consensus a requirement to begin the process?

We highly recommend that the whole community be brought into the process early on and that improvements and economic implications be agreed upon before the request for the petition package is sent to the County.

6. Who has final jurisdiction over decisions concerning District boundary administration and operation?

Dade County has final jurisdiction over all decisions concerning District boundaries, administration and operation.

7. How is the cost of services or improvements calculated and allocated?

The calculation of each district property owner's special assessment is based upon the district's specific assessment method and project cost (methods used are: front footage in street lighting, road and water projects; square footage in landscape and recreational districts; and unit in security districts.)

8. How long does it take to create and implement a Special Taxing District?

The process takes approximately a year for most projects. Stationary guard districts, because of traffic and delivery of emergency services issues, require approximately 18 months.

9. How is the assessment billed and collected?

Special assessments are billed in advance for each fiscal year and are included as an itemized portion of the annual combined tax bill under the non-ad valorem section. They are payable at the time the real property tax bill is due. For street lighting in existing communities, landscaping and stationary security guard districts, the total capital improvement costs and one year of service are billed at the beginning of the first fiscal year after district ratification, as well as creation and other administrative costs. Service, administration and maintenance costs are billed annually each year thereafter. For capital improvement districts (water, sewer, roads), a bill is sent to the property owner. If the owner decides not to pay his full share in a lump sum, he may elect to finance the cost, typically over ten years, with the first installment starting on the next November tax bill (interest will be added). For bonded projects, if he elects to pay in a lump sum, bond costs will be deducted from his bill.

10. What happens if I favor the proposal but cannot afford to pay the assessment?

The Board of County Commissioners considers specific requests by property owners to review perceived inequities of assessments, deferment or abeyance of assessments and exemptions at the Assessment Roll Resolution public hearing held following the creation public hearing, usually on the same agenda.

11. Is a lien placed on my property if I do not pay the special assessment?

Yes. Unpaid special assessments, similarly to unpaid ad valorem taxes, will cause a lien to be placed on your property and the certificate sold the following June.

12. How are undercollections and overcollections of assessments handled?

All District under and overcollections in any one year are adjusted in the following fiscal year, for undercollections by way of an increased assessment rate, and for overcollections by way

of a reduced assessment rate, except that all adjustments for first year costs of stationary security guard districts will be made only after all final capital improvement costs have been entered, which may or may not be reflected in the second assessment year

13. Do the property owners have any input as to security service provider selection?
The security service provider is selected through a request for proposal process, followed by review of the proposals by a selection committee composed of 2-3 County staff members and 4-5 representatives from the community.

14. Do the property owners in security guard and landscape maintenance districts have any input in the budget process?
Any change in service level must be proposed by the community, which will be advised of the cost implications. An automatic provision for a 5% rate increase in security service provider contracts every two years is standard procedure.

15. Is the special assessment itemized on the tax bill tax deductible?
We suggest you contact the IRS or your tax consultant.

16. What are the chances that the assessments will increase at uncontrollable levels to provide the services?
Apart from the standard 5% increase every two years for the service provider, the assessments should remain at a stable level unless additional improvements are requested by the community, unbudgeted repairs need to be effected in the district, and/or the community decides to increase the district's level of service.

17. Can Miami-Dade County create special taxing districts all over its territory, including in municipalities?

Special taxing districts for water, sewer, street lighting and road improvements are created by Miami-Dade County only in Unincorporated Miami-Dade County. Districts for landscape/landscaping maintenance, security guard (stationary and/or roving patrol) and recreational service can be created by Miami-Dade County in all of Miami- Dade County, including municipalities.

18. If the district is located, wholly or partially, within the boundaries of a municipality, what, if any, City support is required for the project?

If any portion of a proposed district lies within the boundaries of a municipality, said municipality must, once the petition has been validated, authorize the County by official action to create the district. The municipality must hold a public hearing on the proposal.

19. Are there different types of security guard districts?

There are two types of security guard districts:

a) Stationary - with guardhouses manned usually by commercial guards; and

b) Roving patrols - provided by off-duty police officers (City officers in the municipalities and Florida Highway Patrol officers in Unincorporated Miami-Dade County), or commercial guards. Police officers are armed; commercial guards, because of liability issues, are not.

20. Is the input of any group, besides the Special Taxing Districts Division, required prior to issuance of a petition for security guard districts?

We require, prior to the preparation of the petition package, an indication by the appropriate City or County Fire/Rescue and Police Department that the delivery of emergency services will not be unduly delayed by any requested closure or loss of access to existing fire hydrants. We also require that the Public Works Highway Division review the implications of any street closure and as a result, it is sometimes mandated that the requestor submit, at his expense, a traffic study conducted by a registered traffic engineering firm. The Miami-Dade County Planning Director must also certify if the proposed improvement is consistent with the County's master plan.

21. Do street closures affect the delivery of emergency services?

The Fire Rescue Department determines, prior to issuance of the petition, whether the proposed street closure will affect the delivery of emergency services. If the Fire Rescue Department determines that the proposal will significantly hamper such delivery, it will generally request that additional guardhouses (entrances) be provided for.

22. Do these districts really serve to deter crime?

Pre- and post-district creation statistics recently obtained from Miami-Dade and various municipal police departments indicate a decrease in various types of crime in the security districts.

23. Who determines the location of the guardhouses and whether street closures are required to achieve the purpose of the security district?

Community initiators of the petition process, usually from homeowners associations, indicate the wish of the community in the request they submit for a petition. After a review of the traffic issues related to the requested proposal, and the comments from Fire/Rescue, Police, and

Planning, the Public Works Department determines the final location of the guardhouses and the feasibility of the desired closures.

24. Who manages the day-to-day operation of the service (street lighting, security, landscape) district?

The Special Taxing Districts Division of the Miami-Dade County Public Works Department manages security guard and street lighting districts. The County's Park and Recreation Department manages the landscape/landscaping maintenance districts.

25. Who implements and administers the capital improvement projects?

Miami-Dade County in Unincorporated Miami-Dade County and the respective municipal government in the municipality, the latter under interlocal agreement with the County. The Public Works Department enters into interdepartmental agreements with the Water and Sewer Department for the execution of water and sewer projects, where the cost is specified. Road improvement projects are managed by the Public Works Department by bidding the appropriate jobs or accesses existing open contracts.

26. Do stationary guard districts restrict public access to the district area?

Public access to streets encompassed within a district is never prohibited. A requirement of Chapter 18 of the Miami-Dade County Code is that special taxing districts can only be created on public roads.

27. Does Miami-Dade County allow unmanned gates and video cameras?

Unmanned gates are never allowed. Video systems are allowed if the scope of service in the districts creating ordinance allows it. Existing security districts will need to be amended through the same process that creates them to allow cameras.

28. Do residents have to stop at the guardhouse?

All cars must come to a complete stop when they approach the guardhouse. Where resident lanes exist with card control access, the residents drive through once the gate arm has been activated by their card. Where only one resident/visitor lane exists, the guard will activate the gate arm upon detection of the resident decal affixed to their vehicle windshield.

29. Do visitors have to identify themselves?

Visitors do not need to provide any information to the guard. Once the vehicle has stopped, the guard will note the tag number and description of the vehicle and let it go through. The guard, however, does have a map of the district and can provide, if requested by the visitor, directions to a destination within the district if an address is known. The guard will not call residents to announce visitors.

30. Is the guard in contact with the residents and the police by telephone?

In roving patrol districts, yes. In stationary guard districts, the guard is linked by telephone to the security company dispatcher. If the guard observes unusual or dubious activity, he will immediately contact his dispatcher, who will in turn call the police. Once the vehicle has stopped at the gate, the guard will register its tag number and description, and will then allow the car to enter the district.

31. What are residents to do when they note probable unlawful activity in the district?

They must call 911 immediately. If they have a roving patrol, they can then call the patrol number.

32. When street closures are considered, is it possible to eliminate both vehicular and pedestrian traffic?

Only vehicular access is prohibited. Sidewalks remain open.

33. Can special taxing districts be amended or dissolved?

A process identical to the creation of districts is followed to amend or dissolve a district.

34. Have lawsuits been brought in the past against special taxing districts? Have they been successful?

Lawsuits have been brought, over the years, against special taxing districts, relating particularly to assessment methods, benefit and election issues. The County has successfully defended all of them.

35. What is the amount of liability a district can be responsible for?

Per State Statute, the maximum liability for personal injury or property damage claim or judgment by any one person is $100,000, for a total of $200,000 per incident or occurrence arising as a result of the negligence of a government entity.

36. Can landscape be installed as part of a security guard special taxing district and who maintains it?

Yes. Landscape in the immediate area of the guardhouses can be installed at district expense. However, unless a landscape maintenance district is also established, the maintenance must be handled by the homeowners' association.

37. Who can get gate cards or decals?

Only property owners and documented renters.

38. How are security guard operational procedures changed by the homeowners' association?

All changes must be requested through the Special Taxing Districts Division.

39. Who may you call for additional information?

Please call the Special Taxing Districts Division at (305) 375-2203.

On April 14, 2015, in another Commission Communication the following was presented:

A plan of action has been developed with the support of area residents to address the public safety matters related to vehicular traffic in the single family residential areas. After lengthy reviews of documented traffic studies, analysis and temporary measures, the following actions will take place:

- 90 Street & Byron Avenue will be closed to northbound vehicular traffic. A landscaped concrete curb will be installed on the north side of the intersection of 90 Street & Byron Avenue allowing pedestrian, special needs and bicyclist's access only. The 9000 block of Byron Avenue will become a dead end street with vehicular access from the north / 91 Street. 18 of the 18 residents who live on this block are in favor of the closing.

- 94 Street and Byron Avenue will be closed to southbound vehicular traffic. A landscaped concrete curb will be installed on the south side of the intersection of 94 Street & Byron Avenue allowing pedestrian, special needs and bicyclist's access only. The 9300 block of Byron Avenue will become a dead end street with vehicular access from the south / 93 Street. 13 residents are in favor of the change, 3 are not, and 3 did not respond of the 19 who live on this block.
- The traffic circle in the intersection of 95 Street & Byron Avenue will be removed or reduced in size. That intersection will be a three way stop intersection.
- The 9500 block of Byron Avenue will be enhanced by the addition of four landscaped concrete curb extensions, two at the beginning of the block (North side of intersection at 95 Street & Byron Avenue) and two more at mid-block. The curb extensions will better delineate a single northbound vehicle lane. This feature will make it easier and safer for those exiting residential driveways in the block. 16 of the 20 residents living at these locations are in favor of the enhancements. We did not get a response from the other four.
- There will be speed calming tables installed at the following locations:

88 Street, west of Garland Avenue

91 Street & Abbott Avenue

9500 block of Byron Avenue (Mid-block)

- Budget Impact: Approximately $25,000 in funds from the Miami-Dade County Citizens Independent Transportation Trust.
- Recommendation: Town staff recommends that the Town Commission provide direction to a more permanent solution to address this public safety issue and vehicular traffic concern.

*** The closing of streets became a highly contested issue among residents who felt traffic from Byron Avenue would be directed toward their streets.

Town Commission held a Special Commission Meeting on April 27, 2015 to discuss short term and long term solutions to the traffic concerns in Town. Traffic experts from Miami-Dade County, the Florida Department of Transportation, and Calvin, Giordano and Associates presented information and answered questions for the Town Commission and the residents. The Town Commission directed the Town Manager to develop a plan of action for short term solutions that can be implemented immediately to relieve the traffic congestion issues.

A Commission Communication was submitted May 12, 2015, titled Traffic Management Plan – Short Term Solutions. The following was described as measures that were executed:

- Two decoy police vehicles have been deployed in the high traffic residential neighborhoods and will be rotated between 89 Street and 95 Street.
- A minimum of one Police Officer has been assigned during rush hours Monday through Friday on Byron Avenue to enforce traffic violations and control traffic congestion. Additional Officers will be assigned, staffing permitted, to Byron Avenue during peak traffic volume hours and between calls for service. Officers on overtime will also be assigned if needed.
- Lane closures on Harding and Collins Avenue are opened to traffic during morning and afternoon rush hours.
- A traffic management plan meeting with command officers from Surfside, Bal Harbour, and Bay Harbor Islands Police Departments was held on April 28, 2015 to coordinate traffic control among the three towns.
- The traffic signals on the state roads have been synchronized. Vehicle and pedestrian traffic loop detections as recommended by both traffic studies would further assist with

vehicular movement along the state roads. The cost is approximately $31,000 for the installation at five signals.

- Surfside, Bal Harbour, and Bay Harbor Islands have developed traffic control plans for critical incidents within their own jurisdictions. These plans have been implemented in the past during traffic blockage from bridge closures, fires, crashes involving serious injury or fatality, and gas leaks.
- Police Officers will execute temporary lane closures if necessary in the residential neighborhood upon authorization of the police command staff.
- FDOT has completed a study on a new traffic signal at 96 Street and Abbott Avenue and removing the traffic signal at 96 Street and Byron Avenue and denied it. FDOT will take a second review at the request of the Town Commission.
- Staff will review intersections in need of stop signs and request approval through Miami-Dade County.
- Staff will request FDOT to install U-Turn sign on 96 Street near Bay Drive.
- Staff will develop signage to designate residential neighborhoods.

  This has been completed and the signage is installed.
- Additional traffic details will operate routinely in the following areas:
  - Bay Drive - Speeding.
  - Surfside Blvd (91 Street) – Speeding.
  - A1A Collins and Harding Avenues – Speeding.
  - 88 Street & Byron Avenue – Calming device violations.
  - No thru trucks on the restricted residential streets.

  Traffic details continue to be done on an ongoing basis.
- An informational pamphlet will be created that officers can distribute on traffic stops to provide safe driving tips and cooperation among residents.

The informational pamphlet was developed, printed and is distributed routinely with a verbal warning in place of a traffic citation.

A Commission Communication was submitted June 9, 2015, titled Traffic Management Plan – Long Term Solutions. The Town Commission had directed the Town Manager to develop a plan of action for short term solutions that can be implemented immediately to relieve the traffic congestion issues. The short term solutions were implemented and discussed at the May 12 Town Commission meeting. The Town Commission also at the May 12 meeting directed staff to develop more permanent traffic solutions for the June 9 meeting for discussion.

The following measures were recommended by staff:

- Continue traffic enforcement and visibility in the residential area and on Byron Avenue during afternoon rush hours.
- Install vehicle and pedestrian traffic loop detections as recommended by both traffic studies to further assist with vehicular movement along the state roads. The cost is approximately $31,000 from the Miami-Dade County Citizens Transportation Trust or the installation at the five signals.
- FDOT has completed a study on a new traffic signal at 96 Street and Abbott Avenue and removing the traffic signal at 96 Street and Byron Avenue and denied it. FDOT will take a second review at the request of the Town Commission. At this time staff is waiting for a response from FDOT.
- Staff will review intersections in need of stop signs and request approval through Miami-Dade County.
- Remove the FDOT No U-Turn sign on 96 Street near Bay Drive. Staff is waiting on a response from FDOT.
- Staff will develop signage to designate residential neighborhoods.

- Remove or reduce in size the traffic circle in the intersection of 95 Street & Byron Avenue. That intersection will be a three way stop intersection.
- Enhance the 9500 block of Byron Avenue by the adding of four landscaped concrete curb extensions, two at the beginning of the block (north side of intersection at 95 Street & Byron Avenue) and two more at mid-block. The cost is $25,000 from the Miami-Dade County Citizens Transportation Trust. Install speed calming devices and place "20 MPH" lettering to the street.

On the July 14, 2015, Commission Meeting another Commission Communication was presented titled Traffic Management Plan – Long Term Solutions (9500 block off Byron Avenue). Town staff made recommendations for permanent traffic solutions at the June 9 Town Commission meeting. The Town Commission directed staff at that meeting to include visual aids for the permanent traffic solutions for the 9500 block of Byron Avenue. Two different diagrams were submitted (one set of with two curb extensions and one with one set of curb extensions), a diagram of speed calming devices, and two photographs of curb extensions were also submitted.

The following measures were recommended by staff for the 9500 block of Byron Avenue:

- Reduce the size of the traffic circle in the intersection of 95 Street & Byron Avenue. The intersection will be a three way stop sign intersection.
- Add four landscaped concrete curb extensions, two at the beginning of the block (north side of intersection at 95 Street & Byron Avenue) and two more at mid-block.
- Install speed calming devices between the mid-block curb extensions.
- Place "20 MPH" lettering on the roadway surface.

- Eliminate the solid white lanes from the roadway surface that designate the three travel lanes.
- The total cost is approximately $25,000 funded from the Miami-Dade County Citizens Independent Transportation Trust.

The Town Commission approved the above recommendations. Public Works was directed to begin work on the reduction of the traffic circle and installing curb extensions. The project was completed in September of 2015.

Additional actions regarding stemming the vehicle congestion in the Business District area have included moving a taxi stand that was on 95 Street between Harding and Abbott Avenue to Collins Avenue north of 94 Street. The SPD is also working closely with business deliveries to better manage quality of life matters in conjunction with business operations.

As is the usual pattern, the summer months had reduced traffic congestion. Factors that contribute to the reduction in traffic during the summer months are having no school and less visitors / snowbirds in the Town and surrounding communities.

The same pattern of heavy traffic congestion and irate residents developed once again beginning after Thanksgiving of 2015. The growing number of visitors flocking to the South Florida area for the holidays in combination with the large number of part time residents who live in the area during the winter months increase vehicles on the roadways. Much of the drivers are disoriented and contribute to the slow moving traffic. Traffic congestion peaked from late December to the beginning of the New Year. In part, along with holiday travelers, the Orange Bowl football game, an event that attracts nationwide attention brought

approximately 80,000 fans (and their cars) to the area. The Bal Harbour Shops and their increasing number of fine eating establishments has also drawn more people. The daily lane closures due to new developments in Surfside, Bal Harbour, Bay Harbor Islands, and Sunny isles beach add to the congestion. The 96 Street Bridge has also been under construction and repair for over a year and is reduced to one lane and has frequent breakdowns.

The Town of Surfside does not host a large sporting event, there are no arenas, large venues or shopping malls, there is no convention center, and no major events such as Boat Shows or Art Festivals, however, all of the things named occur within close proximity of the Town. Those events bring hundreds of thousands of people to the area which at times generates more traffic than the thoroughfares to travel can handle. Therefore, traffic congestion in Surfside can only be managed to a certain extent. The traffic congestion is caused in most part by outside forces that the Town has little to no power or authority in controlling.

CAPT. V. ... FOR

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

Town of Surfside
Commission Communication

Agenda Item #

Agenda Date: May 10, 2016

Subject: April 19, 2016 Town Traffic and Parking Mitigation Meeting

Background: In the March 8th, 2016, Town Commission Meeting, the Town Commission directed Staff to hold a Town meeting to share traffic & parking mitigation efforts to date, projects, ideas, recommendations and most importantly to hear feedback from the community.

Analysis:
A Traffic & Parking Mitigation Town meeting was held on April 19, 2016. Approximately seventy (70) residents attended the meeting. Florida Department of Transportation representatives were also in attendance. Staff made a presentation of the traffic and parking mitigation actions that have been implemented. Those actions include the following:

The 9500 block of Byron Avenue was improved by reducing the traffic circle and adding four curb extensions (two at the beginning of the block and two midblock). A speed bump was installed between the two midblock curb extensions.

Additional Speed Bumps have been ordered and others have been installed at the following locations:

- 9300 block of Byron Avenue
- 9400 block of Byron Avenue
- 9100 block of Bay Drive
- 9200 block of Bay Drive
- 9000 block of Byron Avenue
- 9000 block of Abbott Avenue

Stop Bar Reflectors were installed at the following locations:

- 95 Street & Byron Avenue
- 94 Street & Byron Avenue

- 93 Street & Byron Avenue
- 91 Street & Byron Avenue
- 91 Street & Dickens Avenue
- 91 Street & Froude Avenue
- 88 Street & Carlyle Avenue
- 88 Street & Froude Avenue

New stops signs were installed for east / west traffic at 93rd Street & Byron Avenue, making it a four way stop intersection.

LOADING ZONES

To reduce double parking occurrences on Harding Avenue in the Business District and reduce the associated noise in the residential areas additional Loading Zones were created and became effective on 03-04-2016. The Loading Zones are active Monday-Friday, 6am-10am, at the following locations:

- 9500 Block of Harding Avenue (West-side)
- 9400 Block of Harding Avenue (West-side)
- 95th Street between Harding Ave. and Abbott Ave. (South-side)

TAXI STAND RELOCATION

The Taxi Stand in the 300 Block of 95th Street (between Harding Ave, and Abbott Ave.) was turned into a Loading Zone

A new Taxi Stand area was created in the 9400 Block of Collins Avenue on the West-side of the street by the Grand Beach Hotel West

In addition to presenting the actions taken to date, Staff presented some recommendations and potential projects planned regarding further traffic and parking mitigation efforts. Included in the proposed projects are Loop Detectors for intersections at 93rd, 94th, and 95th, Street on Harding Avenue. Triangular Islands that can be installed on the west side of Harding Avenue in order to prevent drivers from entering the residential neighborhoods from east of Harding Avenue. Those islands would allow for vehicles traveling south on Harding Avenue to turn right into the residential neighborhoods. Vehicles exiting the residential neighborhood traveling east on 92nd Street for example would be directed to turn right and go south on Harding Avenue. Modified traffic patterns of one-way roads on the corridor streets between Collins and Harding Avenues were discussed. Crosswalks with Rapid Rectangular Flashing Beacons (RRFB's) were discussed for the Business District and several other locations on Collins Avenue and Harding Avenue. Ideas such as making every intersection in the residential area a four way stop intersection and even creating a Special Taxing District / Gated Community were mentioned and debated. Moving the traffic signal from Byron Avenue & 96 Street to Abbott Avenue & 96 Street was also discussed. FDOT representatives made a brief

presentation that included a traffic flow model animation with the light at 96 Street & Abbott Avenue. The model presented displayed the 9500 block of Abbott Avenue with a single traffic lane for northbound travel and a single traffic lane for vehicles traveling southbound. The FDOT representatives explained moving this traffic signal to Abbott Avenue would not work due to the proximity of that traffic signal with the Harding Avenue signal and the potential for backups generating block the box issues at the Abbott intersection.

Parking mitigation ideas included a proposal of adding a total of 44 new parking spaces. There would be 17 parking spaces added in the 100 blocks along the Collins Avenue corridor (beach street ends). 20 parking spaces would be created on the west side of Collins Avenue in the 8800 and 8900 blocks and 7 spaces would be generated on the two streets proposed to be one-way traffic at 89th and 90th between Collins and Harding Avenues.

At the conclusion of the staff's presentation the meeting was opened to the public. The vast majority of those in attendance spoke. The following is a synopsis of residents' complaints, recommendations and comments:

Complaints:

- Several expressed disapproval for placing a red light at 96 Street and Abbott Avenue
- Lack of parking spaces in business district
- Congestion on Collins Avenue
- Too much vehicles traveling in the 9500 block of Byron Avenue
- Prohibit construction workers to park in Town parking lots
- Congestion at Publix
- 90th Street and Harding Avenue – dangerous for anyone crossing by foot or vehicle / against new or additional parking spaces in the area
- Several opposed to making the west side of 8800 and 8900 block of Collins Avenue parking spaces
- Against having extra loading zone spaces on 95th Street
- Against closing / blocking streets due to it is temporary and drivers will figure out an alternate route – offered no solution
- Against the recommendation of making Surfside a "maze"

Recommendations:

- Instead of parallel parking in the business district, make it angled parking
- Synchronizing of the traffic lights
- Construction workers should park in Haulover
- Several in favor of a gated community / others against it – recommended a study
- Due to the future construction of Bal Harbour shops, everyone needs to be cognizant before making changes
- Allow left turns from 96 Street and Bay Drive during certain hours (in the morning and afternoon due to school hours)
- Designate 2 lanes an egress and 2 lanes an ingress

- Need a parking structure and a mass transit system because of the lack of parking spaces
- Change the traffic flow going in and out of Publix
- Install stop signs at every intersection
- Reduce the lanes on Collins and Harding Avenue from 3 lanes to 2 lanes
- Create a system of a maze to deter people from coming into the neighborhood – such as one ways and installing sidewalks
- Several in favor of needing a comprehensive plan with the help of traffic engineers and putting more thought into it before making changes – everything is temporary, one has to see the long-term effects
- Installation of sidewalks
- Creating a traffic committee
- Install more flashing lights at the stop sign
- Increase the height of the cement barrier on 88 Street because of all the violators who cross it to make the illegal turn to go west on 88 Street
- Installing a left turning lane at 95 Street and Harding Avenue – the captain addressed this indicating it was in the plan of the Shul expansion

Comments:

- In favor of 92 Street and Harding Avenue recommendation
- Opposed to recommendation of having the 9500 block of Bryon Avenue with Southbound traffic flow
- Byron Avenue has the burden of traffic
- Several in favor of the already existing traffic calming devices
- A couple of people opposed to Indian Creek residents using "their" road (91st Street). Constant high vehicular and commercial traffic, speeders – Town manager addressed that it is a Public Roadway
- Police should start using "quotas" in writing tickets to those who constantly run stops signs and speed in her neighborhood. This will prove a point and will generate a lot of money for the department.
- One resident wants an officer to be parked on her street to enforce the stop sign because of constant violators
- One expressed that she would like a loading zone in front of her condominium building on Collins Avenue
- Every Street has a problem – everyone needs to work together to find a solution
- Several praised the police department for the constant traffic enforcement at 95 Street / Byron Avenue and 88 Street / Byron Avenue

In conclusion, the residents were not in agreement on any of the proposals except installing additional stop bar reflectors and speed calming tables.

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

TOWN OF SURFSIDE
Office of the Town Attorney
MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009
Telephone (305) 993-1065

TO: **Town Commission**

FROM: **Linda Miller, Town Attorney**

CC: **Guillermo Olmedillo, Town Manager**
Jane Graham, Assistant Town Attorney

DATE: **June 14, 2016**

SUBJECT: **Office of the Town Attorney Report for June 14, 2016**

This Office attended/prepared and/or rendered advice for the following Public Meetings:

May 16, 2016 – Parks and Recreation Meeting

May 18, 2016 – Special Master Hearing

May 18, 2016 – Municipal Ethics Officers Meeting, Miami-Dade Commission on Ethics and Public Trust

May 25, 2016 – Planning and Zoning and Design Review Board Meeting

May 31, 2016 – Workshop: The Short-Term Rental Challenge

June 6, 2016 – Tourist Board Meeting

June 9, 2016 – Budget Workshop

June 14, 2016 – Quasi Judicial Hearing – 9169 Dickens Avenue

June 14, 2016 – Awards and Presentation

June 14, 2016 – Town Commission Meeting

Ordinances for Second Reading:

- Planning and Zoning and Design Review Board membership requirements

Ordinances for First Reading:

- Sheds – Exempting from Planning and Zoning Board and Design Review Board review
- Special Events – Commercial Use of Single Family Properties
- Construction Hours and Notice

Resolutions prepared and reviewed:

- Variance Application for 9169 Dickens Avenue, Surfside, Florida
- Mutual Aid Agreement between the City of North Miami Beach Police Department and the Town of Surfside Police Department
- Authorizing the Mayor to enter into a Memorandum of Understanding between the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Village of Bal Harbour and the Miami Beach Chamber Education Foundation to Support and Enhance The Nurse Initiative for 2016-2017 School Year
- Awarding Contract to Pac Comm, Inc. for the Surfside Seawall Replacement Project Phase II
- Authorizing Calvin, Giordano and Associates Work Authorization No. 98 seawall grant application and management for the Surfside Seawall Replacement Project Phase II
- Authorizing the expenditure of funds for the emergency repair to a sanitary lift station pump
- Authorizing the expenditure of funds to purchase a Homa Dry Pit Non-Clog Sewage Pump
- Establishing the Town of Surfside Sustainability Subcommittee of the Planning and Zoning Board
- Establishing the Town of Surfside Ad Hoc Citizen Traffic Mitigation Advisory Committee
- Awarding contract to All County Paving, Inc. to mill and pave 88th Street East of Collins Avenue

- Awarding contract to D.A.C. Air conditioning Corporation and authorizing the Town Manager and/or designee to expend funds for the enhancement and replacement of air conditioning ductwork and variable air volume boxes
- Proclamation July 2016 as Donate Life Month

Town Commission/Town Manager:

- Review code, case law, and Miami-Dade municipalities for analysis of demolition permitting process
- Research requirements for Sustainability Subcommittee and draft charter
- Preparation of and attend Development Review Group meeting for Amendment to Site Plan for Surf Club
- Preparation for and attend Development Review Group meeting for 9300 Collins project
- Guidance on Committee and Board term limits
- Briefed new members of the Committees and Boards on Sunshine Law, Public Records, and Ethics and Conflict of Interest
- Met with Miami Beach City Attorney's office on beach concession management
- Followed up with FDEP on beach chair regulation
- Researched sea level rise, property rates and infrastructure
- Researched environmental agencies and organizations focused on sea level rise adaptation
- Review and analyze covenant related to 200 96th Street
- Researched and analyzed law on Public-Private Partnerships
- Town Attorney budget for 2016/17

Town Clerk:

- Analysis and review of Charter sections relating to petitions for legal sufficiency
- Review Board and Committee requirements
- Review Municode for consistency with code amendments
- Analysis of law related to Form 1-Statement of Financial Disclosure

<u>May 25, 2016 Planning and Zoning and Design Review Board</u>:

Design Review Board Applications:

A. 9056 Abbott Avenue - installation of a dark green vinyl carport canopy
B. 9357 Dickens Avenue – addition of a 390 square foot addition to the rear of the existing single family house
C. 9455 Harding Avenue - wall sign for a real estate office, Municoy International Realty
D. 9519 Harding Avenue - wall sign for a restaurant, The Carrot

Quasi-Judicial Application:

A. 9011 Collins Avenue "Surf Club" Site Plan Amendment to permit an additional swimming pool at the rear of the property and to permit modification of the landscaping on the property on the east side of Collins Avenue

Discussion Items:

1. Roof Pitch
2. Future Agenda Items

<u>Building Department/Code Enforcement:</u>

- Research Special Events permitting and policy
- Short-term rentals – research, analysis and legal sufficiency of notification requirements to short-term rental sites, research legislative history of Section 509.032(7), Florida Statutes on preemption authority
- Follow up with Code Enforcement for on-going settlement of cases
- Review of Code Procedures and preparation for Special Master proceedings
- Review and research other municipalities' demolition permits and contractors' bill of rights ordinances
- Reviewed noise ordinance and construction hours

<u>Parks and Recreation:</u>

- Review Mosquito management agreement for the Tot Lot
- Review Playground Equipment Resolution and documents

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Review use of Resort Tax

Public Works:

- Follow up on undergrounding FPL and easements
- Follow up on administration of recycling agreement
- Review Black and Veatch consulting contract to update the 2010 comprehensive water and sewer cost of service and rate design study
- Review proposal in preparation of Resolution for Town Hall AC repair
- Review contract in preparation of Resolutions for sewer pump repair

Police Department:

- Review and drafted Ad Hoc Citizen Traffic Mitigation Advisory Committee Charter

Florida Municipal Insurance Trust ("FMIT") investigates claims and provides legal representation for the Town on the following claims/lawsuits:

1. On June 28, 2014, Claimant alleges while walking in the east alley behind 9577 Harding Avenue she fell through a broken storm grate and sustained severe lacerations to her right leg. FMIT is investigating this claim.
2. Julien Deleon - Equal Employment Opportunity Commission (EEOC) Charge #510-2014-05171. Mr. Deleon has filed a Notice of Charge of Discrimination against the Town and the Town has filed a response.
3. Claimant alleges a false arrest on June 1, 2014. FMIT is investigating this claim.
4. Pieter Bakker v. Town of Surfside, a municipal corporation of the State of Florida and Young Israel of Bal Harbour, Inc. On May 30, 2012, Pieter Bakker filed a complaint in State Court against the Town which alleges counts against the Town including contract zoning, Charter violations, and a request for a writ of certiorari to quash Resolution 12-Z-2078 approving a Site Plan Application to permit Young Israel to build a synagogue on 9580 Abbott Avenue. On September 30, 2013, the Court ordered this matter to be transferred to the Appellate Division. Petitioner, Mr. Bakker filed a Third Amended

Petition for Writ of Certiorari. The Town and Young Israel have filed a response to the Third Amended Petition for Writ of Certiorari and a request for Oral Argument. Mr. Bakker has filed a reply. The Town and Young Israel have filed a request for Oral Argument.

5. Parker, et. al. v. American Traffic Solutions, et. al.: United States District Court for the Southern District of Florida Civil Action No. 1:14-CV-24010. This is a class action case brought by plaintiffs who have received red light traffic violations against vendors who contract with municipalities and counties for red-light camera services (American Traffic Solutions "ATS", "Xerox State and Local Solutions "Xerox", and Gatso) along with 69 municipalities and counties. The complaint alleges that the local government defendants have improperly outsourced to the vendors their legislatively granted authority to issue traffic citations and unlawfully delegated to the vendor defendants the authority to determine whether a traffic violation has occurred. The Town and other Defendants filed a Motion to Dismiss. The Court dismissed the federal claims, however, did not dismiss the claims for unjust enrichment, declaratory and injunctive relief. The Court has stayed the case during the pendency of an appeal. Oral Argument is scheduled for June 14, 2016.
6. Henderson v. Police Officer Carrasquillo and Police Officer Fernandez. On May 12, 2015 a complaint was served stating that on December 11, 2010, Mr. Henderson was arrested for Battery on a Law Enforcement Officer, Disorderly Conduct and Resisting Arrest Without Violence. The complaint alleges malicious prosecution against the Officers. Discovery is ongoing.

Special Matters: Continued monitoring of new case law and legislation from Federal, State and County.

TOWN OF SURFSIDE
PENSION BOARD MEETING

Wednesday, February 24, 2016 – 2:00 p.m.
9293 Harding Avenue - Town Hall - Chambers

MINUTES

Pension Board Members
N. Abraham Issa
Guillermo Olmedillo
Sgt. Julio E. Torres
Yamileth "Yami" Slate-McCloud

Town of Surfside Consultants
Burgess Chambers, Burgess Chambers & Associates
Grant McMurry, Highland Capital Management
Larry Wilson, Gabriel, Roeder, Smith & Company
Robert Klausner, Esq, Klausner & Kaufman
Donald Nelson, Finance Director
Mayte Gamiotea, Third Party Administrator
Frantza Duval, Recording Clerk

1. **Call to Order and Roll Call**
The meeting was called to order by the Secretary, Guillermo Olmedillo at 2:08pm.

All of the above noted Pension Board members were present.

Also in attendance was Frank Wan on behalf of Burgess Chambers, Adam Levinson on behalf of Klausner & Kaufman, Tod Wishinak was present alongside Grant McMurry, and Donald Nelson, Finance Director for the Town of Surfside.

Larry Wilson & Mayte Gamiotea were absent.

2. **Election of Pension Board Chair**

MOTION:
The Town of Surfside Pension Board to nominate Abraham Issa as the new chair. Guillermo Olmedillo moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

3. **Approval of Minutes**
   a. Regular Pension Board Meeting – *November 19, 2015*

MOTION:
The Town of Surfside Pension Board recommended approval of the November 19, 2015 minutes of the Regular Board meeting as amended. Guillermo Olmedillo moved; Julio Torres seconded. The motion passed unanimously.

4. **Agenda Additions and Deletions**
Yamileth Slate McCloud received an email from employee regarding benefits provided to staff regarding a higher tier for department heads and a higher multiplier. Chairman Issa decided it would be discussed under new business.

5. **Public Participation**
None.

6. **Reports and Updates**

   a. Burgess Chambers & Associates
      - Investment Performance Quarter Ending December 31, 2015

During the quarter the Retirement Plan earned $542K or +3.3% (+3.2% net), in line with the strategic model (+3.4%) and ranked in the top 26th percentile.

The top three performing assets were: Cohen & Steers REIT (+8.4%), SPDR S&P 500 (+7.0%) and Highland large-cap core (+5.8%).

For the 12-month period, the Plan lost $146K or -0.7% (-1.1% net), in line with the strategic model (-0.6%). The top three performing assets were: Bentall Kennedy private real estate (+12.9%), Cohen & Steers REIT (+6.4%) and SPDR S&P 500 (+1.4%).

For the rolling three-year period, the Plan earned $3.3 million or +7.6% (+7.3% net), in line with the strategic model (+7.8%).

For the rolling five-year period, the Plan earned +6.6% (+6.2% net) per year.

Frank Wan suggested that the Board consider an active manager to look at diversified portfolios. He advised that it's cheap and has 400 securities, which have done well.

Frank presented EuroPacific in which the expense ratio is 49 basis points and has 290 securities. He advised that it losses less money when market goes down and funds outperforms with less risks. He also advised that there are nine individuals who manage the portfolio.

Donald Nelson inquired how would the Board fund this portfolio and Mr. Wan suggested that we liquidate iShares and have SunTrust to make a swap.

MOTION:
The Town of Surfside Pension Board recommended approval to provide Burgess Chambers authority to change from iShares (International EFA) to EuroPacific fund for the same allocation as listed in the investment policy. Julio Torres moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

Mr. Wan also presented tips, which is trading at a premium. Grant McMurry suggested liquidating tips and putting it into something else.

MOTION:
The Town of Surfside Pension Board recommended approval to change allocation from tips to core fixed income. Guillermo Olmedillo moved; Julio Torres seconded. The motion passed unanimously.

Mr. Wan also spoke on hedge funds and advised that 62% of hedgfunds produce positive results in 2015. Mr. Wan is looking for hedgefunds with low volatility and diversified approach.

Mr. Wan briefly reviewed the Board's investment policies.

Mr. Wan at the next meeting, will have the Monte Carlo study available and will have three account managers for the Board to review.

- MEPT Summary Ending December 31, 2015
  Included in the agenda for review is the MEPT Summary Ending December 31, 2015

- MEPT: The Quarterly Trust Report (4th Quarter Results)
  Included in the agenda packet for review is the MEPT: The Quarterly Trust Report (4th Quarter Results)

b. Highland Capital Management
   - Portfolio Appraisal as of December 31, 2015
     Grant McMurry provided an overview of the Portfolio Appraisal as of December 31, 2015.

   - Portfolio Appraisal as of January 31, 2016
     Grant McMurry provided an overview of the Portfolio Appraisal as of January 31, 2016.

   - Investment Review Ending December 31, 2015
     Grant McMurry provided an overview of the Investment Review for the Quarter Ending December 31, 2015.

c. Klausner & Kaufman

- Attorney's Report

Adam Levinson provided information on the National Association of State Retirement. He advised that the average investment return assumption for public plans is 7.64%.

Mr. Levinson with the onset of new laws coming out, the Police employee personal information now operate under the sunshine law, but the rule does not apply to firefighters.

Mr. Levinson reminded everyone of their upcoming conference.

Chair Abraham Issa inquired if the Board has looked into other certifications/training. Yamileth Slate-McCloud replied not as a board, but there have been individual members who have attended.

Chairman Issa stated that this topic should be placed on the agenda for future discussion for upcoming courses. Donald Nelson advised that he would acquire dates for the next conference to see who's interested in attending.

7. Administrator

a. Michael Feldman Resignation Letter
Michael Feldman's resignation letter was included in the agenda as a point of reference.

b. Refunds of Contributions:

• Gustavo Caracas	$6,190.95
• Erik Fernandez	$484.06
• Edner Mehu – DROP Distribution	$19,280.15

Chairman Issa inquired if any education is provided to employees with regards to removing money from the plan and rolling into another plan. Yamileth Slate-McCloud advised that in an HR capacity, to her level of knowledge, education is given to all employees including available options, prior to removing funds.

Chairman Issa advised that it's important for the Board to meet the employees whose money their looking after. It would be nice to meet the employees through a social event where the Board would meet the employees.

MOTION:
The Town of Surfside Pension Board recommended approval of the all the items listed under the Administrators portion of the agenda. Yamileth Slate-McCloud moved; Guillermo Olmedillo seconded. The motion passed unanimously.

8. Approval of Invoices

a. Burgess Chambers & Associates, Inc.
- Invoice #15-373 12/2/2015 $ 6,250.00

b. Highland Capital Management
- Invoice #11486 1/11/2016 $ 8,369.51

c. Klausner & Kaufman
- Invoice #17593 11/30/2015 $ 1,425.00
- Invoice #17705 12/31/2015 $ 85.50
- Invoice # 17827 1/31/2016 $ 0.00

Total $ 1,510.50

d. Frantza Duval
- Invoice #16-02 2/22/2016 $ 292.50

e. SunTrust Bank
- Invoice #6895223 1/26/2016 $ 4,836.75

f. Mayte Gamiotea
- Invoice #16-02 2/23/2016 $ 4,050.00

MOTION:
The Town of Surfside Pension Board recommended approval to pay all of aforementioned invoices. Yamileth Slate-McCloud moved; Julio Torres seconded. The motion passed unanimously.

9. New Business

- Discussion for CAFR Presentation

Yamileth Slate-McCloud advised that she spoke to Mayte (prior to this meeting) and she inquired if there would be a special meeting for the CAFR as the deadline is quickly approaching.

The Board discussed that since deadlines for information to be presented to Larry Wilson and the Marcum are needed, a special meeting possibly in March/April would be called to go over the CAFR.

Yamileth Slate-McCloud received email from employee regarding benefits provided to staff regarding inquiring about higher tiers for department heads at a higher multiplier.

She inquired if the Board would consider having Larry Wilson conduct a study after the Financial Report, of other pension plans in comparison with the

executive staff of other cities in Florida and what would be the impact be to the Town and would it be cost neutral without additional cost to the Town.

MOTION:
The Town of Surfside Pension Board recommended approval to have Larry Wilson review the possibility of enhancing the multiplier and/or cap for a separate group called senior staff inclusive of Department Directors. Yamileth Slate-McCloud moved; Julio Torres seconded. The motion passed unanimously.

Yamileth Slate-McCloud will include it on the agenda when there's discussion for the general employees. It will be reported together.

10. Trustees' Comments/Concerns

11. Next Regular Scheduled Meeting Date

- **May 19, 2016 (Thursday) @ 2:00 pm**

12. Adjournment

There being no further business to come before the Board, the meeting unanimously adjourned at 4:38pm with the motion made by Guillermo Olmedillo; receiving a second from Yamileth Slate-McCloud.

Accepted this 19th day of May, 2016

N. Abraham Issa
Pension Board Member (Print)

Signature

Attest:

Frantza Duval
Recording Clerk

PARKS AND RECREATION ADVISORY COMMITTEE MEETING
Monday, April 18, 2016 | 7:00 pm
Surfside Community Center | 9301 Collins Avenue

Meeting Minutes

1. **Opening**
   a. **Call to Order**
   Tim Milian, Parks & Recreation Director called the meeting to order at 7:05pm
   b. **Roll Call of Committee Members**
   Retta Logan, Shlomo Dazinger, Eliana Salzhauer[i], Jeffery Platt, Mitchell Gottlieb, Commissioner Tina Paul, Town Attorney Linda Miller, Town Manager Guillermo Olmedillo and Tim Milian, Parks & Recreation Director, were present. A quorum was established.

2. **Approval of Meeting Minutes from February 2016**
   Tim Milian, Parks & Recreation Director deferred this item to the May 2016 Parks & Recreation Advisory Committee Meeting.

3. **Committee Member Overview**
   Town Attorney Linda Miller gave an overview of the Committee Member communication, rules and regulations according to the Florida Sunshine Laws and Public Records Laws. Town Attorney Linda Miller also presented the Conflict of Interest and Ethics rules and regulations according to the Town of Surfside and Miami-Dade County.

   Tim Milian, Parks & Recreation Director ask all committee members to introduce themselves to the other committee members. Retta Logan, Shlomo Dazinger, Eliana Salzhauer, Jeffery Platt, Mitchell Gottlieb, and Commissioner Tina Paul introduced themselves to the committee.

4. **Appointment of Chair, Vice Chair and Secretary of the Parks & Recreation Advisory Committee**
   Eliana Salzhauer made a motion to elect Retta Logan as the Chair of the Parks & Recreation Advisory Committee. Shlomo Dazinger seconded the motion. The motion passed unanimously.

   Shlomo Dazinger made a motion to elect Eliana Salzhauer as the Vice Chair of the Parks & Recreation Advisory Committee. Retta Logan seconded the motion. The motion passed unanimously.

   Eliana Salzhauer made a motion to elect Shlomo Dazinger as the Secretary of the Parks & Recreation Advisory Committee. Retta Logan seconded the motion. The motion passed unanimously.

5. **Overview by Parks & Recreation Director**
   Tim Milian, Parks & Recreation Director, provided the committee an overview on the agenda procedure, committee issues procedures, history on the committee and committee objectives.

6. **Community Input**
   Marianne Meischied, 9225 Collins Ave, commented that she will serving on the Tourist Board and wanted to view a Parks & Recreation Committee Meeting. George Kousoulas, 9225 Collins Ave, inquired the reasoning to why Public Comment is at the end on the meeting. Tim Milian, Parks &

Recreation Director, responded that if a member of the public would like to make a comment on a specific item, then that item would be moved up. Vice Chair Eliana Salzhauer commented on the increase of animal feces on the "green space." Chair Retta Logan inquired about the status of the scholarships. Tim Milian, Parks & Recreation Director, responded that this will be addressed in the May meeting.

7. **Adjournment**

Vice Chair Eliana Salzhauer made a motion to adjourn at 8:13pm. Committee Member Mitchell Gottlieb seconded the motion. The motion passed unanimously.

Accepted this 16 day of May, 2016

Retta Logan
Member (print)

Signature

Attest:

Town Clerk

[i] Committee Member Eliana Salzhauer arrived at 7:15pm

TOWN OF SURFSIDE
PLANNING AND ZONING BOARD
AND
DESIGN REVIEW BOARD
MINUTES
April 28, 2016
7:00 PM

Town Hall Commission Chambers – 9293 Harding Ave., 2nd Floor
Surfside, Florida 33154

DESIGN REVIEW BOARD

Town Attorney Miller began this portion of the meeting by explaining there is a new Board and a selection will be made as to who will be Chair and Vice Chair. After the selection, the meeting will begin with a call to order by the selected Chair.

Recording Clerk Nissa Benjamin called the roll with the following members present: Board Member Lindsay Lecour, Board Member Judith Frankel, Board Member Peter Glynn. Board Member Brian Rollar and Board Member Jorge Gutierrez were absent.

1. **SELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**
   Attorney Miller asked the members to introduce themselves and give some background information.

   Board Member Glynn nominated Lindsay Lecour as Chair. The nomination received a second from Board Member Frankel.
   Board Member Glynn nominated Judith Frankel as Vice Chair. The nomination received a second from Chair Lecour.

   Vice Chair Frankel made a motion to adjourn this portion of the meeting. The motion received a second from Board Member Glynn and all voted in favor.

2. **CALL TO ORDER**
   Chair Lindsay Lecour called the meeting to order at 7:04 pm.

3. **ROLL CALL**
   Recording Clerk Nissa Benjamin called the roll with the following members present: Chair Lindsay Lecour, Board Member Jorge Gutierrez, Vice Chair Judith Frankel, Board Member Peter Glynn. Board Member Brian Rollar was absent. Board Member Gutierrez introduced himself and gave some background information.

4. **TRANSMISSION OF UNOFFICIAL MINUTES: MARCH 31, 2016**

5. **DESIGN REVIEW BOARD APPLICATIONS:**

A. Request of the Owner of Property located at 701 94th Street
The applicant is proposing the construction of a new two story single-family residence.
Town Planner Sarah Sinatra presented the item. The architect for the project spoke on the project and had some visuals for review. Board Member Glynn said although he could see no reason to not approve, he is concerned that these modern style designs are not what the feel of Surfside is all about. Chair Lecour was not completely in favor of the design as she did not feel there was much of a difference with the neighboring house.

Board Member Gutierrez made a motion to approve. The motion received a second from Vice Chair Frankel. The vote was tied with Board Member Gutierrez and Vice Chair Frankel in favor and Chair Lecour and Board Member Glynn voting in opposition. Board member Rollar was absent.

There was some further input from the architect and Town Planner Sinatra and some discussion from the Board.

Board Member Glynn made a motion to reconsider. The motion received a second from Vice Chair Frankel and all voted in favor.

Board Member Gutierrez made a motion to approve with the following conditions:

1. Applicant proffered to change the driveway on Bay Drive to green space for 701 95th Street, #1.
2. The garage door shall be bronze color metal for 701 94th Street, #2.

The motion received a second from Board Member Glynn and all voted in favor with Board Member Rollar absent.

B. Request of the Owner of Property located at 320 88 Street.
The applicant is requesting a garage conversion.
Town Planner Sarah Sinatra presented the item.

Board Member Glynn made a motion to approve. The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Rollar absent.

C. Request of the Owner of Property located at 9388 Abbott Avenue.
The applicant is proposing to construct an addition to the first floor and add a roof to an existing terrace in an existing single family residence.
Town Planner Sarah Sinatra presented the item. The applicant and construction planner spoke and produced the revised design for the Board's review.

Board Member Gutierrez made a motion to approve. The motion received a second from Board Member Glynn and all voted in favor with Board Member Rollar absent.

D. Request of the Tenant of Property located at 9454 Harding Avenue.
The applicant is requesting a wall sign for a retail establishment

Town Planner Sarah Sinatra presented the item and staff is recommending denial with an explanation.

Board Member Glynn made a motion to deny. The motion received a second from Board Member Gutierrez and all voted in favor to deny with Board Member Rollar absent.

E. Request of the Owner of Property located at 1000 88th Street.
The applicant is proposing the construction of a new two story single-family residence.
Town Planner Sarah Sinatra presented the item and is recommending denial because of the height of the roof. The architect for the project spoke about the project with a visual and gave details regarding the roof. After review and discussion, the Board thought the design was beautiful and the exception should be made as to the height of the pitched roof.

Board Member Glynn made a motion to approve. The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Rollar absent.

F. Request of the Owner of Property located at 8850 Emerson Avenue.
The applicant is requesting an after the fact permit for a carport conversion.
Town Planner Sarah Sinatra presented the item.

Board Member Gutierrez made a motion to approve. The motion received a second from Vice Chair Frankel and all voted in favor with Board Member Rollar absent.

G. **Request of the Owner of Property located at 9957 Carlisle Avenue. (Item added on)**
The applicant is requesting a garage conversion.
Town Planner Sarah Sinatra presented the item.

Board Member Glynn made a motion to approve. The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Rollar absent

Before adjournment the Board discussed dates for future meetings.

6. **ADJOURNMENT.**
There being no further business to come before the Design Review Board the meeting adjourned at 8:00 p.m.

Accepted this 25th day of May, 2016

Chair Lindsay Lecour

Attest:

Sandra Novoa, MMC
Town Clerk

PLANNING AND ZONING BOARD

MINUTES
April 28, 2016
7:00 PM

1. **CALL TO ORDER**
   Chair Lindsay Lecour called the meeting to order at 8:08 pm.

2. **ROLL CALL**
   Recording Clerk Nissa Benjamin called the roll with the following members present: Chair Lindsay Lecour, Board Member Peter Glynn and Vice Chair Judith Frankel. Board Member Brian Rollar was absent.

3. **TRANSMISSION OF UNOFFICIAL MINUTES: March 31, 2016**

4. **ORDINANCES:**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-15 "MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS" CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE PLANNING AND ZONING BOARD; SPECIFICALLY AMENDING SECTION 90-18 "DESIGN REVIEW BOARD" CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE DESIGN REVIEW BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
Recording Clerk Nissa Benjamin read the title of the ordinance.

Assistant Town Attorney Jane Graham presented the item.

Chair Lecour asked how do we evaluate seven years of professional experience if they do not have a license and suggested that the wording be changed to an applicant provide documentation of the completion of seven jobs experience. Vice Chair Frankel also had some ideas for consideration and felt the wording regarding seven years of experience may need to be reviewed.

Public Speaker Richard Iacobacci spoke about providing proof of experience and contracting jobs and the legalities of someone doing a job without having an active

license. He said a person may have worked under the direction of one who had a license or in the capacity of another title such as project manager. The wording of this ordinance does not address those issues. The Board discussed changing some of the wording eliminating license but broadening to professionals with the same scope of experience but not necessarily a licensed contractor such as project manager or superintendent or construction management professional with at least six years of professional experience. Town Attorney Miller said her office will review and revise any changes from the Board and Chair Lecour said she would like to work with Attorney Miller on the wording.

Discussion as to qualifications to sit on the Board was also discussed. Assistant Attorney Graham explained what the Commission was looking for as Board appointees.

Board Member Glynn made a motion to approve with changes and recommend to the Commission. The motion received a second from Vice Chair Frankel and all voted in favor with Board Member Rollar absent.

5. DISCUSSION ITEMS:

1. **Presentation on Pedestrian & Health**
   A representative from Pedestrian and Health gave a presentation who explained Active Design Miami and the benefits it produces.

   Chair Lecour said this Board was in support of this type of program. Ms. Sinatra answered questions from the Board and said the City Manager was also in supportive of this.

2. **Sheds**
   Town Planner Sinatra spoke on the item giving some of the history of sheds and what has transpired to date. Some residents have issues with sheds and are asking for guidance as to placement and design. Planner Sinatra is asking for direction so an ordinance can be prepared. Board Member Glynn is not in favor of sheds as he feels badly for neighbors who have to see them. Vice Chair suggested that language be put in saying that shrubbery be put in so the shed is not visible from the street. Board Member Glynn suggested it also apply to sheds facing a neighbor. Planner Sinatra told Board Member Glynn that it was brought before the Commission but failed to pass. The Board agreed to put language in the code regarding shrubbery and not being visible from the street.

3. Calendar changes proposed:

A. November 17, 2016 instead of November 24, 2016
B. December 15, 2016 instead of December 29, 2016

3. **Future Agenda Items**

   Board Member Glynn said he has heard of many complaints regarding code enforcement and noise from lawn care on weekends.

Chair Lecour and Town Attorney Miller gave a brief update on sea level rise study. Assistant Attorney Graham spoke about a newly formed sub-committee which will talk about sea level rise. Chair Lecour would like this to be a priority discussion item.

6. REPORT OF PERMITS ISSUED FOR THE MONTH OF MARCH, 2016.

7. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board the meeting adjourned at 9:09 p.m.

Accepted this 25 day of May, 2016

Chair Lindsay Lecour

Attest:

Sandra Novoa, MMC
Town Clerk

Town of Surfside
Commission Communication

Agenda Item # 3F

Agenda Date: June 14, 2016

Subject: Mutual Aid Agreement between the City of North Miami Beach Police Department and the Town of Surfside Police Department

Objective: To extend mutual aid in the form of law enforcement services and resources between the North Miami Beach and Surfside Police Departments for requesting operational assistance in law enforcement intensive situations and emergencies and for assistance of a routine law enforcement nature that crosses jurisdictional lines

Background: The Town of Surfside Police has mutual aid agreements with many Miami-Dade County law enforcement agencies. The Town of Surfside and the City of North Miami Beach are so located in relation to each other that it is an advantage of each to receive and extend mutual aid in the form of law enforcement services and resources. The new Mutual Aid Agreement between the Town of Surfside Police Department and City of North Miami Beach Police Department would be in effect from the date of signing through and including March 9, 2021.

Budget Impact: N/A

Staff Impact: N/A

Recommendation: It is recommended that the Surfside Town Commission approve the resolution authorizing the Mutual Aid Agreement between the Town of Surfside Police Department and the City of North Miami Beach Police Department.

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE MUTUAL AID AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE, FLORIDA POLICE DEPARTMENT; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the responsibility of the City of North Miami Beach, Florida and the Town of Surfside, Florida to ensure the public safety of their citizens by providing adequate levels of police to address any foreseeable routine or emergency situation; and

WHEREAS, there is an existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment or facilities of the participating municipal Police Departments; and

WHEREAS, the City of North Miami Beach and the Town of Surfside are so located in relation to each other that it is in the best interest and advantage of each to receive and extend mutual aid in the form of law enforcement services and resources; and

WHEREAS, it is in the best interest of the Town to enter into a Mutual Aid Agreement with the City of North Miami Beach, Florida (Attachment "A").

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Authorization and Approval. The Town Commission authorizes and approves the Town Manager and Chief of Police to execute and implement the Mutual Aid Agreement between the City of North Miami Beach, Florida and the Town of Surfside, Florida (Attachment "A").

Section 3. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this _____ day of June, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky ____
Commissioner Michael Karukin ____
Commissioner Tina Paul ____
Vice Mayor Barry Cohen ____
Mayor Daniel Dietch ____

_____
Daniel Dietch, Mayor

ATTEST:

_____
Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

Linda Miller
Linda Miller, Town Attorney

MUTUAL AID AGREEMENT
Between the City of North Miami Beach Police Department
and the Town of Surfside Police Department

WHEREAS, it is the responsibility of the governments of the **City of North Miami Beach**, Florida, and the **Town of Surfside,** Florida, to ensure the public safety of their citizens by providing adequate levels of police services to address any foreseeable routine or emergency situation; and

WHEREAS, because of the existing and continuing possibility of the occurrence of law enforcement problems and other natural and man-made conditions which are, or are likely to be, beyond the control of the services, personnel, equipment or facilities of the participating municipal police departments; and

WHEREAS, in order to ensure the preparation of these law enforcement agencies will be adequate to address any and all of these conditions, to protect the public peace and safety, and to preserve the lives and property of the people of the participating Miami-Dade County municipalities; and

WHEREAS, the participating Miami-Dade County municipalities have the authority to enter into a Mutual Aid Agreement under Chapter 23, Florida Statutes, the Florida Mutual Aid Act;

WHEREAS, it is to the advantage of each law enforcement agency to receive and extend mutual aid in the form of law enforcement services and resources to adequately respond to:

(1) Continuing, multi jurisdiction law enforcement problems, so as to protect the public peace and safety, and preserve the lives and property of the people; and

(2) Intensive situations including but not limited to emergencies as defined under Section 252.34 of the Florida Statutes, or

(3) requests for Mutual Aid by certain law enforcement services specified herein and as defined under Section 23.1225 of the Florida Statutes; and

NOW, THEREFORE, BE IT KNOWN, that the **City of North Miami Beach** and the **Town of Surfside**, political subdivisions of the State of Florida, and the undersigned representatives, in consideration of mutual promises to render valuable aid in times of necessity, do hereby agree to fully and faithfully abide by and be bound by the following terms and conditions:

1. **Short title**: Mutual Aid Agreement

2. **Description**: Since the Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and intensive law enforcement situations, this Mutual Aid Agreement combines the elements of both a voluntary cooperation agreement and a requested operational assistance agreement as described in Chapter 23 Florida Statutes.

3. **Definitions**:

   A. **Joint declaration:** A document which enumerates the various conditions or situations where aid may be requested or rendered pursuant to this Agreement, as determined by concerned agency heads. Subsequent to execution by the concerned agency heads, the Joint Declaration shall be filed with the clerks of the respective political subdivisions and shall thereafter become part of this Agreement. The Joint Declaration between the City of North Miami Beach and the Town of Surfside is attached hereto as Exhibit "A" and is hereby incorporated by reference. Said declaration may be amended or supplemented at any time by the agency heads by filing subsequent declarations, subject to the approval of the legal counsel of their respective political subdivisions, and filed with the Clerks of the respective political subdivisions.

B. **Agency or participating law enforcement agency:** Either the **City of North Miami Beach Police Department** or the participating municipal police department.

C. **Agency Head:** Either the Chief of the **City of North Miami Beach**, or the Chief's designee, and the Chief of Police of the participating municipal police department, or the Chief's designees.

D. **Participating municipal police department:** The police department of any municipality in Miami-Dade County, Florida, that has approved and executed this Agreement upon the approval of the governing body of the municipality.

E. **Certified law enforcement employees**: Any law enforcement employee certified as provided in Chapter 943, Florida Statutes.

4. **Operations**:

A. In the event that a party to this Agreement is in need of assistance, as specified in the applicable Joint Declaration and any Amendments thereto, an authorized representative of the police department requiring assistance shall notify the agency from which such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and his or her available resources, and will respond in an appropriate manner.

B. Each party to this Agreement agrees to furnish necessary man power, equipment, facilities, and other resources and to render services to the other party as required to assist the requesting party in addressing the situation which caused the request; provided, however, that no party shall be required to unreasonably deplete its

own manpower, equipment, facilities, and other resources and services in rendering such assistance.

C. The agency heads of the participating law enforcement agencies, or their designees, shall establish procedures for giving control of the mission definition to the requesting agency, and for giving tactical control over accomplishing any such assigned mission and supervisory control over all personnel or equipment provided pursuant to this Agreement to the providing agency.

5. **Powers, Privileges, Immunities, and Costs**:

A. All employees of the participating municipal police department, certified law enforcement employees as defined in Chapter 943, Florida Statutes, during such time that said employees are actually providing aid outside of the jurisdictional limits of the employing municipality pursuant to a request for aid made in accordance with this Agreement, shall pursuant to the provisions of Chapter 23, Florida Statutes, have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivision in which they are regularly employed.

B. The political subdivision having financial responsibility for the law enforcement agency providing the services, personnel, equipment, or facilities pursuant to the provisions of this Agreement shall bear any loss or damage to same and shall pay any and all expenses incurred in the maintenance and operation of same.

C. The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement shall compensate all of its employees rendering aid pursuant to this Agreement, during the time of rendering of such aid, and shall

defray the actual travel and maintenance expenses of such employees while they are rendering such aid. Such compensation shall include any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid. Such compensation shall also include all benefits normally due such employees.

D. All exemptions from ordinances and rules, and all pension, insurance, relief, disability, workers compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency, when performing their respective functions within the territorial limits of their respective agencies, shall apply to them to the same degree, manner, and extent while engaged in the performance of their functions and duties extraterritorial under the provisions of this Mutual Aid Agreement. The provision of this Agreement shall apply with equal effect to paid and auxiliary employees.

E. Nothing herein shall prevent the requesting agency from requesting supplemental appropriations from the governing body having budgetary jurisdiction to reimburse the assisting agency for any actual costs of expenses incurred by the assisting agency performing hereunder.

F. The resources of facilities that are assigned shall be under the immediate command of a supervising officer designated by the assisting party. Such supervising officer shall be under the direct supervision and command of the agency head or his designee of the agency requesting assistance.

G. In accordance with Section 23.127(1), Florida Statutes, whenever the employees of the responding agencies are rendering aid

outside their jurisdiction pursuant to this agreement, such employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the municipality in which they are normally employed or appointed.

H. Each municipality will bear the liability arising from the acts undertaken by its personnel pursuant to this agreement. All of the privileges and immunity from liability, exemptions from laws, ordinances and rules, and all pension, insurance, relief, disability, workers compensation, salary, death, and other benefits which apply to the activity of such officers, agents, or employees of any such agency when performing their respective function within the territorial limits of their respective public agencies shall apply to them in the same degree, manner, and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this Mutual Aid Agreement. This section shall apply with equal effect to paid, volunteer, and auxiliary employees.

I. Should either of the participating municipal police departments receive reimbursement for expenditures from a third party for a mutual aid event covered by this Agreement, the other participating municipal police department shall be eligible to receive an equitable reimbursement share for any actual costs or expenses incurred that are directly attributable to the event, provided such costs and expenses are authorized by the third party for reimbursement purposes.

6. **Indemnification:** The political subdivision having financial responsibility for the law enforcement agency providing aid pursuant to this Agreement agrees to hold harmless, defend, and indemnify the requesting law enforcement agency and its political subdivision in any suit, action or claim

for damages resulting from any and all acts or conduct of employees of said providing agency while providing aid pursuant to this Agreement, subject to Chapter 768, Florida Statutes, where applicable. Nothing contained in this Agreement shall be construed or interpreted to be a waiver of sovereign immunity by either party. This provision shall not impair or preclude reimbursement of costs by the requesting law enforcement agency.

7. **Forfeitures:** It is recognized that during the course of the operation of the Agreement, property subject to forfeiture under the Florida Contraband Forfeiture Act, Florida Statutes, may be seized. The property shall be seized, forfeited, and equitably distributed among the participating agencies in proportion to the amount of investigation and participation performed by each agency. The municipality in which any property is seized pursuant to the Florida Contraband Forfeiture Act shall have priority to initiate forfeiture proceedings under the Florida Contraband Forfeiture Act for any matters which arise from a mutual aid event that is covered by this Agreement, but may allow the other municipality to prosecute the forfeiture with the written authorization of the legal counsel for each municipality. Upon a successful forfeiture prosecution, the forfeiting agency shall share the proceeds with the assisting agency in an amount commensurate with that agency's level of participation. This shall occur pursuant to the provisions of the Florida Contraband Forfeiture Act.

8. **Conflicts:** Any conflicts between this Agreement and the Florida Mutual Aid Act will be controlled by the provisions of the latter, whenever conditions exist that are within the definitions stated in Chapter 23, Florida Statutes. Whenever an officer is rendering assistance pursuant to this Mutual Aid Agreement, the officer shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his/her own employer. If any such rule, regulation, personnel policy general order or standard operating procedure is

contradicted, contravened or otherwise in conflict with a direct order of a superior officer of the requesting agency, then such rule, regulation, policy, general order or procedure shall control and shall supersede the direct order.

9. **Complaints:** Whenever there is cause to believe that a complaint has arisen as a result of a Mutual Aid Event as it may pertain to this Agreement, the Chief of Police or his/her designee of the requesting agency shall be responsible for the documentation of said complaint to ascertain at a minimum:

   a. The identity of the complainant.
   b. An address where the complaining party can be contacted.
   c. The specific allegation
   d. The identity of the employees accused without regard as to agency affiliation.

   If it is determined that the accused is an employee of the assisting agency, the above information, with all pertinent documentation gathered during the receipt and processing of the complaint, shall be forwarded without delay to the agency for administrative review. The requesting agency may conduct a review of the complaint to determine if any factual basis for the complaint exists and/or whether any of the employees of the requesting agency violated any of their agency's policies or procedures.

10. **Effective Date and Duration:** This Agreement shall be in effect from date of signing, through and including **March 9, 2021** and under no circumstances may this Agreement be renewed, amended or extended except in writing.

11. **Cancellation:** This Agreement may be canceled by either party upon written notice to the other party. Cancellation will be at the discretion of the chief executive officers of the parties hereto.

AGREED AND ACKNOWLEDGED this ____day of _____, 2016.

CITY OF NORTH MIAMI BEACH

_____
Ana Garcia,
City Manager

ATTEST:

_____
Pamela Latimore,
City Clerk

TOWN OF SURFSIDE

_____
Guillermo Olmedillo,
Town Manager

ATTEST:

_____
Sandra Novoa, MMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Jose Smith,
City Attorney

_____
Linda Miller
Town Attorney

EXHIBIT A

JOINT DECLARATION OF THE CHIEF OF NORTH MIAMI BEACH POLICE DEPARTMENT AND THE CHIEF OF SURFSIDE POLICE DEPARTMENT PURSUANT TO MUTUAL AID AGREEMENT

A police officer of either of the participating law enforcement agencies shall be considered to be operating under the provisions of the mutual aid agreement when:

- Participating in law enforcement activities that are preplanned and approved by each respective agency head, or

- Appropriately dispatched in response to a request for assistance from the other law enforcement agency.

In compliance with and under the authority of the Mutual Aid Agreement heretofore entered into by the City of North Miami Beach and Town of Surfside, it is hereby declared that the following list comprises the circumstances and conditions under which mutual aid may be requested and rendered regarding police operations pursuant to the agreement. Said list may be amended or supplemented from time to time as needs dictate by subsequent declarations.

1. Joint multijurisdictional criminal investigations.

2. Civil affray or disobedience, disturbances, riots, large protest demonstrations, controversial trials, political conventions, labor disputes, and strikes.

3. Any natural disaster.

4. Incidents which require rescue operations and crowd and traffic control measures including, but not limited to large scale evacuations, aircraft and shipping disasters, fires, explosions, gas line leaks, radiological incidents, train wrecks and derailments, chemical or hazardous waste spills, and electrical power failures.

5. Terrorist activities including, but not limited to, acts of sabotage and enemy attacks.

6. Escapes from disturbances within detention facilities.

7. Hostage and barricaded subject situations, and aircraft piracy.

8. Control of major crime scenes, area searches, perimeter control, back-ups to emergency and in-progress calls, pursuits, and missing person calls.

9. Enemy attack.

10. Transportation of evidence requiring security.

11. Major events: i.e., sporting events, concerts, parades, fairs, festivals, and conventions.

12. Security and escort duties for dignitaries.

13. Incidents requiring utilization of specialized units: e.g., underwater recovery, aircraft, canine, motorcycle, bomb technicians, and crime scene technicians.

14. Emergency or intensive situations in which one agency needs additional assistance to perform its functional objective.

15. Joint training in areas of mutual need.

16. Participating in exigent situations, without the need for a formal request, which situations are spontaneous occurrences such as area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners, traffic stops near municipal boundaries, request for assistance when no available units are nearby, calls or transmissions indicating an officer is injured, calls indicating a crime or incident has occurred in which a citizen may likely be injured and the assisting municipality is closer to the area than the officer receiving the call.

17. Mutual enforcement of all existing applicable laws and ordinances and exercise of arrest powers within the area comprising the respective jurisdictional municipal boundaries.

DATE: 4-27-2016

William Hernandez, Chief of Police
North Miami Beach Police Department

DATE: _____

David Allen, Chief of Police
Surfside Police Department

ATTEST:

Pamela Latimore, City Clerk
North Miami Beach, FL

ATTEST:

Sandra Novoa, MMC, City Clerk
Surfside, FL

Proclamation

***WHEREAS**, one of the most meaningful gifts that a human being can bestow upon another is the Gift of Life through organ, eye and tissue donation; and*

***WHEREAS**, more than 121,000 children and adults await lifesaving transplants, of which over 5,600 are in Florida and in 2015 3,008 names were added in Florida to the waiting list, but only 1,808 transplants were performed due to lack of available organs; and*

***WHEREAS**, in 2015, for the first time ever, more than 30,000 Americans received a lifesaving organ transplant; and*

***WHEREAS**, we are still losing an average of 21 lives every day due to the lack of organs available for transplantation because every 10 minutes, another name is added to the national transplant waiting list; and*

***WHEREAS**, according to national research conducted by Donate Life America, more than 90 percent of Americans support donation but less than half know the steps necessary to designate their wishes; and*

***WHEREAS**, the decision to become an organ donor can save up to eight lives and tissue donation can enhance many more -- men, women, and children who depend on the generosity and sacrifice of others to receive the vital care they require; and*

***WHEREAS**, every person should support this life saving effort by learning more about organ, eye and tissue donation, making their families aware of their wishes and registering online at www.donatelifeflorida.org , or when they receive or renew their Florida driver's license; and*

***NOW, THEREFORE**, I, Daniel Dietch, by virtue of the authority vested in me as the Mayor of the Town of Surfside, do hereby proclaim the month of July 2016 as Donate Life Month.*

In witness thereof I have hereunto set my hand this 14th day of June 2016.

_____

Daniel Dietch, Mayor
Town of Surfside, Florida

TOWN OF SURFSIDE

PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN REQUEST FORM

OFFICE OF THE TOWN CLERK

Request for: Proclamation X **Certificate** ____ **Key** ____ **Coin** ____ *(check one)*

Date of Request: May 20, 2016

Name of Requestor: Daniel Dietch

Organization: Life Alliance Organ Recovery Agency (University of Miami)

Address: 1951 NW 7th Avenue, Suite 220, Miami, FL 33136

Phone / E-Mail: (305) 243- 9630 / csmith8@med.miami.edu

Name of Individual / Organization to be honored:

Declaring July 2016 as Donate Life Month in support of the Life Alliance Organ Recovery Agency

Title for Proclamation or Certificate:

Donate Life Month

Date of Recognition: Tuesday, July 12, 2016

Reason for Recognition *(Please attach 4 – 6 "whereas clauses" as draft text for a Proclamation)*:

Please see attached

Document is to be*:*

- **Presented at a Commission Meeting in** July/2016 ***(month / year)***
- **Presented at the following event** _____ ***(Please attach event information to the request form)***
- **Picked up by** _____ **on** _____ ***(date)***

Administrative Use Only

Proclamation _____ Certificate _____ Key _____ Coin _____

Approved: Yes_____ No_____ If no, state reason: _____

Approved Date: _____

Date Submitted for Mayor's Signature: _____

Date Issued: _____

Completed by: _____

Proclamation

WHEREAS, One of the most meaningful gifts that a human being can bestow upon another is the Gift of Life through organ, eye and tissue donation; and

WHEREAS, more than 121,000 children and adults await lifesaving transplants, of which over 5,600 are in Florida and in 2015 3,008 names were added in Florida to the waiting list, but only 1,808 transplants were performed due to lack of available organs; and

WHEREAS, in 2015, for the first time ever, more than 30,000 Americans received a lifesaving organ transplant; and

WHEREAS, we are still losing an average of 21 lives every day due to the lack of organs available for transplantation because every 10 minutes, another name is added to the national transplant waiting list, and

WHEREAS, according to national research conducted by Donate Life America, more than 90 percent of Americans support donation but less than half know the steps necessary to designate their wishes; and

WHEREAS, the decision to become an organ donor can save up to eight lives and tissue donation can enhance many more -- men, women, and children who depend on the generosity and sacrifice of others to receive the vital care they require; and

WHEREAS, every person should support this life saving effort by learning more about organ, eye and tissue donation, making their families aware of their wishes and registering online at www.donatelifeflorida.org , or when they receive or renew their Florida driver's license; and

NOW, THEREFORE, I, Daniel Dietch, by virtue of the authority vested in me as the Mayor of the Town of Surfside, do hereby proclaim the month of July 2016 as Donate Life Month.

TOWN OF SURFSIDE
Office of the Town Clerk

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

Telephone: 305 861-4863

Sandra Novoa, MMC, Town Clerk

To: **Honorable Mayor, Vice Mayor and Members of the Town Commission**
Cc: **Guillermo Olmedillo, Town Manager; Linda Miller, Town Attorney**
Date: **June 14, 2016**
Re: **Code Enforcement Petitions received on April 21, 2016 and May 3, 2016 from Mr. Jonathan Horn.**

Honorable Mayor, Vice Mayor and Members of the Town Commission:

The petition from Mr. Jonathan Horn was emailed to the Town Manager on April 21, 2016 and May 3, 2016. On May 5, 2016, I provided notice to Mr. Horn in accordance with Section 114 of the Town Charter that the petition could not be certified as sufficient (Attachment "A"). Mr. Horn was in receipt of the notice which was delivered by certified mail on May 11, 2016 (Attachment "B").

Pursuant to Section 115 of the Town Charter, an initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been sent by the Town Clerk. No corrective action was subsequently filed by Mr. Horn. As directed by Section 114 of the Town of Surfside Town Charter, I hereby certify to the Town Commission that the petition is not sufficient.

Very truly yours,

Sandra Novoa, MMC
Town Clerk

TOWN OF SURFSIDE
Office of the Town Clerk

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

Telephone: 305 861-4863

Sandra Novoa, MMC, Town Clerk

May 5, 2016

VIA U.S. CERTIFIED MAIL RETURN RECEIPT REQUESTED

Jonathan S. Horn
1421 Biscaya Drive
Surfside, Florida 33154-3319

RE: Notification of Insufficiency for Petitions Received via email April 21, 2016 and May 3, 2016

Dear Mr. Horn:

Town Manager, Guillermo Olmedillo forwarded to me your emails with attached petitions sent to him on April 21, 2016 and May 3, 2016. The Town Manager has informed me that your items will be discussed at the May 10, 2016 Town Commission Meeting.

The Town of Surfside Charter provides procedures and requirements for the sufficiency of petitions. Section 114 of the Town of Surfside Charter provides that all petition papers comprising an initiative or referendum petition shall be assembled and filed with the Town Clerk as one instrument. The petitions were not filed with the Town Clerk and were not filed as one instrument. Section 114 further provides that within twenty days after a petition is filed, the Town Clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors.

The Petitions do not contain a proper statement of the circulator. Pursuant to Town of Surfside Charter Section 113, attached to each separate petition paper there shall be an affidavit of the circulator thereof that he/she, and he/she only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all the signatures appended thereto were made in his/her presence, and that he/she believes them to be the genuine signatures of the persons whose names they purport to be. Pursuant to

Section 114 of the Town of Surfside Charter, the Town Clerk shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof.

Pursuant to Section 111 of the Town of Surfside Charter, any initiated ordinance may be submitted to the Town Commission by a petition signed by qualified electors of the Town equal in number to at least fifteen per centum of the registered voters at the last regular municipal election. There were a total of 3,126 registered voters at the last regular municipal election in Surfside, which occurred on March 15, 2016. The number of signatures on the Petitions does not meet the fifteen per centum requirement.

The Petitions fail to meet sufficiency for the following additional reasons:

1. The Petitions fail to contain the full text of the proposed ordinance. Pursuant to Section 113 of the Town Charter, initiative petition papers shall contain the full text of the proposed ordinance.

2. The Petitions were emailed and fail to comply with the requirements of Section 113 of the Town Charter that the signer of the petition paper shall sign his/her name in ink or indelible pencil and shall indicate after his/her name his/her place of residence by street and number, or other description sufficient to identify the place.

3. The Petitions fail to provide the names and addresses of five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Pursuant to Sec. 113 of the Town Charter, there shall appear on each petition the names and addresses of five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition.

4. The Petitions fail to meet the requirement of Section 113 of the Charter that all petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style.

As such, and in accordance with the Charter, I cannot certify the petitions as sufficient.

Pursuant to Section 115 of the Town of Surfside Charter, an initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been sent by the Town Clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition.

Sincerely,

Sandra Novoa, MMC
Town Clerk

Cc: Guillermo Olmedillo, Town Manager
Linda Miller, Town Attorney

Attachments "B"

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DATE & TIME	STATUS OF ITEM	LOCATION
May 11, 2016 , 10:32 am	Delivered, To Agent	**MIAMI BEACH, FL 33154**
Your item has been delivered to an agent at 10:32 am on May 11, 2016 in MIAMI BEACH, FL 33154.		
May 10, 2016 , 12:50 pm	Notice Left (No Authorized Recipient Available)	MIAMI BEACH, FL 33154
May 9, 2016 , 10:07 am	Out for Delivery	MIAMI BEACH, FL 33154
May 9, 2016 , 8:56 am	Sorting Complete	MIAMI BEACH, FL 33154
May 9, 2016 , 8:51 am	Arrived at Unit	MIAMI BEACH, FL 33154
May 8, 2016 , 1:14 am	Departed USPS Facility	MIAMI, FL 33152
May 6, 2016 , 9:42 pm	Arrived at USPS Facility	MIAMI, FL 33152
May 6, 2016 , 1:51 pm	Acceptance	MIAMI BEACH, FL 33154

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Email Updates

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TOWN OF SURFSIDE
Commission Communication

Agenda Item # 4A1

Agenda Date: **May 10, 2016**/ June 14, 2016

From: **Guillermo Olmedillo, Town Manager**

Subject: **Planning and Zoning Design Review Board Membership Ordinance**

Background: The attached ordinance amends the license and professional experience requirements for specified members serving on the Planning and Zoning Board and Design Review Board.

Analysis: At the April 12, 2016 Town Commission meeting, the Town Commission discussed the idea of amending Planning and Zoning and Design Review Board membership requirements to allow Surfside residents with qualifications and professional experience to benefit from their expertise. The attached ordinance presents an option to amend the membership requirements. On April 28, 2016, the Planning and Zoning Board heard the attached ordinance and recommended approval.

Staff Recommendation: To approve the attached ordinance.

ORDINANCE NO. 16 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-15 "MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS" CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE PLANNING AND ZONING BOARD; SPECIFICALLY AMENDING SECTION 90-18 "DESIGN REVIEW BOARD" CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE DESIGN REVIEW BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there are experienced professionals residing within the Town of Surfside in the areas of construction, engineering and planning; and

WHEREAS, changing the license and professional experience requirements for specified members serving on the Planning and Zoning Board and Design Review Board will allow the Town to benefit from the expertise of members of the community; and

WHEREAS, it is necessary to amend Chapter 90 of Town Code of Ordinances to allow license requirements to be substituted by consideration of years of professional experience and educational qualifications; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on April 28, 2016 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission has conducted a first reading on May 10, 2016; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on June 14, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance.

Section 2. Code Amendment. The Code of Ordinances of the Town of Surfside, Florida Section 90-15 "Membership/quorum, minimum qualifications, officers, terms of officers, vacancies, general regulations, recommendations, expenditures, indebtedness" is amended to read as follows:

Sec. 90-15. - Membership/quorum, minimum qualifications, officers, terms of officers, vacancies, general regulations, recommendations, expenditures, indebtedness.

(1) *Membership/quorum:* The planning and zoning board membership and quorum requirements for zoning matters and design review matters are as follows:

(a) *Zoning matters:* The planning and zoning board, when performing its zoning functions, shall consist of five members~~,~~. ~~t~~Two members must be one of the following: ~~a Florida-licensed general contractor or certified planner (AICP) or a Florida-licensed landscape architect, or a registered interior designer, or a Florida-licensed attorney.~~

1. Florida-licensed general contractor or a construction management professional with at least three years of professional experience as a a construction project manager, construction superintendent or construction estimator,
2. Florida licensed PE or a civil, mechanical, electrical, chemical or environmental engineer with a baccalaureate degree in engineering and three years of professional experience,
3. Certified planner (AICP) or a planning professional with a graduate degree in Planning from a program accredited by the Planning Accreditation Board with at least three years of professional planning experience or a bachelor's degree in Planning from a program, accredited by the Planning Accreditation Board (PAB) with at least three years of professional planning experience,
4. Florida-licensed landscape architect with at least three years of professional experience,
5. Registered interior designer with at least three years of professional experience,
6. Florida-licensed attorney with at least three years of professional experience, or
7. Real estate developer with three years of professional experience, either as the principal or executive.

* * *

Section 3. **Code Amendment.** The Code of Ordinances of the Town of Surfside, Florida Section 90-18 "Design Review Board" is amended to read as follows:

Sec. 90-18. - Design review board.

The planning and zoning board, when performing its design review and FEMA variance and appeals board functions shall be constituted as the design review board and shall have seven members. The seven members shall include the five members appointed by the town commission for the planning and zoning board and two additional members, at least one of the design review board members shall be a Florida-licensed architect or Florida-licensed landscape architect~~.~~ The second design review board member shall be a Florida-licensed architect or a: ~~a Florida-licensed general contractor or a certified planner (AICP) or a Florida-licensed landscape architect, or a registered interior designer, or a Florida-licensed attorney~~.

1. Florida-licensed general contractor or a construction management professional with at least three years of professional experience as a a construction project manager, construction superintendent or construction estimator,
2. Florida licensed PE or a civil, mechanical, electrical, chemical or environmental engineer with a baccalaureate degree in engineering and three years of professional experience,
3. Certified planner (AICP) or a planning professional with a graduate degree in Planning from a program accredited by the Planning Accreditation Board with at least three years of professional planning experience or a bachelor's degree in Planning from a program, accredited by the Planning Accreditation Board (PAB) with at least three years of professional planning experience,
4. Florida-licensed landscape architect with at least three years of professional experience,
5. Registered interior designer with at least three years of professional experience,
6. Florida-licensed attorney with at least three years of professional experience, or
7. Real estate developer with three years of professional experience, either as the principal or executive.

* * *

Section 4. **Severability.** If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 5. Inclusion in the Code. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 6. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 7. Effective Date. This ordinance shall become effective upon adoption.

PASSED and ADOPTED on First Reading the _____ day of _____, 2016.

PASSED and ADOPTED on Second Reading this _____ day of _____, 2016

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

_____
Daniel Dietch, Mayor

ATTEST:

_____
Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:

Linda Miller
_____
Linda Miller, Town Attorney

TOWN OF SURFSIDE
Discussion Item

Agenda Item # 4B1

Agenda Date: June 14, 2016

From: **Guillermo Olmedillo, Town Manager**

Subject: **Construction hours and notice**

Background: From time to time the Town of Surfside receives complaints by neighboring residents as to the conduct and practices of contractors building or rehabilitating buildings in the Town.

The Town of Surfside Code Section 54-79 states that noises associated with construction are not permitted on Sundays and all federal holidays and shall be prohibited between the hours of 6:00 p.m. and 8:00 a.m. Monday through Saturday. While the Code regulates noise, it does not specifically regulate the hours in which construction activities may take place. For clarity in the code, I recommend to establish that construction may only occur between the hours of 8:00 am and 6:00 pm Monday through Friday and are prohibited on Saturdays and Sundays and all federal holidays, providing for penalties and enforcement. Repairs are to be treated differently by allowing them Monday through Friday from 8:00 AM to 6:00 PM, and Saturdays from 10:00 AM to 6:00 PM and prohibited on Sundays and Holidays. Emergency repairs are exempt.

Construction outside of these limitations must be approved by the Town Commission.

In addition, for projects over 10,000 square feet or $1,000,000.00, contractors are required to post notice signs to state that it is an active construction site, and to provide contact information for complaints or concerns. Registered mail notices must be mailed to properties 300 feet around the construction site stating the date of commencement and planned conclusion date.

Recommendation: Accept the first reading of the ordinance, as drafted.

ORDINANCE NO. 2016 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING "CHAPTER 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE II. - BUILDING CODE"; SPECIFICALLY CREATING SECTION 14-32; "CONSTRUCTION SCHEDULE AND NOTICE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, residents in the Town of Surfside expect to enjoy a peaceful neighborhood without disruptions from construction; and

WHEREAS, it is in the best interest of the Town to limit construction hours and provide requirements for notice of construction to affected property owners within a radius of 300 feet of the construction site for construction projects over 10,000 square feet or valued at over $1,000,000; and

WHEREAS, the Town Commission held its first public reading on June 14, 2016 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on July 12, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community; and

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AS FOLLOWS:

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance.

Section 2. Town Code Created. Section 14-32 "Construction schedule and notice" of the Surfside Town Code of Ordinances is hereby created and shall read as follows:

Sec. 14-32 – Construction schedule and notice.

(1) The performance of construction activity, as defined by section 101.2 of the Florida Building Code, within the Town shall only be allowed from 8:00 a.m. until 6:00 p.m. Monday through Friday, and is not allowed on Saturday, Sunday, and on federal holidays. Construction activity under this section does not include infrastructure and utilities, roadways, or other public right of way construction activities.

(2) *Repair and maintenance activity.* Repair and maintenance activity is allowed from 8:00 a.m. until 6:00 p.m. Monday through Friday and between the hours of 10:00 a.m. and

6:00 p.m. on Saturday. Repair and maintenance activity is not allowed on Sunday and federal holidays. Emergency Repairs are permitted as necessary.

(3) Construction activity outside the hours as stated in this Section requires Town Commission approval.

(4) *Notice*: For construction activities on projects over 10,000 square feet or valued at over $1,000,000, written courtesy notices shall be sent by first class mail prior to construction to affected property owners within a radius of 300 feet of the construction site stating the date of commencement and planned conclusion of the construction activity.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon adoption.

.

PASSED AND ADOPTED on first reading this __ day of _____, 2016.

PASSED AND ADOPTED on second reading this __ day of _____, 2016.

_____
Daniel Dietch
Mayor

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

_____
Daniel Dietch, Mayor

ATTEST:

_____
Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:

Linda Miller
_____
Linda Miller, Town Attorney

Town of Surfside
Commission Communication

Agenda #: 4B2

Agenda Date: June 14, 2016

Subject: Amending Special Events Ordinance

From: Alan P. Graham, Code Compliance Director

Background: The Town's Special Events Ordinance, Chapter 35, was adopted on July 12, 2011. The Ordinance authorizes the issuance of permits for special events, provides for exemptions, outlines enforcement and recycling regulations, and describes coordination of special events with the Surfside Police Department.

The Town is experiencing an increase in the number of requests for special event in public and private places, such as private homes, our beach and in public parks. In addition, the Town has experienced a number of permitted and non-permitted special events that have resulted in citizen complaints concerning loud music and parking problems.

Analysis: Town staff has reviewed the existing Special Events Ordinance, and researched Special Event rules and regulations of other cities. The Staff feel that the time has come to update our Ordinance by providing additional definitions, regulations and enforcement language to insure that the single family residential districts will be protected from neighborhood disturbance that are commonly associated with special events of a commercial nature.

Budget Impact: No significant budgetary impact is anticipated by the amendment to this Ordinance.

Growth Impact: None

Staff Impact: None

Staff Recommendation: Staff recommends approving the attached Ordinance amendment.

Alan P. Graham
Code Compliance Director

Guillermo Olmedillo
Town Manager

ORDINANCE NO. 2016 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING CHAPTER 35 ARTICLE I "SPECIAL EVENTS"; CREATING SECTION 35-5. "SPECIAL EVENTS INVOLVING THE COMMERCIAL USE OF SINGLE-FAMILY RESIDENTIAL PROPERTIES PROHIBITED"; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, residents in Town of Surfside single family residential properties expect a peaceful neighborhood without disruptions from commercial activities and events; and

WHEREAS, Section 90-41(d)(1)(b) of the Town of Surfside Code requires that every use not specifically authorized and permitted for detached single-family dwellings is prohibited and nothing herein shall authorize or be construed to permit the renting of a room or a portion of the property or improvement; or, to permit the use of any part of the premises as a business, office or establishment for the purpose of carrying on any business or the practice of rendering personal, trade or professional services, except as provided in Section 90-25. "Home based and common-area assembly uses" and Section 90-26. "Home offices"; and

WHEREAS, creating Section 35-5. will clarify that special events involving the commercial use of single-family residential properties are prohibited in the Town of Surfside, and establish penalties to enforce violations to deter disruptions in single family residential properties; and

WHEREAS, the Town Commission held its first public reading on June 14, 2016 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on July 12, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COMMISSION OF SURFSIDE TOWN, FLORIDA; AS FOLLOWS:

Section 1. Recitals. That the above stated recitals are hereby adopted and confirmed.

Section 2. Town Code Amended. Surfside Town Code of Ordinances Section 35-5. "Special events involving the commercial use of single-family residential properties prohibited." is hereby created and shall read as follows:

***

Sec. 35-5. Special events involving the commercial use of single-family residential properties prohibited.

(a) *Intent and purpose.* Section 90-41(d)(1)(b) restricts residential properties to residential and compatible accessory uses.

(b) *Definitions.*

(1) *Use of residential property* or *use of the property* in this section shall mean occupancy of residential property for the purpose of holding commercial parties, events, assemblies or gatherings on the premises.

(2) *Advertising* or *advertisement* shall mean any form of communication for marketing or used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, and gatherings as provided herein, upon the premises, as may be viewed through various traditional media, including, but not limited to, newspaper, magazines, flyers, handbills, television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.

(c) *Regulations: Determination of commercial use.*

(1) Accessory use of residential property shall be deemed commercial and not permitted, except as otherwise provided for in the Code, if owner, lessee or resident receives payment or other consideration, e.g., goods, property or services, in excess of $100.00 per party or event for the commercial use of the property, including payment by any means, direct or indirect, including security deposits.

(2) *Real estate open houses.* The following events are not deemed commercial and are permitted: Open houses (open to the public) organized for the purpose of promoting the sale or lease of the residence where the open house is located, to potential buyers or renters, or events organized by the listing agent limited to licensed real estate brokers and/or agents, subject to the following:

a. No sale or display of goods, property or services by sponsoring businesses unrelated to the property; and

b. No charging admittance fees.

c. Events described in this subsection must end by 8:00 p.m.

(d) *Enforcement and penalties for violations.*

(1) Violations of this section shall be subject to the following fines. The special master shall not waive or reduce fines set by this section.

a. If the violation is the first violation $1,000.00

b. If the violation is the second violation within the preceding 12 months $5,000.00

c. Any subsequent violation after the second violation within the preceding 12 months.....$5,000.00

(2) The advertising or advertisement for the commercial use of a residential property for the purpose of holding commercial parties, event, assemblies or gatherings on the residential premises is direct evidence that there is a violation of Section 35-5. which is admissible in any proceeding to enforce Section 35-5. The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the Notice of Violation or any other report or as identified in the advertising or advertisement is direct evidence that the residential property was used in violation of Section 35-5.

(3) In addition to or in lieu of the foregoing, the Town may close down the commercial use of the property or may seek an injunction against activities or uses prohibited under this section.

(4) Any Town police officer or code compliance officer may issue notices for violations of this section. Notice of Violation shall be issued to the property owner, tenant, event planner, promoter, caterer, or any other individual or entity that facilitates or organizes the prohibited activities. In the event the record owner of the property is not present when the violation occurs, a copy of the Notice of Violation shall be provided to such property owner.

(5) The Town recognizes peoples' rights of assembly, free expression, religious freedom, and other rights provided by the State of Florida and the United States Constitution. It is the intent of the Town Commission that no decision under this section shall constitute an illegal violation of such rights, and this section shall not be construed as such a violation.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Conflict. That all sections or parts of sections of the Town Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this ___ day of _____, 2016.

PASSED AND ADOPTED on second reading this ___ day of _____, 2016.

_____
Daniel Dietch, Mayor

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

_____
Daniel Dietch, Mayor

ATTEST:

_____
Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:

Linda Miller
Linda Miller, Town Attorney

Town of Surfside
Commission Communication

Agenda #: 4B3

Agenda Date: June 14, 2016

Subject: Sheds

From: Sarah Sinatra Gould, AICP, Town Planner

Background: Staff was approached in June of 2013 by a resident wanting a shed larger than the code permitted. Staff prepared a memo and potential code change to increase the size of a shed from 70 square feet to 100 square feet and allow sheds to be approved administratively, if they were not located on a street side of the lot. There was some discussion at Planning and Zoning relating to the size of the shed and then not moved forward. A separate resident approached Staff requesting the same code modification towards the end of 2014. The Planning and Zoning Board recommended approval, with conditions relating to additional landscaping for the shed. This discussion continued through April 2015 when it was ultimately denied by the Town Commission.

The same resident who approached the Town in 2014 has requested that the Town consider making the approval of a shed administrative rather than reviewed by the Design Review Board. The request to increase the size of a shed is no longer included in this discussion.

The reason for the request for administrative review is due to the $200 review fee and the 15 sets of plans required to appear before the Design Review Board. The applicant is also required to pay a separate building permit fee. If the application is administrative, the applicant will only be responsible for two sets of plans and the building permit fee.

Analysis: Staff is suggesting the following language:

90-19.7 The following shall be exempt from planning and zoning board review; however, the design guidelines shall be followed:

(1) Interior or rear yard fences.
(2) Interior renovations.
(3) Awnings.
(4) Screens.
(5) Driveways.
(6) Re-roofs
(7) Trellis.
(8) Rooftop photovoltaic solar systems.
(9) Sheds

90-54.7 A tool shed, the area of which does not exceed 70 square feet, shall be permitted in a rear yard, subject to the following minimum setbacks~~:~~ . If the shed is visible from an adjacent right of way, landscaping shall be provided within the property in an effort to conceal the shed from the right of way.

(a) *Rear:* Five feet.
(b) *Side and secondary frontage (corner):* Per zoning designation.

Staff Recommendation: Staff recommends approval by the Town Commission on first reading.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager

ORDINANCE NO. 16 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING"; SEC. 90-19. "SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS"; SPECIFICALLY AMENDING SECTION 90-19.7 EXEMPTING SHEDS FROM PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD REVIEW AND PROVIDING THE DESIGN GUIDELINES SHALL BE FOLLOWED; AMENDING "SECTION 90-54 "ACCESSORY BUILDINGS AND STRUCTURES IN THE H30A AND H30B DISTRICTS" SPECIFICALLY AMENDING SECTION 90-54.7 RELATED TO SHEDS AND LANDSCAPE REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, staff determined it is in the best interest of Town to exempt sheds from Planning and Zoning Board and Design Review Board review to allow for administrative review for cost savings to the Applicant; and

WHEREAS, staff recommends if the shed is visible from an adjacent right of way, landscaping shall be provided within the property in an effort to conceal the shed from the right of way; and

WHEREAS, staff recommends amending Chapter 90 "Zoning"; Sec. 90-19. "Single-Family And Two-Family Development Review Process"; specifically amending Section 90-19.7 to exempt sheds from Planning and Zoning Board and Design Review Board review; and

WHEREAS, the Town Commission held its first public hearing on June 14, 2016 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on July 18, 2016 with due public notice and input; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on August 9, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. **Recitals.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. **Code Amendment.** The Code of the Town of Surfside, Florida is hereby amended as follows:

***

90-19.7 The following shall be exempt from planning and zoning board and design review board review; however, the design guidelines shall be followed:

(1) Interior or rear yard fences.
(2) Interior renovations.
(3) Awnings.
(4) Screens.
(5) Driveways.
(6) Re-roofs
(7) Trellis.
(8) Rooftop photovoltaic solar systems.
(9) Sheds.

Section 3. **Code Amendment.** The Code of the Town of Surfside, Florida is hereby amended as follows:

***

90-54.7 A tool shed, the area of which does not exceed 70 square feet, shall be permitted in a rear yard, subject to the following minimum setbacks~~:~~ . If the shed is visible from an adjacent right of way, landscaping shall be provided within the property in an effort to conceal the shed from the right of way.

(a) *Rear:* Five feet.
(b) *Side and secondary frontage (corner):* Per zoning designation.

***

Section 4. **Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. **Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 6. **Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 7. **Effective Date.** This Ordinance shall be effective upon adoption on second reading.

PASSED and **ADOPTED** on first reading this ____ day of _____, 2016.
PASSED and **ADOPTED** on second reading this ____ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

_____
Daniel Dietch, Mayor

ATTEST:

_____
Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:

Linda Miller
_____
Linda Miller, Town Attorney

Town of Surfside
Town Commission Meeting
June 14, 2016
7:00 pm
Town Hall Commission Chambers - 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

Agenda #: 5A

Date: June 14, 2016

From: Guillermo Olmedillo, Town Manager

Subject: Sustainability Subcommittee of the Planning and Zoning Board

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Background: At the May 10, 2016 Town Commission meeting, the Town Commission approved the draft Charter for the Sustainability Subcommittee. The Town Commission recommended that the Planning and Zoning Board should appoint a liaison to the Sustainability Subcommittee. It is envisioned that the Sustainability Subcommittee will convene periodically and report back to the Planning and Zoning Board.

Recommendation: For the Town Commission to approve the attached Sustainability Subcommittee Resolution and Charter.

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE TOWN OF SURFSIDE SUSTAINABILITY SUBCOMMITTEE OF THE PLANNING AND ZONING BOARD TO MEET ON A PERIODIC BASIS; PROVIDING FOR RULES AND PROCEDURES; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Commission finds that it is appropriate to establish the Sustainability Subcommittee of the Planning and Zoning Board to study and recommend policies and programs that strengthen the resiliency of our community, improve natural and engineered resources, prevent harm to the natural and built environment, and benefit the social, economic and environmental wellbeing of the community for present and future generations; and

WHEREAS, pursuant to Article II, Section 31 of the Charter, the Town Commission may appoint boards and commissions to be composed of citizens who are registered qualified electors of Miami-Dade County, Florida, whose legal residence is in the Town of Surfside; and

WHEREAS, the Sustainability Subcommittee shall meet on a periodic basis and shall exist until abolished by the Town Commission; and

WHEREAS, the Sustainability Subcommittee will include a nonvoting liaison from the Town Commission and a nonvoting liaison from the Planning and Zoning Board; and

WHEREAS, each Member of the Town Commission shall appoint one (1) committee member to the Sustainability Subcommittee and members of the Sustainability Subcommittee shall be co-terminus with the term of the Member of the Town Commission who appoints the committee member; and

WHEREAS, the Town Commission finds that establishing the Sustainability Subcommittee is in the best interest of the Town.

NOW, THEREFORE, THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA HEREBY RESOLVES AS FOLLOWS:

Section 1. Recitals. The above and foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Establishment of Sustainability Subcommittee of the Planning and Zoning Board. The Town Commission hereby establishes the Sustainability Subcommittee of the Planning and Zoning Board as a continuing subcommittee to meet on a periodic basis to study and recommend policies and programs that strengthen the resiliency of our community,

improve natural and engineered resources, prevent harm to the natural and built environment, and benefit the social, economic and environmental wellbeing of the community for present and future generations, and adopts the attached Charter ("Attachment "A"). In accordance with the Regional Climate Action Plan, there is a need to develop planning and zoning policies, strategies and standards that will serve to reduce future risk and economic losses associated with climate change, sea level rise and flooding to foster sustainable growth patterns, multi-modal transportation options, transit, mixed use development, and the use of sustainable building techniques.

Section 3. Committee Rules and Procedures. Members of the Sustainability Subcommittee shall be appointed in accordance with and shall follow the Rules and Procedures for Committees created and adopted by the Town Commission and shall be subject to the Florida's Government-in-the-Sunshine and Public Records Laws and the State of Florida, Miami-Dade County and Town of Surfside Code of Ethics.

Section 4. Authorization and Implementation. That the Town Clerk and Town Manager are hereby authorized and directed to take any and all such actions as are required to implement the terms of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED and **ADOPTED** on this _____day of June 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky ____
Commissioner Michael Karukin ____
Commissioner Tina Paul ____
Vice Mayor Barry Cohen ____
Mayor Daniel Dietch ____

_____
Daniel Dietch, Mayor

ATTEST:

_____
Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Linda Miller
_____
Linda Miller, Town Attorney

Charter

Attachment "A"

Sustainability Subcommittee

The Sustainability Subcommittee Charter establishes the framework to constitute and convene a Planning and Zoning Advisory Subcommittee that meets periodically.

Purpose: The purpose of the Sustainability Subcommittee is to study and recommend policies and programs that strengthen the resiliency of our community, improves natural and engineered resources, prevents harm to the natural and built environment, and benefit the social, economic and environmental wellbeing of the community for present and future generations. In accordance with the Regional Climate Action Plan, there is a need to develop planning and zoning policies, strategies and standards that will serve to reduce future risk and economic losses associated with climate change, sea level rise and flooding to foster sustainable growth patterns, multi-modal transportation options, transit, mixed use development, and the use of sustainable building techniques.

Membership: The Sustainability Subcommittee will be comprised of five members who are registered qualified electors of Miami-Dade County whose legal residence is in the Town of Surfside. The Mayor and Commissioners will each appoint one member. The Sustainability Subcommittee will include a nonvoting liaison from the Town Commission and a nonvoting liaison from the Planning and Zoning Board.

Goals: The Subcommittee's goals include:

1. Adapting and mitigating to climate change and sea level rise;
2. Promoting green and sustainable building, construction and operations;
3. Protecting, restoring, optimizing and creating green spaces;
4. Improving alternative transportation and mobility; and
5. Increased environmental awareness and stewardship of our treasured ecosystems.

Organization: The Sustainability Subcommittee will meet periodically. In addition to appointed members, the Sustainability Subcommittee meetings will be open to members of the public. The Sustainability Subcommittee will comply with all applicable provisions of law on the Florida Sunshine Law, public hearings, public notice and all applicable code of ethics and conflict of interest laws.

Town of Surfside
Town Commission Meeting
June 14, 2016
7:00 pm
Town Hall Commission Chambers - 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

Agenda #: 5B

Date: June 14, 2016

From: Guillermo Olmedillo, Town Manager

Subject: **Ad Hoc Citizen Traffic Mitigation Advisory Committee**

Background: At the May 10, 2016 Town Commission meeting, the Town Commission directed the Town Administration to develop a charter for an Ad Hoc Citizen Traffic Mitigation Advisory Committee ("Attachment A") to be presented to the Town Commission at the June 14th Commission Meeting for ratification and appointments. The purpose of the Committee is to act as a sounding board for residents from various segments of the community to the development of the Comprehensive Traffic Mitigation Program to provide short term, mid-term and long term solutions, proposals and ideas.

The Town has been actively managing local and regional traffic through a variety of initiatives. Most recently, the Town Commission directed the Town Administration to convene a public workshop on traffic mitigation and parking solutions, which was held on Tuesday, April 19th. Amongst the many ideas shared by the public was to create an Ad Hoc Citizen Traffic Mitigation Advisory Committee. This concept has been successfully utilized by the Town on matters such as the Utility Upgrade Project as well as the Downtown Vision Advisory Committee.

Recommendation: For the Town Commission to ratify the attached Resolution and Charter and appoint members to the Ad Hoc Citizen Traffic Mitigation Advisory Committee.

David Allen, Chief of Police

Guillermo Olmedillo, Town Manager

Attachment "A"

Ad Hoc Citizen Traffic Mitigation Advisory Committee

Purpose: Sounding board for the development of the Comprehensive Traffic Mitigation Program to provide solutions, proposals and ideas on a short term, mid-term and long term basis.

Membership: Five (5) residents each appointed by an Elected Official, two (2) that reside on Collins or Harding Avenue, one (1) that resides on Byron Avenue north of 94th Street, one (1) that resides south of Surfside Boulevard and one (1) that resides north of Surfside Boulevard.

Goals: The Subcommittee's goals include:

1. To increase the safety and walkability of the community,
2. To curtail vehicular traffic from intruding into the residential streets of Surfside,
3. To enhance speed control measures in the residential neighborhoods to create a safer pedestrian environment,
4. To improve congestion on AIA (Collins Avenue and Harding Avenue).

Organization: Three (3) meetings and three (3) months in duration. The staff liaison will be the Town Manager. In addition to appointed members, the Committee meetings will be open to members of the public. The Committee will comply with all applicable provisions of law on the Florida Sunshine Law, public hearings, public notice and all applicable code of ethics and conflict of interest laws.

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE TOWN OF SURFSIDE AD HOC CITIZEN TRAFFIC MITIGATION ADVISORY COMMITTEE; TO EXIST FOR THREE (3) MONTHS IN DURATION AND TO HOLD THREE (3) MEETINGS; TO STUDY, REVIEW AND TO PROVIDE RECOMMENDATIONS FOR THE DEVELOPMENT OF THE COMPREHENSIVE TRAFFIC MITIGATION PROGRAM PROVIDING; PROVIDING FOR RULES AND PROCEDURES; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission finds that it is appropriate to establish an Ad Hoc Citizen Traffic Mitigation Advisory Committee to act as a sounding board for residents from various segments of the community for the development of the Comprehensive Traffic Mitigation Program to provide short term, mid-term and long term solutions, proposals and ideas; and

WHEREAS, pursuant to Article II, Section 31 of the Charter, the Town Commission may appoint boards and commissions to be composed of citizens who are registered qualified electors of Miami-Dade County, Florida, whose legal residence is in the Town of Surfside; and

WHEREAS, pursuant to the Rules and Procedures for Committees created by the Town Commission, the Mayor shall designate a member of the Commission as the Liaison between the Ad Hoc Citizen Traffic Mitigation Advisory Committee and the Commission; and

WHEREAS, the Ad Hoc Citizen Traffic Mitigation Advisory Committee to exist for for three (3) months in duration to hold three (3) meetings; to study, review and to provide recommendations for the development of the Comprehensive Traffic Mitigation Program to exist for three (3) months in duration and to hold three (3) meetings; and

WHEREAS, each Member of the Town Commission shall appoint one (1) committee member to the Ad Hoc Citizen Traffic Mitigation Advisory Committee; and

WHEREAS, of the five appointees, two must reside on Collins or Harding Avenue, one must reside on Byron Avenue north of 94th Street, one must reside south of Surfside Boulevard and one must reside north of Surfside Boulevard; and

WHEREAS, the Town Commission finds that establishing the Ad Hoc Citizen Traffic Mitigation Advisory Committee is in the best interest of the Town.

NOW, THEREFORE, THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA HEREBY RESOLVES AS FOLLOWS:

Section 1. Recitals. The above and foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Establishment of Ad Hoc Citizen Traffic Mitigation Advisory Committee. The Town Commission hereby establishes the Ad Hoc Citizen Traffic Mitigation Advisory Committee to study, review and to provide recommendations for the development of the Comprehensive Traffic Mitigation Program to provide solutions, proposals and ideas on a short term, mid-term and long term basis, and adopts the attached Charter ("Attachment "A").

Section 3. Committee Rules and Procedures. Members of the Ad Hoc Citizen Traffic Mitigation Advisory Committee shall be appointed in accordance with and shall follow the Rules and Procedures for Committees created and adopted by the Town Commission and shall be subject to the Florida's Government-in-the-Sunshine and Public Records Laws and the State of Florida, Miami-Dade County and Town of Surfside Code of Ethics.

Section 4. Authorization and Implementation. That the Town Clerk and Town Manager are hereby authorized and directed to take any and all such actions as are required to implement the terms of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED and **ADOPTED** on this _____day of June 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky	____
Commissioner Michael Karukin	____
Commissioner Tina Paul	____
Vice Mayor Barry Cohen	____
Mayor Daniel Dietch	____

_____

Daniel Dietch, Mayor

ATTEST:

_____

Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Linda Miller

_____

Linda Miller, Town Attorney

Charter

Attachment "A"

Ad Hoc Citizen Traffic Mitigation Advisory Committee

Purpose: Sounding board for the development of the Comprehensive Traffic Mitigation Program to provide solutions, proposals and ideas on a short term, mid-term and long term basis.

Membership: Five (5) residents each appointed by an Elected Official, two (2) that reside on Collins or Harding Avenue, one (1) that resides on Byron Avenue north of 94th Street, one (1) that resides south of Surfside Boulevard and one (1) that resides north of Surfside Boulevard.

Goals: The Subcommittee's goals include:

1. To increase the safety and walkability of the community,
2. To curtail vehicular traffic from intruding into the residential streets of Surfside,
3. To enhance speed control measures in the residential neighborhoods to create a safer pedestrian environment,
4. To improve congestion on AIA (Collins Avenue and Harding Avenue).

Organization: Three (3) meetings and three (3) months in duration. The staff liaison will be the Town Manager. In addition to appointed members, the Committee meetings will be open to members of the public. The Committee will comply with all applicable provisions of law on the Florida Sunshine Law, public hearings, public notice and all applicable code of ethics and conflict of interest laws.

Town of Surfside
Commission Communication

Agenda Item #: 5C

Agenda Date: June 14, 2016

Subject: Mill and Pave 88th street east of Collins

Objective: Approval of a contract with All County Paving to mill and pave 88th street east of Collins Avenue.

Background: 88th street east of Collins has been recently opened up to the hard pack for emergency access because 87th has been closed permanently to vehicular traffic. The heavy equipment during construction and the age of the asphalt has taken its toll creating many holes and depressions which cannot be patched over. Normal wear and tear on a roadway before replacement is 15 to 17 years. 88th street is over 20 years old and in need of an overlay.

Analysis: The road surface on 88th street east of Collins Avenue is in need of repair. Proper maintenance of roads extends the life and the cost is much less than building a new one. Now that 88th street is open to the hard pack for public safety and Public Works staff, the amount of traffic and size of vehicles using 88th will increase, these repairs are needed immediately.

There were three bids for this work to be done as follows:

1.	All County Paving	$18,294.00
2.	Impact Site Development of Florida	$21,625.80
3.	Marks Brothers, Inc.	$28,028.50

Staff Impact: N/A

Budget Impact: The budget impact for the paving is $18,294.00. Funding for this purchase will come from the Transportation Fund account 107-8500-549-4911.

Recommendation: Staff recommends the approval All County Paving not to exceed $18,294.00.

Joseph S. Kroll, Public Works Director

Guillermo Olmedillo, Town Manager

Donald Nelson, Finance Director

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDING PROPOSAL/CONTRACT TO M&M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING; TO MILL AND PAVE 88TH STREET EAST OF COLLINS AVENUE; AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED $18,294.00 FROM THE FISCAL YEAR 2015/2016 TRANSPORTATION FUND ACCOUNT NO. 107-8500-549-4911; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, access to 88th Street east of Collins was recently opened up to the hard pack for emergency access; and

WHEREAS, the road surface on 88th Street east of Collins Avenue, which is located in the public right of way, is in need of repair; and

WHEREAS, the Town received three bids (Attachment "A") for the restoration of the 88th Street east of Collins Avenue as follows:

1) M&M Asphalt Maintenance, Inc. d/b/a All County Paving $18,294.00
2) Impact Site Development of Florida, LLC. $21,625.80
3) Marks Brothers, Inc. $28,028.50

WHEREAS, the Director of Public Works recommends to award the proposal/contract to M&M Asphalt Company d/b/a All County Paving to mill and pave 88th Street east of Collins Avenue; and

WHEREAS, it is in the best interest of the Town to award the proposal/contract to M&M Asphalt Maintenance, Inc. d/b/a All County Paving and to approve and authorize the expenditure of funds in the amount not to exceed $18,294.00 from the Fiscal Year 2015/2016 Transportation Fund Account No. 107-8500-549-4911 for the restoration of the 88th Street.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Award Proposal/Contract. The Town Commission awards the proposal/contract to M&M Asphalt Maintenance, Inc. d/b/a All County Paving to mill and pave 88th Street east of Collins Avenue (Attachment "A").

Section 3. Authorization and Approval to Expend Funds. The Town Manager and/or designee are authorized to expend funds in an amount not to exceed $18,294.00 from the Fiscal Year 2015/2016 Transportation Fund Account No. 107-8500-549-4911.

Section 4. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** on this _____day of June, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky ____
Commissioner Michael Karukin ____
Commissioner Tina Paul ____
Vice Mayor Barry Cohen ____
Mayor Daniel Dietch ____

_____
Daniel Dietch, Mayor

ATTEST:

_____
Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

_____
Linda Miller, Town Attorney

ATTACHMENT "A"

Palm Beach County: U-21491
Broward County: 13-3A-17799-R
Collier County: LCC20110001485
Martin County: MCP5910
General Contractor: CGC1509532

PROPOSAL/CONTRACT

May 18, 2016

Customer Name/Address:
Attn: Joe Kroll
Town of Surfside
9293 Harding Ave.
Surfside, FL 33154
T. 305-861-4863 F. 305-861-1302
C. 786-509-1164
jkroll@townofsurfsidefl.gov

Property Location:
88th and E Collins
Surfside, FL 33154
Revised

As per directions to perform the following work:
PREP WORK

1. Set up MOT (Barricades, Cones, Etc.).
2. Mill the entire section up to 1" average.
3. Mill the existing asphalt in front of concrete tie-ins and asphalt roadways for smooth transition.
4. Thoroughly clean off the existing surface prior to overlay.
5. Haul away all debris.

ASPHALT PAVING: up to 5,420 S/F

1. Tack areas with DOT approved primer tack.
2. Install 1" hot plant mixed asphalt Type S-III.
3. Roll and compact areas using a 3-5 ton steel drum and 9-wheel rubber tire roller.
4. Clean and remove any related debris from site.

*As asphalt is a petroleum based product the prices are subject to change if oil prices increase dramatically.
*Existing Cracks with vegetation growing should be prepared with a weed killer such as 'Round Up' for several treatments before we arrive on the job.
*The asphalt surface that will be placed on this project will not have the finish and look of a sealcoat application. If sealcoat is desired at a later date, we will be happy to quote you separately.
*Large cracks in the existing asphalt may reflect through the new asphalt in time.
*There will be a tire 'tracking'-this cannot be avoided, but the tracking marks will disappear in time.
*This proposal specifically excludes the acceptance of a "Pay when Paid Clause" payment clause.
*All County shall be provided with suitable access to the work area. If All County's work is dependent upon or must be undertaken in conjunction with the work of others, such work shall be performed and completed so as to permit All County to perform its work hereunder in an uninterrupted single shift operation. Delays to All County shall be paid at a rate of $200.00 per half hour.
*In the event that any work is done under this agreement as amended, or any side agreement, by All County which work is on public property, the (Client/Owner) agrees and understands that the project property which it owns shall be charged with all indebtedness hereunder.
*Any punch list items must be submitted in writing. No repairs will be made until 90% of the invoice amount has been paid.
*This contractor cannot guarantee elimination of standing water.
*Job site will be barricaded during work. The contractor will not be responsible for persons breaking through barricades, tracking of materials or paint, damages to cars or persons trespassing in designated areas.
* Permit, Procurement fees and any additional work required by the permit will be extra to the contract amount.
*There will be a charge of $47.50 above the Contract amount to dispose of used materials at an approved environmentally compliant waste facility.
*Due to price fluctuations on material costs, this contractor reserves the right to withdraw the proposal at any time prior to the commencement of work.

M&M Asphalt Maintenance Inc., d/b/a All County Paving
Office 561-588-0949 | Fax 561-588-2140 | 1180 SW 10th Street, Delray Beach, FL 33444
Office 407-610-8069 | Fax 407-380-2001| 4800 Patch Road, Orlando, FL 32822
info@allcountypaving.com
Members of ICSC, CAI, SEFAA, IREM, CREW, AAGO, BBB, FTBA, FHEA, UCA, ABC, NAIOP, BOMAA, FHBA, APWA, PRISM, NEYRA

FDOT CERTIFIED CONTRACTORS

Note: All County cannot work around vehicles. Management is responsible for towing when owners fail to comply with paving and/or seal coat schedule.

Palm Beach County: U-21491
Broward County: 13-3A-17799-R
Collier County: LCC20110001485
Martin County: MCP5910
General Contractor: CGC1509532

PROPOSE to furnish labor and material – complete in accordance with above specifications, and subject to conditions stated herein, for the sum of:

EIGHTEEN THOUSAND TWO HUNDRED NINETY FOUR DOLLARS

WITH PAYMENTS TO BE MADE AS FOLLOWS: 1/3 Deposit, Net due upon completion.

Not responsible for any damage to underground utilities. A certificate of Insurance will be issued upon request prior to commencement of work. All County reserves the right to revisit the site if time has elapsed from the original proposal to acceptance. All County guarantees the sealer against peeling or flaking off of stable asphalt for a period of (1) year, excluding normal wear & tear. All County guarantees all workmanship and materials for up to (1) year, excluding normal wear & tear. Warranty starts at conclusion of work and is not valid until payment has been made in full. Any additional mobilizations for Sealcoating will be billed at a rate of $1,295.00 each. Any additional mobilizations for Paving will be billed at a rate of $2,450.00 each. All material is guaranteed to be as specified. Reflective Pavement Markers are excluded from the warranty. Any additional reflective pavement markers that are required by the city code will be an additional charge of $10.00 each to the contract amount. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Due to the fluctuations in the petroleum markets, All County reserves the right to impose a fuel surcharge. Owner to carry fire tornado and other necessary insurance upon above work. Our workers are covered by Workmen's Compensation Insurance. " In the event of any litigation or other proceeding arising out of this agreement, the prevailing party shall be entitled to collect its attorneys' fees and all costs of litigation from the other party, including appellate attorneys' fees. This proposal/contract including all terms and conditions shall become a legally binding attachment to any contract entered into between All County Paving and the financially responsible company for which the work will be performed.

ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

ACCEPTANCE OF PROPOSAL:

_____
Signature of Approval by Client

_____
Printed Name and Title

_____
Date

David Lyonnais
Project Manager

M&M Asphalt Maintenance Inc., d/b/a All County Paving
Office 561-588-0949 | Fax 561-588-2140 | 1180 SW 10th Street, Delray Beach, FL 33444
Office 407-610-8069 | Fax 407-380-2001| 4800 Patch Road, Orlando, FL 32822
info@allcountypaving.com
Members of ICSC, CAI, SEFAA, IREM, CREW, AAGO, BBB, FTBA, FHEA, UCA, ABC, NAIOP, BOMAA, FHBA, APWA, PRISM, NEYRA

FDOT CERTIFIED CONTRACTORS

Note: All County cannot work around vehicles. Management is responsible for towing when owners fail to comply with paving and/or seal coat schedule.

Proposal # 2016.05.13.01 DL

Impact Site Development of Florida, LLC.
1700 South Dixie Highway
Suite #505
Boca Raton, FL 33432

ISD #
CGC #1512866

DATE:	May 19, 2016		
TO:	Town of Surfside	PROJECT:	88th & East Collins
ATTN:	Joe Kroll	LOCATION:	88th & East Collins
AT:	9293 Harding Ave		Surfside, FL 33154
	Surfside, FL 33154		
OFF #	305-861-4863	PLAN DATE:	
FAX #	305-861-1302	SHEETS:	
EMAIL	jkroll@townofsurfsidefl.gov	ENGINEER:	

Impact Site Development of Florida proposes to supply the labor and equipment to complete the above referenced project for the price(s) listed below:

	Qty.	Unit	Unit Price	Amount
A. Asphalt Milling & Paving	5,420	FL	$ 3.99	$ 21,625.80
			TOTAL THIS PROPOSAL	$ 21,625.80

RF

Thank You!

CGC #1512866 Office: 561.713.8895 Complete Site Development

Surfside - 88 Street East of Collins Ave

Marks Brothers, Inc.

9455 NW 104th Street
Medley, FL 33178
Contact: Brian McInerney
Phone: (305)805-6900
Fax: (305)805-4802

Quote To:	Joe Kroll -Town of Surfside 9293 Harding Ave. Surfside, FL 33154	Job Name: Date of Plans:	Surfside
Phone: Fax:	(305)861-4863 (305)861-1302	Revision Date:	

ITEM	DESCRIPTION	QUANTITY	UNIT		
5	Mobilization	1.00	LS		
10	Mill and Pave	1,470.00	SY		

GRAND TOTAL **$28,028.50**

NOTES:

Exclusions:
Traffic Detection Loops
Pavement Markings
Valve or Manhole Adjustments
Curb and Gutter
Pattern Pavement Installation
All work will be performed in one mobilization.

Town of Surfside
Commission Communication

Agenda Item #: 5D

Agenda Date: June 14, 2016

Subject: Approval of expenditure for emergency repair to sanitary lift station pump.

Background: Surfside has two (2) sanitary sewage pumps in each of its two (2) lift stations. These pumps work alternately 24 hours per day, 7 days per week, and 365 days per year to transmit the sewage out of the Town via a shared force main (pressurized) line south into Miami Beach.

The number 2 pump in Lift Station number 2 (89th Street and Dickens Avenue) failed due to heat buildup from cooling jackets blocked with sludge. Pressure buildup from heat due to cooling jackets not functioning properly allowed water intrusion thru the seals into the motor and oil chamber. To repair the pump, it was determined that it needed to be removed for repairs. The demand for service to pump sewage is very taxing for one pump over an extended period of time. The Town does not have a standby replacement pump.

Analysis: The pump was repaired in three (3) weeks and reinstalled. To avoid this type of emergency in the future a spare pump is necessary. This will allow staff to switch out the pumps on a regular schedule which will allow us to service the pumps more efficiently.

Staff Impact: N/A

Budget Impact: The cost for the emergency repair was $17,000.00. Funding for this repair will come from the Water & Sewer Repair and Maintenance Account No. 401-9900-536-4601.

Recommendation: Staff recommends the approval to pay the emergency repair invoice of $17,000.00 to Barney's Pump, Inc.

Joseph S. Kroll, Public Works Director

Guillermo Olmedillo, Town Manager

Donald Nelson, Finance Director

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT OF $17,000.00 FROM THE FISCAL YEAR 2015/2016 WATER AND SEWER REPAIR AND MAINTENANCE ACCOUNT NO. 401-9900-536-4601 FOR THE EMERGENCY REPAIR TO A SANITARY LIFT STATION PUMP; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") has four sanitary sewage pumps; two in each of its two lift stations; and

WHEREAS, these pumps work alternately 24 hours per day, 7 days per week, and 365 days per year to transmit the sewage out of the Town via a shared force main pressurized line south into Miami Beach; and

WHEREAS, the Town does not have a standby replacement pump; and

WHEREAS, the number "2" pump in Lift Station No. 2 (89th Street and Dickens Avenue) failed due to heat buildup from blocked cooling jackets; and

WHEREAS, it was determined that the pump needed to be removed for an emergency repair; and

WHEREAS, the emergency repair cost $17,000.00; and

WHEREAS, is in the best interest of the Town to authorize the expenditure of funds in the amount of $17,000.00 from the Fiscal Year 2015/2016 Water and Sewer Repair and Maintenance Account No. 401-9900-536-4601 to pay Barney's Pumps, Inc. for the emergency repair to the sanitary lift station pump (Attachment "A").

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Authorization to Expend Funds. The Town Manager and/or designee are authorized to expend funds in an amount of $17,000.00 from the Fiscal Year 2015/2016 Water and Sewer Repair and Maintenance Account No. 401-9900-536-4601 to pay Barney's Pumps, Inc. for the emergency repair to the sanitary lift station pump (Attachment "A").

Section 3. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** on this _____day of June, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky	____
Commissioner Michael Karukin	____
Commissioner Tina Paul	____
Vice Mayor Barry Cohen	____
Mayor Daniel Dietch	____

_____
Daniel Dietch, Mayor

ATTEST:

_____
Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

Linda Miller
_____
Linda Miller, Town Attorney

Attachment "A"

REMIT TO:

BARNEY'S PUMPS, INC.

PO Box 3529
Lakeland, FL 33802-3529

Telephone (863) 665-8500
Fax (863) 666-3858

Ship to:

Town of Surfside
9293 Harding Ave
Surfside, FL 33154

Invoice

Number	INV00023458
Invoice date	1/12/2016
Page	1 of 1
Sales order	SO00023177
Customer P.O.	Signed Quote
Destination country	
Job name	
Payment	Upon receipt
Invoice account	0002364

Bill to:

Town of Surfside
9293 Harding Ave
Surfside, FL 33154

Item number	Rev.	Description	Quantity	Unit	Unit price	Amount
Repair Pump		Repair: Homa AMX644-350/60GU/C FM SN: 265072 Problem: Megs at 0.000 and burned stator Cause of damage: Heat build up from cooling jacket full of sledge. Pressure build up from heat in the motor release through the seals allowing water intrusion into oil chamber and motor housing. Work completed: Complete teardown by Homa. Repair of unit included: New stator, mechanical seals, bearings, cable, impeller, o-rings. Unit was cleaned, painted, and tested by Homa. Andrew installed the pump on 1/11/16. *Expedite charge (4-6 weeks) included in price*	1.00	EA	17,000.00	17,000.00

Payment due: Upon receipt

Sales subtotal amount	17,000.00	
Total shipping and handling	0.00	
Sales tax	0.00	
Total	17,000.00	USD

Please refer to the invoice number when processing payment. Thank you for the opportunity to earn your business.
Order processed per Barney's Pumps standard terms and conditions of sale. All shipments are F.O.B. Origin.
All returns are subject to a restocking charge and must be approved prior to shipment back to Barney's Pumps. After 90 days, items are not returnable.

Town of Surfside
Commission Communication

Agenda Item #: 5E

Agenda Date: June 14, 2016

Subject: Purchase a stand-by sanitary pump for lift stations as sole source to match existing pumps in operation

Objective: Approval to purchase a HOMA AMX644-350 dry pit non-clog sewage pump.

Background: Surfside has two (2) sanitary sewage pump stations. The Town's sewage is collected via gravity sewer laterals, then to gravity sewer mains and then collected at one of the two (2) sewage pump stations. At each of the two (2) stations, two (2) pumps per station work 24 hours per day, 7 days per week, and 365 days per year to transmit the sewage out of the Town via a shared force main (pressurized) line south into Miami Beach.

As part of the larger Utility Rehabilitation Project, all four (4) of the Town's sanitary sewage pumps were replaced along with removal of the pump house, installation of new control systems and new force mains. The design includes two (2) pumps per station to allow for redundancy and to keep down the number of hours each pump runs. The controls ensure that the pumps alternate usage each time the controls indicate the need for sewage to be pumped from the station. Even though these pumps were only installed in 2012 and they alternate operation, they have already accumulated over 2293.5 hours of run time due to the full time nature of the sewage transmission business. As with any moving mechanical part, minor regular maintenance coupled with long term intensive overhauls is required to keep the pumps running the grueling 24/7/365 schedule.

Analysis: It is industry standard, as well as the manufacturer's recommendation to have each of our four (4) sanitary sewer pumps serviced at regular intervals of working time (hrs.). The minor more frequent maintenance is performed with the pumps in place and by our in-house Utility staff. The larger overhaul type maintenance requires that the pump be removed and shipped to the manufacturer. Depending on the type of service required, this process could leave us with only one (1) sanitary sewer pump at a given station for up to 2-3 weeks. Running with only one (1) pump and without a backup is not recommended and is not industry standard. The purchase of an additional pump would allow for a pump swap out during the time of long term maintenance. The installed pump which required the service would be removed, shipped to the manufacturer for repair, and replaced with the proposed spare pump. Once the service is completed the repaired pump would remain as the spare in

the Public Works shop. This rotation of the pumps not only allows us to continue with two (2) pumps during the maintenance period, it allows us to rotate one of our proposed 5 (five) pumps into our Public Works compound, thus keeping the number of hours on the pump to a minimum.

Finally, the potential cost to the Town for not having a spare pump to install during periods of maintenance or possible breakdown could be far greater than the proposed purchase price. Sanitary Sewer Overflows (SSO) is costly on many levels, not only is it costly financially but it is costly environmentally. The failure to purchase a spare pump could result in sewage being accidentally discharged into the waters of Biscayne Bay, expensive pump truck invoices and cleanup fees, fines, penalties and ongoing additional reporting and Consent Decree implications could occur from even minor overflows.

Staff Impact: N/A

Budget Impact: The budget impact for the pump is $35,000. The pump was approved as a part of the 2015/2016 budget. Funding for this purchase will come from the Water & Sewer fund, Machinery and Equipment 401-9900-536-6410.

Recommendation: Staff recommends the approval to purchase a spare HOMA AMX644-350 dry pit non-clog sewage pump for an amount not to exceed $35,000.00. Barney's Pump Inc. is the sole source vendor for the pumps used in the Town's sewage lift stations.

Joseph S. Kroll, Public Works Director

Guillermo Olmedillo, Town Manager

Donald Nelson, Finance Director

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED $35,000.00 FROM THE FISCAL YEAR 2015/2016 MACHINERY AND EQUIPMENT ACCOUNT NO. 401-9900-536-6410 PURCHASE A HOMA AMX644-350/60GU/CFM DRY PIT NON-CLOG SEWAGE PUMP FROM BARNEY'S PUMPS, INC.; WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(6) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 12, 2011, the Town Commission adopted Resolution No. 11-2028 approving the award of a competitive bid to Ric-Man International, Inc. for the Infrastructure Rehabilitation Project;

WHEREAS, as part of the larger Infrastructure Rehabilitation Project, all four (4) of the Town's sanitary sewage pumps, were replaced with HOMA AMX644-350/60GU/CFM dry pit non-clog sewage pumps from Barney's Pumps, Inc.; and

WHEREAS, at the Town's two stations, two pumps per station operate 24 hours per day, 7 days per week and 365 days per year to transmit the sewage out of the Town via a shared force main pressurized line south into Miami Beach; and

WHEREAS, as with any moving mechanical part, minor regular maintenance coupled with long term intensive overhauls is required to keep the pumps consistently operational; and

WHEREAS, it is industry standard, as well as the manufacturer's recommendation to service each of the Town's four (4) sanitary sewer pumps at regular intervals; and

WHEREAS, larger overhaul maintenance requires that a pump be removed and shipped to the manufacturer; and

WHEREAS, depending on the type of service required, the Town would operate with one (1) less sanitary sewer pump at a given site for up to 2-3 weeks; and

WHEREAS, operating with only one (1) pump and without a backup is not recommended and is not industry standard; and

WHEREAS, the Town does not have a standby replacement pump; and

WHEREAS, the purchase of an additional pump would allow for a pump swap out during the time of long term maintenance; and

WHEREAS, the pump was approved as a part of the 2015/2016 Fiscal Year budget with a budget impact of $35,000.00; and

WHEREAS, pursuant to Section 3-12 of the Town Code, after conducting a good faith review of available sources, due to the nature of the goods and in receipt of a written request by the department head (See Attachment 'A") pursuant to Section 3-13(6) of the Town Code, the Town Manager has recommended that it is in the Town's best interest to waive the Town's competitive bidding procedures as a sole source exemption; and

WHEREAS, is in the best interest of the Town to authorize the expenditure of funds in the amount not to exceed $35,000.00 to purchase a HOMA AMX644-350/60GU/CFM dry pit non-clog sewage pump from Barney's Pumps, Inc., (Attachment "B") as the sole supplier for the replacement pumps.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Authorization to Expend Funds. The Town Manager and/or designee are authorized to expend funds in an amount of $35,000.00 from the Machinery and Equipment Account No. 401-9900-536-6410 to purchase a HOMA AMX644-350/60GU/CFM dry pit non-clog sewage pump.

Section 3. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** on this _____day of June, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky ____
Commissioner Michael Karukin ____
Commissioner Tina Paul ____
Vice Mayor Barry Cohen ____
Mayor Daniel Dietch ____

_____
Daniel Dietch, Mayor

ATTEST:

_____
Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

Linda Miller
_____
Linda Miller, Town Attorney

Town of Surfside
Public Works Department
9293 Harding Avenue – Surfside, Florida 33154
www.townofsurfsidefl.gov

MEMORANDUM

TO: Guillermo Olmedillo, Town Manager
FROM: Joseph S. Kroll, Public Works Director
SUBJECT: Sole source for purchase of Homa AMX644-350 sanitary pump
DATE: June 06, 2016

Public Works is utilizing Barney's Pumps Inc. for equipment, parts and service for any of its sanitary lift station pumps. Barney's Pumps Inc. is the authorized supplier and repair company for Homa Pumps which we have in all of our sanitary lift stations. Barney's Pumps was the original supplier and installer of the current pumps in the Town's lift stations as their specs for these pumps matched the engineeering design. With that in mind it makes perfect sense to utilize Barney's Pumps Inc. to purchase the Town's stand by replacement pump. The next closest dealer representitive is in Central Florida.

Attachment "B"

REMIT TO:

BARNEY'S PUMPS, INC.
PO Box 3529
Lakeland, FL 33802-3529

Telephone (863) 665-8500
Fax (863) 666-3858

Ship to:
Town of Surfside
Town of Surfside
9293 Harding Ave
Surfside, FL 33154

Bill to:
Town of Surfside
Town of Surfside

9293 Harding Ave
Surfside, FL 33154

Invoice

Number	INV00024843
Invoice date	3/24/2016
Page	1 of 1
Sales order	SO00023238
Customer P.O.	Signed Quote
Destination country	
Job name	
Payment	Net 45 days
Invoice account	0002364

Item number	Rev.	Description	Quantity	Unit	Unit price	Amount
AMX644-350/60GU/CFM		Homa AMX644-350/60GU FM Pump, Submersible 350MM Impeller 30ft Cord 60HP 1750 RPM 230V 3PH media cooled jacket, (2) 1.5" NPT flush ports with tall SS lifting bail SN: 354108	1.00	EA	34,000.00	34,000.00

Payment due: 5/8/2016

Sales subtotal amount	34,000.00	
Total shipping and handling	0.00	
Sales tax	0.00	
Total	34,000.00	USD

Tracking Numbers:

Replacement pump for LS #2

Pump will be delivered once payment is received in full

Please refer to the invoice number when processing payment. Thank you for the opportunity to earn your business.

Order processed per Barney's Pumps standard terms and conditions of sale.
All shipments are F.O.B. Origin.
All returns are subject to a restocking charge and must be approved prior to shipment back to Barney's Pumps. After 90 days, items are not returnable.

Barney's Pumps Terms of Sale & Warranty

1. Pricing is based upon these and our manufacturer's standard terms and conditions of sale. Copies of manufacturer's documents are available for review. No other terms or conditions of sale apply unless accepted in writing by the Barney's Pumps Credit Manager or an officer of the company. Quoted prices do not include any taxes and are valid for THIRTY (30) days from the date of Barney's Pumps' proposal unless otherwise noted on the proposal. If the proposal is not unconditionally accepted, in writing, within that timeframe, Barney's Pumps reserves the right to modify pricing.
2. Standard payment terms are net 30 days from invoice date. *For contractor sales: Minimum 90% net 30 days – Balance of retainage due at start-up OR eighty (80) days from invoice date, whichever occurs first.*
3. We reserve the right to charge one and one-half percent (1-1/2%) of the past due balance per month. If it becomes necessary for us to employ an attorney or to bring suit to recover any amount, the Purchaser agrees to pay all of our court costs, legal expenses, and reasonable attorney's fees in connection therewith. These remedies are not in lieu of any other remedies so provided by applicable law.
4. Shipping and shop drawing production schedules are estimates based on current market conditions; they are subject to revision. We will not be liable or responsible for any delays caused by late shipment to us, or by any other matters beyond our control (Force Majeure) either in whole or in part.
5. If requested, shop drawings will be provided for submittal, review and approval to ensure that you, our customer, can be sure that Barney's Pumps has the correct perception of what you require. Any order where shop drawings are provided is contingent upon the approval of those shop drawings that, when approved, shall become the only specifications for the materials/goods you wish to purchase. Barney's Pumps cannot and does not warrant, guarantee or represent that materials/goods are suitable for any particular purpose nor does Barney's Pumps warrant, guarantee or represent that the materials/goods will be or have been approved for use by any other party. The customer is not authorized to rely on any warranty or representation by Barney's Pumps not contained in this document or otherwise provided in writing.
6. Purchaser must inspect all materials/goods for damage or shortage at the time of delivery. Claims for damage or shortage must be given in writing at the time of delivery to the carrier, and we must be notified in writing of any such claim within five (5) days.
7. Materials/goods may not be returned without our consent and will be subject to a restocking charge plus any freight costs involved.
8. LIMITED WARRANTY: Materials/goods manufactured by others are warranted only under the conditions and to the extent that they are warranted by the manufacturer(s) of said materials/goods, whose warranties will be furnished and assigned to Purchaser on request. We will not be liable for any breach of such warranty and Barney's Pumps does not provide any express or implied warranty concerning such materials/goods.
   With respect to materials/goods manufactured by Barney's Pumps, including Unitron Controls® electrical control panels, we warrant said materials/goods only to the original purchaser and only against defects in workmanship and material, subject to the limitations described below. The warranty period shall be the lesser of one year from startup or eighteen (18) months from date of shipment. It is the original purchaser's responsibility to ensure that the equipment is properly lubricated and that electrical components used in the control panels are free from rust and operate properly prior to start-up. This warranty does not apply to damage resulting from accident, alteration, misuse or abuse. Parts of products, or accessories, manufactured by others are warranted only to the extent of the original manufacturer's express warranty, if any. We warrant to the original purchaser that any part which proves to be defective in material or workmanship will be repaired or replaced at no charge with a new or remanufactured part, F.O.B. Lakeland, Florida. The original purchaser shall assume all responsibility and expense for removal, reinstallation, and freight to and from Lakeland, Florida. Any item designated as manufactured by others shall be covered only by the express warranty of the manufacturer thereof, if any.
   EXCLUSION OF ALL OTHER WARRANTIES: THE WARRANTIES CONTAINED HEREIN ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED; ALL OTHER EXPRESSED OR IMPLIED WARRANTIES, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OF MERCHANTIBILITY OR FITNESS FOR A PARTICULAR PURPOSE, ARE HEREBY DISCLAIMED AND EXCLUDED FROM THIS TRANSACTION AND SHALL NOT APPLY TO ANY GOODS OR MATERIALS PRODUCED OR MANUFACTURED BY BARNEY'S PUMPS.
   For those items partially or totally manufactured by others and incorporated into our system(s) for resale, we pass along their warranty in total, but do not offer additional warranties, nor certify that they meet the intent of any request.
   Other than the above express warranty, Barney's Pumps makes no other warranties or representations whatsoever. In order for our said warranty to be enforceable, we must first be given a written notice and a reasonable opportunity to inspect the materials/goods alleged to be defective, as well as the installation and use thereof. Warranty is determined solely by the manufacturer of the materials/goods.
9. Service, Repair and Maintenance Work: From time to time, Barney's Pumps may perform service, repair and maintenance work for the customer on materials/goods purchased by the customer and/or provide training to the customers concerning said materials/goods. For all repair and maintenance work performed by Barney's Pumps at Barney's Pumps facility, Barney's Pumps warrants said repair and maintenance work against defects in material and workmanship only for the ninety (90) days from the completion of said repair and maintenance work. For service, repair and maintenance in the field and for training to customers, Barney's Pumps warrants only that said service, repair and maintenance and field training shall be free from defects in materials and workmanship for ninety (90) days.
10. In no event will we be liable for consequential damages, incidental damages, special damages, indirect damages, loss of use, loss of performance, loss of operations, loss of profit, or any other damages with respect to any materials/goods supplied by us, whether solely manufactured by us or others. Barney's Pumps and the original purchaser agree that the sole and exclusive remedy against Barney's Pumps regarding goods and materials manufactured by Barney's Pumps shall be for the repair or replacement of defective parts as provided above.
    Indemnification and/or Hold Harmless is not accepted by Barney's Pumps. This in no way diminishes the rights of either party. It is simply our corporate policy to rely on our extensive warranty outlined above.

Town of Surfside
Commission Communication

Agenda Item: # 5F

Agenda Date: June 14, 2016

Subject: Surfside Seawall Replacement Project Phase II – Award Contract to Pac Comm, Inc.

Objective: To complete Surfside Seawall Replacement Project Phase II ("Phase II Project")

Background: The bid submittals to the Request for Proposal No. 2014-003 for the Surfside Seawall Replacement were presented at the July 8, 2014 Town Commission meeting. At the April 14, 2015 Commission meeting, the Town Commission directed staff to contract with the lowest bidder - PAC Comm, Inc. – to complete 10 seawalls. In order to meet the budget amount for the replacement of the seawalls, the project was divided into two phases (Phase I and Phase II).

Phase I was completed in 2015 and consisted of the following seawalls:

1. Surfside Park
2. 95th St
3. Biscaya Drive
4. Froude Ave
5. Carlyle Ave

The total cost of Phase II is 723,000.00 of which $346,250 in provided from the Florida Inland Navigation District Grant as a matching grant. Phase II consists of the following walls:

1. Bay Dr
2. 90th St
3. 92nd St
4. 93rd St
5. 94th St

Calvin, Giordano & Associates, Inc. ("CGA") in the past few weeks was contacted by Pac Comm, Inc., who stated it would have a barge available to perform the work prior to October, 2016. If the Town approves Phase II with Pac Comm, Inc. and allows the contractor to mobilize prior to October, 2016 it would reduce the Contractor's mobilization costs by $50,000.00, which will reduce the construction cost from $773,000.00 to $723,000.00. It is important to mention that Pac Comm, Inc. will keep the same price structure as Phase I.

Analysis: If the Town approves the contract with Pac Comm, Inc., it would result in a net savings of $50,000.00. The Contractor has offered these savings as an incentive to the Town as a result of the reduced costs by Pac Comm, Inc. for their equipment downtime and mobilization costs. All other project costs and schedule durations remain unchanged.

Budget Impact: The cost of the Phase II Project was not budgeted for the 2015/2016 Fiscal Year. Therefore, it is recommended to amend the 2015/2016 Fiscal Year Budget and appropriate an amount not to exceed $723,000.00 from the Capital Projects Fund Account No. 301-4400-541-6340. The net cost of Phase II will be $376,750.00 to the Town after applying the FIND grant of $346,250.00. The funding of $376,750.00 would come from the Stromwater Fund to be transferred to the Capital Projects Fund.

Staff Impact: There will be no impact to the staff.

Recommendation: To amend the 2015/2016 Fiscal Year Budget. To authorize the transfer of funds in the amount of $376,750.00 from the Stormwater Fund to the Capital Projects Fund. To authorize the expenditure of the amount not to exceed $723,000.00 from the Capital Projects Fund, Account No. 301-4400-541-6340 for Surfside Seawall Replacement Project Phase II. To also award the contract to Pac Comm, Inc. for a total amount of $723,000.00.

Joseph S. Kroll, Public Works Director

Guillermo Olmedillo, Town Manager

Donald Nelson, Finance Director

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDING A CONTRACT TO PAC COMM, INC. FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2015/2016; TRANSFERRING FUNDS IN THE AMOUNT OF $376,750.00 FROM THE STORMWATER FUND TO THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340; APPROPRIATING FUNDS IN THE CAPITAL PROJECTS FUND; AUTHORIZING THE EXPENDITURE OF THE AMOUNT NOT TO EXCEED $723,000.00 FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340 FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the bid submittals to the Request for Proposal No. 2014-003 for the Surfside Seawall Replacement were presented at the July 8, 2014 Town Commission meeting; and

WHEREAS, at the April 14, 2015 Commission meeting, the Town Commission directed staff to contract with the lowest bidder PAC Comm, Inc.; and

WHEREAS, in order to meet the budget amount for the replacement of the seawalls, the project was divided into two phases (Phase I and Phase II); and

WHEREAS, Phase I was completed in 2015 and consisted of the following seawalls:

1. Surfside Park
2. 95th St
3. Biscaya Drive
4. Froude Ave
5. Carlyle Ave

WHEREAS, Phase II consists of the following walls:

1. Bay Dr
2. 90th St
3. 92nd St
4. 93rd St
5. 94th St

WHEREAS, the total cost of Phase II is $723,000 of which $346,250 is provided from the Florida Inland Navigation District Grant as a matching grant; and

WHEREAS, Calvin, Giordano & Associates, Inc. ("CGA") was contacted by Pac Comm, Inc., who stated it would have a barge available to perform the work prior to October 2016 and will keep the same price structure as Phase I; and

WHEREAS, if the Town approves Phase II with Pac Comm, Inc. and allows Pac Comm, Inc. to mobilize prior to October 2016 it would reduce the their mobilization costs by $50,000, which will reduce the construction cost from $773,000 to $723,000 (See Attachment "A"); and

WHEREAS, the cost of the Phase II Project was not budgeted in the 2015/2016 Fiscal Year budget and requires transfer of funds in the amount of $376,750.00 from the Stormwater Fund to the Capital Projects Fund, amending the 2015/2016 budget to appropriate the funds in the Capital Projects Fund; and

WHEREAS, it is in the best interest of the Town to award the contract for Phase II to Pac Comm, Inc.; to amend the 2015/2016 Fiscal Year Budget and to authorize the transfer of funds in the amount of $376,750.00 from the Stormwater Fund to the Capital Projects Fund; to authorize the expenditure of funds in an amount not to exceed $723,000.00 from the Capital Projects Fund, Account No. 301-4400-541-6340 for Surfside Seawall Replacement Project Phase II.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Award Contract. The Town Commission awards the contract to Pac Comm, Inc. for the Surfside Seawall Replacement Project Phase II.

Section 3. Budget Amendment. The Town Commission hereby authorizes the Town Manager to amend the 2015/2016 Fiscal Year Budget and to transfer the amount of $376,750.00 from the Stormwater Fund to the Capital Projects Fund.

Section 4. Authorization and Approval to Expend Funds. The Town Commission hereby approves and authorizes the Town Manager and/or designee to expend funds in the amount not to exceed $723,000.00 from the Capital Projects Fund, Account No. 301-4400-541-6340 for Surfside Seawall Replacement Project Phase II (Attachment "A").

Section 5. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** on this _____day of June, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky	____
Commissioner Michael Karukin	____
Commissioner Tina Paul	____
Vice Mayor Barry Cohen	____
Mayor Daniel Dietch	____

_____
Daniel Dietch, Mayor

ATTEST:

_____
Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND

LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

Linda Miller
_____
Linda Miller, Town Attorney

Proposal for Value Enginnering options for The Town of Surfside Seawall Replacement

4/29/2016

Bid Item	Condition of Wall	As Bid (June 2014)	VE Option	Current Contract	October MOB Phase 2A	Flexible MOB Phase 2B
Mobilization			$ 100,000.00	$ 100,000.00	$ 100,000.00	$ 50,000.00
General Conditions			$ 160,000.00	$ 119,000.00	$ 41,000.00	$ 41,000.00
MOT			$ 7,000.00	$ 5,000.00	$ 2,000.00	$ 2,000.00
Seismic Survey/Monitoring			$ 52,000.00	$ 35,000.00	$ 17,000.00	$ 17,000.00
Testing			$ 7,000.00	$ 6,000.00	$ 1,000.00	$ 1,000.00
Rip Rap			$ 93,000.00	$ 65,000.00	$ 28,000.00	$ 28,000.00
Carlyle	Severe		$ 109,000.00	$ 109,000.00	*N/A*	*N/A*
Froude	Moderate		$ 90,000.00	$ 90,000.00	*N/A*	*N/A*
Biscaya	Severe		$ 104,000.00	$ 104,000.00	*N/A*	*N/A*
Bay	Minor		$ 100,000.00	*N/A*	$ 100,000.00	$ 100,000.00
90th Street	Moderate		$ 112,000.00	*N/A*	$ 112,000.00	$ 112,000.00
92nd Street	Minor		$ 152,000.00	*N/A*	$ 152,000.00	$ 152,000.00
93rd Street	Moderate		$ 100,000.00	*N/A*	$ 100,000.00	$ 100,000.00
94th Street	Minor		$ 120,000.00	*N/A*	$ 120,000.00	$ 120,000.00
95th Street	Severe		$ 101,000.00	$ 101,000.00	*N/A*	*N/A*
Surfside Park	Moderate		$ 394,000.00	$ 394,000.00	*N/A*	*N/A*
Totals		**$ 2,175,300.00**	**$ 1,801,000.00**	**$ 1,128,000.00**	**$ 773,000.00**	**$ 723,000.00**

Phase 1	Replace 5 walls (Carlyle, Froude, Biscaya, 95th Street, and Surfside Park) Revised from option 5 offered 10/6/2014
Phase 2 (Proposed)	Replace Remaining walls (Bay, 90th, 92nd, 93rd, and 94th) Phase 2B offers the Town a discounted Mobilization in return for extended contract time and a flexible mobilization timeline.

N/A= No work will be performed at this location

ATTACHMENT "A"

Town of Surfside
Commission Communication

Agenda Item: # 5G

Agenda Date: June 14, 2016

Subject: Surfside Seawall Replacement Project Phase II - Professional Engineering Services

Objective: To ensure the Surfside Seawall Replacement Project Phase II ("Phase II Project") is completed according to plans and specifications; to allow the Phase II Project to be certified by a professional engineer and to manage the request, disbursement and receipt of the grant funding for the Phase II Project.

Background: Calvin, Giordano & Associates, Inc. ("CGA") inspected, designed, permitted and applied for Florida Inland Navigation District ("FIND") and Florida Department of Environmental Protection ("FDEP") funding for the Phase I Surfside Seawall Replacement Project under CGA Project No. 12-5247 for a fee of $81,627.00 or 13.48% of the construction budget for Phase I.

CGA offers proposal No. 12-5247.1 for Phase II under CGA oversight for an amount not to exceed $65,257.73 or 7.77% of the construction budget for Phase II.

The breakdown of the two phases is listed below:

Phase I – Construction Budget of $1,100,000

1) Surfside Park
2) 95th St
3) Biscaya Drive
4) Froude Ave
5) Carlyle Ave

Phase II – Construction Budget of $723,000.00

1) Bay Dr
2) 90th St
3) 92nd St
4) 93rd St
5) 94th St

This scope will provide the required inspections and oversight to ensure the project is completed per the plans and specifications and can be certified by a Professional Engineer. Also, CGA will work to document, request and receive the full allowable FIND grant funding.

Analysis: The proposed pricing for the scope of work which includes grant management is below industry average and is being offered for an amount not to exceed $65,257.73 or 7.77% of the total cost of the Phase II Project.

Budget Impact: The cost of the Phase II Project was not budgeted for the 2015/2016 Fiscal Year. Therefore, it is recommended to amend the 2015/2016 Fiscal Year Budget and appropriate an amount not to exceed $65,257.73 from the Capital Projects Fund, Account No. 301-4400-541-6340. The funding for the professional services would come from the Stromwater Fund to be transferred to the Capital Projects Fund.

Staff Impact: There will be no impact to the staff.

Recommendation: To amend the 2015/2016 Fiscal Year Budget. To authorize the transfer of funds in the amount not to exceed $65,257.73 from the Stormwater Fund to the Capital Projects Fund. To authorize the expenditure of the amount not to exceed $65,257.73 from the Capital Projects Fund, Account No. 301-4400-541-6340 for Surfside Seawall Replacement Project Phase II - Professional Engineering Services.

Joseph S. Kroll, Public Works Director

Guillermo Olmedillo, Town Manager

Donald Nelson, Finance Director

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING WORK AUTHORIZATION NO. 98 SEAWALL GRANT APPLICATION AND MANAGEMENT FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2015/2016; TRANSFERRING FUNDS IN AN AMOUNT OF $65,257.73 FROM THE STORMWATER FUND TO THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340; APPROPRIATING FUNDS IN THE CAPITAL PROJECTS FUND; AUTHORIZING THE EXPENDITURE OF THE AMOUNT NOT TO EXCEED $65,257.73 FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340 FOR SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II FOR PROFESSIONAL ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the bid submittals to the Request for Proposal No. 2014-003 for the Surfside Seawall Replacement were presented at the July 8, 2014 Town Commission meeting; and

WHEREAS, at the April 14, 2015 Commission meeting, the Town Commission directed staff to contract with the lowest bidder PAC Comm, Inc.; and

WHEREAS, in order to meet the budget amount for the replacement of the seawalls, the project was divided into two phases (Phase I and Phase II).

WHEREAS, Phase I was completed by Pac Comm, Inc. and was managed by Calvin, Giordano & Associates, Inc. ("CGA") in 2015; and

WHEREAS, CGA submitted Work Authorization No. 98 (Attachment "A") to provide the required inspections and oversight to ensure the Phase II Project is completed according to the plans and specifications and to be certified by a Professional Engineer; and

WHEREAS, the proposed pricing for the scope of work which includes grant management is below industry average and is being offered for an amount not to exceed $65,257.73 or 7.77% of the total cost of the Phase II Project; and

WHEREAS, the cost of the Phase II Project was not budgeted for the 2015/2016 Fiscal Year and requires a budget amendment and appropriation of an amount not to exceed $65,257.73 from the Stormwater Fund to be transferred to the Capital Projects Fund, Account No. 301-4400-541-6340; and

WHEREAS, it is in the best interest of the Town to approve Work Authorization No. 98 and to amend the 2015/2016 Fiscal Year Budget and to authorize the transfer of funds in the amount of $65,257.73 from the Stormwater Fund to the Capital Projects Fund; to authorize the expenditure of the amount not to exceed $65,257.73 from the Capital Projects Fund, Account No. 301-4400-541-6340 for the Surfside Seawall Replacement Project Phase II for Professional Engineering Services.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval. The Town Commission approves Work Order No. 98 (Attachment "A") for the Surfside Seawall Replacement Project Phase II.

Section 3. Budget Amendment. The Town Commission hereby authorizes the Town Manager to amend the budget for 2015/2016 Fiscal Year and to transfer funds in an amount of $65,257.73 from the Stormwater Fund to the Capital Projects Fund Account No. 301-4400-541-6340.

Section 4. Authorization and Approval to Expend Funds. The Town Commission hereby approves and authorizes the Town Manager and/or designee to expend funds in an amount not to exceed $65,257.73 from the Capital Projects Fund, Account No. 301-4400-541-6340 for the Surfside Seawall Replacement Project Phase II for Professional Engineering Services.

Section 5. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** on this _____day of June, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky ____
Commissioner Michael Karukin ____
Commissioner Tina Paul ____
Vice Mayor Barry Cohen ____
Mayor Daniel Dietch ____

_____
Daniel Dietch, Mayor

ATTEST:

_____

Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

Linda Miller

Linda Miller, Town Attorney

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™

May 25, 2016

Mr. Guillermo Olmedillo
Town Manager
TOWN OF SURFSIDE
9293 Harding Avenue
Surfside, FL 33154

RE: Work Authorization No. 98
Seawall Grant Application & Management
CGA Proposal No. 12-5247.1

Dear Mr. Olmedillo,

Enclosed for your review and approval is Work Authorization No. 98 for Seawall Grant Application & Management. The scope of the project includes prepare grant application for additional funding.

The Scope of Services to be furnished under this Work Authorization includes Civil Engineering, Construction and Government Consulting as shown on the attached Work Authorization.

The Basis of Compensation is hourly based upon the established rates pursuant to the Professional Services Agreement between the Town and CGA, plus reimbursables, for a total not to exceed $65,257.73.

Sincerely,

CALVIN, GIORDANO & ASSOCIATES, INC.

Dennis J. Giordano
President

Building Code Services
Coastal Engineering
Code Enforcement
Construction Engineering and Inspection
Construction Services
Contract Government
Data Technologies and Development
Emergency Management Services
Engineering
Environmental Services
Facilities Management
Indoor Air Quality
Landscape Architecture
Municipal Engineering
Planning
Public Administration
Redevelopment and Urban Design
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Traffic Engineering
Transportation Planning

GSA Contract Holder

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Fort Lauderdale, FL
33316
954.921.7781 phone
954.921.8807 fax

www.cgasolutions.com

FORT LAUDERDALE WEST PALM BEACH PORT ST. LUCIE HOMESTEAD TAMPA / CLEARWATER JACKSONVILLE ATLANTA

TOWN OF SURFSIDE

Seawall Grant Application & Management

PROJECT DESCRIPTION

1. SCOPE OF SERVICES

Calvin, Giordano & Associates, Inc. will perform the following services based on our understanding of the project requirements:

I. Professional Engineering Services

A. Civil Engineering

1. Grant Procurement & Management

- Prepare and submit application to the Florida Inland Navigation District (FIND) for a Waterways Assistance Funding Grant to provide up to a 50% match for construction costs to repair the remaining 4 seawalls as designed. These seawalls may be found at the terminus of the following streets:

  - Bay Dr.
  - 90th St.
  - 93rd St.
  - 94th St.
  - (Please note that the seawall at 92nd St. is not eligible as it does not provide access to the general public)

- Provide a PowerPoint presentation to FIND Commission as part of the application process
- Coordinate meetings as required
- Assist in requesting permit extensions for DERM, FDEP & USACE permits
- Manage grant and make quarterly progress reports as required
- Assist in submitting appropriate close-out documentation upon completion of construction

2. Engineering During Construction

- Update plans and specifications to reflect project phasing
- Attend Pre-Construction Conference
- Respond to design-related RAI's as required throughout construction
- Provide periodic site visits
- Assist in project/permit close-out

II. Professional Government Consulting Services

A. Manage processing of all grant applications, requests for reimbursements and required paperwork.

B. Manage contract documents and negotiations with prime contractor for CO to add additional seawalls back to original bid scope.

C. Manage and resolve any conflicts which arise during construction.

D. Manage project closeout including all required documentation for permits, Town and grants.

III. Professional Construction Services

A. Contract coordination - efforts shall be limited to coordination of the Contract Documents with the understanding that the second phase of work shall be awarded to PAC COM, Inc. by way of a change order to the original contract / Contractor. Project shall not be rebid or re-advertised.

1. Assist with the preparation of front end / contract documents. Coordinate with Town Clerk and Town Attorney for contract execution.

2. Schedule, and conduct a pre-construction meeting at Municipality location; record / prepare / distribute meeting minutes. Assist in addressing Contractors inquiries and concerns.

3. Coordinate, prepare and distribute pre-construction RFI's, and distribute as addendum to contract documents.

B. Construction Administration & Inspection

1. Make daily inspections for compliance with plans and specifications to determine, in general, if the work is being completed in conformance with the intent of the Contract Documents. Make interim inspections for substantial and final completion.

2. Attend Town and resident outreach meetings.

3. Attend meeting with Contractor and appropriate regulatory agencies when requested and necessary for consultation or conferences in regard to construction of the project.

4. Issue interpretations and clarifications of the Contract Documents, and assist in the evaluation of requested deviations from the approved design or specifications. In connection therewith, review, prepare and process any work change directives or change orders requested by the Contractor, or the Town.

5. Assist in the review and processing of shop drawings, samples and other data which the Contractor is required to submit. Log and process all submittals.

6. Review as-builts provided by the Contractor.

7. Review and process closeout packages.

8. Review and process Contractor's payment requests.

9. Plan, direct, and coordinate all phases of construction observation services.

10. Provide Construction Engineering Services project liaison throughout the construction phase. Coordinate with Town's consultant for special inspections.

11. Communicate and assist in reporting any resident concerns or complaints.

12. Conduct construction progress meetings at Municipality location for the duration of the construction project (assumed effort of 4 meetings).

13. Special Inspection services are EXCLUDED from this contract. CGA will assist the Town in contracting directly with a Special Inspector, similar to what was done for Phase I Seawall Project.

2. BASIS OF COMPENSATION:

Hourly rates with an estimated fee of $62,150.00 plus reimbursables at $3,107.50 with a total not to exceed amount of $65,257.50. Payments to be made monthly.

3. SUBMITTED

Submitted by: _____ for Date: 5/19/16
Dennis J. Giordano

4. APPROVAL

Approved by: _____ Date: _____
Guillermo Olmedillo, Town Manager

TOWN OF SURFSIDE
WORK AUTHORIZATION ESTIMATE DATE

WORK AUTHORIZATION NO.	98
PROJECT NAME	Seawall Grant Application & Management CGA Proposal No. 12-5247.1
DESCRIPTION	prepare grant application for additional funding

TITLE	RATE	HOURS/UNITS	COST
Clerical	$74.26	22	$1,633.72
Construction Management Director	$127.31	62	$7,893.22
Director Engineering V	$159.14	1	$159.14
Engineer II	$106.09	150	$15,913.50
Inspector	$83.00	10	$830.00
Project Manager IV	$137.92	115	$15,860.80
Sr Inspector	$95.48	208	$19,859.84
			$62,150.22

SUB-CONSULTANTS	COST

LABOR SUBTOTAL	**$62,150.22**
REIMBURSABLE SUBTOTAL	**$3,107.51**
TOTAL	**$65,257.73**

Reviewed by: _____
Guillermo Olmedillo, Town Manager

Town of Surfside
Commission Communication

Agenda Item #: 5H

Agenda Date: June 14, 2016

Subject: Approval of expenditure for enhancement and replacement of Air Conditioning ductwork and Variable Air Volume (**VAV)** boxes.

Background: At the July, 2014 Commission meeting, a BID recommendation and contract was awarded to DAC Air Conditioning Corporation to replace the Town Hall five (5) standalone A/C units with one (1) 80 ton air cooled chiller with five (5) new air handlers. The project began in November, 2014 and was completed in February, 2015. This project was scoped and priced to replace the A/C unit only and to utilize the existing duct work and VAV control boxes.

Analysis: The new system has been in place for about one (1) year now and we are experiencing uneven temperature swings during different times of the day. An analysis was performed by representatives from Trane (manufacturer), DAC Air Conditioning Corporation (contractor) and Alfredo Carbonell (engineer of record) to collectively investigate why the system was not functioning properly. It was determined that the sensors were old and not registering the temperature correctly. Three (3) VAV boxes need to be replaced because they are not functioning properly and a test and balance of the system must be performed.

Staff Impact: N/A

Budget Impact: The cost for the enhancement and replacement of ductwork and VAV boxes is $33,567.00. Funding for this will come from Capital Improvement, Town Hall Improvements Account No. 301-4400-539-6220.

Recommendation: Staff recommends the approval to enter into an agreement with DAC Air Conditioning Corporation for the amount not to exceed $33,567.00.

Joseph S. Kroll, Public Works Director

Guillermo Olmedillo, Town Manager

Donald Nelson, Finance Director

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PROPOSAL AND SALES AGREEMENT FROM D.A.C. AIR CONDITIONING CORP.; AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN THE AMOUNT OF $33,567.00 FROM THE CAPITAL IMPROVEMENTS TOWN HALL IMPROVEMENTS ACCOUNT NO. 301-4400-539-6220 FOR ENHANCEMENT AND REPLACEMENT OF AIR CONDITIONING DUCTWORK AND VARIABLE AIR VOLUME BOXES; WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(6) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 16, 2014, the Town Commission adopted Resolution No. 14-2247 approving the award of a competitive bid to D.A.C. Air Conditioning Corp. to replace the Town Hall five (5) standalone air conditioning ("A/C") units with one (1) 80 ton air cooled chiller with five (5) new air handlers; and

WHEREAS, the A/C project was scoped and priced to replace the A/C unit only and to utilize the existing duct work and variable air volume ("VAV") control boxes; and

WHEREAS, the A/C project began in November 2014 and was completed by March 2015; and

WHEREAS, the new system has been in place for over a year and Town Hall is experiencing uneven temperature fluctuations during different times of the day; and

WHEREAS, due to the uneven temperature fluctuations throughout Town Hall, an analysis was performed by representatives from Trane (air conditioning manufacturer), D.A.C Air Conditioning Corp. (contractor) and Alfredo Carbonell (engineer of record) to collectively investigate why the system was not functioning properly; and

WHEREAS, it was determined that the sensors were old and did not register the temperature correctly, three (3) VAV boxes need to be replaced due to malfunctions and that a test and balance of the system must be performed; and

WHEREAS, pursuant to Section 3-12 of the Town Code, after conducting a good faith review of available sources, due to the nature of the goods and in receipt of a written request by the department head (Attachment "A") pursuant to Section 3-13(6) of the Town Code, the Town

Manager has recommended that it is in the Town's best interest to waive the Town's competitive bidding procedures as a sole source exemption; and

WHEREAS, the cost for the enhancement and replacement of ductwork and VAV boxes is $33,567.00 (Attachment "B"); and

WHEREAS, is in the best interest of the Town to approve the Proposal and Sales Agreement to D.A.C. Air Conditioning Corp. and to authorize the expenditure of funds in the amount of $33,567.00 from the Fiscal Year 2015/2016 Capital Improvement Town Hall Improvements Account No. 301-4400-539-6220 for the enhancement and replacement of ductwork and VAV boxes.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval of Proposal and Sales Agreement. The Town Commission approves the Proposal and Sales Agreement to D.A.C. Air Conditioning Corp. (Attachment "B").

Section 3. Authorization to Expend Funds. The Town Manager and/or designee are authorized to expend funds in an amount of $33,567.00 from the Fiscal Year 2015/2016 Capital Improvement Town Hall Improvements Account No. 301-4400-539-6220 for enhancement and replacement of ductwork and VAV boxes (Attachment "B").

Section 4. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** on this _____day of June, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky ____
Commissioner Michael Karukin ____
Commissioner Tina Paul ____
Vice Mayor Barry Cohen ____
Mayor Daniel Dietch ____

_____
Daniel Dietch, Mayor

ATTEST:

_____

Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

Linda Miller

Linda Miller, Town Attorney

Town of Surfside
Public Works Department
9293 Harding Avenue – Surfside, Florida 33154
www.townofsurfsidefl.gov

MEMORANDUM

TO: Guillermo Olmedillo, Town Manager
FROM: Joseph S. Kroll, Public Works Director
SUBJECT: Sole source for enhancements to the air conditioning sensors and ductwork.
DATE: June 06, 2016

Public Works is utilizing DAC Air Conditioning Corporation for parts and repairs for Town Hall's air conditioning ductwork. DAC Air Conditioning Corporation is an authorized supplier and repair company for Trane Air Conditioners which we have in both Town Hall and the Community Center. DAC was the original supplier and installer of the current Air Conditioning unit in the Town Hall which they competitively bid. With that in mind it makes perfect sense to utilize DAC Air Conditioning Corporation to enhance the Town's air conditioning sensors and ductwork.

Attachment "B"

D.A.C. Air Conditioning Corp.
12440 SW 128th Street, Suite #6
Miami, FL 33186
Office: (786) 293-9009
Fax: (786) 293-9010

BONDED LICENSED & INSURED

CAC058606 - CMC1249985

PROPOSAL AND SALES AGREEMENT

PROPOSAL SUBMITTED TO	PHONE: (305) 861-4863	DATE: 05/12/16	
Town of Surfside	FAX: (305) 993-5097	NEW ☐	EXISTING ☑
ATT: Mr. Guillermo Olmedillo	JOB NAME: Surfside Town Hall VAV Boxes Repairs		
ADDRESS: 9293 Harding Ave.	ADDRESS: 9293 Harding Ave.		
CITY: Surfside STATE: FL ZIP: 33154	CITY: Surfside	STATE: FL	ZIP: 33154

EQUIPMENT SCHEDULE

Quantity	Brand	Unit Number	Chiller Model	Air Handler Model	Package Model	Strip Heat Size	SEER
3	Trane	VAV-1-3, 1-4 & 4-4	N/A	N/A	N/A	N/A	N/A

Included: All labor and materials for the replacement of three (3) existing VAV Boxes (Cooling Only). Modification to existing ductwork needed to install the new VAV Boxes.

Trane Controls: Connect new VAV Boxes to existing BACnet link in the building. Furnish and install 25 new Space Temperature Sensors to replace old existing sensors.

Relocate VAV-1-2 Temperature Sensor to Office that VAV serves. Program new VAV Boxes and Sensors onto existing Tracer SC.

Test operation of VAV Boxes and sensors, check out.

Test & Balance by an Independent T & B Company, NEBB Certified, paid by us (based upon above referenced not being occupied)

Excluded: Any work in areas or devices shown as existing. Any repair of existing violations. Heat Load and Wind Load Calculations. Permit Fees.

Shop Drawings and/or As builts will be provided upon request at additional charge. Any kind of roofing work. Cabinet and/or coil coating other than specified above.

Fire Stopping of any kind. Any work related to Fire Alarm System, Smoke Evac, FM-200 System or Fire Suppresion System. Any new fire, smoke or fire/smoke damper.

Smoke control test. Any combustible material in plenum return air to be removed by others. Demolition not shown on plans or referenced in scope of work.

Partition walls openings and/or wall cuttings by others.

X-ray and approval from Landlord and/or Structural engineer for core drilling of floor slab. X-Ray of floor slab for location of post tensioned cables.

Asbestos / Lead Survey and/or Abatement. Any work not mentioned above.

Note: If required, at completion of the project and before final approval DAC will make any final correction to drawings (to be certified by engineer of records at additional charge).

Note: Price below is based on equipment and devices standard lead time, quick shipment can be provided at additional charge.

Performance and payment bond can be provided by us upon request at extra cost.

Work to be done during regular hours from 8:00 AM to 5:00 PM Monday thru Friday.

Title to the above merchandise remains with the vendor until paid for in full. In case of any default in any terms of this Order-Contract, the seller shall have the right to take This Proposal to the Purchaser is an offer, and is subject to acceptance by the Seller. If the work covered under this Contract is stop for six months or more, other than by us, the contract is subject to revision. That in the event the Purchaser repudiates this Contract after execution and refuses to allow Seller to commence work under contract provisions, then and in that event, the Purchaser shall pay to and be responsible to the Seller in the sum of 10% of the Contract prices and for liquidated and agreed damages and not as a penalty

Ductwork Notes: New VAV Boxes Connections	**Controls Notes:** Controls by Trane

Service Warranty: Will be provided free by us for a period of one year from date of certificate of occupancy or start up date whatever happens first, providing is not more than six months from installation date, and during regular working days at regular working hours. Weekends, holidays and maintenance are excluded.

Warranty:	M	Years on Compressor	M	Years on Coils	M	Years on other components

M = Manufacturer

Responsibility:	DAC	Other	N/A	Responsibility:	DAC	Other	N/A
Delivery	X			New CHW lines			X
Installation of equipment	X			Condensate drain lines			X
VAV Ductwork connections	X			Pitch pans / Roof work			X
CU Concrete Slab			X	Cutting of holes for pipes, ducts, etc.		X	
Air distribution devices			X	Patching, painting and decorating		X	
Repair Ductwork Insulation			X	Exhaust fans			X
Permit Fees			X	New Chiller Power			X
Free Return			X	Outside air ductwork			X
Ducted Return			X	Demolition	X		
Duct smoke detector installation			X	Duct smoke detector parts and accessories			X

Price based on plans as follows:

Plans	Engineer	Date	Revision
M-1, M-2, M-3, M-4, M-5, M-6, E-1, E-2, E-3, E-5, P-1, P-2	Alfredo M. Carbonell, P.E. Inc.	5/25/2014	N/A
Scope of Work Email	Alfredo M. Carbonell, P.E. Inc.	4/22/2016	N/A

We hereby propose to furnish labor and materials in accordance with the above specifications for the sum of:	$33,567.00
Thirty Three Thousand Five Hundred Sixty Seven Dollars and No Cents	
With payment to be made as follows: Scheduled Monthly Payments.	

All material is guaranteed to be as specified. All work to be complete in a workman like manner according to standard practices. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. This proposal subject to acceptance within 30 days and is void thereafter at the option of the undersigned D.A.C.

DAC AIR CONDITIONING CORP. Authorized Signature:

ACCEPTANCE OF PROPOSAL: The above prices, specifications and conditions are hereby accepted.

You are authorized to do the work as specified
Payment will be made as outlined above. Date:_____ Signature:_____

Town of Surfside
Commission Communication

Agenda Item # 5I

Agenda Date: June 14, 2016

Subject: School Nurse Initiative

Background: The City of Miami Beach Organization Development Performance Initiatives has provided a utilization report to the Town Commission on the School Nurse Initiative at Ruth K Broad K-8 (Attachment A). The program is in all of the area's feeder schools including Treasure Island and North Beach Elementary. For the 2014/2015 school year the program achieved a 90% utilization rate and 87% return to class rate. This initiative is the result of Surfside joining neighboring communities and providing annual financial support.

Building on the success of this program, this year the schools are looking to augment the program with behavioral health screenings, support and community referral services (Attachment B). While the existing program will now be funded by The Children's Trust, the additional service requires funding.

Surfside would be joining the neighboring communities of Miami Beach, North Bay Village, Bay Harbor Islands and Bal Harbour, as well as the Miami Beach Chamber Education Foundation, in support of this additional benefit for the students.

Budget Impact: The $3667 Surfside contribution will be budgeted for Fiscal Year 2016/2017. This is the same allocation approved by the Town Commission for the present fiscal year (2015/2016).

Staff Impact: None.

Recommendation: The attached resolution authorizes the execution of the Memorandum of Understanding for continued participation in the Nurse Initiative Program for school year 2016/2017 in the amount of $3667 with said funds to be allocated in the FY 2016/2017 budget.

Town Manager

Finance Director

Aggregate Summary Report 8/24/15 - 2/24/16

SW Interventions	
Counseling – Student/Individual	34
Counseling – Crisis	0
Parent/Caregiver Consultation	0
Total	34

SW Activities	
Behavior Assessments	0
Consult with External Mental Health	0
Consult with MD/Other Provider	0
Consult with Parent/Caregiver	0
Consult with School Staff	3
Home Visit Attempted-Complete	0
Home Visit Attempted-Incomplete	0
Parent Letter	0
Social History	0
Student Services Intervention Plan	0
Truancy Screening	0
Total	3

Psychosocial Problem	
Academic Issues	4
Aggression/Violence	0
Alcohol Usage	0
Anger management	13
Anxiety	4
Attendance/Truancy	0
Attention Issues	5
Bereavement issues	0
Bullying/Harrassment	0
Chronic Medical Problems	0
Crisis Intervention	0
Dating Issues	0
Depression	0
Disruptive Behavior	7
Domestic Violence	0
Eating Disorder	0
Economic Issues/Basic Needs	0
Family Issues	1
Growth & Development	0
Healthy Lifestyle	0
Identity Issues	0
Neglect	0
Peer Issues	0
Personal Hygiene	0
Physical Abuse	0
Safety	0
Self Esteem	0
Sexual Abuse	0
Sexual Activity/Teen Pregnancy	0
Sleep Disorder	0
Somatic	0
Stress Management	0
Substance Abuse	0
Suicidal Ideation	0
Tobacco	0
Total	34

PEACE OF MIND

By Dr. Leslie D. Rosenfeld

Today, one in three children suffers developmental or behavioral disabilities that limit their health and school performance. "Anxiety, depression, inattention and other behavioral issues have replaced infectious diseases and physical disabilities as the chief culprits that interfere with children's health, well-being and learning," explained Dr. Peter A. Gorski, chief community health, child development and **innovation officer, The Children's Trust.**

In response, the City of Miami Beach education compact with Miami-Dade County Public Schools, in partnership with the Town of Surfside, Town of Bay Harbor Islands, Bal Harbour Village, North Bay Village, The Children's Trust and the Miami Beach Chamber Education Foundation, is piloting a school-based program for the 2015-16 school year that offers enhanced behavioral health screening, support and community referral services to children in three public schools in the Miami Beach feeder pattern.

Miami Beach established an innovative nurse initiative in 2013 to fund full-time nurses at public schools in the Miami Beach feeder pattern with no on-site health care access. Beginning in 2015, the municipal partnership, referred to as the Nurse Enhancement Initiative, was expanded to include behavioral health services.

"Schools are a perfect location for early identification and interventions of behavioral health issues to reduce the prevalence of performance **problems, truancy, school dropout rates, and difficulties in learning,"** noted Karen Rivo, former chair, Committee for Quality Education.

The nurse enhancement initiative engages students as active partners in mental health education and advocacy, which is paramount to reducing the stigma connected to mental health and improving the likelihood that those in distress seek help and receive the support that is needed.

Accessing services at each school site is done through the school counselor, teacher or administrative team. Behavioral health services include the following:

- Cognitive-Behavioral Therapy
- Family (Group) Therapy
- Systemic Therapy
- Play Therapy
- Participate Parent/Teacher Conference
- Home Visit

If you are interested in learning more about these services, please contact your school counselor or school nurse.

"A Miami Beach student was going through a family conflict at home which exacerbated his anxiety, loss of impulse control and difficulty paying attention in class," said the Licensed Clinical Social Worker Rodrigo Lozano. "After a few sessions, a meeting with the parent and a behavioral plan, the student improved his daily progress reports and reduced his acting out in class."

Parents can also access services via a request to the school. Additionally, these behavioral health team members provide class presentations on topics such as bullying, relationships and anger management.

"Over time, we hope to combine resources with an increasing pool of funders to expand this model to all schools and all children in our school district," added Gorski.

Visit the city's education page on miamibeachfl.gov for additional information and to learn more about other programs.

If you are interested in learning more about these services, please contact your school counselor or school nurse.

Visit the city's education page on miamibeachfl.gov for additional information and to learn more about other programs.

La experiencia laboral *Hoy en día, uno de cada tres niños sufre trastornos del desarrollo o de comportamiento que limitan su salud y rendimiento escolar. "La ansiedad, la depresión, la falta de atención y otros problemas de comportamiento han reemplazado a las enfermedades infecciosas y las discapacidades físicas como los principales culpables que interfieren con la salud de los niños, el bienestar y el aprendizaje", explicó el Dr. Peter A. Gorski, jefe de salud de la comunidad, el desarrollo del niño y la innovación oficial, Fideicomiso de los Niños.*

En respuesta, el compacto Educación de la Ciudad de Miami Beach, Miami-Dade, en colaboración con la Ciudad de Surfside, Ciudad de Bay Harbor Islands, Bal Harbour Village, North Bay Village, Fideicomiso de los Niños y la Fundación Miami Beach Cámara de Educación , está poniendo a prueba un programa basado en la escuela para el año escolar 2015-16, que ofrece detección de salud conductual mejorada, soporte técnico y servicios de remisión de comunidad a los niños en tres escuelas públicas en el patrón de alimentación de Miami Beach.

Miami Beach estableció una iniciativa innovadora enfermera en 2013 para financiar las enfermeras a tiempo completo en las escuelas públicas en el patrón de alimentación de Miami Beach sin acceso al cuidado de la salud en el lugar. A partir de 2015, la asociación municipal, conocido como la Iniciativa de Mejora de la enfermera, se amplió para incluir los servicios de salud mental.

"Las escuelas son un lugar perfecto para la identificación temprana y las intervenciones de los problemas de salud conductual para reducir la prevalencia de los problemas de rendimiento, el absentismo escolar, la deserción escolar, y dificultades en el aprendizaje", señalaron Karen Rivo, ex Presidente del Comité de Calidad de la Educación.

La iniciativa mejora la enfermera involucra a los estudiantes como socios activos en la educación de la salud mental y la defensa, lo cual es de suma importancia para reducir el estigma conectado a la salud mental y la mejora de la probabilidad de que las personas en peligro de buscar ayuda y reciben el apoyo que se necesita.

acceder a los servicios en cada escuela se realiza a través del consejero de la escuela, profesor o equipo administrativo. servicios de salud mental incluyen los siguientes:

- Terapia cognitiva conductual
- Terapia (Grupo) Familia
- Terapia Sistémica
- Terapia de Juego
- Participar de Padres / Conferencia del profesor
- Visita a casa

"Un estudiante Miami Beach estaba pasando por un conflicto familiar en el hogar que exacerbó su ansiedad, pérdida del control de los impulsos y la dificultad para prestar atención en clase," dijo el trabajador social con licencia clínica Rodrigo Lozano. "Después de algunas sesiones, una reunión con los padres y un plan de comportamiento, el estudiante mejoró sus informes diarios de progreso y redujo su actuación en clase."

Los padres también pueden acceder a los servicios a través de una solicitud a la escuela. Además, estos miembros del equipo de salud mental proporcionan presentaciones en clase sobre temas tales como la intimidación, las relaciones y manejo de la ira.

"Con el tiempo, esperamos combinar recursos con piscina cada vez mayor de proveedores de fondos para expandir este modelo a todas las escuelas y todos los niños de nuestro distrito escolar," añadió Gorski.

RESOLUTION NO. 16 – _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR ISLANDS, THE VILLAGE OF BAL HARBOUR AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION; TO SUPPORT AND ENHANCE THE NURSE INITIATIVE FOR 2016-2017 SCHOOL YEAR; AUTHORIZING THE APPROPRIATION OF $3,667.00 FROM THE FISCAL YEAR 2016-2017 ANNUAL BUDGET FOR THE TOWN OF SURFSIDE'S PROPORTIONATE SHARE OF FUNDING FOR THE NURSE ENHANCEMENT INITIATIVE; SUBJECT TO APPROVAL IN THE TOWN OF SURFSIDE FISCAL YEAR 2016-2017 ANNUAL BUDGET; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 15-2305, the Town of Surfside authorized the Nurse Enhancement Initiative for the 2015-2016 School Year, which provides on-site healthcare services, including behavioral health services, to the Ruth K. Broad Bay Harbor K-8 Center and other public schools in the nearby area through a Memorandum of Understanding ("MOU") between the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, the Village of Bal Harbour ("participating municipalities") and the Miami Beach Chamber Education Foundation, Inc.; and

WHEREAS, due to the success of the Nurse Enhancement Initiative for the School-Year 2015-2016, the Town wishes to continue the program for the 2016-2017 School Year; and

WHEREAS, as of April 2016, the participating municipalities have committed approximate funding for the Nurse Enhancement Initiative for the 2016-2017 school year, subject to their respective budget approvals, as follows: City of Miami Beach $15,400.00, Town of Surfside $3,667.00, Town of Bay Harbor Islands $3,667.00, Bal Harbour Village $3,667.00, and North Bay Village $6,600.00; and

WHEREAS, the proportionate share of the cost for the Town of Surfside is $3,667.00 for the 2016-2017 School Year will be due on October 31, 2016; and

WHEREAS, the funds for the Town's proportionate share will be subject to approval in the Town's Fiscal Year 2016/2017 Annual Budget; and

WHEREAS, the 2016-2017 MOU between the City of Miami Beach, the Miami Beach Chamber Education Foundation, Inc., North Bay Village, the Town of Surfside, the Town of Bay Harbor Islands, and the Village of Bal Harbour articulates that each participant will contribute

their proportionate share of the costs to support the Nurse Enhancement Initiative program for the 2016-2017 School Year; and

WHEREAS, the MOU may be extended for up to one additional school year in 2017-2018, pending available funding from the Participating Municipalities; and

WHEREAS, it is in the best interest of the health and public welfare of the Town of Surfside to enter into the MOU and provide funding to continue on-site healthcare services to public school students in our area.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Authorization. The Town Commission hereby authorizes the Mayor to enter into the Memorandum of Understanding between the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, Bal Harbour Village and the Miami Beach Chamber Education Foundation, Inc., to implement a Nurse Enhancement Initiative for 2016-2017 school year (Attachment "A").

Section 3. Implementation. The Town Commission authorizes and approves the Town Manager and/or his designee to take any action necessary to implement and execute this Memorandum of Understanding (Attachment "A").

Section 4. Expenditure of Funds. The Town Manager and/or his designee are authorized to expend funds not to exceed $3,667.00 from the Fiscal Year Budget 2016/2017, subject to approval in the Town's Fiscal Year 2016/2017 Annual Budget.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED and **ADOPTED** on this _____day of June, 2016.

Motion by _____,
Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky	____
Commissioner Michael Karukin	____
Commissioner Tina Paul	____
Vice Mayor Barry Cohen	____
Mayor Daniel Dietch	____

_____
Daniel Dietch, Mayor

ATTEST:

_____

Sandra Novoa, MMC, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:

_____

Linda Miller, Town Attorney

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION TO IMPLEMENT A NURSE ENHANCEMENT INITIATIVE FOR SCHOOL YEAR 2016-2017

This is a Memorandum of Understanding ("MOU") made and entered into this __ day of _____, 2016, by and between the **City of Miami Beach** ("**CMB**"), **North Bay Village** ("**NBV**"), the **Town of Bay Harbor Islands** ("**TBHI**"), the **Town of Surfside** ("**TS**"), **Bal Harbour Village** ("**BHV**"), and the **Miami Beach Chamber Education Foundation, Inc.** ("**MBCEF**") (collectively, the "Parties") to provide for funding and for the implementation of a Nurse Initiative as provided herein, and as to be provided in an agreement between **MBCEF** and **The Children's Trust** ("**TCT**").

WITNESSETH

WHEREAS, the Parties have determined that a program to provide healthcare services to students attending underserviced public schools is in the best interests of the health and public welfare of the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village (the "**Participating Municipalities**"); and

WHEREAS, following the Parties' determination that students at North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the **"Participating Schools"**) did not have full-time, on-site healthcare services and were, thus, underserved as compared to other public schools in the feeder pattern that falls within the City of Miami Beach, the Parties entered into a Memorandum of Understanding on August 19, 2013 for a Nurse Initiative to provide healthcare services to the Participating Schools during the 2013-2014 School Year; and

WHEREAS, a subsequent Nurse Initiative Memorandum of Understanding was entered into on April 14, 2014 to continue to provide healthcare services to the Participating Schools during the 2014-2015 school year; and

WHEREAS, due to the success of the Nurse Initiative during the 2013-2014 and 2014-2015 School Years, the Parties implemented an enhanced nurse initiative ("Nurse Enhancement Initiative") for the 2015-2016 School Year for the Participating Schools because the basic healthcare services previously funded in the Nurse Initiative by the Participating Municipalities, the Miami Beach Chamber Education Foundation, Inc., and The Children's Trust, are now provided by The Children's Trust via the new School Health Programs; and

WHEREAS, due to the success of the Nurse Enhancement Initiative established at the Participating Schools for School Year 2015-2016, the parties wish to continue the enhanced nurse initiative for the 2016-2017 School Year; and

WHEREAS, a Nurse Enhancement Initiative should be established at the Participating Schools for School Year 2016-2017 as herein provided and pursuant to a separate agreement to be entered into between MBCEF and TCT.

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth, the Parties agree to provide for a Nurse Enhancement Initiative for the Participating Schools during the 2016-2017 School Year as follows:

1. **MBCEF** shall enter into an agreement with **TCT** whereby **TCT** shall provide services including, but not limited to, behavioral health and/or telehealth/telemedicine and **TCT** shall provide certain schedules and reports as follows:

    a) A monthly report of services provided at each of the **Participating Schools** shall be provided to the Participating Schools and to **MBCEF**; and

    b) A monthly and an annual report shall be provided to the **Participating Municipalities** and to **MBCEF** documenting the percent of students returning to class after all visits relative to the above services at the **Participating Schools**.

2. On or before November 11, 2016, **MBCEF** shall provide funding to **TCT** for the 2016-2017 Nurse Initiative from the Aetna Voices of Health Award in the amount of $7,000.

3. On or before October 31, 2016, the **Participating Municipalities** shall provide their proportionate share of funds for the 2016-2017 Nurse Enhancement Initiative to **MBCEF**, subject to budget approval by the **Participating Municipalities,** which funds **MBCEF** shall hold in escrow pending the execution of its agreement with **TCT** referenced in paragraph 1. The **Participating Municipalities'** proportionate share of funding for the 2016-2017 School Year shall be paid by October 31, 2015 in the following amounts:

    i) **CMB** shall provide funding in the amount of $15,400;

    ii) **NBV** shall provide funding in the amount of $6,600;

    iii) **TBHI** shall provide funding in the amount of $3,667;

    iv) **TS** shall provide funding in the amount of $3,667; and

    v) **BHV** shall provide funding in the amount of $3,667;

4. **MBCEF** shall serve as the fiscal agent to collect the funds to be paid as provided in paragraph 3 above and shall disperse such funds to **TCT** after entering into the agreement with **TCT** referenced in paragraph 1 and upon receipt of invoices from **TCT**.

5. **MBCEF** shall indemnify and hold harmless the **Participating Municipalities** and their respective officers employees, agents and instrumentalities from any and all liability, losses, or damages, including attorneys' fees and costs of defense, which the **Participating Municipalities** or their officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to, or resulting from the performance of this MOU by **MBCEF** or its employees, agents, servants, partners, principals, or subcontractors. **MBCEF** shall pay claims and losses in connection therewith and shall investigate and defend all claims suits or actions of any kind or nature in the name of the **Participating Municipalities,** where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon.

6. In the event that one or more of the **Participating Municipalities** is not able to secure funds for their respective proportionate share of funding as provided in paragraph 3, then the remaining contributing **Participating Municipalities** may, in coordination with the **MBCEF**, adjust the services to be provided through the Nurse Enhancement Initiative pursuant to another written agreement or memorandum of understanding.

7. In the event that any of the provisions in this MOU are not performed, or if the 2016-2017 Nurse Enhancement Initiative is terminated after funds have been dispersed to **MBCEF** as provided in paragraphs 3 and 4, then **MBCEF** shall promptly reimburse each of the **Participating Municipalities** their proportionate share of unused funds. If any combination or all of the **Participating Municipalities** agree to implement a Nurse Enhancement Initiative for the 2017-2018 School Year, then **MBCEF** may, as directed in writing by the **Participating Municipalities** that agree to implement a 2017-2018 Nurse Enhancement Initiative, hold any unused funds in escrow to be applied toward the 2017-2018 Nurse Enhancement Initiative. Any unused funds shall be credited toward each of the **Participating Municipalities'** proportionate share of funding for the 2017-2018 Nurse Enhancement Initiative.

IN WITNESS THEREOF, the Parties hereto have executed by their respective and duly authorized officers the day and year first above written.

ATTEST:

By: _____
Rafael E. Granado, City Clerk

CITY OF MIAMI BEACH, a Municipal Corporation of the State of Florida

By: _____
Philip Levine, Mayor

_____

ATTEST:

By: _____
Village Clerk

Approved as to form and
Legal sufficiency

_____

NORTH BAY VILLAGE, a Municipal Corporation of the State of Florida

By: _____
Village Manager

ATTEST:

By: _____
Town Clerk

Approved as to form and
Legal sufficiency

_____

TOWN OF BAY HARBOR ISLANDS, a Municipal Corporation of the State of Florida

By: _____
Mayor/Town Manager

ATTEST:

By: _____
Town Clerk

Approved as to form and
Legal sufficiency

_____

TOWN OF SURFSIDE, A Municipal Corporation of the State of Florida

By: _____
Mayor/Town Manager

ATTEST:

BAL HARBOUR VILLAGE, a Municipal Corporation of the State of Florida

By: _____
Village Clerk

By: _____
Mayor/Village Manager

Approved as to form and
Legal sufficiency

_____

ATTEST:

By: _____

Approved as to form and
Legal sufficiency

_____

MIAMI BEACH CHAMBER EDUCATION FOUNDATION

By: _____

F:\OBPI\$ORG DEV & PERF IMP\Organizational Development\Organizational Development\Committee Quality Education\Compact\Health Care TASK Force\2016-17 MOU Nurse Initiative

PLANNING & ZONING - DESIGN REVIEW BOARD	
Peter Glynn (Dietch)	3
Brian Roller (Cohen)	5
Richard Iacobacci (Gielchinsky)	4
Lindsay Lecour (Karukin)	2
Judith Frankel (Paul)	1
Jorge Gutierrez ***(Design Review Board)***	
Vacant ***(Design Review Board)***	
Commissioner Gielchinsky (Liaison)	
PERSONNEL APPEALS BOARD	
Victor May (Dietch)	
Sasha Plutko (Cohen)	
Dou Schochet (Gielchinsky)	
Vacant (Karukin)	
Norma Parron (Paul)	
Commissioner Karukin (Liaison)	
PARKS & RECREATION COMMITTEE	
Eliana Salzhauer (Dietch)	
Shlomo Danzinger (Cohen)	
Mitchell Gottlieb (Gielchinsky)	
Retta Logan (Karukin)	
Jeffrey Platt (Paul)	
Arnie Notkin - Member Emeritus	
Commissioner Paul (Liaison)	
TOURIST BOARD	
Barbara Cohen (Dietch)	
Jennifer Zawid (Cohen)	
Terry Cohen (Gielchinsky)	
Jessica Weiss (Karukin)	
Marianne Meischeid (Paul)	
Vice Mayor Cohen (Liaison)	
PENSION BOARD	
Julio Torres (PD Elect)	
Yamileth Slate-McCloud (Employee Elect)	
Guillermo Olmedillo (Secretary)	
N. Abraham Issa (Resident) - Appointed by Commission	
Staci K. Shanahan (Resident) - Appointed by Commission	

POLICE OFFICERS PENSION TRUST
Loxley Arch III (PD Elected)
John Gentile (PD Elected)
Joe Matthews (PD Elected)
Terry Henley (Resident) - Appointed by Commission
Vacant (Resident) - Appointed by Commission
Environmental and Sustainability Resources Sub-Committee
Lou Cohen (Dietch)
ReedKandalaft (Cohen)
Bertha Goldenberg (Gielchinsky)
Vacant (Karukin)
Larisa Alonso (Paul)
Mayor Dietch (Liaison)

20-May-16

Town of Surfside
Commission Communication

Agenda #: 9B

Agenda Date: June 14, 2016

Subject: Town Asset Maximization Diagrams

Background: Surfside was designed and built as a dormitory town without a real local economic base. Through its history, a commercial district was developed, like many small communities, as a strip along one of the main roads. The single family area was developed on a grid maximizing the number of buildable lots, and the ocean front property was developed with no real integration with the rest of the Town.

Concept: The idea is to retrofit the Town using existing land assets to provide residents and visitors with usable spaces that complement the residential areas. The assets inventory diagram simply identifies and maps all the properties that the Town has to work with including:

- Town-owned properties
  - Street-end park and green areas
  - Town parks
  - Community Center
  - Town Hall property
  - Parking lots
  - Post Office location
- Assets that are an amenity to the Town
  - Beachfront hard pack and walking path
  - Beach
  - Commercially active 'mainstreet'

The Opportunities Diagram maps out how several of the assets can be networked into a connected strategy. This could lead to better linkages between the various assets and to a potential Town-wide, distributive programming of use areas that could include areas for passive recreation, increased water access, and a walk/bike route with increased safety.

Presently I am in conversations with FIU Professor, Juan Bueno, to have access to an advanced architectural graduate student who will assist the Town in "visioning" the future of our community. Once having determined the cost, I will present the Commission with a funding request, or negotiate an agreement within my spending authority.

Budget Impact: Staff time.

Staff Impact: Interaction with Town Manager and Planning Staff.

Recommendation: Present the concept and seek Town Commission support to continue this effort.

Guillermo Olmedillo, Town Manager

TOWN OF SURFSIDE
Office of the Town Attorney
MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009
Telephone (305) 993-1066

DISCUSSION ITEM

Agenda Item: # 9C

Date: **June 14, 2016**

From: **Linda Miller, Town Attorney**

Subject: **Demolition permitting for Single Family Homes with Architectural or Historic Significance**

Background: At the May 10, 2016 meeting, the Town Commission directed the Town Attorney to research the legal sufficiency and possible strategies to provide a process by which single family residential properties are not demolished until a new building is erected. Members of the Town Commission discussed preserving the character, integrity and historic context of the Surfside neighborhood. There are no requirements in the Town Code which link the time in which a single family home is demolished and when a new home is erected.

Case law supports that demolition may be suspended for a single family residence when there are specific and enumerated criteria to evaluate historic or architectural significance of the property prior to demolition. However, as a threshold matter, the United States Constitution and Florida Constitution provide that no person may be deprived of his or her property without due process of law. Florida courts have held, "In order for ordinances which provide decisional authority to be constitutional, they must have mandatory objective criteria to be followed when making a decision." The Friends of Great Southern, Inc. v. City of Hollywood ex rel, 964 So.2d 827, 830 (4th DCA 2007) (citing Miami-Dade County v. Omnipoint Holdings, Inc., 811 So.2d 767 (Fla. 3d DCA 2002)). The Court in Friends of Great Southern upheld Section 5.6.F.5.d of the City of Hollywood Land Development Code that provides evaluation criteria in evaluating an application for a Certificate of Appropriateness for the demolition of buildings, structures, improvements or sites.

Town of Surfside Permit Process: Demolition permitting is administered pursuant to Section 90-19 of the Town of Surfside Code of Ordinances, which states "No building shall be erected, constructed, altered, moved, converted, extended or enlarged without the owner or owners first having obtained a building permit from the building official." The Town's document "Requirements for Demolition of Whole Structures" is a checklist of requirements prior to demolition, which includes but is not limited to a survey, proof of ownership, and the demolition

permit, among other requirements in the list (Attachment "A").

Vacant Lots: After a building is demolished, the Town follows Code Section 14-55 - *Vacant lots or buildings* provides:

> "The owner of a vacant lot or building will take such steps and perform such acts as may be required of him or her from time to time to ensure that the lot or building and its adjoining yard remain safe and secure and do not present a hazard to the adjoining property or the public. Owners will be responsible for maintaining their lots and buildings so that they do not become an unoccupied hazard and so that they do not become a real or aesthetic nuisance to their adjoining property owners."

Town Code Section 14-55 further states the following:

> (c) The Town Manager is hereby authorized and directed to employ necessary personnel and equipment to enter upon vacant lots whose owner or occupant fails to maintain the property in accordance with this section and to maintain same.
>
> (1) In order to defray the cost to the Town of maintaining such property, there is hereby levied and assessed against each owner or occupant who fails to maintain same, the costs resulting from gaining compliance with this section including the placement of fencing, landscaping, and continuous maintenance.
>
> (2) All charges becoming due and payable under this subsection constitute, and are hereby imposed as liens against the real property, and, upon becoming delinquent April 1 of the following year, until fully paid and discharged, shall remain liens, equal in rank and dignity with the ad valorem taxes of the Town, and may be satisfied by the sale of certificates in the same manner as is provided for the sale of certificates on delinquent ad valorem taxes. Such lien shall be superior in rank and dignity to other liens, encumbrances, titles and claims in, to or against the real property involved.

Architectural/Historic Significance and Demolition in nearby Municipalities: The following municipalities have adopted ordinances which set forth a process which requires the evaluation of architectural or historic significance prior to allowing for demolition:

Section 142-108(a) of the Miami Beach Land Development Regulations (Attachment "B") requires

> "Pursuant to a request for a permit for partial or total demolition of a home constructed prior to 1942, the planning director, or designee, shall; or independently may, make a determination whether the home is architecturally significant according to the following criteria:
>
> (1) The subject structure is characteristic of a specific architectural style constructed in the city prior to 1942, including, but not limited to, Vernacular, Mediterranean Revival, Art Deco, Streamline Moderne, or variations thereof.

(2) The exterior of the structure is recognizable as an example of its style and/or period, and its architectural design integrity has not been modified in a manner that cannot be reversed without unreasonable expense.

(3)Significant exterior architectural characteristics, features, or details of the subject structure remain intact.

(4) The subject structure embodies the scale, character and massing of the built context of its immediate area.

Section 142-108(d)(1) of the Miami Beach Land Development Regulations further states that "A building permit for the total demolition of any single-family home constructed prior to 1942 shall only be issued following the final determination (after the expiration of time or exhaustion of all appeals) by the planning director, or designee, or the DRB that the subject structure is not an architecturally significant home."

Section 3-1107(g) of the City of Coral Gables Zoning Code requires that "all demolition permits for non-designated buildings and/or structures must be approved by the Historic Preservation Officer or designee.", and sets forth a process for evaluation. Section 3-1107(A) of the City of Coral Gables Zoning Code provides that for historically designated buildings, "No permit for demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a Special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this Article," and sets forth criteria for evaluation. (Attachment "C")

Conclusion: The analysis of neighboring municipalities and case law demonstrates that demolition may be suspended on a single family residence when there are objective and sufficiently detailed criteria to evaluate historic or architectural significance of the property prior to demolition. If the Town of Surfside pursues a similar framework, the evaluation for the criteria could either be completed by an outside subject matter expert consultant or the Miami-Dade County Historic Preservation Board. Historic preservation in the Town is governed and administered by the Miami-Dade County Historic Preservation Board.[1] The Town Attorney's Office contacted staff at the Historic Preservation Board, who advised that if the Town Commission recommends enacting legislation to prohibit demolition, the Board could provide the subject matter expertise to develop and evaluate the criteria for the legislation to regulate demolition.

Recommendation: For the Town Commission to discuss and evaluate the above and provide direction to the Town Administration.

[1]On June 7, 2016 the Miami Dade Board of County Commissioners will consider an ordinance on first reading that will allow municipalities to opt out of the Miami-Dade County Historic Preservation jurisdiction by enacting their own historic preservation ordinance.

TOWN OF SURFSIDE
BUILDING DEPARTMENT
MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

Telephone: 305 861-4863
Facsimile: 305 861-1302

Internet: www.townofsurfsidefl.gov

REQUIREMENTS FOR DEMOLITION OF WHOLE STRUCTURES

Residential Single Family item Number	Submission Completed	Requirements
1		OBTAIN PLUMBING PERMIT TO CAP SEWER (CAP OFF INSPECTION MUST BE APPROVED PRIOR TO ISSUANCE OF DEMOLITION PERMIT
2		EXECUTED DEMOLITION PERMIT APPLICATION
3		CURRENT SEALED SURVEY (NOT MORE THAN 1 YEAR OLD)
4		PROOF OF OWNERSHIP, IF DIFFERENT THAN THE TOWN'S CURRENT RECORDS.
5		CORPORATE MINUTES IF CORPORATION IS THE OWNER
6		PROOF OF AUTHORIZATION IF TRUSTEE IS THE APPLICANT
7		ASBESTOS REPORT AND DERM REVIEW STAMP
8		LETTER FROM A/E CERTIFYING THAT NO ASBESTOS IS PRESENT IN THE SUBJECT SITE
9		DISCONNECT LETTERS FROM APPLICABLE UTILITY COMPANIES FOR ELECTRICAL, GAS, CABLE OR OTHER UTILITIES
10		OBTAIN VERMIN CLEAR LETTER
11		EXECUTE NPDES SEDIMENT CONTROL FORM
12		PROVIDE OFF-STREET PARKING PLAN FOR DURATION OF CONSTRUCTION
Commercial and Multi-Family	**Submission Completed**	**Requirements**
1		COMPLETE APPLICABLE ITEMS 1 TO 12 ABOVE EXCLUDING No. 1
2		PROVIDE UNDERGROUND UTLITIY DEMOLITION PLAN PREPARED BY CIVIL ENGINEER. ACCEPTANCE OF UNDER GROUND DEMOLITION REPORT MUST BE SUBMITTED TO BUILDING OFFICIAL BY ENGINEER.
3		PROVIDE CONSTRUCTION SITE CIRCULATION AND STAGING PLAN
4		SUBMIT CONSTRUCTION TRAILER AND FENCE PERMIT APPLICATIONS.

Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.

(a) *Criteria for the demolition of an architecturally significant home.* Pursuant to a request for a permit for partial or total demolition of a home constructed prior to 1942, the planning director, or designee, shall; or independently may, make a determination whether the home is architecturally significant according to the following criteria:

(1) The subject structure is characteristic of a specific architectural style constructed in the city prior to 1942, including, but not limited to, Vernacular, Mediterranean Revival, Art Deco, Streamline Moderne, or variations thereof.

(2) The exterior of the structure is recognizable as an example of its style and/or period, and its architectural design integrity has not been modified in a manner that cannot be reversed without unreasonable expense.

(3) Significant exterior architectural characteristics, features, or details of the subject structure remain intact.

(4) The subject structure embodies the scale, character and massing of the built context of its immediate area.

The date of construction shall be the date on which the original building permit for the existing structure was issued, according to the City of Miami Beach Building Permit Records. If no city building permit record exists, the date of construction shall be as determined by the Miami-Dade County Property Appraiser.

Any applicant requesting a determination as to the architectural significance of any single-family home constructed prior to 1942 shall pay upon submission [of] all applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid. Public notice shall be required in accordance with section 118-8, subsections (b) Mail notice, and (c) Posting. Within ten days of posting any required notice, interested persons may submit information to the planning director to take into consideration in evaluating the application. The director shall file the determination with the city clerk no later than five (5) days after the decision is made.

(b) *Appeals.* The decision of the planning director, or designee, which shall bear the presumption of correctness, pertaining to the architectural significance of a single-family home, may be appealed to the design review board, pursuant to the requirements of Section 118-9. No demolition permit may be issued within any appeal period, and if an appeal is filed, while the appeal is pending.

(c) *[Pre-application conference.]* An applicant may have a pre-application conference with' the planning director, or designee, prior to the submission of a request or an application to discuss any aspect of this section. Such pre-application conference and any statements by the planning director, or designee, shall not create any waiver of, or estoppel on, the requirements of, or any determination to be made, under this section.

(d) *Total demolition procedures for a pre-1942 home.*

(1) A building permit for the total demolition of any single-family home constructed prior to 1942 shall only be issued following the final determination (after the expiration of time or exhaustion of all appeals) by the planning director, or designee, or the DRB, that the subject structure is not an architecturally significant home. A property owner may proceed directly to the DRB, pursuant to subsection 142-108(g); in this instance, a demolition permit shall only be issued in accordance with subsection 142-108(f).

(2) A request for such determination by the planning director, or designee, shall be processed by the planning department within ten business days of its submission.

(3) In the event the planning director, or designee, determines that a single-family home constructed prior to 1942 is architecturally significant, a demolition permit shall require the review of the DRB. The DRB shall explore with the property owner reasonable alternatives to demolition such as, but not limited to, reducing the cost of renovations, minimizing the impact of meeting flood elevation

requirements, and designating the property as an historic structure or site. The DRB shall not have the authority to deny a request for demolition.

(e) *Partial demolition procedures for an architecturally significant home.*

(1) A building permit for partial demolition to accommodate additions or modifications to the exterior of any architecturally significant single-family home constructed prior to 1942 shall be issued only upon the prior final approval by the planning director, or designee, unless appealed as provided in subsection (3) below. In the event an architecturally significant single-family home is proposed to be substantially retained, the mail notice requirements in subsection 142-108(a) shall not be required and a property owner may proceed directly to the design review board, pursuant to subsection 142-108(g), or agree to have the partial demolition reviewed and approved by staff, pursuant to subsection 142-108(e)(4); in either instance, a demolition permit shall only be issued in accordance with subsection 142-108(f).

(2) An application for such approval shall be processed by the planning department, as part of the building permit process.

(3) An appeal of any decision of the planning department on such applications shall be limited to the applicant, shall be in writing, shall set forth the factual and legal bases for the appeal, and shall be to the DRB.

(4) Review of applications for partial demolition shall be limited to the actual portion of the structure that is proposed to be modified, demolished or altered. Repairs, demolition, alterations and improvements defined below shall be subject to the review and approval of the staff of the design review board. Such repairs, alterations and improvements include the following:

a. Ground level additions to existing structures, not to exceed two stories in height, which do not substantially impact the architectural scale, character and design of the existing structure, when viewed from the public right-of-way, any waterfront or public parks, and provided such ground level additions

1. Do not require the demolition or alteration of architecturally significant portions of a building or structure;

2. Are designed, sited and massed in a manner that is sensitive to and compatible with the existing structure; and

3. Are compatible with the as-built scale and character of the surrounding single-family residential neighborhood.

b. Roof-top additions to existing structures, as applicable under the maximum height requirements specified in chapter 142 of these land development regulations, which do not substantially impact the architectural scale, character and design of the existing structure, when viewed from the public right-of-way, any waterfront or public parks, and provided such roof-top additions:

1. Do not require the demolition or alteration of architecturally significant portions of a building or structure;

2. Are designed, sited and massed in a manner that is sensitive to and compatible with the existing structure; and

3. Are compatible with the as-built scale and character of the surrounding single-family residential neighborhood.

c. Replacement of windows, doors, roof tiles, and similar exterior features or the approval of awnings, canopies, exterior surface colors, storm shutters and exterior surface finishes, provided the general design, scale, massing, arrangement, texture, material and color of such alterations and/or improvements are compatible with the as-built scale and character of the subject home and the surrounding single-family residential neighborhood. Demolition associated with facade and building restorations shall be permitted, consistent with historic documentation.

d. Facade and building restorations, which are consistent with historic documentation, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.

e. Demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.

f. The demolition and alteration of rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed does not require the demolition or alteration of architecturally significant portions of a building or structure.

g. The demolition of non-architecturally significant accessory buildings.

(f) *Issuance of demolition permits for architecturally significant homes.*

(1) Emergency demolition orders. This section shall not supersede the requirements of the applicable building code with regard to unsafe structures and the issuance of emergency demolition orders, as determined by the building official.

(2) A demolition permit for the total demolition of an architecturally significant single-family home constructed prior to 1942, shall not be issued unless all of the following criteria are satisfied:

a. the issuance of a building permit process number for new construction;

b. the building permit application and all required plans for the new construction shall be reviewed and approved by the Planning Department;

c. all applicable fees for the new construction shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;

d. a tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by the Greenspace Management Division;

(3) The demolition permit shall require that all debris associated with the demolition of the structure shall be re-cycled, in accordance with the applicable requirements of the Florida Building Code.

(g) *New construction requirements for properties containing a single-family home constructed prior to 1942.*

(1) In addition to the development regulations and area requirements of section 142-105, as well as section 118-252, of the land development regulations of the City Code, the following regulations shall apply in the event the owner proposes to fully or substantially demolish an architecturally significant single-family home constructed prior to 1942, inclusive of those portions of a structure fronting a street or waterway. In the event of a conflict between the provisions of section 142-105 and section 118-252, and the regulations below, the provisions herein shall control:

a. The design review board (DRB) shall review and approve all new construction on the subject site, in accordance with the applicable criteria and requirements of chapter 118, article VI, section 118-251(a)1—12 of the land development regulations of the City Code.

b. The DRB review of any new structure, in accordance with the requirements of chapter 118, article VI, shall include consideration of the scale, massing, building orientation and siting of the existing structure on the subject site, as well as the established building context within the immediate area.

c. The overall lot coverage of proposed new buildings or structures shall not exceed the maximum limits set forth in section 142-105.

d. Lot coverage requirements for a single story home. In the event a new home does not exceed one-story in height, the lot coverage shall not exceed 35 percent of the lot area; at the discretion of the DRB, the lot coverage may be increased to a maximum of 50 percent of the lot area, if the DRB concludes that the one-story structure proposed results in a more

contextually compatible new home. For purposes of this section, a one-story structure shall not exceed 18 feet in height as measured from minimum flood elevation. A restrictive covenant, in a form acceptable to the city attorney, shall be required, ensuring, for the life of the structure, that a second story is not added.

e. Lot coverage requirements for lot splits and lot aggregations. The above regulations shall also be a limitation on development in all lots within a single site that may be split into multiple lots or multiple lots that are aggregated into a single site, at a future date. When lots are aggregated, the greater of the footprint permitted by the lot coverage regulations, or the footprint of the larger home, shall apply.

(2) *Regulations for additions to architecturally significant homes which are substantially retained and preserved.* In addition to the development regulations and area requirements of section 142-105, of the land development regulations of the City Code, the following shall apply in the event an architecturally significant single-family home constructed prior to 1942 is substantially retained and preserved. In the event of a conflict between the provisions of section 142-105, 142-106 and section 118-252, and the regulations below, the provisions herein shall control:

a. *Review criteria.* The proposed addition and modifications to the existing structure may be reviewed at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee. The design of any addition to the existing structure shall take into consideration the scale, massing, building orientation and siting of the original structure on the subject site.

b. *Lot coverage.* The total lot coverage may be increased to, but shall not exceed 40 percent, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee. In the event the lot coverage of the existing structure exceeds 40 percent, no variance shall be required to retain and preserve the existing lot coverage and a second level addition shall be permitted, provided it does not exceed 60 percent of the footprint of the existing structure; no lot coverage variance shall be required for such addition.

c. *Unit size.* The total unit size may be increased to, but shall not exceed 60 percent, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.

d. *Heights for RS-3 and RS-4.* For lots zoned RS-4 with a minimum lot width of 60 feet, or lots zoned RS-3, the height for ground level additions not to exceed 50 percent of the lot coverage proposed, may be increased up to 26 feet for a flat roofed structure and 29 feet for a sloped roof structure (as measured to the mid-point of the slope) above the minimum required flood elevation, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.

e. *Heights for RS-1 and RS-2.* For lots zoned RS-1 or RS-2, the height for ground level additions not to exceed 50 percent of the lot coverage proposed may be increased up to 30 feet for a flat roofed structure and 33 feet for a sloped roof structure (as measured to the mid-point of the slope) above the minimum required flood elevation, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.

f. *Courtyards.* The minimum courtyard requirements specified in subsection 142-106(2)d. may be waived at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.

g. *Front setback.* Two-story structures or the second floor may encroach forward to the 20-foot front setback line, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.

h. *Second floor requirements.* The maximum second floor area of 70 percent specified in subsection 142-105(b)(3)c may be waived at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.

i. *Two-story ground level additions.* The construction of a ground floor addition of more than one story shall be allowed to follow the existing interior building lines, provided a minimum side setback of five feet is met, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.

j. *Projections.* Habitable additions to, as well as the relocation of, architecturally significant structures, may project into a required rear or side yard for a distance not to exceed 25 percent of the required yard, up to the following maximum projections:

1. Interior side yard: Five feet.

2. Street side yard: Seven feet six inches.

3. Rear yard: Fifteen feet.

k. *Fees.* The property owner shall not be required to pay any city planning or public works department fees associated with the renovation and restoration of the existing single-family home; except that any and all non-city impact fees and other fees shall still be required.

l. *[Applicability.]* The above regulations shall also be applicable to:

1. Any single-family home designated as an historic structure by the historic preservation board, and not located within a locally designated historic district.

2. Any single-family home constructed prior to 1966, if the owner voluntarily seeks a determination of architectural significance and if such home has been determined to be architecturally significant in accordance with section 142-108(a).

(3) *Appeals.* An appeal of any decision of the DRB shall be to a special master appointed by the city commission, in accordance with the procedures set forth in subsection 118-537(b) of these land development regulations. Thereafter review shall be by certiorari to the circuit court.

(h) *Exceptions.* The following areas of work shall not require determinations of the planning director, or designee, under this section: interior demolitions including plumbing, electrical and mechanical systems, and renovations to the exterior of nonarchitecturally significant structures.

(i) *New construction procedures for single-family homes demolished without required approvals or permits.* For those properties where a single-family home constructed before 1942 was demolished without prior approval of the planning department, the design review board or the single-family residential review panel, and without the required permits from the building official, in addition to any other applicable law in this Code or other codes, the following shall apply prior to the issuance of any building permit for any new construction on the subject site:

(1) Purpose. The purpose of this subsection is to ensure that any new construction on the site where a single-family home constructed prior to 1942 was demolished without required approvals or permits is consistent with the scale, massing, density, location and height of that structure which previously existed on site prior to the unpermitted demolition. Where used in this section, the words "without all required permits," "without prior approval," "without required permits or approval" shall not be defined to include demolition as a result of forces beyond the control of the landowner such as, for example, windstorm, flood, or other natural disaster.

(2) The design review board shall have jurisdiction to review and approve all new construction on the subject site, in accordance with the criteria listed in section 118-251 and this section.

(3) Upon the finding that the demolition of any single-family home constructed prior to 1942 was without following the procedures of this section or without all required permits, any new construction on the same site shall be limited to the overall square footage, building footprint,

height and location of that which previously existed on site prior to the unpermitted demolition, to the greatest extent possible in accordance with the applicable building and zoning codes.

(4) In the event the design review board determines that the single-family home demolished without required approval or permits was architecturally significant, based upon the criteria in subsections 142-108(a)(1)—(3) herein, the board shall require that the new structure be designed and constructed to match the exterior design and architectural details of the original structure demolished to the greatest extent possible in the same location, in accordance with all available documentation and in accordance with the applicable building and zoning codes.

(5) In the event the applicant endeavors to construct a new home on multiple, combined lots, and one of the lots contained the subject building demolished without required permits and approval, construction of the new home to match the exterior design and architectural details of the original home shall only occur on the lot on which the demolished home was situated. Separate new homes, which are not attached in any way to the lot on which the demolished home was situated, may be constructed on the remaining lots without approval from the design review board.

(6) In the event the owner of a single-family home constructed prior to 1942, which has been demolished without required permits or approvals, can establish good cause, the design review board may relieve the property owner of some or all of the limitations on new construction herein. The requirement of good cause shall be satisfied where the unauthorized demolition was solely the result of intentional or negligent acts of a duly licensed contractor or other third parties, and the owner had no role in and knowledge of the unauthorized demolition.

(7) In the event a single-family home constructed prior to 1942 is demolished without prior approval of the planning department, the design review board or the single-family residential review panel, and without the required permits from the building official, in addition to any other applicable law in this code or other codes, the city shall document such demolition, and the applicable requirements and procedures for any new construction delineated herein, for recording in the public records of Miami-Dade County, to give notice to subsequent purchasers of the property.

(8) No variances shall be granted by the board of adjustment from the requirements of section 142-108 except those variances which may be required to reconstruct the original structure demolished without required approvals or permits.

(Ord. No. 2004-3468, § 1, 12-8-04; Ord. No. 2006-3529, §§ 5, 6, 9-6-06; Ord. No. 2007-3569, § 1, 9-5-07; Ord. No. 2014-3836, § 1, 2-12-14; Ord. No. 2014-3907, § 4, 11-19-14; Ord. No. 2015-3957, § 1, 9-2-15; Ord. No. 2015-3958, § 1, 9-2-15; Ord. No. 2015-3977, § 25, eff. 12-19-15; Ord. No. 2015-3978, § 12, 12-9-15, eff. 4-1-16; Ord. No. 2016-3999, § 1, 3-9-16)

by the Board, a new application for a Special Certificate of Appropriateness shall be required.

J. Ordinary maintenance and repair. Nothing in this Division shall be construed to prevent the ordinary maintenance or repair of any improvement which does not involve a change of design, appearance or material, or to prevent ordinary maintenance of landscape features.

Section 3-1107. Demolition.

A. No permit for demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a Special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this Article. Denial of such application indefinitely and refusal by the Board to grant a Special Certificate of Appropriateness to demolish shall be evidenced by written order detailing the public interest which is sought to be served. The Historic Preservation Board shall be guided by the criteria contained in subsection (D) below.

B. The Board may grant a Special Certificate of Appropriateness to demolish with a deferred effective date. The effective date shall be determined by the Board based upon the significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition deferral period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this division. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one (1) or more structures or other features. After the specified expiration of the deferred Special Certificate of Appropriateness, a demolition permit shall be issued if requested forthwith by the appropriate administrative officials.

C. As a condition of granting any Certificate of Appropriateness, standard or special, for demolition of buildings or improvements designated as historic landmarks or located in an historic landmark district, the Board may require at the owner's expense, salvage and preservation of specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The Board may also require, at the owner's expense, the recording of the improvement for archival purposes prior to demolition. The recording may include, but shall not be limited to, photographs and scaled architectural drawings.

D. In addition to all other provisions of this Division, the Board shall consider the following criteria in evaluating applications for a Special Certificate of Appropriateness for demolition of designated properties:

1. The degree to which the building, structure, improvement or site contributes to the historic and/or architectural significance of the historic site or district;

2. Whether the building, structure, improvement or site is one of the last remaining examples of its kind in the neighborhood, the county or the region;

3. Whether the loss of the building, structure, improvement or site would adversely affect the historic and/or architectural integrity of the historic site or district;

4. Whether the retention of the building, structure, improvement or site would promote the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage;

5. Whether architectural plans have been presented to the Board for the reuse of the property if the proposed demolition were to be carried out, and the appropriateness of said plans to the character of the historic site or district, if applicable; and demonstration as well as the posting of a bond requirement that there are sufficient funds in place to carry out such plans;

6. Whether the building, structure, improvement or site poses an imminent threat to the public health or safety;

7. Whether the applicant has demonstrated that retention of the building, structure, improvement or site would create an unreasonable or undue economic hardship as described in Section 3-1115; and

8. Whether there is a compelling public interest requiring the demolition.

E. As a condition of granting a Certificate of Appropriateness for demolition, the Historic Preservation Board may require that no building permit be issued for the demolition of said structure until a building permit for the construction of a new building has been issued.

F. The owner of the property shall permit access to the subject property for the purpose of inspections and/or appraisals required by the Historic Preservation Board or Historic Preservation Officer.

G. All demolition permits for non-designated buildings and/or structures must be approved by the Historic Preservation Officer or designee. The approval is valid for six (6) months from issuance and shall thereafter expire and the approval is deemed void unless the demolition permit has been issued by the Development Services Department. The Historic Preservation Officer may require review by the Historic Preservation Board if the building and/or structure to be demolished is eligible for designation as a local historic landmark or as a contributing building, structure or property within an existing local historic landmark district. This determination of eligibility is preliminary in nature and the final public hearing before the Historic Preservation Board on Local Historic Designation shall be within sixty (60) days from the Historic Preservation Officer determination of "eligibility." Consideration by the Board may be deferred by mutual agreement by the property owner and the Historic Preservation Officer. The Historic Preservation Officer may require the filing of a written application on the forms prepared by the Department and may request additional background information to assist the Board in its consideration of eligibility. Independent analysis by a consultant selected by the City may be required to assist in the review of the application. All fees associated with the analysis shall be the responsibility of the applicant. The types of reviews that could be conducted may include but are not limited to the following: property appraisals; archeological assessments; and historic assessments.

H. The damage, destruction, or demolition of any building, structure, improvement or site or portion thereof protected by this Division (a) for which a certificate of appropriateness for demolition has not been granted, or (b) which was carried out in violation of the provisions for demolition and demolition by neglect under the provisions of this Section, shall cause the City to reject an application for a building permit until the following criteria have been met:

1. A pre-application shall be submitted to the Historical Resources Department containing the following information:

   a. A detailed sworn explanation outlining the facts surrounding the unlawful damage, destruction, or demolition.

   b. Evidence that any and all code enforcement fines have been paid.

   c. Evidence that all violations on the property have been corrected or a stipulation outlining the agreed upon steps to correct all outstanding violations.

2. Review and approval of the Historical Resources Department checklist by the following departments so that the applications for issuance of a building permit may proceed.

   a. Building and Zoning.

b. Planning.

c. Public Works.

d. Public Service.

e. Historic Resources.

f. City Manager.

g. City Attorney.

3. All approvals issued within the parameters of this section shall not be construed to be a development order and shall not be evidence of approval by any of the City's departments of the building permit.

I. The ad valorem tax exemption provided for under Sections 3-1118-1120 does not apply to buildings, structures, improvements or sites that have been demolished in violation of this Section.

Section 3-1108. Demolition by neglect.

A. Demolition by neglect is any failure to comply with the minimum required maintenance standards of this Section, whether deliberate or inadvertent.

B. The owner of any building, structure, landscape feature, improvement, site or portion thereof which has been historically designated pursuant to the Historic Preservation provisions of this Division shall be required to properly maintain and preserve such building or structure in accordance with the standards set forth in the applicable sections of the Florida Building Code, and this Division.

1. It is the intent of this Section to preserve from deliberate or inadvertent neglect, the interior, exterior, structural stability and historic and architectural integrity of any historically designated building, structure, landscape feature, improvement, site or portion thereof. All such properties, building and structures shall be maintained in accordance to minimum maintenance standards, preserved against decay, deterioration and demolition and shall be free from structural defects through prompt and corrective action to any physical defect which jeopardizes the building's historic, architectural and structural integrity; such defects shall include, but not be limited to, the following:

a. Deteriorated and decayed facades or façade elements, including but not limited to, facades which may structurally fail and collapse entirely or partially;

b. Deteriorated or inadequate foundations;

c. Defective or deteriorated flooring or floor supports or any structural members of insufficient size or strength to carry imposed loads with safety;

d. Deteriorated walls or other vertical structural supports, or members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;

e. Structural members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

f. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or missing windows or doors;

Town of Surfside
Commission Communication

Agenda Item: 9D

Agenda Date: June 14, 2016

Subject: Beach Chairs Plan

Background: Pursuant to the Commission's directive during the May 10, 2016 Town Commission meeting, requesting a "simple plan" to address the expressed citizens' concerns about placement of lounge chairs on the beach, my recommendation is as follows:

1. Prepare legislation and regulations based only on "Health, Safety and Welfare" principles.
2. The beach has to be accessible to the general public, regardless of place of residence.
3. Emergency vehicular access must be provided by having a clear path east of the dune system, and either along the water line or several clear paths perpendicular to it. Additionally, clear paths must be provided around the Lifeguard Stand.
4. Vendors providing beach chair service shall only be sponsored by a resort facility or a condominium association. The sponsoring entity will provide liability insurance to protect the Town of Surfside against any and all claims.
5. Vendors must obtain all required business and operating licenses from the Town, County and State.
6. Beach furniture may be stored overnight in appropriately designed containers to prevent vandalism and to protect surrounding properties.
7. All furniture shall be removed from the beach upon the County's notice of a "Hurricane Watch".
8. A new Code Section has to be added to establish penalties.
9. Add two part-time Code Compliance officers to work on weekends and holidays.

Budget Impact: It is expected that two part-time employees will cost $45,000 annually.

Staff Impact: In addition to the part-time employees, the Code Compliance officers will follow up on cases that have to be prepared for Special Magistrate hearings.

Recommendation: It is recommend that no additional parameters be created that are not directly related to "Health, Safety and Welfare".

Guillermo Olmedillo, Town Manager

Donald Nelson, Finance Director

Town of Surfside
Commission Communication

Agenda Item # 9E

Agenda Date: June 14, 2016.

Subject: Miami Dade Urban Debate League.

Background: The Town has been approached to assist with the formation of a Miami Dade Urban Debate League by contributing $1000 to the effort. The National Association of Urban Debate Leagues (NAUDL) operate in twenty five cities and greater Miami is seeking to become an active participant in this national initiative to provide competitive debate opportunities to public school students in high-poverty neighborhoods.

The Miami Dade School Board has entered into a Memorandum of Understanding with the NAUDL on this initiative and provides partial financial support. The first debate tournament has ten high schools and five middle schools signed on to participate. The following statistics support the importance of such a program:

- 90% of urban debaters graduate on time.
- 72% of urban debaters with the highest risk of dropping out graduate on time.
- After graduation from High School 86% of urban debaters enroll in college.
- Urban debaters are 80% more likely to graduate from college.

Budget Impact: A $1000 contribution from the FY 15/16 budget.

Staff Impact: None.

Recommendation: Approve the $1000 contribution to the National Association of Urban Debate Leagues, a 501c (3) non-profit organization, for the Miami Dade Urban Debate League.

Town Manager

Finance Director

Town of Surfside
Commission Communication

Agenda Item: 9F

Agenda Date: June 14, 2016

Subject: Post Office Lot Parking Update

Background: In order to continue conversations with Andrew Spodek, the owner of the "Post Office Building" I am seeking a number of decisions from the Town Commission.

Analysis: A conceptual development can be based on the following:

1. Post Office Building owner has received proposals from private interests to develop his site together with the Town portion with a 20,000 square foot commercial space, and a number of parking spaces to satisfy the already committed spaces, and a surplus to accommodate the necessary spaces for existing Downtown buildings and reduce the deficit from older condominium buildings.
2. Theoretically it is possible to build:
   - 2.1. At ground level, a facility with 20,000 square feet of retail and circulation for the parking structure and loading/unloading needs of the retail area.
   - 2.2. The two sites add up to approximately 41,500 square feet. (Mr Spodek's portion is 12,460 square feet)
   - 2.3. Three levels of parking for approximately 350 spaces.
   - 2.4. Seventy spaces are required to meet the demand of the retail area.
   - 2.5. One hundred and twenty spaces are committed to different projects, and 61 spaces are currently on site leaving 99 spaces for the rest of the demand.
   - 2.6. For gross development cost calculation the retail space can be estimated at $250.00/square foot and each parking space can be estimated at $35,000/space.
   - 2.7. Total construction cost approximately $17,250,000.

Budget Impact: Staff time.

Staff Impact: Town Manager's interaction.

Considerations: In order to facilitate our conversations with Mr. Spodek, I request that the Commission consider the following:

1. First is to confirm that the Town Commission agrees with the development concept detailed above.
2. Second is to determine the contractual structure. A Public Private Partnership is adequate for such a project.
3. The next decision is to determine equity participation.

   3.1. First alternative is to invest in the development costs and to distribute revenue in a similar proportion as the land ownership. The Town owns 2/3 of the total area.

   3.2. Second alternative is to issue a long term lease to Andrew Spodek, and allow him to develop the property and recover 2/3 of the development at the end of the lease.

Guillermo Olmedillo, Town Manager

Donald Nelson, Finance Director

Town of Surfside
Town Commission Meeting
June 14 2016
7:00 pm
Town Hall Commission Chambers - 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

Discussion Item Memorandum

Agenda #: 9G
Date: June 14, 2016
From: Daniel Dietch, Mayor
Subject: Practical Difficulty Variance Ordinance Amendment

Objective: To seek direction from the Town Commission whether it desires to amend Ordinance No. 15-1636 to place further vertical development limits on residential properties.

Consideration: The Town adopted Ordinance No. 15-1636 on June 9, 2015 to allow for a Practical Difficulty Variance (see the attached cover memorandum and Ordinance). While the Ordinance provides for certain limitations on allowed square footage on a second story, further limitations may be warranted to limit unintended consequences. One possible consequence is allowing both the horizontal expansion and also the vertical expansion of a property thus resulting in a massive structure on the property. Accordingly, I am seeking discussion to consider placing a limit on vertical construction in perpetuity on a property that gains relief under the Ordinance.

Recommendation: Direct the Town Administration to amend Ordinance No. 15-1636 to place further vertical development limits on residential properties.

Town of Surfside
Commission Communication

Agenda # 4A1

Agenda Date: June 9, 2015

Subject: Practical Difficulty Variance

From: Sarah Sinatra Gould, AICP, Town Planner

Background At the September 9, 2014 the Town Commission directed Staff to place a discussion item on the Planning and Zoning Board's agenda to explore an increase in lot coverage. This was reviewed by the Planning and Zoning Board at the September 30, 2014 meeting. The board directed staff to return with language that accommodated this request, but provided parameters and graphics to explain the code provision.

At the October 14, 2014 Town Commission meeting, the Commission directed staff to consider the option of prohibiting an expansion of the second story if a homeowner takes advantage of a maximum lot coverage of 50% on the first story.

This was further discussed at the December 9, 2014 Town Commission meeting. The Town Commission directed staff to revisit this topic by offering a method whereby the Town Commission could approve a lot coverage request on a case by case basis. Staff explained that the existing variance provisions in the code require an applicant to demonstrate an unnecessary or undue hardship.

Staff reviewed other municipalities codes and found that some jurisdictions have multiple variance standards which differentiate between an unnecessary hardship and a "practical difficulty." In the case of a variance, a practical difficulty is a standard which is similar to but less rigorous than the unnecessary and undue hardship standard. This was discussed at the January Planning and Zoning Board meeting and the board recommended adding requirements on landscaping. Staff recommends the following language.

This item was presented for first reading at the May 12, 2015 Town Commission meeting. There was discussion on additional restrictions, such as limitations on square footage allowances for the second floor if a practical difficulty variance is granted to the first floor and permitting this only once per property. Although there was much discussion, the Commission approved this on first reading without additional restrictions.

The Planning and Zoning Board heard this ordinance at their May 28, 2015 meeting. The Board discussed including a cap of 50% lot coverage as well as a limitation on the square footage permitted for the second story, if a practical difficulty variance is granted on the first story. The board voted on each addition and unanimously agreed on the 50% lot coverage cap. Two out of the three board members agreed on adding a restriction on limiting the square footage of the second floor if a practical difficulty variance is granted on the first story. The Board then voted on the overall ordinance, which was unanimously recommended for approval to the Town Commission.

Analysis: A practical difficulty variance is a relaxation of the terms or provisions of the Zoning Code which is less rigorous than the unnecessary and undue hardship standard. The proposed text relating to practical difficulty variances shall only be applicable to lot coverage for single family homes located on single platted lots in the H30B zoning district. The standard provides for a variance where a literal enforcement of a zoning regulation will create a practical difficulty in the use of the parcel of land for the purpose or in the manner for which it is zoned, considering the following factors:

a. How substantial the variance is in relation to the requirement sought to be varied;
b. Whether an adverse change will be produced in the character of the neighborhood;
c. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
d. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

Based on the Planning and Zoning Board's recommendation, the following language is added:

Practical difficulty variances shall only be applicable to lot coverage for single family homes located on single platted lots in the H30B zoning district. If a practical difficulty variance is granted, the maximum lot coverage afforded shall be 50%. Any property granted additional lot coverage by a practical difficulty variance shall not increase the square footage permitted on the second story. Further, any square footage added by the practical difficulty variance on the first floor, shall be considered a reduction in the available square footage be added to the second floor.

Please see the following examples to demonstrate what is permitted in the existing code, the original text presented to commission and the modified text suggested by the Planning and Zoning Board. The Planning and Zoning Board's proposed language reflects no net increase in overall square footage by permitting the practical difficulty variance from the existing code to the proposed code.

Existing Code (Typical lot size – 5,600 square feet)	
1st Floor	2,240 square feet
2nd Floor	1,792 square feet
TOTAL	**4,032 square feet**
Proposed Code Presented to Commission	
1st Floor	2,800 square feet
2nd Floor	2,240 square feet
TOTAL	**5,040 square feet**
Text Suggested by the Planning & Zoning Board	
1st Floor	2,800 square feet
2nd Floor	1,232 square feet
TOTAL	**4,032 square feet**

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: Each Practical Difficulty Variance submitted to the Town will be subject to the Town's adopted fee schedule for cost recovery applications. The applicant will submit a cost recovery fee in the amount of $1,500 to cover the review of the application.

Staff Recommendation: The Planning and Zoning Board has recommended approval of this ordinance to the Town Commission. Staff recommends the Town Commission approve this ordinance on second reading.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmendillo, Town Manager

ORDINANCE NO. 15 – 1436

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING "SECTION 90-36 VARIANCES"; SPECIFICALLY AMENDING "90-36.1 GENERAL VARIANCES" TO MODIFY THE CODE TO PROVIDE FOR A PRACTICAL DIFFICULTY VARIANCE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Code limits lot coverage to 40%; and

WHEREAS, lot coverage is defined as the percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures, or portions thereof; provided however that allowable exclusions, as described under "floor area," shall not be included in determining the building area; and

WHEREAS, at the October 14, 2014 Town Commission meeting, the Commission directed staff to consider the option of prohibiting an expansion of the second story if a homeowner takes advantage of a maximum lot coverage of 50% on the first story; and

WHEREAS, on December 9, 2014 the Town Commission directed staff to offer a method whereby the Town Commission could approve a request to allow lot coverage greater than 40% on a case by case basis; and

WHEREAS, staff after research has determined that variance standards may differ between an "unnecessary hardship" and a "practical difficulty" and in the case of a variance, a practical difficulty is a standard which is similar to but less rigorous than the unnecessary and undue hardship standard; and

WHEREAS, practical difficulty variances were discussed at the January 29, 2015 Planning and Zoning Board meeting and the Board recommended adding landscaping requirements to any approval of additional lot coverage under a practical difficulty standard; and

WHEREAS, the Town Commission held its first public hearing on May 12, 2015; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on May 28, 2015 with due public notice and input; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on June 9, 2015; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The Code of Ordinances of the Town of Surfside, Section 90-36. Variances is hereby amended as follows:

90-36.1 General variances.

(1) *Purpose, definition, scope and limitations.*

a. Unnecessary and undue hardship variance. An unnecessary and undue hardship variance is a relaxation of the terms or provisions of the Zoning Code of the Town of Surfside (zoning code) where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the zoning code would result in unnecessary and undue hardship on the property. As used in this section, a variance is authorized only for lot coverage, dimensions of yards, setbacks, other open spaces, building spacing, parking, or loading requirements.

b. Practical difficulty variance. A practical difficulty variance is a relaxation of the terms or provisions of the Zoning Code which is less rigorous than the unnecessary and undue hardship standard. Practical difficulty variances shall only be applicable to lot coverage for single family homes located on single platted lots in the H30B zoning district. If a practical difficulty variance is granted, the maximum lot coverage afforded shall be 50%. Any property granted additional lot coverage by a practical difficulty variance shall not increase the square footage permitted on the second story. Further, any square footage added by the practical difficulty variance on the first floor, shall be considered a reduction in the available square footage be added to the second floor. A practical difficulty variance shall only be granted by the Town one time per property. The standard provides for a variance where a literal enforcement of a zoning regulation will create a practical difficulty in the use of the parcel of land for the purpose or in the manner for which it is zoned, considering various factors set forth in paragraph (9) below.

(2) *Uses and height of structures not subject to variance.* A variance is authorized only as set out in subsection (1).

a. Under no circumstances shall the town commission grant a variance that would allow a use of property that is not allowed within the zoning district under the Town of Surfside Comprehensive Plan and the zoning code.

b. Under no circumstances shall the town commission grant a variance that would allow height of development and structures within the Town of Surfside that exceeds the maximum building heights that are set out in the Town of Surfside Comprehensive Plan or the zoning code, whichever provisions are more restrictive.

(3) *Nonconforming uses and structures not grounds for granting variance.* Nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and permitted use of

lands, structures or buildings in any other district, shall not be considered grounds for granting a variance.

(4) *Town manager not authorized to vary terms of section.* The town manager or designee has no authority to relax the terms of this section. Authority to grant variances is lodged solely with the town commission.

(5) *Application requirements.* An application for a general variance shall be filed by the owner of the property upon which the variance is requested or the owners designated representative. The following shall, at minimum, be required to support a variance application:

a. Statements of ownership and control of the property, executed and sworn to by the owner or owners of 100 percent of the property described in the application, or by tenant or tenants with the owners' written, sworn consent, or by duly authorized agents evidenced by a written power of attorney if the agent is not a member of the Florida Bar.

b. The written consent of all utilities and/or easement holders if the proposed work encroaches into any easements.

c. Survey less than one year old (including owner's affidavit that no changes have occurred since the date of the survey). A survey over one year is sufficient as long as the property has not changed ownership and the owner provides an affidavit that no changes change occurred since the date of the survey.

d. Site plan indicating the existing and proposed structures.

e. A map indicating the general location of the property.

(6) *Staff review.* The town manager or designee shall review the application to determine whether the proposed variance complies with the general purpose and standards set forth herein. The town manager or designee shall compile a written staff report summarizing the facts regarding the application, including all relevant documents. The complete staff report shall be transmitted to the planning and zoning board and to the town commission.

(7) *Review by planning and zoning board and by the town commission.* The town manager or designee shall schedule the general variance application for a meeting of the planning and zoning board. The planning and zoning board shall conduct one public hearing on the general variance application, review the application, and make recommendations to the town commission for final action. The town manager or designee shall then schedule the variance application, including the recommendation of the planning and zoning board, for a meeting of the town commission.

a. *Public hearing.* The town commission shall hold one public hearing on the variance application.

b. *Action by the town commission.* In considering whether to approve or deny the application, the town commission shall review the application, the purposes and standards set forth in this section, the staff report, the recommendation of the planning and zoning board, and relevant evidence, including oral and written comments received at the public hearing. No variance shall be granted except upon the affirmative vote of at least four members of the town commission.

(8) Standards of review for an unnecessary and undue hardship variance. The town commission shall approve an unnecessary and undue hardship variance only if the variance applicant demonstrates by clear and convincing evidence that all of the following are met and satisfied:

a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

b. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

c. Literal interpretation of the provisions of the zoning code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning code and results in unnecessary and undue hardship on the applicant;

d. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the town comprehensive plan or the zoning code;

e. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

f. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

g. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

h. The requested variance is in harmony with the general intent and purpose of the town comprehensive plan and the zoning code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

(9) *Standards of review for a practical difficulty variance.* The town commission shall approve a practical difficulty variance if it finds, based on substantial competent evidence, that following factors demonstrate that a practical difficulty exists:

a. How substantial the variance is in relation to the requirement sought to be varied;
b. Whether an adverse change will be produced in the character of the neighborhood;
c. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
d. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

(9) *(10) Conditions and restrictions.* The town commission may impose such conditions and restrictions upon the premises benefited by any variance as may be necessary to comply with the standards set out in this Section, and to prevent or minimize adverse effects on other property in the neighborhood. Violation of such conditions and restrictions, when made a part of the terms under which any variance is granted, shall be deemed a violation of the zoning code, and shall constitute grounds for revocation of the variance.

a. A condition of granting a practical difficulty variance shall be for the property to meet or exceed the landscape requirements in Chapter 90, Article VIII of the Town's Code of Ordinances.

~~(10)~~(11) *Expiration of approval.* The approval of any variance shall be void if the applicant does not obtain a building permit or other development order to implement the variance within 24 months after the granting of the variance. An applicant who has obtained approval of a variance may request an extension of this time period within the original approval period. The town commission may grant one or more extensions for a period of up to a total of six months for good cause shown by the applicant.

~~(11)~~ (12) *Amendments and alterations to approved variances.* Any expansion to an approved variance and any addition to or expansion of an existing variance shall require the same application, review, and approval as required under this Section for the original variance.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

PASSED and **ADOPTED** on first reading this 12th day of May, 2015.

PASSED and **ADOPTED** on second reading this 9th day of June, 2015

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:

Linda Miller, Town Attorney

On Final Reading Moved by: Vice Mayor Tourgeman

On Final Reading Seconded by: Commissioner Cohen

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes ✓	no
Commissioner Michael Karukin	yes	no ✓
Commissioner Marta Olchyk	yes ✓	no
Vice Mayor Eli Tourgeman	yes ✓	no
Mayor Daniel Dietch	yes Absent	no

Town of Surfside
Town Commission Meeting
June 14 2016
7:00 pm
Town Hall Commission Chambers - 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

Discussion Item Memorandum

Agenda #: 9H
Date: June 14, 2016
From: Daniel Dietch, Mayor
Subject: **Sid Tepper Street Designation**

Objective: That the Surfside Town Commission recommend the designation of 89th Street as "Sid Tepper Street."

Consideration: Sid Tepper, born in Brooklyn, NY on June 25, 1918 got his start in entertainment after high school when he enlisted in the Army during WWII. He was initially in the cavalry and then was assigned to the Special Services Entertainment Division to entertain the troops.

Mr. Tepper, along with his childhood friend and writing partner Roy Bennett, worked together over 25 years, publishing more than 300 songs, including over 40 songs for Elvis Presley, as well as other hit songs in the Billboard Top 100 for artists such as Guy Lombardo and his Royal Canadians. Over the next 22 years, the songwriting team wrote for the Beatles, Tony Bennett, Rosemary Clooney, Peggy Lee, Frank Sinatra, Sarah Vaughan and Dean Martin amongst many others.

Mr. Tepper and his family moved to Surfside during the summer of 1969 and lived here until 2004. He was honored in Surfside in 2008 in recognition of his 90th Birthday and he was designated a Surfside Star in 2015 (see attached).

In recognition of his love of Surfside and his cultural contributions, I ask that you consider initiating the process to designate 89th Street as "Sid Tepper Street."

Recommendation: That the Surfside Town Commission direct the Town Administration to prepare a resolution to designate 89th Street as "Sid Tepper Street," present the resolution to the Town Commission for approval and if approved to transmit it to Miami-Dade County Commissioner Sally Heyman to present for consideration and approval by the Miami-Dade County Commission.

SURFSIDE STARS Song Writing Legend a 34-Year Surfsider

"The King" remains one of the world's most famous personalities. But Elvis Presley would never have reached his level of stardom without the help of long-time Surfsider Sid Tepper, an incredibly prolific songwriter who penned more than 50 songs crooned by Elvis in dozens of movies.

With his long-time collaborator, Roy C. Bennett, Sid wrote the music and lyrics for more than 300 songs – many of which became hits for Frank Sinatra, Ray Charles, Louie Armstrong, Dean Martin, Dinah Shore, Perry Como, Wayne Newton and many other top singers over four decades. Even the Beatles and Herman's Hermits sang Sid's songs.

Originally from Brooklyn, Sid was born July 25, 1918. He had natural music talent, a great voice and enjoyed writing poetry in his youth. Across the street lived Roy Bennett, a childhood friend who had similar interests. The Army recognized Sid's talent and assigned him to the Special Services Entertainment Division in the 1940s, where he wrote a musical show that toured Army camps. After the war, he teamed up with his buddy, Roy Bennett.

A publicity photo from the 1940s.

In 1946, they signed with Mills Music for $100 a week, a substantial salary for the day. Two years later, Sid smoothed over a marital spat with his wife, Lillian, by bringing home a dozen roses. On the card, he wrote, *Red Roses For A Blue Lady*. The roses lasted a week, but Lillian kept the card on a table. Sid kept reading those six words until the phrase evolved into a song – a song that would hit number 3 on the Billboard charts, sung by Vaughn Monroe. It was recorded by Guy Lombardo, Andy Williams and Eddy Arnold. It would become an international hit for many different singers and listed among *The 100 Best Known Songs*.

Sid Tepper and Roy Bennett stayed busy for the next 25 years, penning romantic ballads, duets, novelty songs, film tunes and, of course, love songs. It was in the late 1950s when they started writing numbers for Elvis Presley's movies, including films still popular today: *King Creole, Viva Las Vegas, GI Blues, Roustabout* and *Blue Hawaii*.

Sid and his growing family lived on Long Island and he had an office in Manhattan. Sid and Roy continued to have success after the advent of rock & roll. Their song, *The Young Ones* boosted the career of British singer Cliff Richard, for whom they wrote 21 compositions.

Still, the constant work and deadlines began to take a toll on Sid. He had a heart attack in1965 and soon after ended his collaboration with Roy. He had an offer to move to Hollywood, California to work in films, but he felt it would be the wrong environment to raise his five children: Susan, Michelle, Brian, Warren and Jackie.

Sid Tepper in 2008 from a Miami Herald front page story

Instead, the family packed up and moved to Irving Avenue in Surfside, Florida in June of 1969. Though retired, Sid stayed busy managing his music rights and royalties. Most days, he would walk to the Harding Avenue Business District where he was a favorite among business owners. He would deliver his famous tuna fish sandwiches to his many close friends who knew him for decades.

In 2002, Sid and Roy were invited by Lisa Marie Presley to Memphis to be honored for their role in Elvis Presley's phenomenal career. There, Sid saw his name on the Gold Records hanging on the walls of Graceland. In 2004 Sid moved from his Surfside home of 34 years to a retirement facility in Aventura. He returned four years later to be honored by the Town on his 90th birthday – proclaiming Sid Tepper Day.

Sid has been a widower since 2006 and his family is still the center of his life. His five children have given Sid seven grandchildren (one a singer) and three great-grandchildren. They all adore Sid and are proud of his lasting legacy.

Searching for Surfside Stars

Surfside wants to hear about interesting residents for future issues of the Gazette. If you know a Surfside Star, let us know. Email dhunziker@townofsurfsidefl.gov and include the name, photo (if available), description of the *Star* nominee and complete contact information.

New Uniforms Enhance Visibility

The Surfside Police Department has issued new police shirts for patrol officers. The uniform change enhances officer visibility with bright colors, police patches on the sleeves and the officers' names clearly identifiable. The shirts have reflective lettering to increase officer safety at night. The uniforms were partially paid for by the Surfside residents through the Holiday Fund Drive. Thanks to all who donated.

Town of Surfside
Town Commission Meeting
June 14, 2016
7:00 pm
Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

DISCUSSION ITEM MEMORANDUM

Agenda #: 9I
Date: June 14, 2016
From: Daniel Dietch, Mayor
Subject: Draft Discussion Item Memorandum Template

Objective: To develop and implement a standard format for discussion items placed on the Commission Agenda. If the Commission is agreeable with this concept, this draft template and approach will be fine-tuned and adopted as policy.

Consideration: To facilitate constructive discussion amongst Commissioners and with stakeholders, it is suggested that when discussion items are requested to be placed on the Commission Agenda that the sponsoring Mayor, Vice-Mayor or Commissioner prepare a brief fact sheet that presents the following information:

Title – The title of the discussion item to be placed on the Commission Agenda.

Objective – The purpose of and/or objective for requesting a discussion item to be placed on the Commission Agenda.

Consideration – An overview of the basis for requesting the discussion item.

Recommendation – The desired outcome or action, as appropriate.

Utilizing this approach will allow an opportunity to each elected official and staff to understand what the discussion item is before the Commission Meeting and to prepare for a meaningful discussion. It is further suggested that such a fact sheet be a prerequisite for considering a request to place a discussion item on the Commission Agenda.

Recommendation: Direct the Town Administration to formalize the discussion item policy.

Discussion Item for 6/14/2016 TC Meeting,

Submitted by Michael Karukin

Topic: Sustainability Subcommittee and the Comprehensive Plan (Comp Plan)

In 2015, the Florida legislature passed a law (SB 1094) that mandates issues related to sea level rise be part of a municipality's' Comp Plan (see attachment 1). Therefore, topics that will be covered by the Sustainability Subcommittee will also be needed for the upcoming Comp Plan update. Consequently, there is a nexus between the needs of the Planning Department to update our Comp Plan with content that will be the primary subject of the Sustainability subcommittee.

To optimize Town resources, minimize redundancy and reduce costs, I propose the charter of the subcommittee be focused on delivering relevant content to fulfil legal requirements for the Comp Plan since the topical areas are precisely that which will be covered by the subcommittee.

For example, the law requires the Comp Plan to include content that covers the following (text taken from attachment 1):

1. *Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.*
2. *Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.*
3. *Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.*
4. *Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.*
5. *Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.*
6. *Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.*

With this in mind, I am asking the Town Commission to consider a policy that requires the sustainability subcommittee to focus on delivering a report that recommends content for the relevant sections of the Comp Plan as its priority. And if time permitting....

- recommend possible long term flood mitigation alternatives (like raising Collins Ave or the dunes and or consider pump stations that are not dependent on power)
- recommend ways the town can enable, encourage and incentivize homeowners to use the PACE program to more effectively harden and energize homes thereby reducing carbon foot print (that is, make Surfside a model for solar energy utilization)
- recommendation to the town on what position we should take regarding the upcoming FPL solar energy ballot question – Amendment 1 - that is both confusing and controversial (see attachments 2 and 3 for pro and con)
- recommendations on whether or not we should consider undergrounding the power and cable lines

I think these are value added, actionable deliverables from the committee and are not "just talk". These are items directly related to the long term sustainability of surfside but the priority of the subcommittee should be delivering relevant content for the Comp Plan.

Thank you

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New law includes sea-level rise in coastal planning

Written June 29, 2015 by Thomas Ruppert
Categories: Climate Change, Coastal Planning, Featured News, General, Hazard-Resilience
Tags: climate change, coastal planning, flooding, resilience, sea-level rise

Tidal flooding is a common occurrence in Ft. Lauderdale and other south Florida coastal communities. (Florida Sea Grant photo by Thomas Ruppert)

On May 21, 2015, Governor Rick Scott signed into law CS/CS/CS Senate Bill 1094, available at http://laws.flrules.org/2015/69. The focus of the bill is on flooding. The first section of the bill contains additions to Florida's comprehensive planning law. The bill modified Florida Statute section 163.3178(2)(f). This section of statutes has long required that coastal management elements of comprehensive plans include a "redevelopment component which outlines the principles which shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise."

CS/CS/CS Senate Bill 1094 first modified the language of the original section. Using underline to mark new language and strike-through to show deleted language, the modification is: "redevelopment component that ~~which~~ outlines the principles that must ~~which shall~~ be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise." This language seems to make the requirement even stronger than the previous language.

In addition, the modified statute added significant detail as to what the mandatory redevelopment component must contain. The redevelopment component must now:

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.
6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

With this new law, Florida Statute section 163.3178(2)(f)1. now includes "sea-level rise" as one of the causes of flood risk that must be addressed in the "redevelopment principles, strategies, and engineering solutions" to reduce flood risk.

Previously the only mention of sea-level rise in the comprehensive planning chapter of Florida Statutes was the permissible language allowing local governments to incorporate "Adaptation Action Areas" into the coastal management element of their comprehensive plans (Fla. Stat. §163.3177(6)(g)10. (2014)) and a definition for "adaptation action area" in Florida Statute section 163.3164(1).

The addition of another reference to sea-level rise, especially one that is mandatory in nature, highlights the realization that sea-level rise represents an important challenge to consider in the long-term resilience of Florida communities.

Posted in Climate Change, Coastal Planning, Featured News, General, Hazard-ResilienceTagged climate change, coastal planning, flooding, resilience, sea-level rise
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LETTERS TO THE EDITOR MAY 28, 2016 4:00 PM

Florida's solar amendment is for real

HIGHLIGHTS

Come November, Florida residents will see a new initiative on their ballots, called "Rights of Electricity Consumers Regarding Solar Energy Choice." It's commonly referred to as Amendment 1.

Come November, Florida residents will see a new initiative on their ballots, called "Rights of Electricity Consumers Regarding Solar Energy Choice." It's commonly referred to as Amendment 1.

We the Consumer Energy Alliance (CEA) favor balanced and rational policies that encourage the deployment of solar technology in a way that benefits all consumers. So, too, it appears, does the state's highest court.

The Florida Supreme Court recently issued a 4-3 decision in favor of Amendment 1, which is designed to promote the expansion of solar technology throughout the state while also bolstering the electric grid and ensuring that residents have affordable, reliable energy prices at all times.

That's exceedingly pro-consumer — and fair — and why this initiative, unlike its rival, tallied the signatures it needed to make the ballot.

There's more: Amendment 1 will, if passed, help residents decide whether installing a solar system on their home or business is right for them, and if so, which provider to go with.

It could also grant residents the ability to own or lease solar systems while generating electricity, which is key because leasing solar equipment in Florida is not yet legally authorized.

In other words, the ballot measure would make the installation of solar technology a right under law. Amendment 1 also makes sure consumers and businesses who don't have solar panels installed are treated fairly.

Amendment 1 ensures that all buying and selling is done at a fair rate and that all consumers share grid maintenance costs equally and benefit from this initiative.

In the end, it's about making sure all consumers in the Sunshine State benefit from the unprecedented shift in America's electric grids and ensuring that energy policies are pro-solar, pro-grid, and pro-consumer — for everyone.

KEVIN DOYLE, EXECUTIVE DIRECTOR, CONSUMER ENERGY ALLIANCE-FLORIDA

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Bill Clay

From Wikipedia -

The Consumer Energy Alliance (CEA) is a nonprofit organization and a front group for the energy industry that opposes political efforts to regulate carbon standards while advancing deep water and land-based drilling for oil and methane gas. The CEA supports lifting moratoria on offshore and land-based oil and natural gas drilling, encourages the creation and expansion of petroleum refineries and easing the permitting process for drilling. The group also supports construction of the Keystone XL Pipeline. According to Salon.com, which obtained over 300 emails of personal messag... See More

Like · Reply · 13 · May 28, 2016 9:30pm

Micco Mann · University of Miami

Thanks for the info. I've been around long enough now to suspect these organizations are just fronts for Big Energy and as it turns out, unfortunately, I was right.

Like · Reply · 5 · May 29, 2016 4:53am

Bill Clay

Micco Mann , Amendment 1 actually increases the power of energy companys to

LETTERS TO THE EDITOR JUNE 2, 2016 7:03 PM

Vote No on misleading Amendment 1 on ballot

HIGHLIGHTS

The May 29 letter that supports Amendment 1 on the November ballot was from Kevin Doyle, the executive director of the so-called Consumer Energy Alliance-Florida. This isn't a Florida consumer group, but an oil industry group out of Houston.

The May 29 letter that supports Amendment 1 on the November ballot was from Kevin Doyle, the executive director of the so-called Consumer Energy Alliance-Florida. This isn't a Florida consumer group, but an oil industry group out of Houston.

They know that Amendment 1 is a product of FPL and that it is designed to stop consumers from setting up their own solar-energy systems.

Three Florida Supreme Court justices unsuccessfully voted to keep Amendment 1 off the ballot because it is misleading.

In 2012, I installed a 10,000-watt solar system in my house. I was able to do this with a $2-a-watt payment from FPL and a 30 percent federal income tax credit. I have reduced my electric bill by at least 85 percent.

Amendment 1 would outlaw the $2-a-watt payment.

FPL and Doyle would have you believe that the payment to me is unfair because it is wrong for FPL customers to subsidize people like me. This is flat-out wrong. The sole source of money to create the electricity we all need comes from customers' monthly bills.

For $20,000, FPL customers were relieved from creating those 10,000 watts for the next 25 years, which is how long the system should last. I have assumed the cost of maintenance and insurance and my excess clean electricity is pumped back into the grid for all others to use.

Based on FPL's most recent solar project at FIU, the FPL charge just for building its solar arrays was $4.3 per watt. That's $43,000 for those same 10,000 watts. Add 25 years of maintenance and it would not be surprising that FPL will stick it to its customers for $100,000 for those 10,000 watts.

So who's subsidizing whom? The thousands of home solar systems have not cost FPL customers one thin dime. To the contrary, we have saved them tens of millions.

In November, vote No on Amendment 1.

SAM FIELDS,

PLANTATION

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