



**Town of Surfside  
Town Commission Meeting  
October 12, 2010  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Fl  
Surfside, FL 33154

**AGENDA**

(Revised 10-11-10 added 5E, 5F, 8A, 8B, 8C)

**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)
- F. Community Notes** – Mayor Daniel Dietch
- G. Special Presentation** – The Honorable Sally Heyman, Miami Dade County Commissioner
- H. Oath of Office** - Roger M. Carlton, Interim Town Manager By: Merrett R. Stierheim
- I. Special Presentation – Marisol Rodriguez, Employee of the Quarter** – presented by: Martin Sherwood, Finance Director
- J. Special Presentation – Police Officer of the Month-** Officer Craig Lovellette (July, 2010) and Rory Alberto, Frank Colonna, Joseph Matthews (September, 2010) presented by: Chief David Allen
- K. Special Presentation** – Downtown Improvements Master Plan – Scarlet Tenen, Chairman, Planning and Zoning Board
- L. Projects Progress Report** – Calvin, Giordano & Associates, Inc.
- M. Community Center Update**– Calvin, Giordano & Associates, Inc.

**2. Quasi-Judicial Hearings**

**3. Consent Agenda**

*All items on the consent agenda are considered routine by the Town Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event, the item will be moved to the main agenda under the appropriate heading for consideration.*

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

- A. Minutes** – September 14, 2010 Regular Commission Meeting

B. Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services Department Head

C. Resolution related to Let's Move Campaign – Mayor Daniel Dietch  
**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING POLICES THAT FOCUS ON HEALTH, WELLNESS, CONTINUING EDUCATION AND HEALTHIER LIFESTYLES IN ALL COMMUNITES.**

D. Mutual Aid Agreement with Miami Gardens – Chief David Allen  
**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE CITY OF MIAMI GARDENS, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT.**

E. Mutual Aid Agreement with Golden Beach – Chief David Allen  
**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE TOWN OF GOLDEN BEACH, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT.**

#### 4. Ordinances and Public Hearings

##### A. Second Readings (Ordinances)

1. **Proposed Water and Sewer Utility Rate Adjustment** – Martin Sherwood, Finance Support Services Department Head

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 78 “UTILITIES” INCLUDING ESTABLISHING AMONG OTHER THINGS NEW SERVICE CHARGES WHICH SHALL BE EFFECTIVE BEGINNING FISCAL YEAR 2010-2011; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

2. **Regulated Uses** – Lynn Dannheisser, Town Attorney and Karen Friedman and Shelley Eichner, Calvin, Giordano and Associates

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 “REGULATED USES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW PARKING AS A USE WHEN SUBORDINATE TO A MAIN USE IN ALL DISTRICTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

**3. Off Street Parking Design Standards** – Lynn Dannheisser, Town Attorney and Karen Friedman, Town Planner

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, DIVISION 1. OFF-STREET PARKING, SECTION 90-82 “DESIGN STANDARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CLARIFY THE STANDARDS USED FOR VEHICULAR QUEUING, ACCESS TO STATE ROADWAYS; AND ON-SITE CIRCULATION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

**B. First Readings (Public Hearings on Ordinances)**

**1. Update Capital Improvements Element** – Shelley Eichner, Calvin, Giordano & Associates

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN’S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.**

**2. Municipal Parking Lot** – Karen Friedman, Town Planner

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE IV. “DISTRICT REGULATIONS” SECTION 90-41. “REGULATED USES” TO ALLOW SURFACE PARKING LOTS TO BE LOCATED IN ANY ZONING DISTRICT; AMENDING ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” AND SECTION 90-82. “DESIGN STANDARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD A PROVISION RELATIVE TO MUNICIPAL SURFACE PARKING AND DESIGN STANDARDS; 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**

**A. Communications Committee – Roger M. Carlton, Interim Town Manager  
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CREATING AN AD HOC COMMUNICATIONS COMMITTEE TO STUDY CURRENT COMMUNICATION SYSTEMS AND PROPOSE IMPROVEMENTS AND REPORT BACK TO THE TOWN COMMISSION.**

**B. Code Enforcement Committee – Roger M. Carlton, Interim Town Manager  
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CREATING AN AD HOC COMMITTEE TO STUDY THE CURRENT CODE ENFORCEMENT PROGRAM AND TO IDENTIFY OPPORTUNITIES AND MAKE RECOMMENDATIONS FOR THE FUTURE AND TO REPORT BACK TO THE TOWN COMMISSION.**

**C. Expenditure of Forfeiture Funds – Police Chief David Allen  
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2010/2011 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF FORTY-FIVE THOUSAND (\$45,000) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.**

**D. Parking Lot Lease, Lot 18, Block 4, Altos Del Mar No.5 – Assistant Police Chief John DiCenso  
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH NORMAN ATKIN FOR THE SIX MONTH LEASE OF LOT 18, BLOCK 4, ALTOS MAR NO. 5, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK8, PAGE 92 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TONW MANAGER TO EXPEND POLICE DEPARTMENT FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**E. Joint Meeting between Planning and Zoning Board and Town Commission – Roger Carlton, Interim Town Manager  
A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, CALLING FOR A JOINT MEETING BETWEEN TOWN COMMISSION AND PLANNING AND ZONING BOARD TO CREATE A PROCESS TO IDENTIFY THE ISSUES TO BE RECONSIDERED IN THE ZONING CODE (ORDINANCE NO. 10-1558); AUTHORIZING \_\_\_\_\_ TO ENTER INTO NEGOTIATIONS WITH THE PETITION COMMITTEE CHALLENGING ORDINANCE NO. 10-1558; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO**

**ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.**

F. Revise previously approved AECOM agreement to reflect proper name – Roger Carlton, Interim Town Manager

**A RESOLUTION OF THE TOWN COMMISISON OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN ADDENDUM AS TO A NAME CHANGE ONLY WITH AECOM TECHNICAL SERVICE, INC. FOR ARCHITECTURAL SERVICES FOR SURFSIDE COMMUNITY CENTER, AUTHORIZING THE FUNDS TO PAY FOR; AND PROVIDING FOR AN EFECTIVE DATE.**

**6. Good and Welfare**

*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**

**A. Town Manager's Report**

**Commission Requests**

Discussion of new log-in, assignments and follow-up system

Agenda After Action: all direction given during Town Commission meetings will be annotated to the agenda and assignment and due dates will be posted on the Town's website.

**Town Clerk**

Expanded duties

Establishment of Communications Ad Hoc Committee

**Finance**

The Finance Director will discuss the expense report for August 2010 and the Manager will explain how this report will be upgraded for September 2010 to give a more complete disclosure of the state of the Town's budget in relation to actual expenses and revenues. There will also be a report on the status of financing for the water/sewer/storm drainage project.

**Building/Code Enforcement**

There will be a report on progress being made with closing out FEMA/Flood Elevation issues. We will be calling the first meeting of the Code Enforcement

Committee after adoption of the resolution on the October Town Commission agenda.

### **Parks and Recreation**

The Manager will report on the expanded role of the Parks and Recreation Director in the Community Center Construction Oversight team as well as plans to ensure opening on schedule.

### **Public Works**

There will be a report on a new special program to clean street ends and a cooperative program with the Parking Unit to expand cleaning of lots and downtown streets.

### **Police**

The Manager will make a brief report on the status of negotiations with Fraternal Order of Police Local 135. There will also be a report on the status of implementation of the red light camera program and a report on implementation of the multi-space meters.

### **Tourist Bureau**

There will be a brief report on the Manager's meeting with the Tourist Board. Duncan Tavares and the Manager will also report on the status of disposition of the collection of library materials. There will also be a report on the cooperative program with Florida Atlantic University recommended by Scarlet Tenen, chair of the Planning and Zoning Board, regarding a survey of the downtown area.

### **Calvin Giordano & Associates**

The Manager is in the process of reviewing historical billings, performance of all segments of the work and alternatives. We have opened proposals for architectural and engineering services and will report on a new approach in November.

**B.** Town Attorney's Report

**C.** Petition Received by Town Clerk 8-30-2010 – Debra Eastman, MMC Town Clerk

**D.** Update on Code Enforcement Amnesty Program – Michael Garcia, Code Enforcement

## **8. Unfinished Business and New Business**

**A. Bal Harbour Amendments to Future Land Use Plan** – Roger Carlton, Interim Town Manager

**B. Miami Dade Public Library System Library Card Reimbursement** - Roger Carlton, Interim Town Manager

**C. November 2, 2010 Charter Change Informational Piece Draft** – Roger Carlton, Interim Town Manager

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

**A. Committee Appointments** – Vice Mayor Joe Graubart, Commissioner Michael Karukin – Communication Ad Hoc Committee

**B. Discussion** – Commissioner Edward Kopelman - Change of land use from “Institutional” to “Commercial” for property located at 501 96<sup>th</sup> Street, Bal Harbour, Florida.

**C. Reschedule November Commission Meeting** - Mayor Daniel Dietch

**D. Special Recognition** – Mayor Daniel Dietch

**E. Photo/Film Permit Program** – Mayor Daniel Dietch

## **10. Adjournment**

Respectfully submitted,

Roger M. Carlton  
Town Manager

---

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

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](http://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 Downtown Improvements Master Plan

Scarlet Tenen, AICP  
Senior Planner  
The Corradino Group

Town of Surfside  
Planning and Zoning Board Chair



# Surfside Downtown Improvements Master Plan

- ▶ Surfside is located between the cities of Bal Harbour and Miami Beach
- ▶ Downtown Surfside consists of 2 blocks on Harding Ave



# Surfside Downtown Improvements Master Plan

- ▶ Surfside Planning Board would like to have a unified vision for the street furniture, signage, awnings, landscape and buildings
- ▶ The master plan will be unique to the Town
- ▶ The master plan will focus on creating a distinctive look, i.e. Brand for the Town



# Surfside Downtown Improvements Master Plan



# Surfside Downtown Improvements Master Plan



# Surfside Downtown Improvements Master Plan



# Surfside Downtown Improvements Master Plan





# Surfside Downtown Improvements Master Plan



# Surfside Downtown Improvements Master Plan



# Surfside Downtown Improvements Master Plan

- ▶ Design a questionnaire
- ▶ Survey shoppers and pedestrians utilizing the downtown businesses
- ▶ Research other successful master plans as models
- ▶ Prepare for and assist with facilitating a Town workshop
- ▶ Each team of four will develop a summary of the workshop



# Surfside Downtown Improvements Master Plan

- ▶ Each summary will be presented to the Town of Surfside Planning and Zoning Board and may be used as the basis for the master plan



# Surfside Downtown Improvements Master Plan

- ▶ Other information to be used:
  - Town charrette
  - Results from a questionnaire which was mailed to residents and businesses
  - Current design guidelines



# Surfside Downtown Improvements Master Plan

- ▶ **Schedule:**
  - ▶ Data collection and Research - Sept 1-15
  - ▶ Prepare for Workshop - Sept 15 to Oct 15
  - ▶ Workshop - mid October
  - ▶ Prepare summary report - November
  - ▶ Final presentation - December





## TOWN OF SURFSIDE

9293 Harding Avenue  
Municipal Building  
9293 Harding Avenue  
Surfside, Florida 33154  
(305) 861-4863  
(305) 861-1302

1K

Page 1  
Town of Surfside  
Projects Progress Report

## TOWN OF SURFSIDE PROJECTS PROGRESS REPORT OCTOBER, 2010

Daniel Dietch  
Mayor

Joe Graubart  
Vice Mayor

Marta Olchyk  
Commissioner

Michael Karukin  
Commissioner

Edward Kopelman  
Commissioner

Gary Word  
Town Manager

1. **Community Center** – The Contractor has poured the pile caps and installed the vertical structural steel for all sixteen Y Columns. The Contractor has poured the first segment (3'- 8") of the Y Column. The Contractor has also formed and poured the grade beams. The Contractor is now forming the slab while simultaneously installing underground utilities. To date the Contractor has submitted three (3) payment applications. The first two have been approved by all parties, the second and third is currently under review by Town consultants and staff.
2. **Planning and Community Development** – Staff prepared staff reports for three ordinances that had first reading at the September 14<sup>th</sup> Town Commission meeting. All of the Ordinances passed on first reading and were subsequently reviewed at the September 30<sup>th</sup> Planning & Zoning Board Meeting. Staff prepared staff reports for the September 30<sup>th</sup> Design Review Board and Planning & Zoning Board Meeting. Staff presented all of the reports at the meeting, which included minor text amendments regarding curb cuts and boat parking, and placing minimum lot area standards into the Zoning Code. Staff continues to work with the Town Attorney and Town Managers Office to create appropriate text amendments for municipal parking lots and the Town's property at 9450 Collins Avenue. Staff is assisting the Town Attorney's office with research regarding RLUIPA. Staff continues to answer general zoning calls and emails from the public. Staff continues to review building permits for conformance with the zoning code.
3. **Website, Information Technology, TV Broadcasts** - IT has completed preparation and testing of laptops for emergency situations (disaster / post disaster) in preparation for hurricane season. Server room has been updated with new battery backup power supply and a new switch to replace a failed device. IT worked with the police department to survey all connected ports in the network and solve network issues. The Town needs to replace three (3) network switches in the server room, as those three currently running switches belong to CGA. The network troubles have been rectified and there are no ongoing issues. The police department now has a direct connection to the FDLE network from any police department computer, including the mobile laptops deployed in vehicles. The IT Department investigated the possibility of adding AT&T's U-Verse service to the broadcast feed. We are working with the new Interim Town Manager Roger Carlton to determine the cost for making our signal available for U-Verse broadcast.

The hard drive used to store meetings for TV broadcast experienced a failure. The drive is under warranty and will be replaced and the meetings will be restored for broadcast.

#### 4. Public Utilities / Engineering –

##### **Bay Drive Drainage Improvements**

The Bay Drive Drainage Improvements are part of the Florida Department of Environmental Protection grant that included stormwater pumps and drainage wells. This project is scheduled for construction at the same time as the proposed water main replacement and the sanitary sewer renovation. Since this work will occur simultaneously, the impacts to the roadways and the neighborhoods will be kept to a minimum.

##### **Florida Department of Environmental Protection Stormwater Project**

Stormwater improvements consisting of two major pump stations, injection wells, collection system and force mains have been completed to reduce flooding on Harding and Collins. The entire project was completed at no cost to the Town. In addition, the milling, resurfacing, and installation of handicap ramps and sidewalk repairs are scheduled for FY2011, also at no cost to the Town. CGA project administration and coordination of these projects through FDOT has resulted with over \$4,000,000 savings to the Town of Surfside.

Other stormwater projects consists of three below grade duplex pump stations, 9 drainage wells, drainage structures, and stormwater collection system to improve both the water quality and quantity before discharging into the Biscayne Bay. The following items are complete:

Task 1: Surveying

Task 2: Engineering Design

Task 3: DERM Permit

Task 4: Grant Administration – in process

Task 5: Education – Required for the duration of the project

This project is scheduled for construction at the same time as the proposed water main replacement and the sanitary sewer renovation. Since this work will occur simultaneously, the impacts to the roadways and the neighborhoods will be kept to a minimum. In addition, the sequence of construction will be compressed to within 15 months to alleviate community stress.

Funding sources include several grants to augment funding from either the State Revolving Fund or the League of Cities.

##### **Stormwater Master Maintenance**

The stormwater drainage system is being cleaned and maintained on a yearly basis as required by the National Pollution Discharge Elimination System Permit. Repairs and replacement program coincide with the Florida Department of Environmental Protection Stormwater project and grants

##### **Wastewater System**



The wastewater improvements, including the sanitary sewer pump station replacements, sewer lining and repairs. Construction documents and permits are in place for Bidding. Construction is anticipated to begin in early 2011.

### **Water System**

The construction plans and permits for water main taps within FDOT right of way have been approved by MDWASD, Miami Dade Department of Health and DERM. Construction for the entire water main system is scheduled to commence in early 2011.

### **Florida Department of Transportation Local Agency Program**

CGA assisted the Town with the Florida Department of Transportation Local Agency Program (LAP), which allows access to additional funding within the State right of ways, such as the replacement of handicap ramps, bus stop pads and solar lights along 92<sup>nd</sup> Street between Harding and Collins Avenue. This project is under construction at with no matching funds required from the Town.

### 5. **Grants** -

- a. The FY 2010 application for the Department of Environmental Protection Section 319 Non-point Source Management Program Grant were submitted on May 23, 2010 for the stormwater improvements.
- b. Grants for sanitary and water system improvements, as well as roadway improvements and other Town improvements are being reviewed as possible revenue sources to accomplish the projects.

6. **Capital Improvement Projects** - Calvin Giordano has provided the Town with a list of concerns regarding safety issues and American Disability Act access for several Beach Walk Access points in the Capital Improvement Projects reports. Upon request by The Town, the Landscape Architecture Department will provide detailed plans to address these deficient areas.



**Town of Surfside  
Town Commission Meeting  
September 14, 2010  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Fl  
Surfside, FL 33154

**MINUTES**

**1. Opening**

**A. Call to Order** Mayor Daniel Dietch called the meeting to order at 7:05 p.m.

**B. Roll Call of Members** Town Clerk, Debra Eastman called the roll with Commissioner Michael Karukin, Commissioner Edward Kopelman, Commissioner Marta Olchyk, Vice Mayor Joe Graubart and Mayor Daniel Dietch in attendance.

**C. Pledge of Allegiance** Chief David Allen led the Pledge of Allegiance

**D. Mayor and Commission Remarks** – Mayor Daniel Dietch

Mayor Daniel Dietch read a prepared statement encouraging residents to be patient, become involved and work toward developing solutions to the problems.

Commissioner Marta Olchyk spoke of her disappointment with the lack of accomplishment by the Town.

Commissioner Edward Kopelman read a statement regarding the recently filed petition.

Vice Mayor Joe Graubart disagreed with Commissioner Kopelman and spoke in support of the petition effort.

Commissioner Michael Karukin spoke regarding the petition, it's potential impact on the town, staff and residents and the consequences and possible outcome.

**E. Agenda and Order of Business** (Additions, Deletions)

Town Attorney, Lynn Dannheisser requested that four items be added to the agenda.

Commissioner Edward Kopelman made a motion to adopt the agenda as amended.

The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

**F. Community Notes** – Mayor Daniel Dietch

Mayor Daniel Dietch reminded all of the Miami Dade County, Dream in Green, home energy savings workshops being held throughout the County. Vice Mayor Joe Graubart reported on meetings with Miami Beach Elementary School and Nautilus Middle School on the Town's desire to support educational needs and recognize exemplary achievement or service.

**G. Special Presentation** – Certificate of Appreciation, Commissioner Michael Karukin

Commissioner

Commissioner Michael Karukin presented a Certificate of Appreciation to Town employee, Hector Perez and thanked him for going above and beyond by providing food, water and caffeine.

- H. Special Presentation-** Janet Mondshein, Director, Mothers Against Drunk Driving, Chief David Allen  
Police Chief, David Allen introduced Janet Mondshein, Director of Mothers Against Drunk Driving who gave information regarding the Moonlight Madness event that will take place on Friday, Oct 15, 2010.
- I. Community Center Update**– Calvin, Giordano & Associates, Inc.  
Chris Giordano reported the daily work schedule for the building of the Community Center. Vice Mayor Joe Graubart requested that Mr. Giordano provide the Town Commission with a report showing detailed daily invoices and/or billing statements, not just a total.
- J. Annual Audit Report** – Fiscal Year ended September 30, 2009, - Martin Sherwood, Finance Support Services Department Head  
Martin Sherwood, Finance Director introduced the Audit Manager of Marcum Rachlin and explained that the audit report must be filed at a public meeting. The Commission requested that auditor provide information to them on the differences between a forensic audit, a performance audit and a financial audit. A motion to accept the audit report was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

**2. Quasi-Judicial Hearings None**

**3. Consent Agenda**

- A.** Minutes – July 20, 2010 Town Commission First Budget Workshop  
August 9, 2010 Town Commission Second Budget Workshop  
August 10, 2010 Town Commission Meeting
- B.** Monthly Budget to Actual Summary - Martin Sherwood, Finance Support Services Department Head  
A motion to adopt the consent agenda was made by Commissioner Michael Karukin. The motion received a second from Commissioner Edward Kopelman. Mayor Daniel Dietch called for the vote and all were in favor.

**4. Ordinances and Public Hearings**

**A. Second Readings (Ordinances)**

- 1. Amending Planning and Zoning Membership Requirement** – Lynn Dannheisser, Town Attorney

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF**

**SURFSIDE, FLORIDA AMENDING CHAPTER 90-15 (b) (1) ONE OF THE BOARD MEMBERS MUST BE A FLORIDA-LICENSED ARCHITECT OR A FLORIDA-LICENSED GENERAL CONTRACTOR OR A CERTIFIED PLANNER OR A FLORIDA-LICENSED LANDSCAPE ARCHITECT TO SERVE ON THE PLANNING AND ZONING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the ordinance. A motion to adopt the ordinance on second reading was made by Commissioner Michael Karukin. The motion received second from Commissioner Edward Kopelman. There being no public comments or further discussion, the Town Clerk called the roll and all were in favor.

**2. Proposed Water and Sewer Utility Rate Adjustment – Martin Sherwood, Finance Support Services Department Head**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 78 “UTILITIES” INCLUDING ESTABLISHING AMONG OTHER THINGS NEW SERVICE CHARGES WHICH SHALL BE EFFECTIVE BEGINNING FISCAL YEAR 2010-2011; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the ordinance. Finance Director, Martin Sherwood explained the purpose of the ordinance. Brian Jewett represent TischlerBise provided a presentation. A motion to adopt the ordinance on second reading was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch opened the public hearing. David Steinfeld asked about the rate increase and the proposed penalty for higher use. Alan Gorme advised separate meters for irrigation. Lou Cohen spoke about inequities for the condominium buildings and it was explained that this had been taken into consideration. Mark Blumstein spoke in opposition to having a higher cost tier for excess usage. Jeff Burros suggested a bill calculator be added to the town website.

Town Manager, Gary Word explained that financing options will come back to the Town Commission at a later date. Town Clerk Debra Eastman called the roll and the motion passed 4-1 with Vice Mayor Joe Graubart voting in opposition.

## **B. First Readings (Public Hearings on Ordinances)**

**1. Regulated Uses – Lynn Dannheisser, Town Attorney and Karen Friedman and Shelley Eichner, Calvin, Giordano and Associates**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 “REGULATED USES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW PARKING AS A USE WHEN SUBORDINATE TO A MAIN USE IN ALL DISTRICTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS**

**OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the ordinance. Town Planner, Karen Friedman explained the purpose of the ordinance is to clarify and to move parking from the accessory table to the regulated uses table. Commissioner Michael Karukin made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Mart Olchyk. Town Clerk Debra Eastman called the roll and all were in favor.

**2. Off Street Parking Design Standards – Lynn Dannheisser, Town Attorney  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, DIVISION 1. OFF-STREET PARKING, SECTION 90-82 “DESIGN STANDARDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CLARIFY THE STANDARDS USED FOR VEHICULAR QUEUING, ACCESS TO STATE ROADWAYS; AND ON-SITE CIRCULATION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE**

Town Clerk Debra Eastman read the title of the ordinance. Commissioner Edward Kopelman made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Michael Karukin. Town Planner, Karen Friedman explained this is a clarifying ordinance and does not change the methods of review. Town Clerk Debra Eastman called the vote and the motion passed 4-1 with Vice Mayor Joe Graubart voting in opposition.

**3. Update Capital Improvements Element – Shelley Eichner, Calvin, Giordano & Associates**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN’S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.**

Town Clerk Debra Eastman read the title of the ordinance. Commissioner Michael Karukin made a motion to introduce the ordinance on first reading. The motion received a second from Commissioner Edward Kopelman. Town Planner, Shelley Eichner explained the State requirement for the annual review of the CIE. Town Clerk Debra Eastman called the roll and all were in favor.

**5. Resolutions and Proclamations**

**A. City of Miami Mutual Aid Agreement – Chief David Allen**

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID**

**AGREEMENT WITH THE CITY OF MIAMI, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT.**

The Town Clerk read the title of the resolution. A motion to adopt the ordinance was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. The Town Clerk called the roll and all were in favor.

**B. Proposed Storm water Rate Adjustment – Martin Sherwood, Finance Support Services Director**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE RATE PER EQUIVALENT RESIDENTIAL UNIT (ERU) TO BE USED IN CALCULATING STORMWATER UTILITY RATES; PROVIDING FOR IMPLEMENTATION AND PROVIDING FOR AN EFFECTIVE DATE.**

The Town Clerk read the title of the resolution. A motion to adopt the resolution was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. The Town Clerk called the roll and all were in favor.

**C. Town Manager Settlement Agreement**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO A SEVERANCE AGREEMENT BETWEEN TOWN MANAGER GARY L. WORD AND THE TOWN OF SURFSIDE; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Town Clerk read the title of the resolution. A motion was made by Commissioner Edward Kopelman to adopt the resolution. The motion received a second from Commissioner Michael Karukin. The Town Clerk called the roll and all were in favor. Mayor Daniel Dietch thanked Mr. Word for his service.

**D. Interim Town Manager Agreement**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN EMPLOYMENT LETTER BETWEEN INTERIM TOWN MANAGER ROGER M. CARLTON AND THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Town Clerk read the title of the resolution. A motion was made by Commissioner Edward Kopelman to adopt the resolution. The motion received a second from Commissioner Michael Karukin. The Town Clerk called the roll and the motion was adopted 4-1 with Vice Mayor Joe Graubart voting in opposition.

**E. Retainer Agreement**

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING A RETAINER AGREEMENT WITH THE LAW OFFICE OF BENEDICT P. KUEHNE, P.A. TO REPRESENT THE TOWN OF SURFSIDE IN CONNECTION WITH THE LEGAL SUFFICIENCY OF THE PETITION FOR REFERENDUM REGARDING THE ORDINANCE 10-1558 AND RELATED ISSUES; AND PROVIDING FOR AN EFFECTIVE DATE.**

A motion to adopt the resolution was made by Commissioner Edward Kopelman. The motion received a second from Commissioner Michael Karukin. Commissioner Marta

Olchyk asked about being able to hold off. It was explained that the Town Attorney, Lynn Dannheisser is in the processing of reviewing the issues at this time. Mayor Daniel Dietch asked for a weekly report of the legal fees. Town Attorney, Lynn Dannheisser estimated she would be able to report back to the Town Commission in two to three weeks. Silvia Coltrane asked a question regarding the signatures on the petition. The Town Clerk called the roll and all were in favor.

## **6. Good and Welfare**

Barbara McLaughlin cautioned about the certification of signatures.

Charles Burkett urged reversing of Town Code and tightening of the belt.

Alan Gorme spoke about costs and cautioned about non-taxpaying schools coming to the area.

Lou Cohen spoke regarding a Herald article and asked the Vice Mayor to broaden his allegiance to the people who did not vote for him.

Dorie Lurie spoke about hiring a new Town Manager without advertising, police budget, administrative perks and pensions and the recent petition.

Jackie Ivory spoke in favor of the judgment of the Town Commission.

Maxine Zalstein stated the hotels in Surfside are closed because there is no tourism.

Litsa Kyrellis spoke in favor of zoning and comprehensive plan changes going to a referendum vote.

Richard Iacobacci questioned the language on the petition and asked for the meaning.

Commissioner Edward Kopelman made a motion to extend the Good and Welfare portion of the agenda an additional fifteen minutes. The motion received a second from Commissioner Michael Karukin. Mayor Daniel Dietch called for the vote and all were in favor.

Julia Magnani spoke about communication and patience. She asked that the residents let go of the past and embrace the future.

David Steinfeld spoke about being a part of the solution.

Silvia Coltrane spoke about the minority speaking for the town, old code and the petition.

Chris Ivory asked for clarification of how the petition may affect permit holders.

Sasha Plutno asked for budget cuts and that the town work out the proposed hotel issues.

Mark Blumstein spoke regarding the petition and called for it to be withdrawn.

Shirley Bakker spoke about the property next to her property that belongs to the synagogue and her efforts to keep it clean.

Martin Oppenheimer spoke in favor of businesses that create income for town and asked for support for the Town Commission.

## **7. Town Manager and Town Attorney Reports**

Town Manager, Gary Word reported that the Tourist Board is working on a hotel and retail directory, the new employee health insurance and the Manager's letter on the website. Lynn Dannheisser advised that a letter has been prepared for distribution by the Building Official regarding the impact of the petition and will distribute the letter to the Town Commission. Mayor Dietch requested that the facts be included in the Gazette.

Vice Mayor Joe Graubart asked about the life rings. Town Manager, Gary Word explained that Commissioner Heyman will address this in the new year budget.

Commissioner Edward Kopelman asked about the status of the Carlisle agreement.

Town Manager, Gary Word explained that it is on scheduled and expires in November.

**8. Unfinished Business and New Business**

**A. Library Asset Disposal – Town Manager, Gary Word**

Commissioner Edward Kopelman asked to defer this topic for another month and it was agreed.

Maxine Zolstein asked about the library books in storage.

**B. Committee Appointments**

**Parks & Recreation Committee – Vice Mayor Joe Graubart**

Vice Mayor Joe Graubart proposed the appointment of Doris Obregon to the Parks and Recreation Committee and Commissioner Edward Kopelman proposed Charles Kesl be appointed to the Beautification Commission. All were in favor.

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

**A. POW-MIA Flag - Vice Mayor Joe Graubart**

Vice Mayor Joe Graubart requested that a flag be purchased to fly at Town Hall.

Commissioner Edward Kopelman will look into obtaining a flag at a discounted price.

Commissioner Michael Karukin volunteered to also check with the PBA.

**10. Adjournment** The meeting adjourned at 11:45 p.m.

Accepted this \_\_\_\_ day of \_\_\_\_, 2010.

---

Daniel Dietch, Mayor

Attest:

---

Debra E. Eastman, MMC  
Town Clerk



**TOWN OF SURFSIDE, FLORIDA**  
**MONTHLY BUDGET TO ACTUAL EXPENSE SUMMARY**  
**FISCAL YEAR 2009/2010**  
**As of JULY 31, 2010**  
**83% OF YEAR EXPIRED (BENCHMARK)**

Agenda Item # 3B

Agenda Date: October 12, 2010

| <u>ACTUAL<br/>EXPENSES</u> | <u>ANNUAL<br/>BUDGETED<br/>EXPENSES</u> | <u>%<br/>BUDGET</u> |
|----------------------------|---|---------------------|
|----------------------------|---|---------------------|

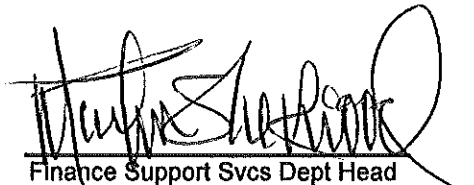
**GOVERNMENTAL FUNDS:**

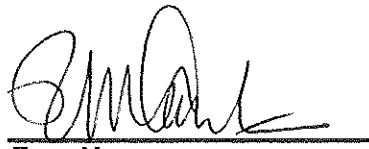
|                                |             |              |     |
|--------------------------------|-------------|--------------|-----|
| GENERAL FUND                   | \$9,868,788 | \$13,031,556 | 77% |
| RESORT TAX                     | \$104,394   | \$134,000    | 78% |
| POLICE FORFEITURE/CONFISCATION | \$47,143    | \$73,250     | 64% |
| TRANSPORTATION SURTAX          | \$79,699    | \$223,261    | 36% |
| CAPITAL PROJECTS               | \$188,763   | \$5,184,027  | 4%  |

**ENTERPRISE FUNDS:**

|                   |             |             |     |
|-------------------|-------------|-------------|-----|
| WATER & SEWER     | \$1,838,997 | \$4,850,096 | 38% |
| MUNICIPAL PARKING | \$672,043   | \$2,097,100 | 32% |
| SOLID WASTE       | \$853,680   | \$1,282,304 | 67% |
| STORMWATER        | \$76,544    | \$246,000   | 31% |

**NOTE:** At next months Commission Meeting, the August 31, 2010 report will include a revenue analysis to allow the Commission to view how each Fund as well as Townwide overall budget to actual is meeting expectations and/or benchmarks.

  
 Finance Support Svcs Dept Head

  
 Town Manager

**RESOLUTION No. \_\_\_\_\_****A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING POLICES THAT FOCUS ON HEALTH, WELLNESS, CONTINUING EDUCATION AND HEALTHIER LIFESTYLES IN ALL COMMUNITES.**

**WHEREAS**, many cities, counties and schools have adopted policies, programs and ordinances that promote healthy lifestyles by making their communities walkable, promoting youth and senior activities, eliminating the sale of junk food in city, county or school facilities, providing for incentives for stores that sell fresh produce to locate in depressed neighborhoods and providing exercise opportunities for the residents; and

**WHEREAS**, Town officials believe there are important, long-term community benefits to be gained by encouraging healthy lifestyles, including a decrease in the rate of childhood obesity and its negative health-related impacts; and

**WHEREAS**, the Town of Surfside and surrounding communities can work together to ensure that there are safe places for residents to be active such as in parks, ball fields, pools, gyms and recreation centers; and

**WHEREAS**, access to healthy foods has a direct impact on the overall health of our community and planning for fresh food, open space, sidewalks and parks should be a priority; and

**WHEREAS**, the Florida League of Mayors support the *Let's Move!* Campaign headed by the First Lady of the United States, the President's Task Force on Childhood

Obesity and Secretary of Health and Human Services' in an effort to solve the challenge of childhood obesity within a generation.

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

**Section 1. Recitals.** That the Town of Surfside supports preventative measures to fight obesity as set forth by the First Lady of the United States of America in the *Let's Move!* campaign;

**Section 2.** That the Town of Surfside supports efforts to help parents make healthy family choices, create healthy schools, provide access to healthy and affordable foods and promote physical activity.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this \_\_\_\_ day of October, 2010.

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Edward Kopelman \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Joseph Graubart \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

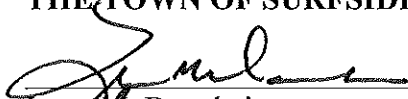
\_\_\_\_\_  
Daniel Dietch, Mayor

Resolution No. \_\_\_\_\_

**ATTEST:**

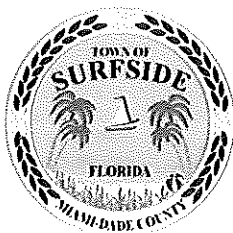
\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney

Resolution No. \_\_\_\_\_

Page 3 of 3



## Town of Surfside Commission Communication

**Agenda Item #** 3D

**Agenda Date:** October 12, 2010

**Subject:** Proposed Mutual Aid Agreement with the City of Miami Gardens Police Department

**Objective:** To receive and establish mutual aid in law enforcement services and resources with the City of Miami Gardens Police Department.

**Background:** The Town staff has received notice that the City of Miami Gardens Police Department has requested to enter into a Mutual Aid Agreement (attachment A) with the Town of Surfside Police Department. This agreement would be in effect from the date of signing through and including January 1, 2015.

**Analysis:** The Surfside Police Department requires approval and authorization to enter into the proposed agreement at the request of the City of Miami Gardens Police Department to establish continuity of voluntary and operational assistance with multi-jurisdiction law enforcement problems, emergency situations, and routine law enforcement services across jurisdictional lines.

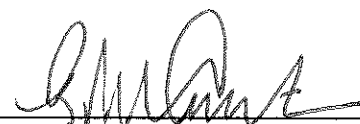
**Budget Impact:** N/A

**Growth Impact:** N/A

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve the resolution authorizing a new Mutual Aid Agreement with the City of Miami Gardens Police Department (attachment B).

  
\_\_\_\_\_  
David Allen, Chief of Police

  
\_\_\_\_\_  
Roger Carlton, Town Manager

RESOLUTION NO. 10 - \_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION FOR  
THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING  
AND DIRECTING THE TOWN MANAGER AND TOWN  
CLERK TO EXECUTE A MUTUAL AID AGREEMENT  
WITH THE CITY OF MIAMI GARDENS, FLORIDA  
POLICE DEPARTMENT AND THE TOWN OF SURFSIDE  
POLICE DEPARTMENT**

**WHEREAS**, the Town Commission of the Town of Surfside, Florida would like to enter into a Mutual Aid Agreement with the City of Miami Gardens, Florida Police Department and the Town of Surfside, Florida Police Department.

**WHEREAS**, the Town Commission believes that it is in the best interest of the Town to enter into the agreement attached as Exhibit "A";

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

**Section 1. Recitals.** The above and foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. Authorization.** The Town Commission hereby authorizes the execution of the Mutual Aid Agreement with the City of Miami Gardens Police Department attached hereto as Exhibit "A" and authorizes the Town Manager and Town Police Chief to do all things necessary to effectuate this Agreement.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

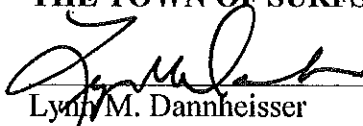
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Edward Kopelman \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Joseph Graubart \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

ATTEST:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney

## ATTACHMENT A

### JOINT DECLARATION BETWEEN THE TOWN OF SURFSIDE AND THE CITY OF MIAMI GARDENS PURSUANT TO A 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 Miami Gardens, Florida and the Town of Surfside, Florida, 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 multi-jurisdictional 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.
6. Escapes from or 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; e.g., sporting events, concerts, parades, fairs, festivals and conventions.
12. Security and escort duties for dignitaries.



13. Emergency situations in which one agency cannot perform its functional objective.
14. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene, marine patrol, and police information.
15. Joint training in areas of mutual need.
16. Joint multi-jurisdictional marine interdiction operations.

The following procedures will apply in mutual aid operations:

1. Mutual aid requested or rendered will be approved by the Chief of Police or designee.
2. Specific reporting instructions for personnel rendering mutual aid should be included in the request for mutual aid. In the absence of such instructions, personnel will report to the ranking on-duty supervisor on the scene.
3. Communications instructions will be included in each request for mutual aid.
4. Incidents requiring mass processing of arrestees, transporting prisoners, and operating temporary detention facilities will be handled per established procedures.

**AGREED TO AND ACKNOWLEDGED this 12th day of October, 2010.**

\_\_\_\_\_  
 Matthew Boyd  
 Chief of Police  
 City of Miami Gardens, Florida

\_\_\_\_\_  
 David Allen  
 Chief of Police  
 Town of Surfside, Florida

**ATTEST:**

**ATTEST:**

\_\_\_\_\_  
 Ronetta Taylor, City Clerk  
 City of Miami Gardens Florida

\_\_\_\_\_  
 Debra Eastman, Town Clerk  
 Town of Surfside, Florida

**APPROVED AS TO FORM  
 AND LEGAL SUFFICIENCY**

**APPROVED AS TO FORM  
 AND LEGAL SUFFICIENCY**

\_\_\_\_\_  
 Sonja Knighton-Dickens, City Attorney  
 City of Miami Gardens, Florida

\_\_\_\_\_  
 Lynn Dannheisser, Town Attorney  
 Town of Surfside, Florida

## **MUTUAL AID AGREEMENT**

**Between the City of Miami Gardens and the Town of Surfside**

**Municipal Police Departments**

Whereas, it is the responsibility of the governments of the City of Miami Gardens 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 Miami Gardens and Town of Surfside; and

Whereas, in order to ensure that 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 Cities of Miami Gardens and Town of Surfside; and

Whereas, the City of Miami Gardens and the Town of Surfside have the authority under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into a mutual aid agreement;

NOW, THEREFORE, BE IT KNOWN that the City of Miami Gardens, a political subdivision of the State of Florida, and the Town of Surfside, in consideration for 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 this Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive 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. The Joint Declaration between the Town of Surfside and the City of Miami Gardens is attached hereto as Exhibit "A" and is hereby incorporated by reference. Subsequent to execution by 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. Said declaration may be amended or supplemented at any time by the agency heads by filing subsequent declarations with the clerks of the respective political subdivisions.
  - b. Agency or participating law enforcement agency: Either the Miami Gardens or Town of Surfside.
  - c. Agency head: the City of Miami Gardens Manager or his designee shall have the right to bind the City of Miami Gardens, and the City Manager

of Miami Beach or his designee shall have the right to bind the Town of Surfside in accordance with this Agreement.

- d. Participating municipal police department: The City of Miami Gardens and Town of Surfside.
- e. Certified law enforcement employee: 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, an authorized representative of the police department requiring assistance shall notify the agency from whom such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and his available resources, and will respond in a manner deemed appropriate.
- b. Each party to this Agreement agrees to furnish necessary manpower, 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 deplete unreasonably 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, including 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 normally employed.
- b. The political subdivision having financial responsibility for the law enforcement agency providing 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 the Agreement during the time of the 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 exemption from ordinances and rules, and all pensions, insurances, 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 extra territorially under the provisions of this Mutual Aid Agreement. The provisions of this Agreement shall apply with equal effect to paid and auxiliary employees.
6. Liability: Each party engaging in any mutual cooperation and assistance, pursuant to this Agreement, agrees to assume responsibility for the acts, omissions, or conduct of such party's own employee while engaged in rendering such aid pursuant to this Agreement subject to the provisions of Section 768.28, Florida Statutes, where applicable.
7. Forfeitures: It is recognized that during the course of the operation of this 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. This shall occur pursuant to the provisions of the Florida Contraband

Forfeiture Act. The city in which the property was seized shall be considered the seizing agency.

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.
9. Effective Date and Duration: This Agreement shall be in effect from date of signing, through and including, January 1, 2015. Under no circumstances may this Agreement be renewed, amended, or extended except in writing.
10. Cancellation: This Agreement may be cancelled by either party upon sixty (60) days written notice to the other party.

**AGREED TO AND ACKNOWLEDGED this 12th day of October, 2009.**

\_\_\_\_\_  
Dr. Danny O. Crew  
City Manager  
City of Miami Gardens, Florida

**ATTEST:**

\_\_\_\_\_  
Ronetta Taylor, City Clerk  
City of Miami Gardens Florida

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

\_\_\_\_\_  
Sonja Knighton-Dickens, City Attorney  
City of Miami Gardens, Florida

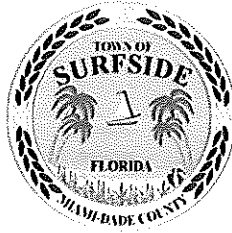
\_\_\_\_\_  
Roger Carlton  
Town Manager  
Town of Surfside, Florida

**ATTEST:**

\_\_\_\_\_  
Debra Eastman, Town Clerk  
Town of Surfside, Florida

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

\_\_\_\_\_  
Lynn Dannheisser, Town Attorney  
Town of Surfside, Florida



## Town of Surfside Commission Communication

**Agenda Item #** 3E

**Agenda Date:** October 12, 2010

**Subject:** Proposed Mutual Aid Agreement with the Town of Golden Beach Police Department

**Objective:** To receive and establish mutual aid in law enforcement services and resources with the Town of Golden Beach Police Department.

**Background:** The Town staff has received notice that the Town of Golden Beach Police Department has requested to enter into a Mutual Aid Agreement (attachment A) with the Town of Surfside Police Department. This agreement would be in effect from the date of signing through and including January 1, 2015.

**Analysis:** The Surfside Police Department requires approval and authorization to enter into the proposed agreement at the request of the Town of Golden Beach Police Department to establish continuity of voluntary and operational assistance with multi-jurisdiction law enforcement problems, emergency situations, and routine law enforcement services across jurisdictional lines.

**Budget Impact:** N/A

**Growth Impact:** N/A

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve the resolution authorizing a new Mutual Aid Agreement with the Town of Golden Beach Police Department (attachment B).

  
\_\_\_\_\_  
David Allen, Chief of Police

  
\_\_\_\_\_  
Roger Carlton, Town Manager



RESOLUTION NO. 10 - \_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER AND TOWN CLERK TO EXECUTE A MUTUAL AID AGREEMENT WITH THE TOWN OF GOLDEN BEACH, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE POLICE DEPARTMENT**

WHEREAS, the Town Commission of the Town of Surfside, Florida would like to enter into a Mutual Aid Agreement with the Town of Golden Beach, Florida Police Department and the Town of Surfside, Florida Police Department.

WHEREAS, the Town Commission believes that it is in the best interest of the Town to enter into the agreement attached as Exhibit "A";

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

**Section 1. Recitals.** The above and foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. Authorization.** The Town Commission hereby authorizes the execution of the Mutual Aid Agreement with the Town of Golden Beach Police Department attached hereto as Exhibit "A" and authorizes the Town Manager and Town Police Chief to do all things necessary to effectuate this Agreement.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

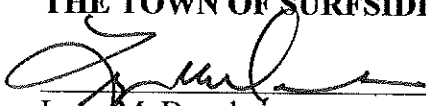
|                              |       |
|------------------------------|-------|
| Commissioner Michael Karukin | _____ |
| Commissioner Edward Kopelman | _____ |
| Commissioner Marta Olchyk    | _____ |
| Vice Mayor Joseph Graubart   | _____ |
| Mayor Daniel Dietch          | _____ |

\_\_\_\_\_  
Daniel Dietch, Mayor

ATTEST:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney

## MUTUAL AID AGREEMENT

Between the Town of Surfside  
and the Town of Golden Beach

WHEREAS, it is the responsibility of the governments of Surfside, Florida and the Town of Golden Beach, 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 of facilities of the participating municipal police departments; and

WHEREAS, in order to ensure that 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 under Chapter 23, Florida Statutes, Florida Mutual Aid Act, to enter into a mutual aid agreement;

NOW, THEREFORE, BE IT KNOWN that the Town of Golden Beach, subdivision of the State of Florida, and the undersigned representatives, in consideration for 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 this Mutual Aid Agreement provides for the requesting and rendering of assistance for both routine and law enforcement intensive 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. Said declaration may be amended or supplemented at any time by the agency heads by filing subsequent declarations with the clerks of the respective political subdivisions.
- b) Agency or participating law enforcement agency: Either the Surfside Police Department or the Town of Golden Beach Police Department.
- c) Agency head: Either the Chief of the Surfside Police Department, or the Chief's designees; and the Chief of Police of the Town of Golden Beach 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 employee: 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, an authorized representative of the police department requiring assistance shall notify the agency from whom such assistance is requested. The authorized agency representative whose assistance is sought shall evaluate the situation and his available resources, and will respond in a manner deemed appropriate.

b) Each party to this Agreement agrees to furnish necessary manpower, 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 deplete unreasonably 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, including 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 normally employed.

b) The political subdivision having financial responsibility for the law enforcement agency providing 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 the 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 exemption from ordinance 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 extraterritorially under the provisions of the Mutual Aid Agreement. The provisions of this Agreement shall apply with equal effect to paid and auxiliary employees.

**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.

**7. Forfeitures:**

It is recognized that during the course of the operation of this 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. 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.

**9. Effective Date and Duration:**

This Agreement shall be in effect from date of signing, through and including January 1, 2015. Under no circumstances may this Agreement be renewed, amended or extended except in writing.

**10. Cancellation:**

This Agreement may be canceled by either party upon sixty-(60) days written notice to the other party. Cancellation will be at the discretion of the chief executive officers of the parties hereto.

AGREED TO AND ACKNOWLEDGED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Town Manager,  
Town of Surfside, Florida

\_\_\_\_\_  
Town Mayor,  
Town of Golden Beach, Florida

ATTEST:

ATTEST:

\_\_\_\_\_  
Town Clerk,  
Town of Surfside, Florida

\_\_\_\_\_  
Town Clerk,  
Town of Golden Beach, Florida

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
Town Attorney,  
Town of Surfside, Florida

\_\_\_\_\_  
Town Attorney,  
Town of Golden Beach, Florida

JOINT DECLARATION OF THE CHIEF OF THE  
TOWN OF SURFSIDE POLICE DEPARTMENT  
AND THE CHIEF OF THE TOWN OF GOLDEN BEACH 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 pre-planned and approved by each respective agency head, or
- appropriately dispatched in response to a request for assistance from the other law enforcement agency.
- spontaneous response where assistance or aid is apparent (see #9 below)

In compliance with, and under the authority of, the Mutual Aid Agreement, heretofore entered into by Town of Surfside, Florida and the Town of Golden Beach, Florida, 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 multi-jurisdictional 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, 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.
6. Escapes from or 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 persons calls.



9. Participating in exigent situations without a formal request which are spontaneous occurrences such as area searches for wanted subjects, perimeters, crimes in progress, escaped prisoners. Traffic stops near municipal boundaries, request for back-up assistance and no local unit is available or 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.
10. Enemy attack.
11. Transportation of evidence requiring security.
12. Major events; e.g., sporting events, concerts, parades, fairs, festivals, and conventions.
13. Security and escort duties for dignitaries.
14. Emergency situations in which one agency cannot perform its functional objective.
15. Incidents requiring utilization of specialized units; e.g., underwater recovery, aircraft, canine, motorcycle, bomb, crime scene, marine patrol, and police information.
16. Joint training in areas of mutual need.

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
 David Allen, Chief  
 Surfside Police Department

\_\_\_\_\_  
 James Skinner, Chief  
 Golden Beach Police Department

ATTEST:

ATTEST:

\_\_\_\_\_  
 Village Clerk

\_\_\_\_\_  
 Town Clerk



## Town of Surfside Commission Communication

**Agenda Item #** 4A1

**Agenda Date:** October 12, 2010

**Subject:** Water and Sewer Ordinance consumption flow correction for FY 2010-2011.

**Objective:** To correct an error in the water consumption flow as it pertains to Residential (1-4 units) rates.

**Recommendation:** It is recommended that the Surfside Town Commission hold a second reading correcting the Water and Sewer rates for fiscal year 2010-2011 and adopt the attached Ordinance.

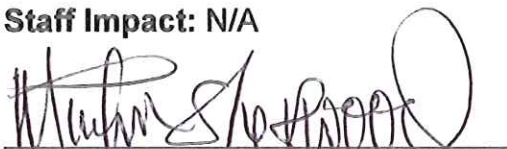
**Background:** Typically, users of Municipal utilities (residents and commercial customers) pay all of the costs (direct and indirect) based on their volume usage or through fixed charges or a combination of both mechanisms. Accordingly, it is necessary to establish water and sewer utility rates designed to recover the full cost of providing the applicable service. To facilitate and assist in this process the Town retained, via a formal competitive bidding process, the fiscal, economic and planning engineering firm of TischlerBise. Additionally, the Town scheduled, advertised and held two policy direction, input and information sessions on July 15 and August 3, 2010, respectively. The Town Commission approved the Ordinance on first and second reading during the regular Commission meeting on August 10, 2010 and September 14, respectively.

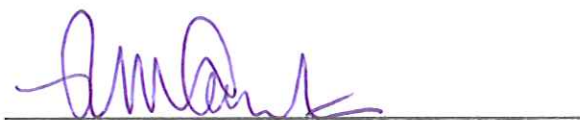
**Analysis:** Please refer to the Ordinance Flow correction letter received from Brian Jewett, Vice President of TischlerBise.

**Budget Impact:** None as corrected. However, it is important to note that if the correction is not ratified the utility fund will not generate the needed revenues for operations, capital and debt service and will discourage customer conservation efforts as intended by the Town Commission.

**Growth Impact:** N/A

**Staff Impact:** N/A

  
\_\_\_\_\_  
Finance Support Svs. Dept Director

  
\_\_\_\_\_  
Town Manager

September 27, 2010

Mr. Martin D. Sherwood, CPA CGFO  
Finance Director  
Town of Surfside  
9293 Harding Ave  
Surfside, FL 33154

**RE: Ordinance Flow correction for Water and Sewer Rates**

Dear Mr. Sherwood,

As you are aware, TischlerBise prepared the recent water and sewer rate analysis and resulting rates for the Town of Surfside. As part of this analysis and per the scope of services pursuant to the request for proposal, TischlerBise assisted with revising parts of the Town Ordinance relating to the rates and rate structures ultimately approved by the Town Commission. Our original analysis utilized the Town's current bi-monthly billing process and as a result, our assistance with the rate ordinance language included continued billing on a bi-monthly basis. After the July Town Commission workshop, we discussed with the Commission the potential of moving the Town utility billing process from bi-monthly to monthly. The Town commission ultimately approved the transition to a monthly billing system once the new metering system was installed throughout the Town. Regrettably, the language to the ordinance was not updated to reflect this change. This is an important concept because the *Residential (1 – 4 Units)* consumption charges in the new rate structure are based on customer use within a certain period of time. However, in error, the ordinance and exhibits included the following consumption charge flows per block on a bi-monthly basis for this customer class only:

- Block 1: 0 -12,000 gallons
- Block 2: 12,001 to 24,000 gallons
- Block 3: 24,001 gallons and above

**The correct language in the ordinance should reflect the following usage blocks:**

- Block 1: 0 – 6,000 gallons
- Block 2: 6,001 – 12,000 gallons
- Block 3: 12,001 gallons and above

This monthly structure was the structure we presented to the community at the workshops and to the Town Commission during the 1<sup>st</sup> and 2<sup>nd</sup> readings of the ordinance. **The rates, the analysis and the projected results are not affected by this change.** It is important to note, that if the incorrect usage blocks as presented in the original ordinance are utilized for customer bill computations on a monthly basis, the utility fund will not generate the needed revenues for operations, capital and debt services needs and will discourage customer conservation efforts as intended by Town Commission direction.

We apologize for the misunderstanding caused by this situation and hope that this explanation will assist in correcting the ordinance language.

Regards,  
Brian Jewett  
Vice President  
TischlerBise, Inc.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 78 "UTILITIES" INCLUDING ESTABLISHING AMONG OTHER THINGS NEW SERVICE CHARGES WHICH SHALL BE EFFECTIVE BEGINNING FISCAL YEAR 2010-2011; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 11 of the Town Charter (the "Charter") of the Town of Surfside gives the Town Commission (the "Commission") the power to levy, assess and collect fees; and

WHEREAS, after having rate changes from the various providers imposed on the Town, and after the Town has conducted its own rate study and having had numerous workshops and public hearings, the Commission wishes to establish amended service charges for utilities effective beginning fiscal year 2010-2011 based upon that rate study; and

WHEREAS, the Commission believes that the establishment of new charges in the best interest of the Town for purposes of recovering the full cost of providing service, promote equity in utility rates, establishing reserve policies to avoid future rate hikes, encourage water conservation throughout the Town, improve both water and sewer capital infrastructure some of which are mandated by DERM, and enable the Town to secure funding for the capital improvement debt service costs.

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

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. Code Amended. Chapter 78 of the Town Code is hereby amended as follows:

Sec. 78-26. Regulations adopted.

Except as otherwise provided in this chapter, Chapter 45 110 of the Code of the City of Miami Beach, Florida, as same may be amended from time to time, regulating the sale and distribution of water furnished to owners and consumers and regulating rates thereof, is hereby adopted by the town to govern the maintenance and operation of the water distribution system in the town. A copy of such chapter is on file in the office of the town clerk.

Ordinance No. \_\_\_\_\_

**Sec. 78-27. Amendment of regulations.**

The changes and variations in the sections comprising Chapter 45110, Miami Beach City Code, as further amended by section 78-26, as made by the town commission are enumerated as follows:

**78-27. Amendment of regulations.**

The changes and variations in the sections comprising ~~Chapter 45~~, Chapter 110, Miami Beach City Code, as amended, adopted by section 78-26, as made by the town commission are enumerated as follows:

~~45-4(a)~~. Subsection (a) of section 45-4 Section 110-166 is amended to read as follows:

1. The ~~meter consumption~~ rate of nonmunicipal single-family residential, Duplex, Tri Plex, Quad Plex consumer for water supply service in the territory shall be ~~\$1.61 per 1,000 gallons based on an inclining block rate structure as follows:~~  
0-12,000 6,000 gallons \$2.97 per 1000 gallons  
12,000-24,000 6,001-12,000 gallons \$3.56 per 1000 gallons  
24,001 12,001 and above \$5.94 per 1000 gallons  
The consumption rate for nonmunicipal consumers, excluding single-family residential, Duplex, Tri Plex, Quad Plex consumers for water supply service in the territory shall be a uniform block rate of \$3.67 per 1000 gallons.

2. ~~45-4(b)~~. Subsection (b) of section 45-4 110-166. Section 110-166 is amended to read as follows:  
Any municipality within Town limits, which purchases its water supply in whole or in part from the town shall be charged at the rate of ~~\$0.64~~ \$2.97 per 1,000 gallons.  
~~Such municipality will also be charged a surcharge of three percent of the amount billed for water each month for 12 months after effective date hereof and 1 1/2 percent each month thereafter.~~ Any municipality outside Town limits shall be charged at the rate of \$3.67 per 1000 gallons.

~~45-4(d)~~. Subsection (d) of section 45-4 110-166. Subsection (a) of section 110-166 is amended to read as follows:

Every water supply service shall have a monthly ~~minimum~~ service charge on each service installed. The ~~minimum~~ monthly service charge on each service shall vary with and be based upon the size of the service pipe required and installed. This ~~minimum~~ service charge shall be in accordance with the following schedule and shall entitle the consumer, without excess charge, to have supplied through the meter the number of gallons of water set forth in the table.

All bills for water service shall be paid within ~~ten-thirty~~ days from date of bill. ~~If paid within that period, a discount of five percent will be allowed.~~ If such bills are not paid by the first day of the second month following that in which the service was rendered, such service shall be discontinued.

Ordinance No. \_\_\_\_\_

The monthly minimum service charge and water allowed without excess charge shall be as follows:

TABLE INSET:

| Size of Service (in inches) | Minimum base (fixed) Monthly service charge | Amount of water allowed per month (in gallons) |
|-----------------------------|---|--|
| 5/8                         | <del>\$21.23</del> <u>\$13.90</u>           | <del>6,000</del>                               |
| 1                           | <del>28.31</del> <u>20.22</u>               | <del>8,000</del>                               |
| 1 1/2                       | <del>42.47</del> <u>30.76</u>               | <del>12,000</del>                              |
| 2                           | <del>63.70</del> <u>43.40</u>               | <del>18,000</del>                              |
| 3                           | <del>141.56</del> <u>72.90</u>              | <del>40,000</del>                              |
| 4                           | <del>283.10</del> <u>115.03</u>             | <del>80,000</del>                              |
| 6                           | <del>424.66</del> <u>220.37</u>             | <del>120,000</del>                             |
| 8                           | <del>707.77</del> <u>346.78</u>             | <del>200,000</del>                             |

There shall not be a rental charge on meters.

~~45-4(f)~~. Subsection (f) of section ~~45-4~~ 110-166. Subsection (d) of section 110-166 is amended to read as follows:

Upon the application of the owner or consumer for water service, on premises to which there has not been any previous service for water, or for an additional, enlarged or reduced service, the following tapping charges shall be made to cover the cost of the tap and the installation of the service to the property line of the lot to be supplied with water service:

TABLE INSET:

|   |  |
|---|--|
| Up to 1-inch tap and service.....                                       | \$3050.00*                                     |
| 1 1/2-inch tap and service.....   | <del>\$4</del> 500.00*                         |
| 2-inch tap and service.....   | \$6500.00*                                     |
| Over 2-inch tap and service.....  | Actual cost, plus 10 15 percent                |
| *Additional charge where a street, sidewalk, curb or gutter is cut..... | Actual cost of replacement, plus 10 15 percent |

There shall not be a rental charge on meters.

All water meters and meter boxes servicing private property shall be located upon said property, and in no case shall be in the public right-of-way.

Ordinance No. \_\_\_\_\_

~~45-4(g).~~ Subsection ~~45-4(g)~~ is deleted and a new subsection ~~45-4(g)~~ 110-166. Subsection (e) of section 110-166 is hereby enacted amended to read as follows:

Every owner, ~~tenant~~ or consumer making an application for water service shall be required to make a deposit for each meter with the public works department called a guarantee of payment deposit. The amount of such deposit shall be according to the size of the service for each meter in the following schedule:

TABLE INSET:

| Minimum Guarantee Deposits |                                     |                      |
|----------------------------|-------------------------------------|----------------------|
| Service                    | Owner <u>per meter</u>              | Tenant               |
| 5/8"                       | \$ <del>80.00</del> <u>160.00</u>   | \$ <del>160.00</del> |
| 1"                         | <del>100.00</del> <u>200.00</u>     | <del>200.00</del>    |
| 1 1/2"                     | <del>120.00</del> <u>300.00</u>     | <del>240.00</del>    |
| 2"                         | <del>200.00</del> <u>400.00</u>     | <del>400.00</del>    |
| 3"                         | <del>500.00</del> <u>600.00</u>     | <del>500.00</del>    |
| 4"                         | <del>600.00</del> <u>800.00</u>     | <del>600.00</del>    |
| 6"                         | <del>1,000.00</del> <u>1,200.00</u> | <del>1,000.00</del>  |
| 8"                         | <del>1,500.00</del> <u>1,600.00</u> | <del>1,500.00</del>  |

If no refund has been applied for within ~~three~~ one year~~s~~ after water service has been discontinued to the party making the guarantee deposit for water service at the specific location mentioned in the receipt, such deposit shall be forfeited and be transferred to the water revenue ~~fund~~ account of the town.

~~45-12(b).~~ Subsection ~~(b)~~ of section ~~45-12~~ 110-192. Subsection (a) of section 110-192 is amended to read as follows:

All delinquent accounts, including metered water supply service, may cause the service of the water department to be discontinued and the water supply to be shut off from and to the premises of the owner or consumer from whom such account is in arrears, immediately upon such account becoming delinquent or as soon thereafter as practicable, without notice, and such service will not be resumed and the water turned on to such premises until the amount of the delinquent account and the sum of \$5.00 ~~25.00~~ for the first occurrence then \$50.00 for the second and subsequent occurrence(s) within a rolling 12 month calendar period for turning on the supply to each premises so shut off has been paid. All accounts shall be settled in person at town hall or by mail.

Ordinance No. \_\_\_\_\_



~~45-21.~~ Section 45-21 110-3. Section 110-3 is amended to read as follows:

Any person found guilty of a violation of any of the foregoing rules and regulations in this chapter, or who shall fail to observe any of the foregoing regulations, or who shall take and use water of the town without paying therefor, or who shall connect his premises with any water main of the town without the permission of the water department, shall, upon conviction thereof, be punished as provided in section 1-8 of the Code of the Town of Surfside, Florida.

(Code 1960, § 17-2; Ord. No. 1295, §§ 1, 2, 9-15-92; Ord. No. 1343, § 1, 9-26-94; Ord. No. 1347, § 1, 2-14-95; Ord. No. 1365, § 1, 9-30-96; Ord. No. 1378, § 1, 9-18-97; Ord. No. 1502, § 2(Exh. A), 10-14-08; Ord. No. 1536, § 2(Exh. A), 10-13-09)

State law references: User fees authorized, F.S. § 166.201.

#### Sec. 78-28. Charges declared liens.

(a) When water is furnished to the owner, user or occupant of any premises, the charge for such water service shall be and constitute a lien against the premises and shall become effective and binding as such lien from the date upon which the account becomes due, unpaid and in arrears. Existing liens and liens hereafter imposed pursuant to this section shall be treated as special assessment liens against the subject real property, and until fully paid and discharged shall remain liens equal in rank and dignity to the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the subject real property. The maximum rate of interest allowable by law shall accrue on such delinquent accounts.

(b) Such liens for service charges and penalties shall be enforced by any method provided by law, including but not limited to foreclosure proceedings instituted and prosecuted under provisions applicable to foreclosure of mortgages on real estate. Collection of payment thereof may also be accomplished by any other method provided by law. The owner, user or occupant shall pay all costs of collection, including but not limited to reasonable trial and appellate attorneys' fees, incurred in collection of fees, service charges, penalties and liens imposed by virtue of this section. The remedy provided in this section shall be cumulative and shall not be construed to waive the right of the town to require payment of any bill in arrears before renewing water service to the subject real property.

Secs. 78-29--78-50. Reserved.

### ARTICLE III. SEWERS AND SEWAGE DISPOSAL

#### Sec. 78-51. Septic tank or sanitary privy prohibited.

The construction or maintenance of any septic tank or sanitary privy by any person, owner, tenant or occupant of any lot or parcel of land within the town is hereby declared to be a nuisance, dangerous or injurious to the public health and shall be unlawful.

#### Sec. 78-52. Connection, inspection, maintenance required; liens.

Ordinance No. \_\_\_\_\_

(a) The owner, ~~tenant~~ or occupant of any lot or parcel of land within the town, upon which lot or parcel a building has been or shall be constructed for residential, commercial or industrial use, shall cause the building to be connected to the town's gravity sanitary main sewer and shall cease to use any other method of sewage disposal. All such connections shall be in accordance with chapter 24 of Metropolitan Dade County, Florida, "The Standard Details and Specifications of Miami Dade Water and Sewer Authority Department," and with the rules and regulations which shall be adopted from time to time by the town commission.

(b) All such connections to the town's gravity sanitary main sewer shall be inspected and approved by a person designated by the town manager.

(c) Sanitary sewage laterals connecting to the town's gravity sanitary main sewer are the responsibility of the real property owner, ~~tenant~~ or occupant served. The owner, ~~tenant~~ or occupant shall insure the proper operation, maintenance and repair of the sanitary sewage laterals connecting to the town's gravity sanitary main sewer. The portion of the laterals connecting to the town's gravity sanitary main sewer of the public right-of-way shall be the responsibility of the town.

(d) To the extent that the owner, ~~tenant~~ or occupant fails to comply with the requirements of this section, the town may, at its sole option, take such steps as are necessary to ensure compliance, and the costs directly and indirectly associated therewith shall constitute a lien against the property. Such liens shall be treated as special assessment liens against the property, and until fully paid and discharged, shall remain liens equal in rank and dignity to the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the property. The maximum rate of interest allowable by law shall accrue on such liens. Such liens shall be enforced by any method provided by law, including but not limited to foreclosure proceedings instituted and prosecuted under provisions applicable to foreclosure of mortgages on real estate. Collection of payment thereof may also be accomplished by any other method provided by law. The owner, ~~tenant~~ or occupant shall pay all costs of collection, including but not limited to reasonable trial and appellate attorneys' fees incurred in enforcement and foreclosure of such liens. The remedy provided in this section shall be cumulative and shall not be construed to waive the right of the town to require compliance before providing any further municipal services to the property.

**Sec. 78-53. Manner of connection.**

All connections to the town's sewer disposal facilities, now or hereafter existing, shall be made strictly in accordance with the South Florida Building Code. All such connections shall be maintained so that compliance with the South Florida Building Code is maintained. Any such connection which is not in compliance with the South Florida Building Code shall be removed within 60 days after the effective date of the ordinance from which this section was derived or immediately, if such connection results in a health hazard.

**Sec. 78-54. Restrictions on materials and substances discharged into sewers; liability; inspections.**

Ordinance No. \_\_\_\_\_

(a) No person shall discharge into the town's sanitary sewer collection system any material or substance, which discharge into sanitary sewers is restricted or prohibited by the Metropolitan Dade County Code or the rules and regulations set forth by the county department of environmental resources management or the county water and sewer authority. Any person who discharges any substances classified as overstrength by any of such authorities, or by the United States Environmental Protection Agency, or by the state, or by any department designated to make such determinations, shall be responsible and liable for:

- (1) The excess costs of treating the overstrength discharge, as estimated by the town manager after proper consultation with consultants and such authorities;
- (2) The cost of restoration of any facilities or any assessed damages levied against the town due to the transportation or treatment of such overstrength discharge; and
- (3) The cost of any surcharges, penalties, fines or any costs, including engineering and attorneys' fees required to enforce compliance with this section.

(b) The town shall have the right to conduct inspections from time to time and, as such, shall have the right of access to any property for such inspections or collection of samples in order to ensure compliance with the intent of this section, at reasonable times, except in the case when it is reasonable to expect that an emergency exists, whereupon the town shall have the right to enter upon any property to determine whether, in fact, an emergency exists.

(Code 1960, § 17-5)

~~Sec. 78-55. Sewer trust fund established for capital improvements; certified annual deposit.~~ Reserved.

~~(a) There is hereby established a trust fund which shall be called the Town of Surfside Sanitary Sewer Improvements Trust Fund. Use of the funds deposited into such trust fund shall be restricted as provided in this section.~~

~~(b) Funds which are deposited into the town sanitary sewer improvements trust fund shall be invested in the manner permitted by law. Such funds, and interest earned thereon, shall be expended by the town only for capital improvements, construction, rehabilitation, betterments, expansions and upgrading of any or all elements of the sanitary sewer system of the town.~~

~~(c) The town shall, not less frequently than annually, deposit into the town sanitary sewer improvements trust fund funds in accordance with section 17-50.017(2)(b), Florida Administrative Code, which section is hereby incorporated herein by reference. The town's regular certified public accountant shall certify annually to the state compliance with the foregoing deposit requirements.~~

Sec. 78-56. Monthly Sewer service charges.

(a) There is hereby imposed, upon all premises within the town connected to or using the facilities of the town's sanitary sewer system, a monthly sewer service charge based on effluent flow. Such sanitary sewer service charge shall be in an amount equal to \$4.69 ~~\$5.41~~ per 1,000 gallons of water billed sewer flow per account or dwelling unit delivered to the consumer, as shown by the water bills rendered in accordance with this article, or 100 percent of the minimum water rate charges, whichever is greater. In addition to the flow-based charge there shall be a base (fixed) monthly charge in the amount of \$3.44 per account or dwelling unit. The amount of such sanitary sewer system service charges shall be shown as a separate item on such water bills and

Ordinance No. \_\_\_\_\_

shall be paid by the owner, ~~tenant~~ or occupant in possession of such premises at the same time and in the same manner as is provided in this chapter for the payment of water bills, ~~except that there shall be no discount for early payment.~~ Further, provided that the provisions of this section shall not be applicable to any water sold and delivered through separate meters measuring water delivered and consumed solely for swimming pools, lawn sprinkler systems or other purposes not requiring the use of the sanitary sewer system facilities of the town. ~~The sanitary sewer service charge imposed hereby shall become effective for service on and after October 1, 1997.~~

(b) In addition to the penalty for violation of this section as set forth in this article, all delinquent accounts may cause the service of the water department to be discontinued and the water supply to be shut off from and to the premises in accordance with this article.

**Sec. 78-57. Review of service rates.**

Rates set forth in this article shall be reviewed annually at the time the town's general operating budget is reviewed and adopted. The town commission shall, from time to time, amend this article, so that revenues expected to be generated by the sewer service and other charges shall be sufficient to pay the projected operating and maintenance costs for providing such services as well as providing for desired unrestricted and restricted net asset reserves. The town commission shall also provide the funds necessary in accordance with this article. Sewer system customers of the town shall be notified of rates and other charges applicable to such sewer service.

Secs. 78-58--78-80. Reserved.

**ARTICLE IV. WATER AND SEWER DEVELOPMENT FEE**

**Sec. 78-81. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Combination account* means any account that contains both residential and commercial or nonresidential facilities served through a common meter. Such account may be treated as either residential or commercial/nonresidential, depending whichever method of computation yields the larger number of equivalent single-family residential units.

*Commercial and nonresidential account* means any account not defined in this article as an equivalent single-family residential unit. For purposes of establishing the applicable development fee, a commercial or nonresidential account shall be considered to comprise equivalent single-family residential units and the development fee therefor shall be computed in accordance with section 78-83.

*Equivalent single-family residential unit.*

(1) Each single-family residence served by the town through a single sewer service connection and/or water meter constitutes one equivalent single-family residential unit.

(2) Each residential room or combination of rooms, designed to be occupied or occupied by one or more persons, and each apartment unit, condominium unit, cooperative unit, multifamily unit,

Ordinance No. \_\_\_\_\_

hotel unit, apartment-hotel unit or motel unit that includes one or more connection points for sewer and/or water service constitutes one equivalent single-family residential unit, regardless of whether or not a single sewer or water connection serves the entire structure.

Section 3. 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 be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Effective Date. This ordinance shall become effective September 25, 2010.

PASSED and ADOPTED on First Reading this 10 day of August, 2010.

PASSED and ADOPTED on Second Reading this \_\_\_\_\_ day of September, 2010.

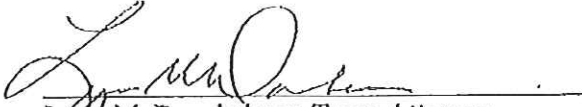
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

Ordinance No. \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**Vote:**

|                       |     |    |
|-----------------------|-----|----|
| Mayor Dietch          | yes | no |
| Vice Mayor Graubart   | yes | no |
| Commissioner Karukin  | yes | no |
| Commissioner Kopelman | yes | no |
| Commissioner Olchyck  | yes | no |

Ordinance No. \_\_\_\_\_

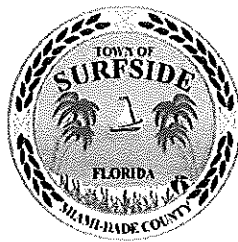
TOWN OF SURFSIDE, FLORIDA  
 WATER RATES  
 BY Service Type  
 CURRENT & PROPOSED FY 2010-2011

| Service Type: Base (Fixed) Meter Charge                         | Code Section        | Current Rate (monthly)                              | Current Rate (monthly @ min gal consumption)       | Current Rate (yearly @ min gal consumption)            | Current Rate (monthly in excess of minimum gal) | Proposed Rate (monthly)                  | \$ Change (Monthly)                     | \$ Change (Annual) |
|---|---------------------|---|--|--|---|--|---|--------------------|
| 5/8"  | new                 | \$0.00  |  |  |   | \$13.90                                  | \$13.90                                 | \$166.85           |
| 1"  | new                 | \$0.00  |  |  |   | \$20.22                                  | \$20.22                                 | \$242.69           |
| 1 1/2"  | new                 | \$0.00  |  |  |   | \$30.76                                  | \$30.76                                 | \$369.10           |
| 2"  | new                 | \$0.00  |  |  |   | \$43.40                                  | \$43.40                                 | \$520.79           |
| 3"  | new                 | \$0.00  |  |  |   | \$72.90                                  | \$72.90                                 | \$874.74           |
| 4"  | new                 | \$0.00  |  |  |   | \$115.03                                 | \$115.03                                | \$1,380.38         |
| 6"  | new                 | \$0.00  |  |  |   | \$220.37                                 | \$220.37                                | \$2,644.48         |
| 8"  | new                 | \$0.00  |  |  |   | \$346.78                                 | \$346.78                                | \$4,161.40         |
| <b>Service Type: Consumption Charge</b>                         | <b>Code Section</b> | <b>Current Rate (monthly @ min gal consumption)</b> | <b>Current Rate (yearly @ min gal consumption)</b> | <b>Current Rate (monthly in excess of minimum gal)</b> | <b>Proposed Rate (monthly per 1,000 gal)</b>    | <b>\$ Change (Monthly per 1,000 gal)</b> | <b>\$ Change (Annual per 1,000 gal)</b> |                    |
| 5/8" - 6,000 min gal  | 78-27               | \$21.24   | \$254.88   | \$3.54   | N/A   | N/A                                      | N/A                                     |                    |
| 1" - 8,000 min gal  | 78-27               | \$28.32   | \$339.84   | \$3.54   | N/A   | N/A                                      | N/A                                     |                    |
| 1 1/2" - 12,000 min gal   | 78-27               | \$42.48   | \$509.76   | \$3.54   | N/A   | N/A                                      | N/A                                     |                    |
| 2" - 18,000 min gal   | 78-27               | \$63.72   | \$764.64   | \$3.54   | N/A   | N/A                                      | N/A                                     |                    |
| 3" - 40,000 min gal   | 78-27               | \$141.60  | \$1,699.20   | \$3.54   | N/A   | N/A                                      | N/A                                     |                    |
| 4" - 80,000 min gal   | 78-27               | \$283.20  | \$3,398.40   | \$3.54   | N/A   | N/A                                      | N/A                                     |                    |
| 6" - 120,000 min gal  | 78-27               | \$424.80  | \$5,097.60   | \$3.54   | N/A   | N/A                                      | N/A                                     |                    |
| 8" - 200,000 min gal  | 78-27               | \$708.00  | \$8,496.00   | \$3.54   | N/A   | N/A                                      | N/A                                     |                    |
| Single-family Residential, Duplex, Tri-Plex, Quad-Plex          |                     |   |  |  |   |  |   |                    |
| Block 1= normal(0-6,000 gal)                                    | 78-27               | N/A   | N/A  | \$3.54   | \$2.97  | (\$0.57)                                 | (\$6.85)                                |                    |
| Block 2=discretionary(6,001-12,000 gal)                         | 78-27               | N/A   | N/A  | \$3.54   | \$3.56  | \$0.02                                   | \$0.28                                  |                    |
| Block 3=excessive(above 12,000 gal)                             | 78-27               | N/A   | N/A  | \$3.54   | \$5.94  | \$2.40                                   | \$28.78                                 |                    |
| Commercial, Multi-Family greater than 4 units, Place of Worship |                     |   |  |  |   |  |   |                    |
| Uniform Block   | 78-27               | N/A   | N/A  | \$3.54   | \$3.67  | \$0.13                                   | \$1.56                                  |                    |
| Municipality:   |                     |   |  |  |   |  |   |                    |
| within Town Limits  | new                 | N/A   | N/A  | \$3.54   | \$2.97  | (\$0.57)                                 | (\$6.85)                                |                    |
| outside Town Limits   | 78-27               | N/A   | N/A  | \$0.64   | \$3.67  | \$3.03                                   | \$36.36                                 |                    |

TOWN OF SURFSIDE, FLORIDA  
 SEWER RATES  
 BY Service Type  
 CURRENT & PROPOSED FY 2010-2011

| Service Type: Base (Fixed) Charge | Code Section | Current Rate (Monthly)      | Proposed Rate (Monthly)      | \$ Change (Monthly)               | \$ Change (Annual)               |  |  |  |
|-----------------------------------|--------------|-----------------------------|------------------------------|-----------------------------------|----------------------------------|--|--|--|
| All Accounts/per dwelling unit    | new          | \$0.00                      | \$3.44                       | \$3.44                            | \$41.28                          |  |  |  |
| Service Type: Flow Charge         | Code Section | Current Rate (\$/1,000 gal) | Proposed Rate (\$/1,000 gal) | \$ Change (monthly per 1,000 gal) | \$ Change (Annual per 1,000 gal) |  |  |  |
| All Accounts/per dwelling unit    | 78-56        | \$4.69                      | \$5.41                       | \$0.72                            | \$8.64                           |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |
|                                   |              |                             |                              |                                   |                                  |  |  |  |





**TOWN OF SURFSIDE**  
**Office of the Town Attorney**

MUNICIPAL BUILDING

9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser  
Town Attorney

Telephone: 305 993-1065

**MEMORANDUM**

**TO:** Town Commission  
**FROM:** Lynn M. Dannheisser, Town Attorney *LMD*  
**CC:** Roger M. Carlton, Town Manager  
Debra E. Eastman, M.M.C., Town Clerk  
**DATE:** October 12, 2010

**SUBJECT:** Amend Section 90-41 to clarify that "Parking" is a Permitted Use.

---

In the course of the Town developing 9450 Collins Avenue (Zoning District H40) as a new municipal parking lot, Staff identified two issues with regard to the property and the subject of parking: "parking" is regulated as an Accessory Use within the H30C, H40, and SD-B40 Districts, and not permitted as a main use i.e., a stand-alone parking lot. Also, parking as an accessory use is problematic with aggregated lots, i.e., if two lots are aggregated, and the Town needs to allow one of the lots to have parking on the other (assuming it was subordinate to a main use on the other lot, for example), it could not be accomplished.

On September 14, 2010 the Town Commission approved on first reading an ordinance (Option 1) that did two things: 1) added "parking" as a permitted use, without any restrictions, for the MU District and 2) added "Parking" as a permitted use in the all zoning districts except residential (H30A, H30B, H30C, H40, SDB40, and H120) if it is subordinate to a main use. By allowing "parking" as a permitted use when subordinate to a main use, "parking" can be adjacent to a main use on an adjacent aggregated lot. This would benefit multi-family establishments, hotels, commercial, and town-owned property. It would also be consistent with the Town's Comprehensive Plan.

At the September 30, 2010 Planning and Zoning Board Meeting, the Board members voted to recommend "parking" as a permitted use for the MU District only but did not want to recommend that parking be allowed as a subordinate use to a main use located on an adjacent lot. The Planning and Zoning Board instructed Staff to remove "parking" from both the Accessory Use table and the Regulated (Main) Use table for all other zoning districts. Staff revised the Ordinance. This revised version of the Ordinance is referred to as Option 2.

Please bear in mind the immediate need is to address "parking" as it relates to the 9450 Collins Avenue property. The larger picture though reflects a need to properly regulate "parking" Town-wide. This goes to the second issue addressed in Option 1. After much discussion, the Planning and Zoning Board requested a joint meeting to discuss several specific zoning code provisions, including "parking". At this time, however, the Commission must choose between these two versions of the Ordinance (Option 1 and Option 2)

**Analysis:**

The effect of adopting Option 1 is that the Town can move forward with development of the parking lot without the need to rezone the property. The reason is that this Option permits subordinate parking and the subject lot would be subordinate to the main abutting parking lot. As a permitted use, no rezoning is required even though it is in the H-40 District. Passage of this Option 1 would also allow aggregation of lots (with parking on one lot and main use on another) in every district except residential.

Should Option 2 be adopted, parking is only a permitted use in MU. Therefore, the property at 9450 Collins Avenue (zoned H40) would not be able to be developed as a parking lot unless the property is rezoned to MU. After the rezoning, however, this ordinance allows a stand alone parking lot. An alternative to rezoning is to adopt a second ordinance which permits any lot owned by the Town to be used as a parking lot regardless of zoning category. In the event Option 2 is elected, this second ordinance is included in your packet as Item 4B2 for first reading. Adoption of this ordinance will avoid the need for rezoning at 9450 Collins Avenue.

**Recommendation:** Since this is a policy question, Staff makes no recommendation but rather seeks Town Commission policy direction.

**ORDINANCE AS PRESENTED ON  
FIRST READING 9-14-10**

**OPTION 1**

ORDINANCE NO. 10- \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW PARKING AS A USE WHEN SUBORDINATE TO A MAIN USE IN ALL DISTRICTS; 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 of Surfside ("Town") proposes to amend its Code of Ordinances to allow parking as a use when subordinate to a main use in all districts; and

WHEREAS, The Town Commission held its first public reading on August 10, 2010 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 Planning and Zoning Board, as the local planning agency for the Town, held a public hearing on September 30, 2010; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on October 12, 2010 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:**

Ordinance No. \_\_\_\_\_

**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:

**Sec. 90-41. Regulated uses.**

\*\*\*\*\*

(c) *Table--Regulated uses:*

TABLE INSET:

|  | H30A | H30B | H30C | H40  | H120 | SD-B40   |
|--|------|------|------|------|------|----------|
| <b>Residential Uses</b>                                      |      |      |      |      |      |          |
| Detached single-family                                       | P(1) | P(1) | P(1) | P(1) | P(1) | -        |
| Duplex   | -    | -    | P    | P    | P    | -        |
| Multi-dwelling structure                                     | -    | -    | P    | P    | P    | -        |
| Townhouse  | -    | -    | P    | P    | P    | -        |
| <b>Lodging uses</b>  |      |      |      |      |      |          |
| Hotel  | -    | -    | -    | P(7) | P(7) | -        |
| Suite-Hotel  | -    | -    | -    | P(7) | P(7) | -        |
| <b>Office Uses and Professional Services</b>                 |      |      |      |      |      |          |
| Banks  | -    | -    | -    | -    | -    | P        |
| Business and professional offices, except veterinary offices | -    | -    | -    | -    | -    | P        |
| Currency exchange  | -    | -    | -    | -    | -    | P        |
| Delivery service   | -    | -    | -    | -    | -    | P(9)     |
| Employment agencies  | -    | -    | -    | -    | -    | P(9, 17) |
| General ticket agencies                                      |      |      | -    | -    |      | P        |
| Interior decorator   | -    | -    | -    | -    | -    | P        |
| Loan or mortgage office                                      | -    | -    | -    | -    | -    | P(9)     |

Ordinance No. \_\_\_\_\_

|   |   |   |   |   |   |        |
|---|---|---|---|---|---|--------|
| Medical or dental clinic                                  | - | - | - | - | - | P(9)   |
| Radio or television station or studio                     | - | - | - | - | - | P(9)   |
| Savings and loan associates                               | - | - | - | - | - | P      |
| Secretarial service, mailing, bookkeeping, court reporter | - | - | - | - | - | P(9)   |
| Stocks and bond brokers                                   | - | - | - | - | - | P      |
| Taxi agency   | - | - | - | - | - | P(9)   |
| Telegraph station   | - | - | - | - | - | P      |
| Telephone exchange  | - | - | - | - | - | P      |
| Title company   | - | - | - | - | - | P(9)   |
| Travel agency   | - | - | - | - | - | P      |
| <b>Retail and General Commercial Uses</b>                 |   |   |   |   |   |        |
| Antique shops   | - | - | - | - | - | P      |
| Appliances  | - | - | - | - | - | P      |
| Art and photograph galleries                              | - | - | - | - | - | P      |
| Art dealers   | - | - | - | - | - | P      |
| Art supplies  | - | - | - | - | - | P      |
| Barbershops   |   |   | - | - |   | P      |
| Beauty parlors  | - | - | - | - | - | P (19) |
| Books and newspaper                                       | - | - | - | - | - | P      |
| Cigars and tobacco  | - | - | - | - | - | P      |
| Coin-operated machines                                    |   |   | - | - |   | P(15)  |
| Department stores   | - | - | - | - | - | P      |
| Drug stores and sundries                                  | - | - | - | - | - | P      |
| Dry cleaning and laundry agency                           | - | - | - | - | - | P(10)  |
| Dry goods   |   |   | - | - |   | P      |
| Flowers and plants  | - | - | - | - | - | P      |
| Furniture   | - | - | - | - | - | P(14)  |
| Furrier   | - | - | - | - | - | P      |
| Gift shops  |   |   | - | - |   | P      |
| Hardware, paint and wallpaper                             | - | - | - | - | - | P      |
| Jewelry   | - | - | - | - | - | P      |
| Locksmith   | - | - | - | - | - | P(11)  |
| Luggage   |   |   | - | - |   | P      |
| Men's, women's, children's clothing                       | - | - | - | - | - | P      |

Ordinance No. \_\_\_\_\_

|   |   |   |   |   |   |          |
|---|---|---|---|---|---|----------|
| Millinery   | - | - | - | - | - | P        |
| Office machines and supplies                                    | - | - | - | - | - | P        |
| Pet supplies  |   |   | - | - |   | P        |
| Photographers and camera stores                                 | - | - | - | - | - | P        |
| Pottery   | - | - | - | - | - | P        |
| Sale of televisions, radios, phonograph and recording equipment | - | - | - | - | - | P        |
| Sheet music and musical instruments                             |   |   | - | - |   | P        |
| Shoe repair   | - | - | - | - | - | P (20)   |
| Shoes   | - | - | - | - | - | P        |
| Sporting goods  |   |   | - | - |   | P        |
| Stationery and greeting cards                                   | - | - | - | - | - | P        |
| Tailor  | - | - | - | - | - | P        |
| Toys  | - | - | - | - | - | P        |
| Video tapes sales and rentals                                   | - | - | - | - | - | P(12)    |
| <b>Food Services</b>  |   |   |   |   |   |          |
| Bakeries  | - | - | - | - | - | P(8)     |
| Candy and nut shops   |   |   | - | - |   | P(13)    |
| Caterers  | - | - | - | - | - | P        |
| Confectionary and ice cream stores                              | - | - | - | - | - | P(13)    |
| Delicatessens   | - | - | - | - | - | P(13)    |
| Fruit shops   |   |   | - | - |   | P(13)    |
| Grocery and meat stores or supermarkets                         | - | - | - | - | - | P(13)    |
| Liquor stores   | - | - | - | - | - | P(13)    |
| Restaurants   | - | - | - | - | - | P(13)    |
| <b>Educational Services</b>                                     |   |   |   |   |   |          |
| Dance or music instruction studios                              | - | - | - | - | - | P(9, 16) |
| Driving school offices  |   |   | - | - |   | P(9, 21) |
| Modeling school, language school, or athletic instruction       | - | - | - | - | - | P(9)     |
| Public schools  | - | - | P | P | - | -        |
| <b>Places of Assembly</b>                                       |   |   |   |   |   |          |
| See RLUIPA Map and Ordinance 07-1479                            | - | - | P | - | - | P        |
| <b>Civic Uses</b>   |   |   |   |   |   |          |

Ordinance No. \_\_\_\_\_

|                      |              |              |              |              |              |              |
|----------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Parks and open space | P            | P            | P            | P            | P            | -            |
| Playgrounds          | P            | P            | P            | P            | P            | -            |
| <u>Parking</u>       | <u>P(22)</u> | <u>P(22)</u> | <u>P(22)</u> | <u>P(22)</u> | <u>P(22)</u> | <u>P(22)</u> |

Key: P: Permitted Blank: Not Permitted (#): Refer to Notes

TABLE INSET:

| Uses               | Municipal | Community Facilities |
|--------------------|-----------|----------------------|
| Library            | P         | P                    |
| Parks & Open Space | P         | P                    |
| Playgrounds        | P         | P                    |
| Community Center   | P         | P                    |
| Gymnasiums         | P         | P                    |
| Town Offices       | P         | P                    |
| Police Facilities  | P         | P                    |
| Pump Stations      | P         | P                    |
| <u>Parking</u>     | <u>P</u>  | <u>-</u>             |

Key: P: Permitted (#): Refer to Notes Blank: Not Permitted

TABLE INSET:

|                       | H30A     | H30B     | H30C     | H40      | H120     | SD-B40   |
|-----------------------|----------|----------|----------|----------|----------|----------|
| Accessory uses        |          |          |          |          |          |          |
| Boat docks + moorings | P(2)     | -        |          | -        | -        | -        |
| Game courts           | P(2)     | P(2)     | P(2)     | P(2)     | P(2)     | -        |
| Home Bar-B-Q grills   | P(2)     | P(2)     | P(2)     | P(2)     | P(2)     | -        |
| Laundry/service rooms | -        | -        | P(5)     | P(5)     | P(5)     | -        |
| Office spaces         | -        | -        |          | P(3)     | P(3)     | -        |
| Recreational rooms    | -        | -        | P(4)     | P(4)     | P(4)     | -        |
| Subordinate buildings | -        | -        |          | -        | -        | P(18)    |
| Swimming pools        | P(2)     | P(2)     | P(2)     | P(2)     | P(2)     | -        |
| Vending machines      | -        | -        | P(6)     | P(6)     | P(6)     | -        |
| <u>Parking</u>        | <u>-</u> | <u>-</u> | <u>P</u> | <u>P</u> | <u>-</u> | <u>P</u> |

Key: P: Permitted (#): Refer to Notes Blank: Not Permitted

(d) Uses table notes.

\*\*\*\*\*

Ordinance No. \_\_\_\_\_



(22). Provided parking is subordinate to main use.

\*\*\*\*\*

**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 re-lettered 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 ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2010.

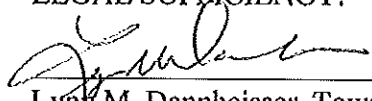
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

Ordinance No. \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**Vote:**

|                       |     |       |    |       |
|-----------------------|-----|-------|----|-------|
| Mayor Dietch          | yes | _____ | no | _____ |
| Vice Mayor Graubart   | yes | _____ | no | _____ |
| Commissioner Karukin  | yes | _____ | no | _____ |
| Commissioner Kopelman | yes | _____ | no | _____ |
| Commissioner Olchyck  | yes | _____ | no | _____ |

Ordinance No. \_\_\_\_\_

**ORDINANCE AS AMENDED BY  
LPA ON 9-30-10  
OPTION 2**

ORDINANCE NO. 10- \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 AND SPECIFICALLY SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW PARKING AS A USE WHEN SUBORDINATE TO A MAIN USE IN ALL DISTRICTS; 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 of Surfside ("Town") proposes to amend its Code of Ordinances to allow parking as a use when subordinate to a main use in all districts; and

**WHEREAS**, The Town Commission held its first public reading on August 10, 2010 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 Planning and Zoning Board, as the local planning agency for the Town, held a public hearing on September 30, 2010 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 second duly noticed public hearing on these regulations as required by law on October 12, 2010 and further finds the proposed change to the Code necessary and in the best interest of the community.

Ordinance No. \_\_\_\_\_

**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:

**Sec. 90-41. Regulated uses.**

\*\*\*\*\*

(c) *Table--Regulated uses:*

TABLE INSET:

|  | H30A | H30B | H30C | H40  | H120 | SD-B40   |
|--|------|------|------|------|------|----------|
| <b>Residential Uses</b>                                      |      |      |      |      |      |          |
| Detached single-family                                       | P(1) | P(1) | P(1) | P(1) | P(1) | -        |
| Duplex   | -    | -    | P    | P    | P    | -        |
| Multi-dwelling structure                                     | -    | -    | P    | P    | P    | -        |
| Townhouse  | -    | -    | P    | P    | P    | -        |
| <b>Lodging uses</b>  |      |      |      |      |      |          |
| Hotel  | -    | -    | -    | P(7) | P(7) | -        |
| Suite-Hotel  | -    | -    | -    | P(7) | P(7) | -        |
| <b>Office Uses and Professional Services</b>                 |      |      |      |      |      |          |
| Banks  | -    | -    | -    | -    | -    | P        |
| Business and professional offices, except veterinary offices | -    | -    | -    | -    | -    | P        |
| Currency exchange  | -    | -    | -    | -    | -    | P        |
| Delivery service   | -    | -    | -    | -    | -    | P(9)     |
| Employment agencies  | -    | -    | -    | -    | -    | P(9, 17) |
| General ticket agencies                                      |      |      | -    | -    |      | P        |
| Interior decorator   | -    | -    | -    | -    | -    | P        |
| Loan or mortgage office                                      | -    | -    | -    | -    | -    | P(9)     |

Ordinance No. \_\_\_\_\_

|   |   |   |   |   |   |        |
|---|---|---|---|---|---|--------|
| Medical or dental clinic                                  | - | - | - | - | - | P(9)   |
| Radio or television station or studio                     | - | - | - | - | - | P(9)   |
| Savings and loan associates                               | - | - | - | - | - | P      |
| Secretarial service, mailing, bookkeeping, court reporter | - | - | - | - | - | P(9)   |
| Stocks and bond brokers                                   | - | - | - | - | - | P      |
| Taxi agency   | - | - | - | - | - | P(9)   |
| Telegraph station   | - | - | - | - | - | P      |
| Telephone exchange  | - | - | - | - | - | P      |
| Title company   | - | - | - | - | - | P(9)   |
| Travel agency   | - | - | - | - | - | P      |
| <b>Retail and General Commercial Uses</b>                 |   |   |   |   |   |        |
| Antique shops   | - | - | - | - | - | P      |
| Appliances  | - | - | - | - | - | P      |
| Art and photograph galleries                              | - | - | - | - | - | P      |
| Art dealers   | - | - | - | - | - | P      |
| Art supplies  | - | - | - | - | - | P      |
| Barbershops   |   |   | - | - |   | P      |
| Beauty parlors  | - | - | - | - | - | P (19) |
| Books and newspaper                                       | - | - | - | - | - | P      |
| Cigars and tobacco  | - | - | - | - | - | P      |
| Coin-operated machines                                    |   |   | - | - |   | P(15)  |
| Department stores   | - | - | - | - | - | P      |
| Drug stores and sundries                                  | - | - | - | - | - | P      |
| Dry cleaning and laundry agency                           | - | - | - | - | - | P(10)  |
| Dry goods   |   |   | - | - |   | P      |
| Flowers and plants  | - | - | - | - | - | P      |
| Furniture   | - | - | - | - | - | P(14)  |
| Furrier   | - | - | - | - | - | P      |
| Gift shops  |   |   | - | - |   | P      |
| Hardware, paint and wallpaper                             | - | - | - | - | - | P      |
| Jewelry   | - | - | - | - | - | P      |
| Locksmith   | - | - | - | - | - | P(11)  |
| Luggage   |   |   | - | - |   | P      |
| Men's, women's, children's clothing                       | - | - | - | - | - | P      |

Ordinance No. \_\_\_\_\_

|   |   |   |   |   |   |          |
|---|---|---|---|---|---|----------|
| Millinery   | - | - | - | - | - | P        |
| Office machines and supplies                                    | - | - | - | - | - | P        |
| Pet supplies  |   |   | - | - |   | P        |
| Photographers and camera stores                                 | - | - | - | - | - | P        |
| Pottery   | - | - | - | - | - | P        |
| Sale of televisions, radios, phonograph and recording equipment | - | - | - | - | - | P        |
| Sheet music and musical instruments                             |   |   | - | - |   | P        |
| Shoe repair   | - | - | - | - | - | P (20)   |
| Shoes   | - | - | - | - | - | P        |
| Sporting goods  |   |   | - | - |   | P        |
| Stationery and greeting cards                                   | - | - | - | - | - | P        |
| Tailor  | - | - | - | - | - | P        |
| Toys  | - | - | - | - | - | P        |
| Video tapes sales and rentals                                   | - | - | - | - | - | P(12)    |
| Food Services   |   |   |   |   |   |          |
| Bakeries  | - | - | - | - | - | P(8)     |
| Candy and nut shops   |   |   | - | - |   | P(13)    |
| Caterers  | - | - | - | - | - | P        |
| Confectionary and ice cream stores                              | - | - | - | - | - | P(13)    |
| Delicatessens   | - | - | - | - | - | P(13)    |
| Fruit shops   |   |   | - | - |   | P(13)    |
| Grocery and meat stores or supermarkets                         | - | - | - | - | - | P(13)    |
| Liquor stores   | - | - | - | - | - | P(13)    |
| Restaurants   | - | - | - | - | - | P(13)    |
| Educational Services  |   |   |   |   |   |          |
| Dance or music instruction studios                              | - | - | - | - | - | P(9, 16) |
| Driving school offices  |   |   | - | - |   | P(9, 21) |
| Modeling school, language school, or athletic instruction       | - | - | - | - | - | P(9)     |
| Public schools  | - | - | P | P | - | -        |
| Places of Assembly  |   |   |   |   |   |          |
| See RLUIPA Map and Ordinance 07-1479                            | - | - | P | - | - | P        |
| Civic Uses  |   |   |   |   |   |          |

Ordinance No. \_\_\_\_\_

|                      |   |   |   |   |   |   |
|----------------------|---|---|---|---|---|---|
| Parks and open space | P | P | P | P | P | - |
| Playgrounds          | P | P | P | P | P | - |
|                      |   |   |   |   |   |   |

Key: P: Permitted Blank: Not Permitted (#): Refer to Notes

TABLE INSET:

| Uses               | Municipal | Community Facilities |
|--------------------|-----------|----------------------|
| Library            | P         | P                    |
| Parks & Open Space | P         | P                    |
| Playgrounds        | P         | P                    |
| Community Center   | P         | P                    |
| Gymnasiums         | P         | P                    |
| Town Offices       | P         | P                    |
| Police Facilities  | P         | P                    |
| Pump Stations      | P         | P                    |
| Parking            | P         | -                    |

Key: P: Permitted (#): Refer to Notes Blank: Not Permitted

TABLE INSET:

|                       | H30A | H30B | H30C | H40  | H120 | SD-B40 |
|-----------------------|------|------|------|------|------|--------|
| Accessory uses        |      |      |      |      |      |        |
| Boat docks + moorings | P(2) | -    |      | -    | -    | -      |
| Game courts           | P(2) | P(2) | P(2) | P(2) | P(2) | -      |
| Home Bar-B-Q grills   | P(2) | P(2) | P(2) | P(2) | P(2) | -      |
| Laundry/service rooms | -    | -    | P(5) | P(5) | P(5) | -      |
| Office spaces         | -    | -    |      | P(3) | P(3) | -      |
| Recreational rooms    | -    | -    | P(4) | P(4) | P(4) | -      |
| Subordinate buildings | -    | -    |      | -    | -    | P(18)  |
| Swimming pools        | P(2) | P(2) | P(2) | P(2) | P(2) | -      |
| Vending machines      | -    | -    | P(6) | P(6) | P(6) | -      |
| Parking               | -    | -    | P    | P    | -    | P      |

Key: P: Permitted (#): Refer to Notes Blank: Not Permitted

(d) Uses table notes.

\*\*\*\*\*

Ordinance No. \_\_\_\_\_



\*\*\*\*\*

**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 re-lettered 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 ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

PASSED and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

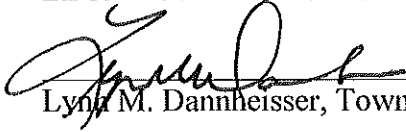
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

Ordinance No. \_\_\_\_\_

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

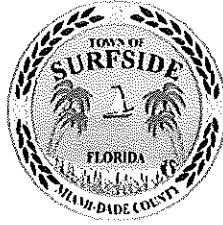
On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**Vote:**

|                       |           |          |
|-----------------------|-----------|----------|
| Mayor Dietch          | yes _____ | no _____ |
| Vice Mayor Graubart   | yes _____ | no _____ |
| Commissioner Karukin  | yes _____ | no _____ |
| Commissioner Kopelman | yes _____ | no _____ |
| Commissioner Olchyk   | yes _____ | no _____ |

Ordinance No. \_\_\_\_\_



## Town of Surfside Commission Communication

Agenda Item #: *A3*

Agenda Date: October 12, 2010

**Subject:** Clarify Off-Street Parking Design Standards, relative to onsite and offsite circulation.

**Objective:** Clarify the standards utilized by Town Staff to review site plans for onsite and offsite vehicular circulation

**Background:** The Zoning Code does not specifically state the standards of review utilized by Staff for onsite and offsite vehicular circulation.

**Analysis:** The Town's Zoning Code includes regulations regarding parking lot lay out, parking space size, and parking lot location. Due to the adjacency to state roadways, Staff has utilized Miami-Dade County Standards for review of offsite and onsite vehicular circulation. Yet this reliance on County standards was not specifically stated in the Zoning Code. Staff felt it was appropriate to amend the Off-Street Parking Design Standards to clearly state that Miami-Dade County Standards are utilized. Further, additional language was added to give Town Staff the flexibility to impose stricter standards when the County Standards do not result in adequate queuing and circulation space. Finally, language clarifying review and approval by FDOT for projects that have direct access to and from the state roadways was also included.

*At the September 30, 2010 Planning and Zoning Board Meeting, the Board instructed Staff to remove the reference to the Miami-Dade County Standards and, rather, add in the specific language from the Miami-Dade County Code. Staff was also instructed to require applicants whose property has direct or immediate access or is within one-half block of a State Roadway (including 96<sup>th</sup> Street) to receive a letter from FDOT prior to applying to the Town for a Site Plan application. Finally, Staff was instructed to expand the On Site Circulation standards to allow the Town greater flexibility in its review. Staff has made all of these requested revisions.*

**Budget Impact:** Planning Staff's time was funded under the general services contract between the Town and CGA. Therefore the Town did not incur an additional budget impact for CGA's time.

**Growth Impact:** N/A

**Staff Impact:** N/A

**Recommendation:** The Planning and Zoning Board recommended approval of this item to the Town Commission at its September 30, 2010 meeting with the aforementioned revisions. It is recommended that the Surfside Town Commission adopt on second reading the attached Ordinance, amending sections 90.82 of the Town of Surfside Zoning Code.

Karen Friedman, Town Planner

Town Manager

**ORDINANCE AS PRESENTED ON  
FIRST READING 9-14-10  
OPTION 1**

ORDINANCE NO. 10- \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, DIVISION 1. OFF-STREET PARKING, SECTION 90-82 "DESIGN STANDARDS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CLARIFY THE STANDARDS USED FOR VEHICULAR QUEUING, ACCESS TO STATE ROADWAYS; AND ON-SITE CIRCULATION; 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 of Surfside ("Town") proposes to amend its Code of Ordinances to allow parking as a use when subordinate to a main use in all districts; and

**WHEREAS**, The Town Commission held its first public reading on September 14, 2010 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 Planning and Zoning Board, as the local planning agency for the Town, held a public hearing on September 30, 2010 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 second duly noticed public hearing on these regulations as required by law on October 12, 2010 and further finds the proposed change to the Code necessary and in the best interest of the community.

Ordinance No. \_\_\_\_\_

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 and specifically Division 1, OFF-STREET PARKING, Section 90-82 Design Standards is hereby amended to add Sections (j), (k), and (l) as follows:

**DIVISION 1. OFF-STREET PARKING**

**Sec. 90-82. Design standards.**

- (j) *Vehicular Queuing.* On-site vehicular queuing shall conform at a minimum to Miami-Dade County standards. The Town Manager or his designee reserves the right to modify vehicular queuing requirements if deemed necessary based on individual circumstances and so as to cause the least practical interference with the use of adjacent Property and with the movement of pedestrian or vehicular traffic.
- (k) *Access to State Roadways.* Projects that have direct access to Collins Avenue or Harding Avenue shall be subject to the review and approval by the FDOT for compliance with driveway spacing requirements and off-site vehicular queuing.
- (l) *On-site Circulation.* There shall be safe, adequate, logical and convenient arrangement of pedestrian walkways, bikeways, roadways, driveways, driving aisles and off street parking and loading spaces on-site. All minimum standards and specifications not specifically addressed in this code shall conform to Miami-Dade County standards.

**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.

Ordinance No. \_\_\_\_\_

**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 re-lettered 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 ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

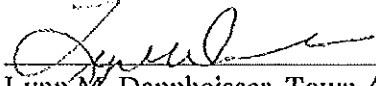
PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

**Vote:**

|                       |           |          |
|-----------------------|-----------|----------|
| Mayor Dietch          | yes _____ | no _____ |
| Vice Mayor Graubart   | yes _____ | no _____ |
| Commissioner Karukin  | yes _____ | no _____ |
| Commissioner Kopelman | yes _____ | no _____ |
| Commissioner Olchyk   | yes _____ | no _____ |

Ordinance No. \_\_\_\_\_



**ORDINANCE AS AMENDED BY  
LPA ON 9-30-10  
OPTION 2**

ORDINANCE NO. 10- \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, DIVISION 1. OFF-STREET PARKING, SECTION 90-82 "DESIGN STANDARDS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CLARIFY THE STANDARDS USED FOR VEHICULAR QUEUING, ACCESS TO STATE ROADWAYS; AND ON-SITE CIRCULATION; 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 of Surfside ("Town") proposes to amend its Code of Ordinances to allow parking as a use when subordinate to a main use in all districts; and

**WHEREAS**, The Town Commission held its first public reading on September 14, 2010 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 Planning and Zoning Board, as the local planning agency for the Town, held a public hearing on September 30, 2010 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 second duly noticed public hearing on these regulations as required by law on October 12, 2010 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.

Ordinance No. \_\_\_\_\_

**Section 2. Code Amendment.** The code of the Town of Surfside, Florida and specifically Division 1. OFF-STREET PARKING, Section 90-82 Design Standards is hereby amended to add Sections (j), (k), and (l) as follows:

**DIVISION 1. OFF-STREET PARKING**

**Sec. 90-82. Design standards.**

(j) Vehicular Queuing. On-Site vehicular queuing shall conform as a minimum to the following standards. The Town Manager or his designee reserves the right to modify vehicular queuing requirements if deemed necessary based on individual circumstances and so as to cause the least practical interference with the use of adjacent Property and with the movement of pedestrian or vehicular traffic.

1. Vehicular Queuing for Public Charter School Facilities. Automobile stacking space, defined as that space in which pickup and delivery of children can take place, may be provided in the form of specified parking stalls and/or areas clear of vehicular drive aisles. Stacking space shall be provided for a minimum of two (2) automobiles for charter schools with twenty (20) to forty (40) children; schools with forty-one (41) to sixty (60) children shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.

2. Vehicular Queuing for Educational and Child Care Facilities, nonpublic. Automobile Stacking space, defined as that space in which pickup and delivery of children can take place, shall be provided for a minimum of two (2) automobiles for schools with twenty (20) to forty (40) children; schools with forty (40) to sixty (60) [children] shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.

(k) Access to State Roadways. Projects that have direct or immediate access or is within one-half block of Collins Avenue, Harding Avenue or 96 Street shall be subject to the review and approval by FDOT for compliance with FDOT standards. Site Plan Applications subject to this provision shall include a letter from FDOT as part of the site plan submittal.

(l) On-site Circulation. There shall be safe, adequate, logical and convenient arrangement of pedestrian walkways, bikeways, roadways, driveways, driving aisles and off street parking and loading spaces on-site. The Town Manager or his designee reserves the right to modify on-site circulation if deemed necessary based on individual circumstances and so as to cause the least practical interference with the use of adjacent Property and with the movement of pedestrian or vehicular traffic.

**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.

Ordinance No. \_\_\_\_\_

**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 re-lettered 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 ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 12<sup>th</sup> day of October, 2010.

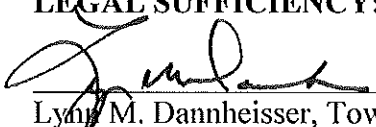
PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

Ordinance No. \_\_\_\_\_

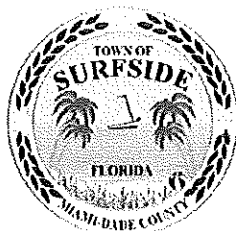
On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**Vote:**

|                       |           |          |
|-----------------------|-----------|----------|
| Mayor Dietch          | yes _____ | no _____ |
| Vice Mayor Graubart   | yes _____ | no _____ |
| Commissioner Karukin  | yes _____ | no _____ |
| Commissioner Kopelman | yes _____ | no _____ |
| Commissioner Olchyk   | yes _____ | no _____ |

Ordinance No. \_\_\_\_\_



**Town of Surfside  
Commission Communication  
Agenda Item # 4B1**

**Agenda Date:** October 12, 2010

**Subject:** FY11 Capital Improvement Element Update

**Background:** The Capital Improvements Element must be reviewed on an annual basis based upon the Town's adopted budget and modified as necessary in accordance with 163.3177 and 163.3184 of the Florida Statutes. Once the Town Commission has adopted the Capital Improvement Element Update, the ordinance and attached Capital Improvement Element will be transmitted to the Department of Community Affairs. DCA will not issue an Objections, Recommendations, and Comments (ORC) Report, but will review the Capital Improvement Element for compliance.

**Summary:** The provision of potable water, sanitary sewer, drainage, transportation, parks and schools and maintenance of level of service standards as required in the Comprehensive Plan has been reviewed and noted in the Data Inventory and Analysis. Also, revenue and expense projections have been updated for the FY11-15 period.

The revised Schedule of Capital Improvements has been included as Tables 9-10A-D. The Schedule of Capital Improvements is a subset of a local government's Capital Improvement Program and includes only capital improvements related to level of service standards in the Comprehensive Plan for a five year period.

Florida Statutes require that the Schedule of Capital Improvements show financial feasibility meaning that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years of the Schedule. The Town's Schedule of Capital Improvements show funds committed throughout the five year period.

The Town's scheduled projects and related funding sources show a positive or zero balance. The Plan has been further determined to be financially feasible because this comparison demonstrates the ability of the Town to finance capital improvements necessitated by the anticipated population and revenues.

Additionally, Policy 1.9 was updated based upon Miami-Dade Public School's adoption of their Five-Year Facilities Work Program for 2010-11 through 2014-15. Florida Statutes for the annual update of the Capital Improvements Element require that the CIE reflect annual updates to the School Board's capital plan.

**Budget Impact:** Planning, Engineering and Traffic Engineering staff's time was funded under a contract in the amount of \$5,000 approved in August 2010 to prepare the FY11 Capital Improvement Element Update.

**Staff Impact:** N/A

**Recommendation** It is recommended that the Surfside Town Commission adopt on first reading the attached Ordinance to update the Comprehensive Plan.

*Shelley Eckner*

Department Head  
**Page 102**

*[Signature]*

Town Manager

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN THE COMPREHENSIVE PLAN AND AN EFFECTIVE DATE.**

**WHEREAS**, in 2005, the Florida Legislature passed Senate Bill 360, which required, in part, that local governments annually update the Capital Improvements Element contained in their Comprehensive Plans in order to ensure that the required level of service standard for the public facilities listed in Section 163.3180, Florida Statutes is achieved and maintained over the planning period; and

**WHEREAS**, pursuant to Section 163.3177, Florida Statutes, all local governments are required to adopt this update annually; and

**WHEREAS**, the Town of Surfside Planning and Zoning Board, as the local planning agency for the Town of Surfside ("Town"), recommended approval of the proposed amendments to the Capital Improvements Element of the Town of Surfside Comprehensive Plan ("Comprehensive Plan") on October 28, 2010; and

**WHEREAS**, after having received input and participation by interested members of the public and staff, and having considered the recommendation of the Town of Surfside Planning and Zoning Board and staff, the Town Commission found the proposed update to the Capital Improvements Element to be consistent with the Comprehensive Plan; and

**WHEREAS**, the Town Commission has conducted a first and second reading of the proposed ordinance at duly noticed public hearings as required by law and further finds the proposed changes to the Capital Improvements Element of the Comprehensive Plan necessary and in the best interest of the Town.

**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. Adoption of the Annual Update to the Capital Improvements Element.**

The Town Commission hereby adopts the annual update to the Capital Improvements Element contained in the Town of Surfside Comprehensive Plan, which is attached as Exhibit "A."

**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 Comprehensive Plan in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Comprehensive Plan.** 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 Comprehensive Plan, 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. Effective Date.**

This Ordinance shall be effective immediately upon passage by the Town Commission on second reading, except that the effective date of the Plan Amendment approved by this Ordinance shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the Plan Amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Department of Community Affairs notice of intent to find the Plan Amendment in compliance shall be deemed to be a final order if no timely petition challenging the Plan Amendment is filed.



**PASSED and ADOPTED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2010.


**PASSED and ADOPTED** on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Daniel Dietch, Mayor

**Attest:**

\_\_\_\_\_  
Debra Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**Vote:**

|                       |           |          |
|-----------------------|-----------|----------|
| Mayor Dietch          | yes _____ | no _____ |
| Vice Mayor Graubart   | yes _____ | no _____ |
| Commissioner Karukin  | yes _____ | no _____ |
| Commissioner Kopelman | yes _____ | no _____ |
| Comissioner Olchyk    | yes _____ | no _____ |

# EXHIBIT A

---

## CAPITAL IMPROVEMENTS ELEMENT

---

### DATA INVENTORY AND ANALYSIS

#### PURPOSE

The purpose of the Capital Improvements Element is to evaluate the need for public facilities as identified in the other comprehensive plan elements and as defined in the applicable definitions for each type of public facility, to estimate the cost of improvements for which the local government has fiscal responsibility, to analyze the fiscal capability of the local government to finance and construct improvements, to adopt financial policies to guide the funding of improvements and to schedule the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on needs identified in the other comprehensive plan elements. The element shall also include the requirements to ensure that an adequate concurrency management system will be implemented by local governments pursuant to Rule 9J-5.0055, F.A.C., of this chapter.

#### PLANNING TIMEFRAMES

The Town of Surfside Comprehensive Plan provides guidance on development and redevelopment over two planning periods: a 5-Year period ending FY14 (short term) and a long term planning period ending FY30. The Capital Improvement Element updated for FY11 provides for facility improvements for the FY11-15 period.

#### Public Facility Needs

#### TRANSPORTATION

The Town is responsible for maintaining the local network program. The regional road network is under the State of Florida's jurisdiction. Collins Avenue and Harding Avenue are the major north-south corridors through the Town, while 96<sup>th</sup> Street is the main east-west roadway.

The Town of Surfside comes under the Miami-Dade County's Transportation Concurrency Exception Area (TCEA) to promote urban infill and redevelopment in the area. The Level of Service for major, state roadways in Surfside is LOS E+20, meaning that where mass transit service having headways of 20 minutes or less is provided within a ½ mile distance, roadways shall operate at no greater than 120 percent of their capacity.

State arterial roadways include Collins Avenue, Harding Avenue and 96th Street which are all functioning at Level of Service Standard D and ~~therefore~~ are meeting level of service standards. There are no FIHS or SIS facilities within the Town of Surfside.

Roadway performance conditions ~~were~~ are measured by Level of Service (LOS) which is represented by letters "A" or most favorable through "F" or least favorable conditions. Roadway LOS standards are the ratio of the number of vehicles to the road capacity during peak time periods. The Town monitors roadway concurrency and currently, all roadways are meeting level of service standards.

Currently, the only roadway capital improvements planned in Surfside are FDOT resurfacing projects that do not affect level of service.

To accommodate the impacts of new development, alternative modes of transportation are required to reduce traffic congestion. Six bus routes from Miami-Dade Transit travel through the Town; all the routes run along Collins Avenue and Harding Avenue. The Town has its own bus system which complements the Miami-Dade County Transit. The Town's mini buses circulate between the business district and residential areas.

#### *De Minimis Impacts*

The Town does not allow for exceptions for de minimis impacts. Also, the Town lies completely within a Transportation Concurrency Exception Area.

#### Gas Tax Projects

Per F.S. 336.025 (1)(a)3 municipal governments shall use local option gas taxes for transportation expenditures to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. Such expenditures are required to be included in the Comprehensive Plan.

The Schedule of Capital Improvements includes the Downtown Improvements Master Plan, the Traffic Management Program and the Mobility Fee Study funded by gas taxes. The related projects are not planned to alleviate level of service issues, but are included to meet statutory requirements for listing local option gas tax projects in the Capital Improvement Element.

## **POTABLE WATER**

The Town of Surfside's potable water is provided by the Miami-Dade County Water and Sewer Department (MDWASD) which provides service for approximately two million customers in Miami Dade County. The Town of Surfside is serviced by the Hialeah-Preston Water Treatment Plant service area which includes the northern part of Miami-Dade County.

The water is distributed to residents and commercial business by approximately 11 miles of cast iron pipe installed in 1938. Primary mains feeding the system run under the Town's streets and vary in size from 6-inch to 16-inches in diameter, which feed three-inch and four-inch water lines located along the rear property lines.

#### *Water Source*

The Hialeah and Preston Water Treatment Plants (WTPs) located at 200 W. 2<sup>nd</sup> Avenue and 1100 W. 2<sup>nd</sup> Avenue are interconnected with adjacent facilities with a main source of water from the Biscayne Aquifer. The WTPs are currently being modified and will receive groundwater from five Upper Floridan Aquifer wells by 2010. The wells will be located in Miami Springs Wellfield and the Northwest Wellfield according to MDWASD.

#### *Water Treatment Plants (WTPs)*

The Hialeah and Preston Plants are currently fed by forty five wells, including the Northwest Wellfield and the Hialeah/Preston on-site wells. The quantity of water available to serve MDWASD's North District, as reflected in permitted withdrawal allocations, provides more than adequate capacity.

The Hialeah WTP was originally designed in 1924 with a total capacity of 10 mgd. By 1935, the plant's capacity was 40 mgd. In 1946, capacity was increased to 60 mgd. There are plans to re-rate and upgrade the Hialeah WTP to a capacity of 70 mgd, if necessary. The source of water for the Hialeah WTP comes

from the Hialeah-Miami Springs Wellfields, supplemented by the Northwest Wellfield. The Hialeah WTP has a current rated capacity of 60 mgd.

The John E. Preston Water Treatment Plant was originally designed as a 60 mgd plant in 1968 and upgraded to 110 mgd in 1980. The plant was ratered to a total capacity of 130 mgd in 1984. The plant reached its present capacity of 165 mgd and 185 mgd in 2005 with the addition of air stripping capacity. The main source of water for the Preston WTP is from the Northwest wellfield.

*Potable Water Level of Service*

In order to maintain level of service Town-wide, a water maintenance program will be implemented ~~in 2010~~. Currently, construction documents are ~~have been being prepared~~ completed for a Town-wide replacement of the water mains, meters, and fire hydrants. ~~The program will evaluate the existing infrastructure and replace pipes in poor condition and in need of repairs.~~ The project and funding source is listed in ~~Table 9-8B of the~~ Schedule of Capital Improvements.

The Town of Surfside currently coordinates with MDWASD and the South Florida Water Management District to meet existing and projected demands based on level of service (LOS). The Town's projected water demands shown in Table 9-1 were developed by incorporating the county's average per capita value of 155 gpcd.

**Table 9-1  
Water Supply Level of Service**

| <b>PROJECTED WATER SUPPLY</b>                        |             |             |             |
|--|-------------|-------------|-------------|
| <b>Year</b>  | <b>2010</b> | <b>2015</b> | <b>2030</b> |
| Population   | 5,280       | 5,483       | 5,680       |
| Proposed Per Capita (gallons per day finished water) | 155         | 155         | 155         |
| (all potable volumes are finished water)             | MGD         | MGD         | MGD         |
| Potable Water Demand (daily average)                 | 0.82        | 0.850       | 0.88        |

Source: Calvin, Giordano & Associates, Inc., 2008.

The 155 gallons per capita per day (gpcd) value is a MDWASD system-wide finished water rate which was calculated from taking historical data. ~~In 2007 the actual gpcd value for the Town of Surfside was 206 gpcd. The Town of Surfside is aware of this higher gpcd value, and is currently working with MDWASD to implement water efficiency plans, public education, and BMPs to reduce the Town of Surfside's gpcd value. In addition, the planned replacement of the leaking water valves, mains, fire hydrants, meters and service laterals will reduce the total water consumption.~~

Table 5-2 in the Water Supply Facilities Work Plan indicates that there will be no deficit of finished water through 2030. Therefore, level of service will be met for Surfside in the short term and long term planning periods.

The existing LOS for the Town of Surfside based on MDWASD goals for potable water is as follows:

- A. The regional treatment system shall operate with a rated maximum daily capacity of no less than 2 percent above the maximum daily flow for the preceding year, and an average daily capacity of 2 percent above the average daily system demand for the preceding 5 years.
- B. Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi.
- C. Water quality shall meet all federal, state, and county primary standards for potable water.
- D. MDWASD storage capacity for finished water shall equal no less than 15 percent of the average daily demand.
- E. The level of service (LOS) standard for potable water facilities shall be 155 gallons per capita per day.

*Storage Capacity*

The finished water storage facilities for the Hialeah-Preston subarea consist of both “in-plant” and remote storage facilities. The total combined storage capacity between both plants is 28.28 MG.

**SANITARY SEWER**

The sanitary sewer system is defined as structures or systems designed for the collection, transmission, treatment, or disposal of sewage and may include trunk mains, interceptors, treatment facilities, and disposal systems. The Town’s sanitary sewer system is interconnected with the Miami-Dade County Water and Sewer Department (MDWASD) system. Surfside maintains its own sewer collection system and two pumping stations. By agreement, the Town of Surfside and Bal Harbour share a sanitary force main that connects to the City of Miami Beach transmission system. The tri-party agreement provides for the transmission of sewage via force mains to the MDWASD system and eventually to the treatment plant and disposal.

*Geographic Service Area*

~~The Town of Surfside’s sanitary sewer system; therefore, is part of a system run by MDWASD.~~ The Town’s system is coextensive with the Town’s boundaries, while the County system includes unincorporated and incorporated areas of Miami-Dade County inside the 2005 Urban Development Boundary that have an agreement with MDWASD. The system also incorporates a small number of facilities, mostly State or County owned, outside of the Urban Development Boundary.

*Treatment Facilities and Capacity*

There has been a significant reduction in average flow into the regional system as a result of extensive infiltration and inflow (groundwater and rainwater) prevention projects conducted by MDWASD in recent years. Infiltration and inflow within the sewer system should be kept at a minimum to avoid hydraulic overload to the receiving treatment plant. It is pertinent for an operation and maintenance plan to be part of the county’s sanitary sewer system. As a result, the regional wastewater treatment plants operating capacity can remain in compliance with Miami-Dade County MDWASD and Florida Department of Environmental Protection (FDEP) standards.

The Town of Surfside is located in the MDWASD Central District Sanitary sewer system; however, as noted in the MDWASD’s 2007 Water Supply Facilities Work Plan, MDWASD operates two additional regional wastewater treatment plants in the North and South Districts. Because the system is interconnected, the service districts have flexible boundaries, and some flows from one district can be diverted to other plants in the system.

Surfside's sewer system is treated by a secondary treatment facility on Virginia Key owned and operated by the Miami-Dade County Water and Sewer Department (MDWASD). The Town's sanitary sewer collection system is divided into two basins. Sanitary sewer pipes range in size from 8 to 15 inches with flows directed to two pump stations. Pump Station 1 receives sewage from the area of Surfside north of 91<sup>st</sup> Street, which includes the Business District and a majority of the high rise buildings. Pump Station 2 serves the remainder of the Town, including most of the waterfront lots. The sewage is pumped via the force main which runs along Byron Avenue and connects to the City of Miami Beach's system near 74<sup>th</sup> street. Sewage continues under pressure through MDWASD force mains to Virginia Key.

*Current Facility Demand*

According to the MDWASD 2006 Comprehensive Annual Financial Report, approximately 689 million gallons of wastewater were treated by the County system from the Town of Surfside and 814 million in 2007.

In FY08, the Town began mapping all sewer and potable water lines within the municipal boundary to enhance maintenance. Also in FY09, the Town identified infiltration issues to the sanitary sewer system and has completed a program to seal manholes to identify and inventory broken lines. In FY09, existing pump stations were rehabilitated in order to ensure levels of service standards are maintained. Table 9-2A shows projected sewage flow demands for the Town of Surfside and Table 9-2B show current and projected wastewater capacity for the entire county.

**Table 9-2A  
Projected Sewage Flows**

| <b>PROJECTED SEWAGE FLOWS</b>                |             |             |             |
|--|-------------|-------------|-------------|
| <b>Year</b>                                  | <b>2010</b> | <b>2015</b> | <b>2030</b> |
| Population                                   | 5,280       | 5,483       | 5,680       |
| Per Capita (gallons per day finished sewage) | 155         | 155         | 155         |
| (all potable volumes are finished sewage)    | <b>MGD</b>  | <b>MGD</b>  | <b>MGD</b>  |
| Sewage Total Flow (daily average annual)     | 0.82        | 0.85        | 0.88        |

Source: Calvin, Giordano & Associates, Inc. 2009

**Table 9-2B  
Miami-Dade County Current Wastewater System Capacity 2005-2020**

| <b>County WWTP Capacities</b> |                             | <b>Actual County Flow (mgd)</b> | <b>Projected County Flows (mgd)</b> |             |             |
|-------------------------------|-----------------------------|---------------------------------|-------------------------------------|-------------|-------------|
|                               | <b>Plant Capacity (mgd)</b> | <b>2005</b>                     | <b>2010</b>                         | <b>2015</b> | <b>2020</b> |
| <b>North</b>                  | 112.5                       | 84.3                            | 83.8                                | 88.5        | 92.3        |
| <b>Central</b>                | 143.0                       | 135.3                           | 132.5                               | 139.6       | 146.4       |
| <b>South</b>                  | 112.5                       | 75.1                            | 76.5                                | 82.6        | 87.4        |
| <b>Total</b>                  | 368.0                       | 294.7                           | 292.8                               | 310.7       | 326.0       |

Source: Miami Dade Water and Sewer Department, 2009

## **DRAINAGE**

Surfside's existing storm drainage system consists of a network of underground storm sewers that collect and direct stormwater to Indian Creek and Biscayne Bay. A pumping station at the western end of 92<sup>nd</sup> Street assists the drainage of water from that street by pumping to an outfall. Storm sewers in the system range in diameter from 10 inches to 36 inches.

The Florida Department of Transportation (FDOT) provided storm drainage improvements on Harding and Collins Avenue in the early 1990's. Equipment which currently serves the 92<sup>nd</sup> Street pump station were replaced by FDOT and will be maintained by the Town; however, even with these modifications, water may still reach curb level in various locations due to tidal fluctuations. The water level of Biscayne Bay is higher than normal during high-high tide, creating a back up in the outfall pipes. The Harding and Collins storm drainage improvements utilize on-site wells and control structures to provide additional capacity.

In 2002 FDOT completed the Stormwater Pump Station System Operational Evaluation and Recommended Improvements (OERI) Report which provided three alternatives to improve stormwater pump systems along Harding. It was determined that the most feasible alternatives are those that have an appropriate overflow capacity, once the wells reach capacity. This was achieved by introducing an emergency gravity bypass in the event that the pumps fail. The alternative consists of new pump stations at the existing vault locations. These new stations required the existing gravity system to be extended to the Intracoastal Waterway seawalls (at 88<sup>th</sup> Street and 94<sup>th</sup> Street), a new 36-inch force main to connect to existing wells; new pumps, structures, controls, and a new gravity bypass drainage pipe.

In 2006, the Town of Surfside initiated another stormwater project, which consists of retrofitting the Town's outfall pipes to reduce pollutants entering Biscayne Bay. The proposed facilities at each location consists of three new stormwater pump stations which pump water into new drainage wells. In order to address pollution concerns for a Florida Department of Environmental Protection (FDEP) drainage well permit, the Town will install Nutrient Separating Baffle Boxes upstream of the pump station to provide treatment before the runoff enters the groundwater which is included in this retrofit project.

The project will addresses long-term concerns regarding water backing into the streets and poor water quality that discharges into Biscayne Bay. The project directly addresses The Trust for Public Land's Biscayne Bay Accessibility report, supports the SFWMD's Biscayne Bay Partnership Initiative (BBPI), and enhances level of service.

## **SOLID WASTE**

The Town's Public Works Department has three garbage trucks which collect trash and garbage on a weekly basis and haul it to Miami-Dade County's Resource Recovery Plant west of Miami International Airport and other Miami-Dade County landfills. Each year Surfside deposits approximately 6,048 tons of waste material at the county's facility. Based on an estimated 2007 population of 5,159, approximately 6 pounds per person per day was collected. Since 2007, the Town is recycling over 500 tons per year. An increase involvement of private firms in the development of solid waste disposal facilities led to an oversupply of disposal capacity and a reduction in disposal fees. As a result, existing disposal capacity at the North Dade Landfill and the South Dade Landfill and the Resource Recovery Plan appear to have adequate to meet Surfside's needs for the foreseeable future.

**Table 9-2C  
Miami-Dade County Solid Waste Facility Capacity**

| Data Item / Landfill ID                         | South Dade Landfill | North Dade Landfill | Resources Recovery Ashfill | Total      |
|---|---------------------|---------------------|----------------------------|------------|
| <b>Acreage Data:</b>                            |                     |                     |                            |            |
| FDEP Landfill Type                              | Class I (Garbage)   | Class III (Trash)   | Class I (Ash)              | N/A        |
| Total Area (Acre)                               | 300                 | 218                 | 80                         | 598        |
| Disposal Area (Acre)                            | 180                 | 180                 | 66                         | 426        |
| Stormwater Management Area + Offices (Acre)     | 120                 | 38                  | 14                         | 172        |
| Formally Closed Area (Acre)                     | 45                  | 96                  | 26                         | 167        |
| Cell filled in & Closure in progress (Acre)     | 45                  | 0                   | 20                         | 65         |
| Active Area (Acre)                              | 45                  | 84                  | 10                         | 139        |
| Future Area (Acre)                              | 45                  | 0                   | 10                         | 55         |
| Landfill peak elevation at closure (Feet)       | 150                 | 138                 | 125                        | N/A        |
| Landfill average Bottom elevation (Feet)        | 10                  | 12                  | 10                         | N/A        |
| Landfill Maximum Depth (+/-Feet)                | 140                 | 126                 | 115                        | N/A        |
| <b>Capacity Information</b>                     |                     |                     |                            |            |
| Tons In Place (June 30, 2006)                   | 13,799,000          | 10,328,000          | 4,077,000                  | 28,204,000 |
| Built out capacity in tons                      | 21,184,000          | 12,581,000          | 6,582,000                  | 40,347,000 |
| Remaining Capacity in tons                      | 7,385,000           | 2,253,000           | 2,505,000                  | 12,143,000 |
| Last year's disposal tonnage (7/1/05-6/30/06)   | 1,042,000           | 641,000             | 159,000                    | 1,842,000  |
| Estimated average disposal rate per year        | 550,000             | 360,000             | 155,000                    | 1,065,000  |
| Years of remaining life at normal disposal rate | 13                  | 6                   | 16                         | N/A        |

Source: Miami-Dade County, 2009

There is sufficient capacity Miami-Dade County landfills to meet the Town's needs for solid waste disposal for the five year and ten year planning horizons.

**PARKS**

The following is an acreage inventory of Surfside's public recreation facilities:

**Table 9-3  
Park Inventory**

| FACILITY                             | ACREAGE      |
|--------------------------------------|--------------|
| Hawthorne Park Tot Lot               | 0.22         |
| Veterans Park/Surfside Tennis Center | 0.75         |
| 96 <sup>th</sup> Street Park         | 0.92         |
| Surfside Community Center            | 1.26         |
| Public beach                         | 38.17        |
| Street ends                          | 0.45         |
| <b>TOTAL:</b>                        | <b>41.77</b> |

Source: Calvin, Giordano & Associates, Inc., 2009

While the public beach does not generally offer Parks and Recreation Department programming, this acreage will be included for the level of service (LOS) analysis because it is an integral part of the Town. Using the 41.7841.77 acres of public recreation, along with the Miami-Dade Planning and Zoning's population projections, Surfside's LOS for recreation can be projected through 2030. The LOS standard for publicly-owned recreation lands in Surfside is six (6) acres per one thousand (1,000) permanent population. As the following table shows, this standard will be met through 2030.



**Table 9-4  
Projected Park LOS**

| Year                                | 2007   | 2010   | 2011  | 2014<br>(5-yr<br>planning<br>timeframe) | 2015  | 2019<br>(10-yr<br>planning<br>timeframe) | 2020  | 2025  | 2030  |
|-------------------------------------|--------|--------|-------|---|-------|--|-------|-------|-------|
| Projected population                | 5,159  | 5,280  | 5,320 | 5,442                                   | 5,483 | 5,641                                    | 5,680 | 5,878 | 6,076 |
| Total park acreage                  | 41.8   | 41.8   | 41.8  | 41.8                                    | 41.8  | 41.8                                     | 41.8  | 41.8  | 41.8  |
| Park acreage needed to maintain LOS | 31.0   | 31.7   | 31.9  | 32.7                                    | 32.9  | 33.8                                     | 34.1  | 35.3  | 36.5  |
| Surplus/ deficit acreage            | + 10.8 | + 10.1 | 9.88  | + 9.1                                   | + 8.9 | + 7.9                                    | + 7.7 | + 6.5 | + 5.3 |

Source: Calvin, Giordano & Associates, Inc., 20082010.

It should be noted this analysis does not take into account private recreation facilities such as the Surf Club and private beach frontage west of the erosion control line.

**SCHOOLS**

Surfside is within District 3 of the Miami-Dade County School District. Although there are no public schools within the Town limits of Surfside, there are currently two one elementary schools, one middle school and one high school in which students residing in Town of Surfside may attend.

~~Although there are no public schools within the limits of Surfside,~~ The following table shows student enrollment and capacity in 2009 ~~of~~ for the schools serving Surfside. Each school is operating below capacity.

**Table 9-5  
Public Schools Serving Surfside  
Capacity and Enrollment (2009)**

| School                    | Enrollment | Capacity | Percent Capacity Utilized |
|---------------------------|------------|----------|---------------------------|
| <b>Elementary Schools</b> |            |          |                           |
| Ruth K. Broad Bay Harbor  | 895        | 979      | 91.4%                     |
| <b>Middle School</b>      |            |          |                           |
| Nautilus                  | 947        | 1047     | 90.4%                     |
| <b>High School</b>        |            |          |                           |
| Miami Beach Senior High   | 2,023      | 2,100    | 96.3%                     |

Source: Miami-Dade Public Schools, 2009

The School District adopted their Five-Year Facilities Work Program for ~~2009-10 through 2013-14~~ 2010-11 through 2014-15 on ~~September 9, 2009~~ September 7, 2010, and is incorporated by reference. Per the

Town of Surfside Public School Facilities Element, the schools that serve Surfside students will remain under capacity.

### **PUBLIC HEALTH SYSTEM**

Capital Improvement Element must also include the location of public health systems within the local jurisdiction. There are no major public health facilities within Surfside. The hospitals and public health centers located nearby and accessible to Surfside residents are as follows:

Aventura Hospital & Medical Center  
20900 Biscayne Blvd, Aventura

The Miami-Dade Health Department (Florida Department of Health) has offices in various location in Miami-Dade County with the following offices closest to Surfside:

Miami-Dade County Health Department  
Main Complex  
1350 NW 14th St.  
Miami, FL 33125

North Miami Center  
Women, Infants & Children (WIC)  
14101 NW 8th Ave.  
Miami, FL 33168

North Miami Sr. High School  
(Pioneer Health Center)  
Contact: Joan Christopher, ARNP  
800 NE 137 St.  
Miami, FL 33161

PET Center  
615 Collins Avenue  
Miami Beach, FL 33139

### **LOCAL POLICIES AND PRACTICES**

The Town annually prepares and adopts operating budgets for its various departments. Through the budget process, capital improvement needs are considered and funds are allocated.

Timing and location of public facilities is determined by needs projected by the various departments of the Town, and in the case of multi-jurisdictional facilities such as state roads or potable water, by coordination with the affected agencies. Capital facilities will be planned and constructed in accordance with the established Schedule of Capital Improvements. This program is a five year schedule of improvements which is supported by a projection of revenues to ensure its feasibility. Improvements included in the 5-year program include those items called for by the various departments of the Town.

There are four stimuli which prompt Town departments to call for capital improvements; demand created from outside the Town as well as within the Town:

- Anticipated demand through growth
- Coordination of Town plans with those of State agencies and water management districts, and other outside agencies
- Demand for improvements created by facility breakdown or by life expectancy of the facility

- Maintenance of level of service standards

## FUNDING SOURCES

### Existing Revenue Sources

#### *Ad Valorem Tax*

The Miami-Dade County Property Appraiser's Office sets the Town's assessed and taxable values of property. Ad valorem translates from Latin, "according to value." This is the property tax paid based upon the appraised value of one's property and it is calculated by a millage rate. Each mill generates \$1 of tax revenue for every \$1,000 of taxable property value. Taxable value may differ from assessed value because of exemptions, the most common of which is the \$25,000 homestead exemption, and another \$50,000 in exemption for homeowners aged 65 or greater, subject to income requirements. The maximum millage a Town may levy is 10 mils, but this can only be accomplished through a unanimous vote of all Commissioners (not just those present).

#### *Sales and Use Taxes*

This category of taxes includes the local option sales tax and resort taxes. These are taxes generated by local jurisdictions under authorization by the State of Florida.

#### *Franchise & Utility Taxes*

The Town collects three types of franchise and utility taxes: electric utility taxes, gas utility taxes, and Surfside Occupational License Taxes. ~~The former taxes, utility taxes, may be levied at a maximum rate of 10% for each utility. This later item has traditionally not been considered a franchise tax. However, the State of Florida's Department of Financial Services now requires that it be represented as a tax. Since Fiscal Year 2002, the Town has been prohibited from collecting taxes on telephone franchises, telephone utility taxes, and cable television franchise taxes. These taxes are now collected by the State of Florida's Department of Revenue and re-distributed to municipalities according to use records at a rate of 5.22%.~~

#### *Permits/licenses/and inspections*

Licenses, permits and inspection fees are collected for services performed at specific properties for the benefit of particularly property owners. Building permit categories include: structural, electrical, plumbing, roofing and mechanical permits. As the Town is substantially at build out, little revenue is generated above a base level unless there is commercial development underway.

#### *Intergovernmental Revenue*

The Town receives recurring revenues from revenue sharing programs with the State of Florida. The Town receives periodic intergovernmental revenues from the federal government in the form of assistance grants for specific projects. All disbursements of State revenues are based on receipts by the State and the Town's population. ~~The Department of Revenue will be releasing projected revenues in late June or July of this year. The Town is required to use these numbers as a base for budgeting, so revisions will be required.~~

#### *Services Revenues*

This category includes all fees generated from services provided by the Town. This includes recreation fees, solid waste collection fees, stormwater collection fees, lien search services, stormwater utility fees, and similar items.

#### *Fines and Forfeitures*

Funds to promote public safety and other projects are received by the Town from fines, forfeitures, and/or seizures connected with illegal behavior in the community. Those funds are restricted to, and accounted for, in the Town's fines and forfeiture fund. Fines for the general fund derive from parking violations.

*Miscellaneous Revenues*

Any revenues that the Town receives which do not reasonably conform to any of the above identified categories is included in this category. This category includes interest earnings, receipts from the disposition of assets by sale, and similar items. Interfund Transfers between other funds may also be captured here.

**Revenue and Expense Projections**

The Town of Surfside develops operating costs based on a zero-based budget model. Departments are encouraged to review prior spending as a way of reminding themselves of on-going obligations. Each request for funding must, however, be accompanied by a detailed justification. The practice of incremental budgeting (identifying operational budgets by increasing/decreasing the prior years' expenditures by a percentage) is an option which the Town has rejected. The following tables illustrate the Town's projected Revenue-revenue and Expense-expenses. Projections for FY2010-FY2014 based upon a projected 12% project decrease in property values and a 3% decrease in other funds in FY-11 and a 3% overall increase yearly FY12-FY14. The projections assume that ad valorem taxes will remain flat for FY12 and FY13 and increase 3% in FY14 and FY15. Franchise and Utility Taxes will remain flat for FY12, then are expected to increase 5% every year. Fine and Forfeitures will increase 5% each year. Miscellaneous revenues are expected to increase just 1% each year. All other revenues are expected to increase 3% every year.

Table 9-6

**Projected General Fund Revenues (FY10-FY14FY11-FY15)**

| Department                      | 2011<br>(Projected) | 2012             | 2013             | 2014             | 2015             |
|---------------------------------|---------------------|------------------|------------------|------------------|------------------|
| Property Tax                    | 5,322,156           | 5,322,156        | 5,322,156        | 5,481,821        | 5,646,275        |
| Sales and Use Taxes             | 277,900             | 286,237          | 294,824          | 303,669          | 312,779          |
| Franchise and Utility Tax       | 1,273,360           | 1,273,360        | 1,337,028        | 1,403,879        | 1,474,073        |
| Permits/Licenses/Inspection     | 168,150             | 173,195          | 178,390          | 183,742          | 189,254          |
| Intergovernmental-Federal/State | 389,088             | 400,761          | 412,783          | 425,167          | 437,922          |
| Services Revenues               | 184,800             | 190,344          | 196,054          | 201,936          | 207,994          |
| Fines & Forfeitures             | 142,000             | 149,100          | 156,555          | 164,383          | 172,602          |
| Miscellaneous Revenues          | 238,005             | 240,385          | 242,789          | 245,217          | 247,669          |
| <b>Total General Fund</b>       | <b>7,995,459</b>    | <b>8,035,537</b> | <b>8,140,580</b> | <b>8,409,813</b> | <b>8,688,569</b> |

Source: Calvin, Giordano and Associates, Inc., Town of Surfside Finance Department

| Department                      | 2009-<br>(Projected) | 2010              | 2011             | 2012             | 2013             | 2014             |
|---------------------------------|----------------------|-------------------|------------------|------------------|------------------|------------------|
| Property Tax                    | 6,297,112            | 5,273,378         | 4,640,573        | 4,779,790        | 4,923,184        | 5,070,879        |
| Sales and Use Taxes             | 331,896              | 335,874           | 325,798          | 335,572          | 345,639          | 356,008          |
| Franchise and Utility Tax       | 1,282,683            | 1,248,727         | 1,211,265        | 1,247,603        | 1,285,031        | 1,323,582        |
| Permits/Licenses/Inspection     | 168,203              | 114,100           | 110,677          | 113,997          | 117,117          | 120,940          |
| Intergovernmental-Federal/State | 480,851              | 448,991           | 435,521          | 448,587          | 462,045          | 475,906          |
| Services Revenues               | 138,865              | 182,540           | 177,064          | 182,376          | 187,847          | 193,482          |
| Fines & Forfeitures             | 166,921              | 166,000           | 161,020          | 165,851          | 170,826          | 175,951          |
| Miscellaneous Revenues          | 207,278              | 285,898           | 688,082          | 708,724          | 729,986          | 751,886          |
| Appropriated Fund Balance       |                      | 5,000,000         |                  |                  |                  |                  |
| <b>Total General Fund</b>       | <b>9,013,809</b>     | <b>13,055,508</b> | <b>7,750,000</b> | <b>7,982,500</b> | <b>8,221,975</b> | <b>8,468,634</b> |

Source: Calvin, Giordano and Associates, Inc. (Based upon Town of Surfside Adopted Budget Fiscal Year 2009/2010)

**Table 9-7  
Projected General Fund Expenditures (FY10-FY14FY11-F15)**

| Department                | <u>2011</u><br><u>(Projected)</u> | <u>2012</u>      | <u>2013</u>      | <u>2014</u>      | <u>2015</u>      |
|---------------------------|-----------------------------------|------------------|------------------|------------------|------------------|
| Personnel                 | 5,841,198                         | 5,861,830        | 5,894,002        | 5,942,521        | 6,008,292        |
| Operating Expenses        | 2,078,161                         | 2,127,503        | 2,207,127        | 2,427,407        | 2,639,946        |
| Capital Outlay            | 14,600                            | 14,308           | 14,451           | 14,885           | 15,331           |
| Debt Service              | 0                                 | 0                | 0                | 0                | 0                |
| Non-Operating Expenses    | 61,500                            | 31,896           | 25,000           | 25,000           | 25,000           |
| <b>Total General Fund</b> | <b>7,995,459</b>                  | <b>8,035,537</b> | <b>8,140,580</b> | <b>8,409,813</b> | <b>8,688,569</b> |

Source: Calvin, Giordano and Associates, Inc., Town of Surfside Finance Department

| Department                | <u>2009</u><br><u>(Projected)</u> | <u>2010</u>       | <u>2011</u>      | <u>2012</u>      | <u>2013</u>      | <u>2014</u>      |
|---------------------------|-----------------------------------|-------------------|------------------|------------------|------------------|------------------|
| Personnel                 | 6,351,937                         | 5,850,166         | 5,674,661        | 5,844,901        | 6,020,248        | 6,200,855        |
| Operating Expenses        | 2,512,842                         | 2,141,209         | 2,076,973        | 2,139,282        | 2,203,460        | 2,269,564        |
| Capital Outlay            | 49,730                            | 17,174            | 16,659           | 17,159           | 17,673           | 18,203           |
| Debt Service              | 0                                 | 0                 | 0                | 0                | 0                | 0                |
| Non-Operating Expenses    | 99,300                            | 5,046,959         | 22,500           | 23,175           | 23,870           | 24,586           |
| <b>Total General Fund</b> | <b>9,013,809</b>                  | <b>13,055,508</b> | <b>7,750,000</b> | <b>7,982,500</b> | <b>8,221,975</b> | <b>8,468,634</b> |

Source: Calvin, Giordano and Associates, Inc. (Based upon Town of Surfside Adopted Budget Fiscal Year 2009/2010)

**Debt Capacity**

Town currently has no long term debt or bond issues and relatively few long term liabilities. The Town is expecting to pay debt service on state revolving loans for stormwater, wastewater, and potable water projects.

*Stormwater Utility Fund*

The Town's FY11 budget shows the available funds for the Stormwater Pollution Control Project shown in the Schedule of Capital Improvements and the ability to manage debt service for the project.

**Table 9-8**  
**Stormwater Utility Fund Budget (FY11)**

| FY 2011 Budget Summary                                 |                  |
|--|------------------|
| <b>Projected Revenues</b>                              |                  |
| Service Revenues                                       | 487,000          |
| Loan Proceeds for Stormwater Pollution Control Project | 1,353,442        |
| Appropriated Unrestricted Retained Earnings            | 0                |
| <b>Total Revenues</b>                                  | <b>1,840,442</b> |
| <br>   |                  |
| <b>Proposed Expenditures</b>                           |                  |
| Personnel Costs  | 67,191           |
| Operating Items  | 77,683           |
| Capital Outlay   | 1,353,442        |
| Debt Service   | 240,468          |
| Non-Operating Expenses                                 | 101,658          |
| <b>Total Expenditures</b>                              | <b>1,840,442</b> |

Source: Town of Surfside Finance Department

Water and Sewer Fund

The Water, Stormwater, and Wastewater Facilities Plan shows projected revenues, expenditures, and debt service through the FY15 budget year. It shows the Town's ability to fund wastewater and potable water improvements and the ability to manage related debt service payments.

**Table 9-9  
Water and Sewer Fund Budget (FY11-FY15)**

| Description                                  | Base Year         |                         | Projected               |                   |                   |
|--|-------------------|-------------------------|-------------------------|-------------------|-------------------|
|  | FY 10/11          | FY 11/12                | FY 12/13                | FY 13/14          | FY 14/15          |
| <b>Operating Revenue</b>                     |                   |                         |                         |                   |                   |
| Sewer Service Charges (before increase)      | \$ 1,407,825      | \$ 1,411,344            | \$ 1,414,873            | \$ 1,418,410      | \$ 1,421,866      |
| Penalties                                    | 870               | 870                     | 870                     | 870               | 870               |
| <b>Total Operating Revenue</b>               | <b>1,408,695</b>  | <b>1,412,214</b>        | <b>1,415,743</b>        | <b>1,419,280</b>  | <b>1,422,736</b>  |
| <b>Additional Rate Revenue Required</b>      |                   |                         |                         |                   |                   |
|  | <i>Year</i>       | <i>Revenue Increase</i> | <i>Months Effective</i> |                   |                   |
|  | 2010/11           | 15.00%                  | 12                      | 211,174           | 211,702           |
|  | 2011/12           | 0.00%                   | 12                      | -                 | 148,074           |
|  | 2012/13           | 7.00%                   | 12                      | -                 | 124,148           |
|  | 2013/14           | 5.00%                   | 12                      | -                 | 95,122            |
|  | 2014/15           | 5.00%                   | 12                      | -                 | 100,128           |
| <b>Total Additional Sewer Charge Revenue</b> |                   |                         |                         | <b>211,174</b>    | <b>357,776</b>    |
| <b>Total Required Revenue</b>                | <b>1,619,869</b>  | <b>1,769,990</b>        | <b>1,898,561</b>        | <b>1,998,427</b>  | <b>2,103,648</b>  |
| <b>O&amp;M Expenses</b>                      |                   |                         |                         |                   |                   |
| Personnel                                    | 157,051           | 160,680                 | 163,792                 | 167,068           | 170,409           |
| Operations                                   | 133,670           | 139,245                 | 143,083                 | 149,091           | 153,274           |
| Sewage Disposal (City of Mani Beach)         | 725,369           | 634,197                 | 959,327                 | 1,103,228         | 1,268,710         |
| <b>Total O&amp;M Expenses</b>                | <b>1,016,010</b>  | <b>1,133,022</b>        | <b>1,266,202</b>        | <b>1,419,387</b>  | <b>1,592,393</b>  |
| <b>Net Operating Income</b>                  | <b>603,858</b>    | <b>636,968</b>          | <b>632,359</b>          | <b>680,042</b>    | <b>611,155</b>    |
| <b>Debt Service</b>                          |                   |                         |                         |                   |                   |
| Annual Debt Service (Estimated)              | 377,151           | 377,151                 | 377,151                 | 377,151           | 377,151           |
| <b>Total Debt Service</b>                    | <b>377,151</b>    | <b>377,151</b>          | <b>377,151</b>          | <b>377,151</b>    | <b>377,151</b>    |
| Calculated Debt Coverage Ratio               | 160%              | 169%                    | 168%                    | 154%              | 136%              |
| Targeted Debt Coverage Ratio                 | 125%              | 125%                    | 125%                    | 125%              | 125%              |
| <b>Non-Operating Revenue</b>                 |                   |                         |                         |                   |                   |
| Interest Income                              | 1,064             | 1,064                   | 1,064                   | 1,064             | 1,064             |
| <b>Total Non-Operating Revenue</b>           | <b>1,064</b>      | <b>1,064</b>            | <b>1,064</b>            | <b>1,064</b>      | <b>1,064</b>      |
| <b>Non-Operating Expenses</b>                |                   |                         |                         |                   |                   |
| Capital Outlay (excl Improvements)           | 5,960             | 6,279                   | 6,593                   | 6,923             | 7,289             |
| Rate Funded Capital Projects                 | -                 | -                       | -                       | -                 | -                 |
| <b>Total Non-Operating Expenses</b>          | <b>5,960</b>      | <b>6,279</b>            | <b>6,593</b>            | <b>6,923</b>      | <b>7,289</b>      |
| <b>Net Income (Loss) <sup>1</sup></b>        | <b>\$ 221,792</b> | <b>\$ 254,602</b>       | <b>\$ 249,679</b>       | <b>\$ 197,033</b> | <b>\$ 127,799</b> |

1. Positive net income to be applied to fund balances.

Source: Town of Surfside Water, and Sewer Rate Study, 2010

## Financial Feasibility Analysis

Florida Statutes now require that local government comprehensive plan be financially feasible. Financial feasibility is defined by s. 163.3164(32), Florida Statutes (F.S.) as follows:

“Financial feasibility” means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5- year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements.

The Town’s Schedule of Capital Improvements is financially feasible with funds committed throughout the five year period.

The Town’s scheduled projects and related funding sources show a positive or zero balance. The purpose of this comparison is to test and demonstrate the financial feasibility of the Comprehensive Plan. The Plan has been determined to be financially feasible because this comparison demonstrates the ability of the Town to finance capital improvements necessitated by the anticipated population and revenues.



---

## Capital Improvement Element Goals, Objectives and Policies

---

*Goal 1: Undertake capital improvements necessary to provide adequate infrastructure and a high quality of life within sound fiscal practices.*

**Objective 1 – In general, use the capital improvements element as a means to meet the needs for capital facilities necessary to meet existing deficiencies, accommodate desired future growth and replace obsolete or worn-out facilities. In particular achieve annual Town Commission use of this element as the framework to monitor public facility needs as a basis for annual capital budget and five-year program preparation. [9J-5.016(3)(b)1]**

Policy 1.1 – In setting priorities, the following kinds of criteria shall be used by the Town Commission; in all cases, financial feasibility or budget impact will be assessed:

Public safety projects: any project to ameliorate a threat to public health or safety.

Quality of life projects: any project that would enhance the quality of life, such as a public streetscape improvement project.

Level of service or capacity projects: any project needed to maintain an adopted or otherwise desirable Level of Service.

Redevelopment projects: any project that would assist in the revitalization of deteriorated non-residential properties.

Environmental enhancement projects: any project which would enhance the environmental quality of the Atlantic Ocean, the Atlantic Ocean beach and dune system, Biscayne Bay or other natural resources. [9J-5.016(3)(c) 1 and 3]

Potable water projects:

Update the capital improvements schedule to maintain consistency with its 20-Year Water Supply Facilities Work Plan.

Use funds for the expansion, enhancement, and upgrade of the water supply facilities in accordance with the 20-Year Water Supply Facilities Work Plan.

Coordinate planning for the Town's infrastructure improvements related to water supply with the plans of state agencies, the South Florida Water Management District and Miami-Dade County.

Revision of priorities for the replacement of facilities, correction of existing water supply and facility deficiencies, and provision for future water supply and facility needs.

The Capital Improvement Element shall be reviewed and revised, as necessary, on an annual basis. The annual update shall demonstrate that the level of service standards will be maintained during the next five-year planning period.

In order to coordinate land uses with available and projected fiscal resources and a financially feasible schedule of capital improvements for water supply and facility projects, the Town shall include in its annual update of the its financially feasible five (5) year capital improvement project listing the first five (5) years of Water Supply Facilities Work Plan to ensure consistency between the Potable Water Sub-Element of the Infrastructure Element and the Capital Improvements Element.

The Town shall incorporate by reference the potable water projects for the ~~FY10-14~~ FY11-15 period in the Miami-Dade Water Supply Facilities Work Plan adopted on April 24, 2008.

Policy 1.2 – The Town shall prudently limit the amount of debt it assumes for capital improvements or other purposes. At a minimum, the Town shall not assume debt obligations which would result in the Town exceeding the debt ratios established by state law. [9J-5.016(3)(c)2]

Policy 1.3 – The Town shall maintain a current inventory of all Town-owned capital facilities, to include information on type, capacity, location and condition. [9J-5.016(3)(c)3]

Policy 1.4 – The Town shall regularly schedule inspections of all capital facilities to monitor and record the condition of each. [9J-5.016(3)(c)3]

Policy 1.5 – The Town shall use designated funding mechanisms such as the sewer assessments thereby freeing up general funds (and general obligation bonds) for such Town-wide projects identified in the policies of other Comprehensive Plan elements. [9J-5.016(3)(c)9]

Policy 1.6 – The Town shall prepare and adopt each year a five year capital improvements program and a one-year capital budget, to include all projects which entail expenditures of at least \$10,000 and a life of at least three years. Staff studies, engineering studies and other appropriate studies shall form the basis for preparation of a five-year capital improvement program, including one year capital budget. Among items which are specifically authorized and encouraged by this policy are the following: sidewalk repair and replacement; roadway and right-of-way drainage; street lighting; traffic signs, traffic engineer, signalization, and pavement markings; parking improvements serving the Harding Avenue Business District, and debt service and current expenditures for transportation capital projects in the foregoing program areas (including construction or reconstruction of roads). The preceding list is intended to be illustrative of appropriate expenditure categories. Other capital expenditures in related and different projects are hereby authorized. [9J-5.016(3)(c)7]

Policy 1.7 – The Town shall utilize the following implementation schedule to aid state requirements for annual updates and to ensure level of service standards are maintained.

- Preliminary meetings in April with the Building, Public Works, and Finance department to discuss capital improvement planning and revenues
- Capital improvement plan/budget workshop in July with the Town Commission for discussion of proposed projects and financing
- Prepare capital improvement plan in coordination with Town budget for approval in June.
- Public hearing on capital improvement plan/budget in September.

- Revise Schedule of Capital Improvements and update Capital Improvement Element in October.

Policy 1.8 – The Town will implement the projects listed in the capital improvement program and in the Implementation Schedule of this capital improvements element according to the schedule listed in this Element. [9J-5.016(3)(c)7]

Policy 1.9 –Capital improvements associated with the construction of educational facilities are not addressed in the Town’s Capital Improvement Plan or Schedule of Capital Improvements, but rather are the responsibility of the Miami-Dade County Public Schools. To address financial feasibility associated with school concurrency, the Miami-Dade County Public School Facilities Work Program, dated ~~September 9, 2009~~September 7, 2010, for educational facilities will be incorporated by reference into the CIE.

Policy 1.10 – The Town, in conjunction with Miami-Dade County and the Miami-Dade County School Board, has the responsibility for providing school concurrency related to capital improvements and should continually seek to expand funding sources available to meet those requirements.

Policy 1.11 – For public school facilities, a proportionate share mitigation agreement, is subject to approval by Miami-Dade County School Board and the Town and must be identified in the adopted Miami-Dade County Public School Facilities Work Program.

Policy 1.12 – The Town shall update its Capital Improvements Element and Program annually, to include the annual update of the Miami-Dade County Public Schools 5-Year District Facilities Work Plan.

Policy 1.13 – The annual update of the Capital Improvement Element shall include reflect proportionate fair-share contributions for transportation projects if applicable.

**Objective 2 – In general, the coordination of land use decisions and available or projected fiscal resources with a schedule of capital improvements which maintains adopted level of service standards and meets existing and future facility needs. In particular, achieve coordinated Town use of: 1) existing and already approved development; 2) the Future Land Use Plan; 3) the financial analyses in this Element, and 4) the established Level of Service Standards in both reviewing development applications and in preparing the annual schedule of capital improvements.**

Policy 2.1 – The following Level of Service (LOS) standards shall be maintained:

*Streets:*

*Local Roads*

|                  |   |
|------------------|---|
| Local roads:     | D |
| Collector roads: | D |

*State Roadways*

A Level of Service of LOS E+20 shall be established (where mass transit service having headways of 20 minutes less is provided within 1/2-mile distance, roadways shall operate at no greater than 120 percent of their capacity.)

*Sanitary Sewers:* The County-wide “maximum day flow” of the preceding year shall not exceed 102 percent of the County treatment system’s rated capacity. The sewage generation standard shall be 155 average gallons per capita per day.

**Potable Water:** The County-wide “maximum day flow” of the preceding year shall not exceed 98 percent of the County treatment and storage system’s rated capacity. The pressure shall be at least 20 pounds per square inch at the property line. The potable water consumption standard shall be 155 average gallons per capita per day.

**Drainage:** All nonresidential development and redevelopment shall adequately accommodate runoff to meet all Federal, state and local requirements. Stormwater shall be treated in accordance with the provisions of Chapter 17-25, *FAC* in order to meet receiving water standards in Chapter 17-302.500, *FAC*. One inch runoff shall be retained on site. Post-development runoff shall not exceed peak pre development runoff.

**Solid Waste:** The County solid waste disposal system shall maintain a minimum of five years’ capacity. For Town planning purposes, a generation rate of 5.6 pounds per person per calendar day shall be used.

**Parks:** The Town shall achieve and maintain a Level of Service standard of at least 6 acres of public recreation sites per 1,000 permanent population. [9J-5.016(3)(c)4]

**Public Schools:** The adopted level of service (LOS) standard for all public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (with Relocatable Classrooms). This LOS standard, except for Magnet Schools, shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools. The adopted LOS standard for Magnet Schools is 100% of FISH (with Relocatable Classrooms), which shall be calculated on a districtwide basis. Level of Service standards for public school facilities apply to those traditional educational facilities, owned and operated by the Miami-Dade County Public Schools, that are required to serve the residential development within their established Concurrency Service Area. Levels of Service standards do not apply to charter schools. However, the capacity of both charter and magnet schools will be credited against the impact of development.

Policy 2.2 – The concurrency management system formulas shall include the public facility demands to be created by “committed” development and the capital improvement schedule shall include the project implications of such committed development to assure facilities are provided concurrent with the impact of development. 9J-5.016(3) (c) 5]

Policy 2.3 – The Town shall not give development approval to any new construction, redevelopment, or renovation project which creates a need for new or expanded public capital improvement unless the project pays a proportional share of the costs of these improvements.[9J-5.017(3)(b) 4 and (c) 8]

Policy 2.4 – The Town shall maintain and improve as part of the land development code a concurrency management system which meets the requirements of 9J-5.0055. The concurrency management system shall specify that no development permit shall be issued unless the public facilities necessitated by a development (in order to meet level of service standards specified in the Transportation, Recreation and Open Space, Infrastructure and Public School Facilities) will be in place concurrent with the impacts of the development or the permit is conditional to assure that they will be in place. The requirement that no development permit shall be issued unless public facilities necessitated by the project are in place concurrent with the impacts of

development shall be effective immediately and shall be interpreted pursuant to the provisions of Policy 1.4 of the Future Land Use Element. [9J-5.016(3)(c)6]

**9J-5.0016 Objective and Policy Requirements Not Applicable to Surfside:** Rule 9J-5 of the Florida Administrative Code requires communities to adopt as part of their Future Land Use Element objectives and policies which address various issues, except where those issues are not reasonable applicable to a particular community. The following objective and policy provisions of Rule 9J-5 are deemed by the Town of Surfside to be inapplicable:

9J5.016(3)(b)2 – The limitation of public expenditures that subsidize development in high hazard coastal areas.

#### **CAPITAL IMPROVEMENT ELEMENT IMPLEMENTATION SYSTEMS [9J-5.016(4)(a)]**

Five-Year Schedule of Capital Improvements: See schedule nearby in this element. [9J-5.016(4)(a) 1 and 2]

Other Programs: The other principal programs needed to implement this Element are as follows:

- Continue the annual capital programming and budgeting including use of the project selection criteria contained on Policy 1.1; related thereto will be the annual review of the Element.
- Amendments to the existing land development code to assure conformance to the “concurrency” requirements relative to development orders, levels of service and public facility timing as outlined in C below. [9J-5.016(4)(b)]

Monitoring and Evaluation: The Town Manager or designee shall annually prepare a status report on this Capital Improvement Element for submittal to the Town Commission. The primary purpose is to update the five-year schedule including the basis for next year’s capital budget. The project evaluation criteria shall be used in the project list review and special attention shall be devoted to maintenance of the level of service standards. This entire evaluation process shall be integrated into the Town’s annual budget process. [9J-5.016(5)]

Concurrency Management: Concurrency management shall be implemented as articulated in the Future Land Use Element Policy 1.4 and the Capital Improvement Element Policy 2.3. [9J-5.016(4)(b) and 9J-5.0055]

#### **MONITORING, UPDATING AND EVALUATION PROCEDURES as required by 9J-5.005(7), F.A.C.**

Annual Monitoring: In conjunction with one of the plan amendment cycles, the Local Planning Agency may annually conduct a public workshop on the Comprehensive Plan. A status report shall be provided by the Town Manager or designee and then citizen comment shall be solicited. This meeting shall be publicized by a legal notice in the newspaper plus efforts to have a news story in the Miami Herald and flyer announcements at the Town Hall. The LPA will then submit a report on the status of the Plan to the Town Commission. This report may be accompanied by recommended amendments, using the normal amendment process.

Evaluation and Appraisal Report (EAR): The Town Manager or designee shall prepare an Evaluation and Appraisal Report in conformance with statutory requirements and with special emphasis on the extent to

which the Comprehensive Plan objectives and policies have been achieved. The report will pinpoint obstacles to plan implementation and update baseline data.

Revised Objectives and Policies: As part of this EAR process, amendments to the goals, measurable objectives and policies based upon the above review, focusing short and long term community objectives. The citizen participation procedures used in preparing the Comprehensive Plan plus any future modifications thereto) shall be used in amending the Plan.

### *Concurrency Management System Standards*

**Facility Capacity Determinations:** The determination that there is adequate facility capacity for a proposed project shall be based on a formulation such as  $(A+B) \text{ minus } (C+D+E)$  shall be greater than zero, where

“A” equals the total *design capacity* of existing facilities;

“B” equals the total *design capacity* of any *planned new facilities* that will become available concurrent with the impact of the proposed development;

“C” equals existing demand on facilities measured as traffic volumes, sewer and water flows, utilization of FISH capacity (for schools) or population;

“D” equals committed demand from approved projects that are not yet constructed; and

“E” equals the demand anticipated to be created by a proposed project.

**Criteria for Measuring the Design Capacity of Existing and Planned New Facilities:** The design capacity of existing and planned new facilities shall be determined as follows:

Sewage: the capacity of the County sewage treatment system.

Water: the capacity of the County water treatment and storage system.

Solid Waste: the capacity of the County disposal system.

Drainage: the on-site detention capability and/or storm sewer capacity.

Roadways: The standard for measuring highway capacities shall be the Florida DOT Table of Generalized Two-Way Peak Hour Volumes for Urbanized Areas or other techniques that are compatible to the maximum extent feasible with FDOT standards and guidelines. The measurement of capacity may also be determined by engineering studies provided that analysis techniques are technically sound and acceptable to the Town engineer.

Recreation: Measurement shall be based on recreation data in the Comprehensive Plan plus the latest Town population estimate with any necessary interpretation provided by the Town Manager or designee thereof.

Transit: The County Transit Agency bus schedules for routes within the Town.

**Criteria for Counting the Capacity of Planned New Facilities:** The capacity of planned new facilities may be counted only if the following timing requirements to ensure that adequate public facilities are available to meet level of service standards with the impact of development:

- (a) Sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the Town shall determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the Town of a certificate of occupancy or its functional equivalent.
- (b) Parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the Town prior to issuance of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.
- (c) Transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the Town approves a building permit that results in traffic generation.

***Responsibility for Concurrency Monitoring System:*** The manager or designee thereof shall be responsible for monitoring facility capacities and development activity to ensure that the concurrency management system data base is kept current, i.e., includes all existing and committed development. This data base shall be used to systematically update the formulas used to assess projects. An annual report shall be prepared.

***Capacity Reservation:*** Any development permit application which includes a specific plan for development, including densities and intensities, shall require a concurrency review. Compliance will be finally calculated and capacity reserved at time of final action on a **design review** or **building permit** if no **design review** is required or enforceable developers agreement. Phasing of development is authorized in accordance with Rule 9J-5.0055. Applications for development permits shall be chronologically logged upon approval to determine rights to available capacity. A capacity reservation shall be valid for a time to be specified in the land development code; if construction is not initiated during this period, the reservation shall be terminated.

***Public School Concurrency Review :*** Prior to the issuance of any development order for new residential development or redevelopment, public school facilities needed to support the development at adopted school LOS standards must meet the following requirements:

1. The necessary public school facilities and services are in place or under actual construction within three years after issuance of final subdivision or site plan approval, or the functional equivalent.
2. The necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S., to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent.

School concurrency approval for the development and anticipated students shall be valid for up to two (2) years, beginning from the date the application received final approval from the Town.

***Project Impact or Demand Measurement:*** The concurrency management user's procedural guide (a supplement to the land development code) will contain the formulas for calculating compliance plus

tables which provide generation rates for water use, sewer use, solid waste and traffic, by land use category. Alternative methods are acceptable to the Town Manager or designee thereof may also be used by the applicant. For example, traffic generation may be based upon the Institute of Transportation Engineer's "Trip Generation" manual.



**Schedule of Capital Improvements by Category and Funding Sources**

Tables 9-8-A-C, 9-10A-D and Table 9-9 make up the Town's schedule of Capital Improvements. Funding sources are shown where applicable.

**Table 9-8A10A  
Stormwater Projects**

| Town Stormwater Projects  |  |             |           |           |           |             |             |
|---|--|-------------|-----------|-----------|-----------|-------------|-------------|
| Project   | Location                               | FY2011      | FY2012    | FY2013    | FY2014    | FY2015      | Total       |
| <u>Stormwater Pollution Control Project</u>                             | <u>Townwide</u>                        | \$2,771,190 |           |           |           |             | \$2,771,190 |
| -   | -                                      | -           | -         | -         | -         | -           | -           |
| <u>Total Cost of Stormwater Projects</u>                                |  | \$2,771,190 |           |           |           |             | \$2,771,190 |
| <u>Funding Sources</u>  | <u>FDEP LP6787 – Approved 12/31/08</u> | \$125,000   | -         | -         | -         |             | 125,000     |
|   | <u>FDEP S0374 Approved 2/30/10</u>     | \$873,500   | -         | -         | -         |             | 873,500     |
|   | <u>State Revolving Loan Fund</u>       | \$1,772,690 | -         | -         | -         |             | 3,010,092   |
|   | <u>Previous Year Carryover</u>         |             | \$286,990 | \$573,980 | \$860,700 | \$1,147,960 | \$2,869,630 |
|   |  |             |           |           |           |             |             |
| <u>Total Funding Available for Stormwater Pollution Control Project</u> |  | \$2,771,190 | \$286,990 | \$573,980 | \$860,700 | \$1,147,960 | \$5,640,820 |

Source: Town of Surfside, Calvin, Giordano and Associates, Inc.

Note: The Town Commission approved a stormwater service rate increases to provide debt service for the fund balances for FY11. Funding sources for FY11 result in a carryover/reserve for each year FY12-FY15.

| <b>Town Stormwater Projects</b>   |  |                |               |               |               |               |              |
|---|--|----------------|---------------|---------------|---------------|---------------|--------------|
| <b>Project Name</b>   | <b>Location</b>                                  | <b>FY 2010</b> | <b>FY2011</b> | <b>FY2012</b> | <b>FY2013</b> | <b>FY2014</b> | <b>Total</b> |
| <b>Stormwater Pollution Control Project</b>                             | <b>Townwide</b>                                  | 472,000        | 151,000       | 172,000       | 172,000       | 172,000       | 1,139,000    |
|   |  |                | -             | -             | -             | -             |              |
| <b>Total Cost of Stormwater Projects</b>                                |  |                | 151,000       | 172,000       | 172,000       | 172,000       |              |
|   |  | 472,000        |               |               |               |               | 1,139,000    |
| <b>Funding Sources</b>  | <b>Florida Dept. of Environmental Protection</b> | 134,500        | 151,000       | 172,000       | 172,000       | 172,000       | 801,500      |
|   | <b>Stormwater Fund Balance</b>                   | 337,500        | -             | -             | -             | -             | 337,500      |
|   |  |                | -             | -             | -             | -             |              |
| <b>Total Funding Available for Stormwater Pollution Control Project</b> |  | 472,000        | 151,000       | 172,000       | 172,000       | 172,000       | 1,139,000    |
| <b>Balance</b>  |  | 0              | 0             | 0             | 0             | 0             | 0            |

Source: Town of Surfside, Calvin, Giordano and Associates, Inc.

Notes: The FDEP grant for the stormwater improvements was signed on February 26, 2008. FDOT funds agreement approved January 9, 2008.

**Table 9-8B10B  
Wastewater and Potable Water Projects**

| <b>Town Wastewater and Potable Water Projects</b> |  |                  |                  |                |                |                |                   |
|---|--|------------------|------------------|----------------|----------------|----------------|-------------------|
| <b>Project Name</b>                               | <b>Location</b>  | <b>FY 2011</b>   | <b>FY2012</b>    | <b>FY2013</b>  | <b>FY2014</b>  | <b>FY2015</b>  | <b>Total</b>      |
| <b>Wastewater System Rehabilitation Program</b>   | <b>Town wide</b>   | <u>3,987,100</u> | <u>1,049,123</u> | -              | -              | -              | <u>5,036,223</u>  |
| <b>Water System Program</b>                       | <b>Town wide</b>   | <u>4,241,200</u> | <u>1,797,371</u> | -              | -              | -              | <u>6,038,571</u>  |
| <b>Total Cost of Projects</b>                     |  | <u>8,228,300</u> | <u>2,846,494</u> | -              | -              | -              | <u>11,074,794</u> |
| <b>Funding Sources</b>                            | <b>Miami-Dade County Building Better Communities Bond</b>                    | <u>829,000</u>   |                  | -              | -              | -              | <u>829,000</u>    |
| <b>Funding Sources</b>                            | <b>Water and Sewer Fund</b>  | <u>336,690</u>   | <u>1,165,690</u> | -              | -              | -              | <u>1,502,380</u>  |
|   | <b>State Revolving Fund with non-ad valorem pledge from rate adjustment.</b> | <u>7,807,947</u> | <u>1,855,636</u> | -              | -              | -              | <u>9,663,583</u>  |
|   | <b>FDEP LP8978 - 3/31/09</b>   | <u>100,000</u>   | -                | -              | -              | -              | <u>100,000</u>    |
|   | <b>FDEP LP8978 - 3/31/09</b>   | <u>33,000</u>    | -                | -              | -              | -              | <u>33,000</u>     |
|   | <b>Previous year carryover</b>   |                  | -                | <u>351,056</u> | <u>351,056</u> | <u>351,056</u> |                   |
| <b>Total Funding</b>                              |  | <u>9,106,637</u> | <u>3,021,326</u> |                |                |                | <u>12,127,963</u> |

Source: Town of Surfside, Calvin, Giordano and Associates, Inc.

Notes: Description of Wastewater Rehabilitation Program: The Wastewater Rehabilitation Plan consists of three phases. Phase I required the placement of full dish gaskets on manhole openings and brings the Town in partial compliance with the mandates from DERM. Phase II requires the repair or lining of sanitary sewer lines as detected by the recent cleaning and video project. Phase III (renovating pump stations) will complete the requirements as outlined in the Sanitary Sewer Evaluation Study (SSES).

Description of Water System Program: This project provides for the replacement of about 11 miles of water system pipe known to be in particularly poor condition.

The Miami-Dade County Building Better Communities Bond was approved on July 20, 2004.

The Town Commission approved water and sewer service rate increases to provide debt service and state revolving loan repayment for FY10 and FY11. Funding Sources for FY10 and FY11 result in a carryover of \$351,056 for each year FY12-FY15.

| <b>Town Wastewater and Potable Water Projects</b>                       |                                |                  |                  |                   |                  |                  |                   |
|---|--------------------------------|------------------|------------------|-------------------|------------------|------------------|-------------------|
| <b>Project Name</b>   | <b>Location</b>                | <b>FY 2010</b>   | <b>FY2011</b>    | <b>FY2012</b>     | <b>FY2013</b>    | <b>FY2014</b>    | <b>Total</b>      |
| <b>Wastewater System Rehabilitation Program</b>                         | <b>Townwide</b>                | <b>1,145,000</b> | <b>1,145,000</b> | <b>725,000</b>    | <b>20,000</b>    | <b>20,000</b>    | <b>3,055,000</b>  |
| <b>Water System Program</b>   | <b>Townwide</b>                | <b>1,428,000</b> | <b>285,600</b>   | <b>285,600</b>    | <b>285,600</b>   | <b>285,600</b>   | <b>2,570,400</b>  |
| <b>Total Cost of Projects</b>   |                                | <b>2,573,000</b> | <b>1,430,600</b> | <b>1,010,600</b>  | <b>305,600</b>   | <b>305,600</b>   | <b>5,625,400</b>  |
| <b>Funding Sources</b>  | <b>Water and</b>               | <b>1,533,328</b> | <b>1,910,593</b> | <b>2,159,126</b>  | <b>2,245,491</b> | <b>2,335,311</b> | <b>10,183,849</b> |
|   | <b>General Fund</b>            | <b>210,672</b>   |                  |                   |                  |                  |                   |
|   | <b>General Obligation Bond</b> | <b>829,000</b>   |                  |                   |                  |                  | <b>829,000</b>    |
| <b>Total Funding Available for Stormwater Pollution Control Project</b> |                                | <b>2,362,328</b> | <b>1,910,593</b> | <b>2,159,126</b>  | <b>2,245,491</b> | <b>2,335,311</b> | <b>11,012,849</b> |
| <b>Balance</b>  |                                | <b>0</b>         | <b>479,993</b>   | <b>1,148,5260</b> | <b>1,939,891</b> | <b>2,029,711</b> | <b>5,387,449</b>  |

Source: Town of Surfside, Calvin, Giordano and Associates, Inc.

Notes: Description of Wastewater Rehabilitation Program: The Wastewater Rehabilitation Plan will be broken into three phases. Phase I will bring the town into partial compliance with the mandates from DERM (place full dish gaskets on manhole openings). Phase II (repair pipes determined to have inflow/infiltration issues) and III (renovating pump stations) will complete the requirements as outlined in the Sanitary Sewer Evaluation Study (SSES).

Description of Water System Program: This project provides for several miles of water system pipe known to be in particularly poor repair. This pipe replacement program will address those existing iron water pipes that are undersized, corroded or both.

The Town Commission approved water and sewer service charge increases on October 14, 2008. Therefore, the fund balances for FY2010 and FY2011 can be considered committed sources of funding.

**Table 9-8C10C  
FDOT Projects**

| <b>FDOT Projects</b>                                      |   |                  |                    |                  |                |                |                    |
|---|---|------------------|--------------------|------------------|----------------|----------------|--------------------|
| <u>Project Name</u>                                       | <u>Location</u>                                       | <u>FY 2011</u>   | <u>FY 2012</u>     | <u>FY 2013</u>   | <u>FY 2014</u> | <u>FY 2015</u> | <u>Total</u>       |
| SRAIA/Collins Avenue Resurfacing<br>FDOT Item No. 4198581 | 150 feet north of 75th Street to north of 96th Street |                  | \$4,820,000        |                  |                |                | \$4,820,000        |
| SRAIA/Harding Avenue Resurfacing<br>FDOT Item No. 4198231 | From Bal Harbour Shop Entrance to 94th Street         |                  | \$1,315,000        |                  |                |                | \$1,315,000        |
| SR922/96 St Kn Con. Resurfacing<br>FDOT Item No. 4274211  | From 163' E. of E. Bay Habr to SR AIA/Collins Avenue  | \$105,000        |                    | \$694,000        |                |                | \$799,000          |
| <b>Total Cost of FDOT Projects</b>                        |   | <b>\$105,000</b> | <b>\$6,135,000</b> | <b>\$694,000</b> |                |                | <b>\$6,934,000</b> |

Source: FY2011-2015 Transportation Improvement Program, Miami-Dade Metropolitan Planning Organization

**Table 9-10D  
Gas Tax Projects**

| <b>Gas Tax/ CITT Projects</b>    |                                      |                  |                 |                 |                 |                 |                  |
|----------------------------------|--------------------------------------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|
| <u>Project Name</u>              |                                      | <u>FY 2011</u>   | <u>FY 2012</u>  | <u>FY 2013</u>  | <u>FY 2014</u>  | <u>FY 2015</u>  | <u>Total</u>     |
| Traffic Management Program       |                                      | \$55,000         | \$85,000        | \$80,000        | \$80,000        | \$80,000        | \$380,000        |
| Downtown Improvement Master Plan |                                      | \$23,500         |                 |                 |                 |                 | \$23,500         |
| Mobility Fee Study               |                                      | \$75,000         |                 |                 |                 |                 | \$75,000         |
| <b>Total Cost</b>                |                                      | <b>\$153,500</b> | <b>\$85,000</b> | <b>\$80,000</b> | <b>\$80,000</b> | <b>\$80,000</b> | <b>\$478,500</b> |
| <b>Funding Source</b>            | <b>Municipal Transportation Fund</b> | \$258,500        | \$109,181       | \$110,818       | \$112,480       | \$114,168       | \$109,181        |
| <b>Balance</b>                   |                                      | <b>\$105,000</b> | <b>\$24,181</b> | <b>\$30,818</b> | <b>\$32,480</b> | <b>\$34,168</b> | <b>\$105,000</b> |

Source: Town of Surfside Finance Department.

Note: The Municipal Transportation Fund includes the Second Local Option Gas Tax, funds from the Citizen's Independent Transportation Trust- (County gas tax shared with municipalities). The 2011 fund balance includes a balance transfer. FY11-15 projections are based upon a 1.5% increase in revenues years from FY11.

Project Descriptions: The Downtown Improvements Master Plan is a comprehensive study that focuses on Collins Avenue, Harding Avenue, and the surrounding downtown areas. The study is to include analysis and recommendations regarding hard-scape and soft-scape features, way-finding signage, aesthetic entranceways, and other unique elements exclusive to the Town. Additional studies and improvement costs may result from these recommendations.

The Traffic Management Program is a program to implement various traffic calming devices throughout the Town. Traffic calming devices help lower vehicle speed and prevent cut through traffic on local roads. Traffic calming devices can include but are not limited to speed tables, roundabouts, partial road closures, road narrowing, and chicanes. Included in the funding are traffic engineering analysis and construction costs.

The Mobility Fee Study would prepare Surfside for the adoption of transportation impact fee based upon multi-modal planning (auto, bicycle, pedestrian, mass transit) and the requirements implementing SB360.

| <b>FDOT Projects</b>  |  |                |                    |                    |                |                |                    |
|---|--|----------------|--------------------|--------------------|----------------|----------------|--------------------|
| <u>Project Name</u>   | <u>Location</u>  | <u>FY 2010</u> | <u>FY 2011</u>     | <u>FY 2012</u>     | <u>FY 2013</u> | <u>FY 2014</u> | <u>Total</u>       |
| <u>SRAIA/Collins Avenue Resurfacing</u><br><u>FDOT Item No. 4198581</u> | <u>150 feet north of 75th Street to north of 96th Street</u> |                |                    | <u>\$5,156,000</u> |                |                | <u>\$5,516,000</u> |
| <u>SRAIA/Harding Avenue Resurfacing</u><br><u>FDOT Item No. 4198601</u> | <u>75 Street to 91st Street</u>                              |                |                    | <u>\$1,462,000</u> |                |                | <u>\$1,462,000</u> |
| <u>SRAIA/Harding Avenue Resurfacing</u><br><u>FDOT Item No. 4198231</u> | <u>From Bal Harbour Shop Entrance to 94th Street</u>         |                | <u>\$1,056,000</u> |                    |                |                | <u>\$1,056,000</u> |
| <u>Total Cost of FDOT Projects</u>                                      |  |                | <u>\$1,056,000</u> | <u>\$6,978,000</u> |                |                | <u>\$8,034,000</u> |

Source: FY2010-2014 Transportation Improvement Program, Miami Dade Metropolitan Planning Organization



# Town of Surfside Commission Communication

**Agenda Item #:** 4B2

**Agenda Date:** October 12, 2010

**Subject:** Correct Scrivener's Error in 90-77(d); new regulations regarding Design Standards for Municipal Surface Parking Lots, 90-82(m), and new regulations regarding municipal surface parking lots in Regulated Uses 90-41(e)

**Objective:** Permit municipal surface parking lots in all zoning districts. Exempt municipal surface parking lots from Zoning Code Standards for Lot Standards, Design Standards, and Landscape Requirements. Correct Scrivener's Error from previous Ordinance.

**Background:** Ordinance 10-1055 was adopted on March 9, 2010. It exempted Town-owned property from off-street parking, setback, and lot coverage standards. The proposed ordinance extends the exemptions for Town-owned surface parking lots to include Lot Standards, Design Standards, and Landscape Requirements as well as permitting Town-owned surface parking lots in all zoning districts.

**Analysis:** The November 2006 Charrette identified insufficient parking as a significant issue, as parking is a key asset for downtown businesses. Further the Town's Comprehensive Plan also addresses inadequate parking and includes the following Objective "The Town shall help provide an adequate supply of parking to serve the business area and major community facilities (Transportation Element, Objective 6 – Adequate Parking)".

The Town's ability to provide additional parking lots is limited by the lack of vacant land, especially the lack of vacant land adjacent to the Harding Avenue Business District. Therefore, Staff recommends that the development of surface level parking should be permissible in all zoning districts. Staff has determined that should the standards set forth in Section 90-49 (Lot Standards), Article V (Design Standards) and Article VIII (Landscape Requirements) be applied to Town surface parking lots, the Town would not be able to develop parking lots that maximize parking spaces, parking revenues or achieve the goals of the Charrette and Comprehensive Plan. However Staff recognizes that landscaping is important and therefore is recommending a minimum of 10% of the site be landscaped. The proposed exemptions would only apply to surface parking lots and would not apply to parking garages. Further, the proposed exemptions would only apply to surface parking lots owned, operated and maintained by the Town. Finally, the parking lots would still be required to undergo the Site Plan approval process as proscribed in the Zoning Code. Attached is a diagram of the location of Town-owned parking lots.

Staff is also including a revision for a scrivener's error in the language adopted in Ordinance 10-1055. The word "Chapter" should be "Article" and the word "Code" should be struck.

**Budget Impact:** Planning Staff's time was funded under the general services contract between the Town and CGA. Therefore the Town did not incur an additional budget impact for CGA's time.

**Growth Impact:** N/A

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission introduce on first reading the attached Ordinance, amending sections 90-41, 90-77 and 90-82 of the Town of Surfside Zoning Code.

Karen Friedman, Town Planner

Town Manager



Town Surface Parking Lots







Town Surface Parking Lots





Town Surface Parking Lots





Town Surface Parking Lots



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," ARTICLE IV. "DISTRICT REGULATIONS" SECTION 90-41. "REGULATED USES" TO ALLOW SURFACE PARKING LOTS TO BE LOCATED IN ANY ZONING DISTRICT; AMENDING ARTICLE VII "OFF-STREET PARKING AND LOADING," DIVISION 1 "OFF-STREET PARKING," SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS" AND SECTION 90-82. "DESIGN STANDARDS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADD A PROVISION RELATIVE TO MUNICIPAL SURFACE PARKING AND DESIGN STANDARDS; 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 Commission of the Town of Surfside, Florida ("Town Commission"), the business owners and Tourist Board have all expressed a desire to foster redevelopment and revitalization of commercial uses and properties in the traditional downtown area the within the Town of Surfside ("Town"); and

WHEREAS, following the identification of a significant need for public parking within the downtown business district during the Town's 2006 Charrette process, the Town adopted amendments to the Future Land Use Element of the Town of Surfside Comprehensive Plan Transportation Element Objective 6 and Policy 6.1 which support the use of a Parking Trust Fund as a method for funding the construction of public parking garages and other facilities and programs to provide needed parking within the Town's business district as well as adopting Ordinance 10-1556 establishing a Parking Trust Fund; and

WHEREAS, has purchased property and wishes to provide as much additional municipal parking as reasonably possible within this geographically constrained beachfront community and has determined the Code requirements for such lots must be amended to make this effort more feasible and without which amendments the ability of businesses and other nonresidential uses to develop, improve and redevelop properties will be hindered; and

Ordinance No. \_\_\_\_\_

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the district regulations on June 24, 2010 with due public notice and input; and

WHEREAS, the Town Commission shall have conducted a duly noticed public hearing on these regulations as required by law on July 13, 2010, having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission finds that this Ordinance is consistent with the Town's Comprehensive Plan and furthers the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND 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 the Town of Surfside, Florida is hereby amended as follows:

**Sec. 90-41. Regulated Uses.**

(e) Surface parking lots owned, operated, and maintained by the Town may be located in any zoning category

**Sec. 90-77. Off-street parking requirements.**

(d) Parking by use.

Municipal parking. The provisions of this chapter ~~Article~~ Article (Off-Street Parking and Loading) and the Code shall not apply to the use of any property by the Town in any government capacity, function, or purpose. This exemption shall also apply to setbacks and lot coverage requirements as set forth in section 90-45 and section 90-49 hereinabove.

Ordinance No. \_\_\_\_\_

**Sec. 90-82. Design standards.**

(m) Municipal surface parking lots design standards. Notwithstanding anything to the contrary, the provisions of Section 90-49 “Lot Standards”, Chapter 90 Article V. “Design Standards” and Chapter 90 Article VIII “Landscape Requirements” shall not apply to surface parking lots owned, operated, and maintained by the Town. However, no less than 10% of the gross square area of the site shall be landscaped.

**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 re-lettered 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 ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2010.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2010.


\_\_\_\_\_  
Daniel Dietch, Mayor

Ordinance No. \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**Vote:**

|                       |           |          |
|-----------------------|-----------|----------|
| Mayor Dietch          | yes _____ | no _____ |
| Vice Mayor Graubart   | yes _____ | no _____ |
| Commissioner Karukin  | yes _____ | no _____ |
| Commissioner Kopelman | yes _____ | no _____ |
| Commissioner Olchyk   | yes _____ | no _____ |

Ordinance No. \_\_\_\_\_

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CREATING AN AD HOC COMMUNICATIONS COMMITTEE TO STUDY CURRENT COMMUNICATION SYSTEMS AND PROPOSE IMPROVEMENTS AND REPORT BACK TO THE TOWN COMMISSION.**

**WHEREAS,** the Town of Surfside Town Commission is interested in reviewing the current communication tools and programs and identifying opportunities for potential improvement; and

**WHEREAS,** the Town of Surfside Town Commission recognizes an opportunity to enhance communication with the town residents; and

**WHEREAS,** the Town of Surfside Town Commission would like to review opportunities to better provide information and on-line services to the town residents, including the use of social networks and related costs/benefits; and

**WHEREAS,** members of the Town Commission have provided the names of residents who volunteered to be a part of the Committee; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA,**

**Section 1.    Recitals.**    That the above and foregoing recitals are true and correct and are incorporated herein.

**Section 2.    Authorization.** The Town Commission hereby appoints an ad hoc Communications Committee. The members of the committee are listed in Exhibit "A" attached and may be changed from time to time by vote of the Commission.



**Section 3. Implementation.** The Communications Committee is charged with reporting progress to the Town Commission at their regular meeting on December 14, 2010 and providing the final report and recommendations at the March, 2011 Town Commission meeting.

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

**PASSED AND ADOPTED** this 12th day of October, 2010.

---

Daniel Dietch, Mayor

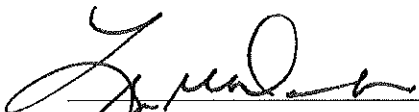
**Attest:**

---

Debra E. Eastman, MMC

Town Clerk

**Approved as to form and legality for the use  
and benefit of the Town of Surfside only:**



---

Lynn M. Dannheisser

Town Attorney

EXHIBIT "A"

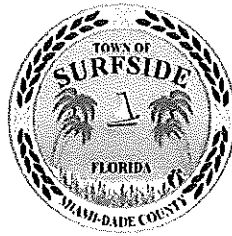
COMMUNICATIONS AD HOC COMMITTEE

Cheryl Arnold

Norma Rojas

Jeff Burros

Randi McBride



## Town of Surfside Commission Communication

**To:** Communications Committee Members: Cheryl Arnold, Norma Rojas, Jeff Burros

**From:** Roger M. Carlton, Interim Town Manager

**Date:** October 12, 2010

**Subject:** Code Enforcement Ad Hoc Committee

### **Objective**

To charter and support the Communications Ad-Hoc Committee to perform a review of Surfside's current communication tools and programs and identify opportunities and make recommendations to the Town Commission to improve the utilization of the existing program and proposed enhancements, including, but not limited to tools, structure, and deployment that result in more effective communication with residents.

### **Background**

At its regular meeting in June, 2010, the Surfside Town Commission provided policy direction to the Town Manager to create a Communications Ad Hoc Committee to study and report back to the Commission on potential improvements to the Town's communication media including the website, Channel 77 television communication and telephone communication, as well as other media that would result in more efficient and effective communication with residents.

The Town Commission is charging the Communications Ad Hoc Committee with reviewing the design, function, and capacity of the Town's website, Channel 77 communication channel, and phone and other existing and proposed systems to determine improvements and recommended changes short-term and long-term. The Committee will work with Town staff to formulate the recommendations to the Town Commission for policy direction.

### **Consideration**

Effective communication with residents is a critical success factor in establishing awareness of important Town and greater community activities. To date, Surfside has not realized the full potential of its communication media, nor has it implemented other options beyond Channel 77, the Town website and the Surfside Gazette.

The committee should grasp the current communications structure for understanding, determine what possibilities might exist for improvements, determine a cost range and resources needed should the improvements be implemented. Consideration should be given to on-line bill payment, daily or periodic Town News updates (Town news, employment opportunities, parks and recreation activities and downtown/tourism promotions), community service announcements (weather, beach conditions,

swimming water quality), interactive features, community center activities, etc. Debra Eastman, Town Clerk has been assigned to the Communication Committee and will serve as staff support.

An interim report is expected to the Town Manager and Town Commission for the December 14, 2010 Town Commission meeting. A final report and recommendations are to be made to the Town Commission at their March, 2011 meeting.

Cc: Town of Surfside Town Commission  
Town of Surfside Department Directors

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CREATING AN AD HOC COMMITTEE TO STUDY THE CURRENT CODE ENFORCEMENT PROGRAM AND TO IDENTIFY OPPORTUNITIES AND MAKE RECOMMENDATIONS FOR THE FUTURE AND TO REPORT BACK TO THE TOWN COMMISSION.

WHEREAS, the Town of Surfside Town Commission is interested in reviewing the current Code Enforcement program and wish to identify opportunities for potential improvement; and

WHEREAS, the Town of Surfside Town Commission recognizes an opportunity to review Code Enforcement to maintain reasonable aesthetic and quality of life standards for a safe community; and

WHEREAS, the Town of Surfside Town Commission has determined to review enforcement standards and procedures, short term rentals, and other policies; and

WHEREAS, Members of the Town Commission have provided the names of residents who volunteered to be a part of the Committee; and

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

**Section 1.**     **Recitals.**     That the above and foregoing recitals are true and correct and are incorporated herein.

**Section 2.**     **Authorization.** The Town Commission hereby appoints an ad hoc Code Enforcement Committee. The members of the committee are listed in Exhibit "A" attached and may be changed from time to time by vote of the Commission.

**Section 3. Implementation.** The Code Enforcement Committee is charged with reporting progress to the Town Commission at their regular meeting on December 14, 2010 and providing the final report and recommendations at the March, 2011 Town Commission meeting.

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

**PASSED AND ADOPTED** this 12th day of October, 2010.

---

Daniel Dietch, Mayor

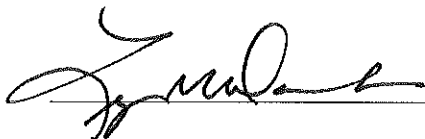
**Attest:**

---

Debra E. Eastman, MMC

Town Clerk

**Approved as to form and legality for the use  
and benefit of the Town of Surfside only:**



---

Lynn M. Dannheisser

Town Attorney

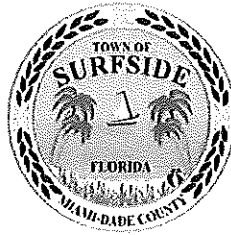
EXHIBIT "A"  
CODE ENFORCEMENT AD HOC COMMITTEE

Randall Rubins

Anthony Blate

Barbara McLaughlin

Mitchell Kinzer



## Town of Surfside

**To:** Code Enforcement Committee Members: Randall Rubins, Anthony Blate, Barbara McLaughlin, Mitchell Kinzer

**From:** Roger M. Carlton, Interim Town Manager

**Date:** October 12, 2010

**Subject:** Code Enforcement Ad Hoc Committee

**Objective:** To charter and support the Code Enforcement Ad Hoc Committee to perform a review of Surfside's current code enforcement program and identify opportunities and make recommendations to the Town Commission to improve the program, including, but not limited to the structure, provisions and enforcement that result in the improvements to the program.

**Background:** At its regular meeting in June, 2010, the Surfside Town Commission provided policy direction to the Town Manager to create a Code Enforcement AD Hoc Committee to study and report back to the Town Commission on potential improvements to the Town's code enforcement program.

The Town Commission is charging the Code Enforcement Ad Hoc Committee with reviewing the Town's codes for enforcement for reasonable enforcement, guidelines on enforcement, procedures and standards, short-term rental policy, code enforcement policy (strictness/consistency), public information campaign and an assessment of code enforcement manpower needs for Surfside. The Committee will work with Town Staff including the Town Manager, Building Official, Code Enforcement Officer, Tourist Director, Finance Director, Chief of Police and Planning and Zoning Board to formulate recommendations to the Town Commission for policy direction.

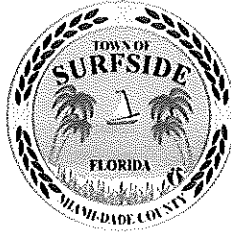
**Consideration:** Effective code enforcement is fundamental to maintaining minimum aesthetic and "quality of life" standards and a safe community. However, uniform code enforcement has been adversely impacted by inconsistent policy over the past few years. The Town Commission recently enacted legislation that provides a 120 day "amnesty" period to allow code violations to be rectified without the imposition of penalties. The exception to this "amnesty" period relates to life-safety violations.

While Town resources are limited, an effective code enforcement program is possible, but it requires clear Commission policy. With the "amnesty" period, this Commission has created a breathing period to review the current code for applicability and clarity and to be prepared to implement a code enforcement program that reflect reasonableness, is easily understandable, and has an enforcement component that relates to the seriousness of the infraction. As an underlying philosophy, code enforcement should educate our residents and business people to obtain voluntary compliance.



Building Official, Paul Gioia and Code Enforcement Officer, Michael Garcia will provide staff support to the Committee. An interim report is expected to the Town Manager and Town Commission for the December 14, 2010 Town Commission meeting. A final report and recommendations are to be made to the Town Commission at their March, 2011 meeting.

Cc: Planning and Zoning Board  
Paul Gioia, Building Official  
Michael Garcia, Code Enforcement Officer  
David Allen, Police Chief  
Duncan Tavares, Tourist Bureau Director  
Martin Sherwood, Finance Director



# Town of Surfside Commission Communication

**Agenda Item #** 5C

**Agenda Date:** October 12, 2010

**Subject:** Expenditure of Forfeiture Funds

**Objective:** To utilize forfeiture funds for crime prevention, community-based programs, and police equipment

**Recommendation:** The Town staff recommends that the Commission approve the resolution to expend forfeiture funds for fiscal year 2011

**Background:** Forfeiture funds may be used for law enforcement purposes only including supporting community policing activities, law enforcement training, law enforcement operations, law enforcement equipment, crime awareness programs, and community-based programs

**Analysis:**

1. The Police Department conducts crime prevention programs and training and distributes crime prevention material for residents and businesses throughout the year. The training and programs include the Citizens Police Academy, monthly crime prevention workshops, school safety days, Police Explorers Program, Teen Summer Police Camp, Seniors in Surfside program, Community Emergency Response Team, victim awareness seminars, Self Defense Awareness Familiarization Exchange, crime mapping and alerting system, and other courses.
2. The Police Department sponsors several community-based events during the fiscal year including a summer camp scholarship, Moonlight MADDness Parade and Beach Party, Police Halloween Safety Night, Police Officers Assistance Trust, and Drug Awareness and Family Fun Day.
3. The mobile laptop program allows officers to electronically complete their reports and conduct criminal and driver license checks on the road. The project includes the cost for the lease of the laptops, the software, and the air cards.

**Budget Impact:**

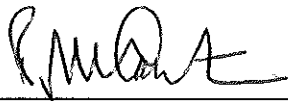
The total expenditure from forfeiture funds is \$45,000.00.

1. \$10,000.00 for crime prevention events, programs, training, and materials
2. \$8,000.00 for community-based activities
3. \$27,000.00 for mobile laptop program and equipment

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve the resolution to utilize \$45,000.00 from forfeiture funds for the cost of crime prevention programs and materials, community-based programs and events, and the mobile laptop project and equipment.

  
\_\_\_\_\_  
David Allen  
Chief of Police

  
\_\_\_\_\_  
Roger M. Carlton  
Town Manager

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2010/2011 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF FORTY-FIVE THOUSAND (\$45,000.00) TO BE FUNDED BY PROCEEDS OF CONFISCATED FUNDS.**

**WHEREAS**, Florida Statute Section 932.7055, Florida Statutes, defines the purposes and procedures to be utilized for the appropriation and expenditure of Police Confiscation Fund; and

**WHEREAS**, the Chief of Police of the Town of Surfside has determined that such needs exist and is in compliance with Section 932.7055, Florida Statutes; and

**WHEREAS**, such funds are available in the Police Confiscation Fund- State of Florida;

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

**Section 1. Confiscation Fund Expenditures.** Based on the attached certificate of the Police Chief, the Town Commission hereby approves the fiscal year Police Confiscation Fund expenditures for the Town of Surfside, a true and correct listing of which is set forth in Exhibit A.

**Section 2. Effective Date.** This Resolution shall become effective immediately upon adoption.


**PASSED and ADOPTED** this 12 day of October 2010.

Attest:

\_\_\_\_\_  
Daniel Dietch, Mayor

\_\_\_\_\_  
Debra Eastman, MMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

On Second Reading Moved by: \_\_\_\_\_

On Second Reading Seconded by: \_\_\_\_\_

**Vote:**

Mayor Dietch                    yes \_\_\_\_\_ no \_\_\_\_\_

Vice Mayor Graubart        yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Karukin        yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Kopelman      yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Olchyk        yes \_\_\_\_\_ no \_\_\_\_\_

**EXHIBIT A**

|  |             |
|--|-------------|
| CRIME PREVENTION EVENTS, TRAINING, AND MATERIALS | \$10,000.00 |
| CRIME PREVENTION OVERTIME COSTS                  | \$8,000.00  |
| MOBILE LAPTOP PROGRAM                            | \$27,000.00 |

**AFFIDAVIT**

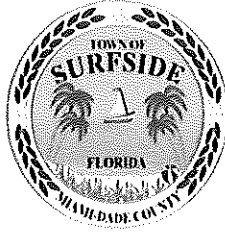
I, **DAVID E. ALLEN**, Chief of Police of the Town of Surfside, do hereby certify that the aforementioned proposed request for expenditures from the town of Surfside Confiscation Fund, for the 2010/2011 Fiscal Year budget complies with provisions of Section 932.7005, Florida Statutes.

Dated:

  
DAVID E. ALLEN, Chief of Police

---

Lynn M. Dannheisser, Town Attorney



## Town of Surfside Commission Communication

**Agenda Item #** 5D

**Agenda Date:** October 12, 2010

**Subject:** Parking lot lease agreement

**Objective:** To provide parking space for police vehicles

**Recommendation:** That the Town Commission approve the lease agreement (see attachment A)

**Background:** When the temporary modular trailers were placed in the employee parking lot the Police Department was forced to find alternative parking for its vehicles. Town staff found a suitable location nearby on Harding Avenue that will meet the Department's parking needs. The proposed lease agreement is for a six (6) month period.

**Analysis:** N/A

**Budget Impact:** \$350.00 per month (\$2100.00 total) included in the Police Department budget

**Growth Impact:** N/A

**Staff Impact:** N/A

  
\_\_\_\_\_  
Assistant Chief  
John Di Censo

  
\_\_\_\_\_  
Town Manager  
Roger M. Carlton

RESOLUTION NO. 2010 \_\_\_\_\_

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH NORMAN ATKIN FOR THE SIX MONTH LEASE OF LOT 18, BLOCK 4, ALTOS MAR NO. 5, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE 92 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA ; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND POLICE DEPARTMENT FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the "Town") wishes to lease the above described lot for the purpose of providing parking for police vehicles; and

WHEREAS, the Town Commission finds that approval of the Agreement between Norman Atkin and the Town is in the best interest of the Town.

NOW, THERE, 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 of Agreement.** The Agreement between Norman Atkin and the Town of Surfside to lease the above described property, a copy of which is attached as Exhibit "A", together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

**Section 3. Authorization of Town Officials.** The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

**Section 4. Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Town Manager pursuant to the Town's Purchasing Procedures Ordinance, the Town Manager is authorized to expend Police Department funds to implement the terms and conditions of the Agreement.



**Section 5. Execution of Agreement.** The Town Manager is authorized to execute the Agreement on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Town Attorney.

**Section 6. Effective Date.** This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_<sup>th</sup> day of October, 2010.

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**


Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Edward Kopelman \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Joseph Graubart \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

ATTEST:

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney

SIX MONTH LEASE BETWEEN THE TOWN OF SURFSIDE AND  
NORMAN ATKIN WITH OPTIONS TO RENEW

This lease agreement ("Lease") is entered into this 30th day of September, 2010, by and between Norman Atkin ("Lessor") and the Town of Surfside, a Florida municipal corporation ("Lessee").

The Lessor this day leases unto the Lessee and the Lessee does take as tenant, the following space within the Town of Surfside, Miami-Dade County Florida;

LEGAL

Lot 18, Block 4, ALTOS DEL MAR NO. 5, according to the Plat thereof, recorded in Plat Book 8, Page 92 of the Public Records of Miami-Dade County, Florida

subject to the following terms and conditions as set forth herein:

- A. Commencement Date October 1, 2010;
- B. Termination Date March 31, 2011, subject to the right of extension as set forth herein. The period of time commencing on the Commencement Date and terminating on the Termination Date shall be the "Lease Term".
- C. During the Lease Term, the monthly rent shall be \$350.00;
- D. This Lease shall be subject to, and its effectiveness contingent upon the approval of the Town Commission of the Town of Surfside ("Town Commission"). In the event the Town Commission does not approve the terms hereof by the Commencement Date, this Lease shall be of no force and effect

The following express stipulations and conditions are made a part of this Lease and are hereby agreed to by the parties:

1. Use.

The Premises shall be used for police parking and ancillary purposes for the Town of Surfside. Lessor and Lessee agree that this non-residential lease shall be governed by Part I of Chapter 83, Florida Statutes and are not subject to residential tenancy provisions of the Florida Statutes.

2. Permitted Alterations.

Any permitted alterations, fixtures or improvements made by the Lessee except movable equipment shall become the property of the Lessor and remain on the Premises upon termination of the Lease as a part thereof and be surrendered to Lessor with the Premises without cost to the Lessor. Lessor acknowledges that Lessee has disclosed its intention to

use the Premises as a parking facility and consents to all necessary, reasonable improvements, at Lessor's cost, which will allow for the use of the Premises as a parking facility and its ancillary purposes, including but not limited to the removal of perimeter fences.

3. Personal Property — Risk of Loss.

All personal property placed or moved in the Premises above described shall be at the risk of the Lessee or owner thereof, and Lessor shall not be liable for any damage to said personal property. Lessor shall not be liable to the Lessee as a result of any act of negligence of any co-tenant or occupants of any adjacent real property. Lessor represents that as of the date hereof, all such facilities are in good and proper working order.

4. Compliance with Laws and Insurance Directives.

The Lessee shall promptly comply with all statutes, ordinances, rules, orders, regulations and requirements of the Federal, State and City Government and of any and all their Departments and Bureaus applicable to said Premises, including, but not limited to, directives for the correction, prevention, and abatement of nuisances or other grievances, in, upon, or connected with said Premises during said term; and shall also promptly, at its own cost and expense, comply with and execute all rules, orders and regulations of the Lessor's and Lessee's insurance carriers for the prevention of fires.

5. Events of Default.

Rent is due promptly on the first day of each month for which the rent is to be paid. In the event of the failure of the Lessee to pay the rental specified herein promptly, then upon written notice and demand by Lessor served upon the demised Premises, if Lessee does not make such payment within five (5) days from the date of delivery of such notice, Lessor, at its option, may declare an acceleration of the full balance of the rental payments due hereunder and may take such legal action as Lessor deems advisable for the collection thereof, including institution of suit. In the event Lessor obtains possession as a result of default, whether through surrender or abandonment of the Premises or through legal process, Lessor shall be entitled to charge to Lessee any costs expended in order to make the Premises tenantable. In addition to the foregoing remedies, Lessor reserves the right to bring an action for distress if the same be permitted under the laws of Florida and to take any other actions permitted in law or in equity; taking of any one action shall not be exclusive and shall not bar the taking of any other action or actions by the Lessor. In the event of the reentry into the Premises by Lessor, the Lessor shall be entitled to remove from the Premises all personally of the Lessee without obligation to hold, store, sell, or recover the value thereof for the benefit of Lessee. Should any check tendered by Lessee or Lessor to pay any obligation due under the terms of this Lease be dishonored for insufficient funds, such dishonor shall be deemed an immediate default in the payment of rent entitling Lessor to any and all rights previously set forth in this paragraph in addition to any other rights and remedies under any other provisions of law. Lessor shall be under no obligation to redeposit any check that has been initially dishonored. Notwithstanding the foregoing Lessee shall be given fifteen business days in which to make the first monthly payment due under this Lease. Notwithstanding the

foregoing, any sums due to Lessor hereunder not timely paid, except as set forth in this paragraph, shall bear interest at the maximum rate allowed by law.

6. Abandonment.

Should Lessee abandon the Premises before the end of the term of this Lease and suffer the rent to be arrear, then subject to the aforesaid notice provisions Lessor may retake possession.

7. Attorney's Fees and Costs.

In the event either party retains an attorney to enforce any provision of this Lease, the party who is determined to be in default under this Lease shall be responsible for the other party's attorney fees.

8. Utilities.

The Lessee agrees that Lessee will pay all charges for electricity, sanitation and for all water used on said Premises, and should said charges for light or water remain due and unpaid for more than thirty (30) days from the due date thereof, then Lessor may serve demand and notice on Lessee as in the case of a violation for the nonpayment of rent and may employ against Lessee such remedies as are accorded to Lessor for a nonpayment of rent. If Lessor be required to advance payment of any such utilities, Lessor may bring appropriate action available for the collection of same.

9. Quiet Enjoyment.

Upon paying Rent and keeping and performing the terms, covenants, conditions and provisions of this Lease, Lessee may lawfully and quietly hold and enjoy the Premises during the Term without hindrance, ejection, molestation, or interruption.

10. Entry for Repairs.

The Lessor, or any of its agents, shall have the right to enter the Premises during all reasonable business hours, with prior notice, to examine same, to make such repairs additions and/or alterations as may be necessary for the safety, comfort and/or preservation thereof.

11. Condition and Maintenance.

Subject only to such addenda or sketches as may be attached hereto and initialed by the parties, Lessee otherwise accepts the Premises in the condition they are "as is" at the beginning of this Lease and agrees to maintain said Premises in the same condition, order and repair as they are at the commencement of said term, excepting only reasonable wear and tear arising from the use thereof under this Lease. During the term of this Lease, Lessee shall provide for maintenance of the surface and for landscape of the Premises.

12. Indemnification.

Subject to the provisions and monetary limitations of Section 768.28, Florida Statutes, Lessee does hereby indemnify and hold harmless Lessor from and against any and all liabilities, damages, claims, costs or expenses whatsoever (including reasonable attorneys' fees and costs at both the trial and appellate levels) arising from Lessee's exercise of its rights under this Lease, except for any Claims arising due to the acts of Lessor. Subject to the limitations contained herein, Lessee does hereby indemnify Lessor from all third party claims asserted against Lessor based upon either the grossly negligent or tortuous acts or omissions of Lessee, its agents, contractors, successors and assigns, in exercising or discharging Lessee's rights pursuant to this Lease.

13. Cumulative Effect.

The rights of Lessor under this Lease are cumulative, and failure of Lessor to exercise any of such rights shall not be deemed a waiver or forfeiture of such rights by the Lessor or estopp Lessor from enforcing such rights.

14. Work Done by Lessee.

It is further agreed between the parties hereto that should it become necessary for Lessor, in Lessor's reasonable discretion, to cause to be repaired and/or corrected any damage to the Premises caused by Lessee, it's employees, agents, and/or any person in or near the Premises at the expressed or implied invitation of Lessee Lessee shall immediately pay Lessor the cost of same upon Lessor presenting Lessee with a copy of the bill(s) for same. Lessee's failure to pay Lessor, within thirty (30) days, such sums shall be deemed a default in the payment of rent, entitling Lessor to all remedies provided in this Lease for non-payment of rent.

15. Signs.

All signs placed on the Premises by Lessee shall be in strict accordance with all applicable ordinances and laws of the Town of Surfside, the County of Miami-Dade, and the State of Florida. Any such sign or signs to be erected shall first be submitted to and approved by Lessor, whose consent shall not be unreasonably withheld.

16. Mechanic's Liens.

It is strictly understood and agreed by and between both of the parties hereto, that under no circumstances, whatsoever, is the Lessee and/or anyone acting on behalf of Lessee to cause, incur or allow any mechanic's lien, or any other kind of lien, to be placed or occur against the Premises, or any part thereof, for any reason whatsoever. Moreover, in the event that the acts and doings of the Lessee result in a mechanic's lien, or any other kind of lien being placed against said Premises, or any part thereof, the Lessee, at this own cost and expense, shall immediately cause the removal of said lien, and the failure so to do shall be considered a default of the Lessee's covenants under this Lease.

17. Insurance.

Lessee shall, at Lessee's expense, obtain and keep in force during the term of this Lease a policy of comprehensive general liability insurance insuring Lessor and Lessee against any liability arising out of the ownership, use, occupancy or maintenance of the Premises and all areas appurtenant thereto. Such insurance shall be issued by a Florida admitted carrier rated A or better in "Best's Key Rating Guide"; insurance limits shall be in the amount of not less than \$500,000.00 for injury or death of one person in any one accident or occurrence and in the aggregate amount of not less, than \$1,000,000.00 for injury or death of more than one person in any one accident or occurrence. Such insurance shall further insure Lessor and Lessee against liability for property damage of at least \$50,000.00. Such insurance policy shall require the insurer to provide notice of termination and/or cancellation to Lessor simultaneously with notice provided to Lessee. Lessor, at Lessor's sole option, may either elect to purchase such coverage for the benefit of Lessor and demand immediate payment therefore from Lessee or declare this Lease terminated, whereupon Lessee shall be considered a holdover tenant subject to Paragraph 28 below. Lessor shall maintain hazard insurance coverage on the building. Simultaneously with the execution of the Lease, Lessee must deliver to Lessor a binder for the required insurance coverage. No later than August 1, 2007, Lessee shall deliver to Lessor a Certificate of Insurance setting forth the required minimum limits of coverage and naming the Lessee' as the named insured and the Lessor as an additional insured. Lessee shall furnish a true copy of the entire insurance policy to Lessor by no later than the date of occupancy.

18. Alteration.

This Lease may not be altered, changed or amended, except by an instrument in writing, and signed and executed by both of the parties.

19. Subordination.

This Lease is hereby made expressly subject and subordinate, at all times, to any and all mortgages, deeds of trust, assignment, ground or underlying leases, affecting the Premises, which have been executed and delivered, or which, may at any time hereafter be executed and delivered, and any and all extensions and renewals thereof. This Lease is also always subordinate to any and all deeds that may be hereafter executed and delivered. Lessee hereby agrees to execute any instrument which the Lessor may deem necessary to effect the subordination of this Lease, as herein mentioned.

20. Holding Over.

In the event that the Lessee shall hold over, after the expiration or the termination of this Lease, Lessee shall pay to the Lessor, double rent plus real estate tax proration and insurance costs incurred by Lessor for the entire hold over period. Holding over by the Lessee shall not operate to extend the term of this Lease.

21. Additional Provisions.

If there are any other, or additional provisions, or modifications of the foregoing Lease, agreed to by the parties, the same shall be in writing and by addendum or instrument in writing signed by the parties and attached hereto.

22. Recordation.

This Lease shall not be recorded.

23. Renewal or Extension of Lease

On or before ninety (90) days of Lease expiration, so long as Lessee sends Lessor written notice (by Federal Express or equivalent overnight delivery service requiring a signature acknowledging Lessor's receipt) of Lessee's intent to renew this Lease for an additional term, Lessor shall have the option to renew this Lease for a one (1) year term beyond the expiration of the Lease, upon the same terms and conditions as set forth above with the exception of the Rental Payment which shall be negotiated between the parties, but shall not be increased by more than five percent (5%).

24. Notices.

All notices, requests, demands, elections, consents, approvals and other communications hereunder must be in writing (each such, a "Notice") and addressed as follows (or to any other address which either party may designate by Notice):

If to Lessee:

Mr. Roger Carlton  
Town Manager  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

With a copy to:

Lynn M. Dannheisser  
Town Attorney  
Town of Surfside  
9293 Harding Avenue  
Surfside, FL 33154

If to Lessor:

Dr. Norman Atkin  
13614 Verde Drive  
Palm Beach Gardens, FL 33410

Any Notice required by this Lease to be given or made within a specified period of time, or on or before a date certain, shall be deemed to have been duly given only if delivered by hand, evidenced by written receipt; sent by certified mail, return receipt requested, postage and fees prepaid; or sent by overnight delivery service, evidenced by written receipt. A Notice sent by certified mail shall be deemed given as of the receipt date indicated on the return receipt. All other Notices shall be deemed given when received.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first set forth above.

Signed, sealed and delivered  
in the presence of:

LESSOR:

\_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
NORMAN ATKIN

Signed, sealed and delivered  
in the presence of:

LESSEE:

Town of Surfside, a Florida municipal  
corporation

\_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_

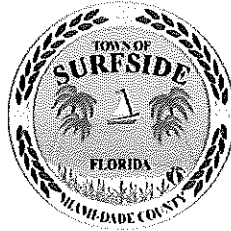
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_





## Town of Surfside Commission Communication

**To:** Honorable Mayor, Vice Mayor and Town Commission

**From:** Roger M. Carlton, Interim Town Manager

A handwritten signature in black ink, appearing to read "RM Carlton", is placed to the right of the "From:" line.

**Date:** October 12, 2010

**Subject:** Joint Meeting between Planning and Zoning Board and Town Commission

The Planning and Zoning Board in their meeting on September 30, 2010 determined to request that the Town Commission schedule a joint meeting to discuss a number of concerns relative to the recent readoption of the land use code.

The discussion which was held during the Planning and Zoning meeting is encapsulated in the attached proposed resolution. In addition, the resolution directs the Town Attorney and Town Manager to schedule the joint meeting.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE TOWN OF SURFSIDE FLORIDA, CALLING FOR A JOINT MEETING BETWEEN TOWN COMMISSION AND PLANNING AND ZONING BOARD TO CREATE A PROCESS TO IDENTIFY THE ISSUES TO BE RECONSIDERED IN THE ZONING CODE (ORDINANCE NO. 10-1558); AUTHORIZING \_\_\_\_\_ TO ENTER INTO NEGOTIATIONS WITH THE PETITION COMMITTEE CHALLENGING ORDINANCE NO. 10-1558; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, on August 30, 2010, a petition for referendum (“Petition”) submitting Ordinance No. 10-1558 (the “Zoning Code”) to the electorate was filed with the Town of Surfside and,

WHEREAS, on September 20, 2010, pursuant to Article VII Section 114 of the Town Charter which requires the Town Clerk to render an opinion relative to the sufficiency of the petition, the Town Clerk issued such letter finding the Petition insufficient for failure to comply with Section 113 of the Charter and advised the committee of petitioners that it could cure the insufficiency within ten (10) days by resubmitting the Petition in accordance with Section 115 of the Town Charter; and

WHEREAS, the petitioners have not re-submitted said Petition but the Town Commission and the Town Planning and Zoning Board at various times both prior and subsequent to the filing of the Petition have nevertheless offered to reconsider those portions of the Zoning Code the petitioners find objectionable; and

WHEREAS, the Town Commission believes it would be in the best interest of the Town to avoid a costly ballot and/or litigation and to try to address the issues in controversy and, therefore, would adopt a formal expression of its intent to create a

process and timeline to identify what portions of the Zoning Code may be objectionable and to reconsider those relevant portions of the Code;

**WHEREAS**, on September 30, 2010 the Planning and Zoning Board expressed its desire to have a joint meeting with the Town Commission on this matter; and

**WHEREAS**, on a parallel track the Town Commission wishes to engage in settlement discussions with the petition committee and it believes the most efficient and effective way to facilitate this effort is to appoint one member of the Town Commission to represent the Commission in those discussions;

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

**Section 1. Recitals Adopted.** The above-stated recitals are hereby adopted, confirmed, and incorporated herein.

**Section 2. Call for Joint Meeting between Planning and Zoning Board and Town Commission.** The Town Commission and the Town Planning and Zoning Board (the Boards) shall conduct a joint meeting on \_\_\_\_\_. The Boards shall create a process and timeline within which to identify which portions of the Zoning Code (Ordinance No. 10-1558) should be reconsidered.

**Section 3. Appointment and Authorization to Enter Discussions with the Petition Committee.** \_\_\_\_\_ is hereby authorized to enter into discussions with the Petition Committee on a parallel track to secure a list of concepts and sections of the Zoning Code (Ordinance No. 10-1558) that are in controversy and return to the Commission a list of those issues for reconsideration.

Resolution No. \_\_\_\_\_

**Section 4.**     **Implementation by Town Manager and Town Attorney.** The Town Manager and Town Attorney are hereby authorized to take all action necessary to assist in the implementation of the terms, conditions, and intent of this Resolution.

**Section 5.**     **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 12<sup>th</sup> day of October, 2010.

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

Commissioner Michael Karukin                     \_\_\_\_\_  
Commissioner Edward Kopelman                    \_\_\_\_\_  
Commissioner Marta Olchyk                        \_\_\_\_\_  
Vice Mayor Joseph Graubart                        \_\_\_\_\_  
Mayor Daniel Dietch                                    \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

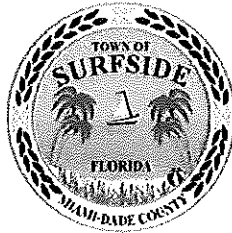
**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

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

\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney

Resolution No. \_\_\_\_\_



# Town of Surfside Commission Communication

Agenda Item #: **5F**

Agenda Date: October 12, 2010

**Subject:** Community Center Construction Administration-AECOM TECHNICAL SERVICES, INC. (FKA Spillis Candela DMJM)

**Objective:** Revise the previously approved AECOM contract addendum to reflect the firm's complete name of AECOM TECHNICAL SERVICES, INC.

**Background:** The Town Commission voted on and approved the attached contract addendum which listed the firm's name as AECOM in July 2010. The firm has requested the document be revised to reflect their complete name of AECOM TECHNICAL SERVICES, INC. The naming revisions have been made on the attached copy. No monetary or programmatic revisions have been made to the agreement.

**Analysis:** Staff is proposing the attached revised addendum which will reflect the firm's complete name of AECOM TECHNICAL SERVICES, INC.

**Budget Impact:** The revision to this contract addendum will not impact any budget.

**Growth Impact:** N/A

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve the attached addendum reflecting the firm's complete name.

---

Department Head



---

Town Manager

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN ADDENDUM AS TO A NAME CHANGE ONLY WITH AECOM TECHNICAL SERVICE, INC. FOR ARCHITECTURAL SERVICES FOR SURFSIDE COMMUNITY CENTER, AUTHORIZING THE FUNDS TO PAY FOR; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission of the Town of Surfside, Florida adopted Resolution No. 10-1947 on July 13, 2010 entering into an Addendum to Professional Services Agreement with AECOM; and

**WHEREAS** after adoption, AECOM formally known as AECOM TECHNICAL SERVICES INC. recognized this name as a scrivener's error and has requested we amend Resolution No. 10-1947 for the Town of Surfside, Florida to reflect the agreement as by and between the Town and AECOM TECHNICAL SERVICES, INC. (See Attachment "A") a Florida Corporation for Architectural Services for the Surfside Community Center; and

**WHEREAS**, the Town contracted with SPILLIS CANDELA DMJM on October 2007 for multiple services on the Community Center Project. This contract included fees for Task I Pre-Design Services and stated that fees for Tasks II-VI would be established after AECOM TECHNICAL SERVICES, INC. provides Town with plans for a buildable project. After completion of preliminary plans, the fees for Task II-VI were presented and approved by the Commission during a January 30, 2008 commission meeting. Due to a reduction in scope, the fees have been negotiated down by \$40,500, for a final cost of

\$199,810 for Task VI (Includes \$31,725 in subcontractors including landscape consultant, pool consultant, food service consultant).

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

**Section 1. Recitals.** That the above and foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. Authorization to enter into agreement.** The Town Commission hereby authorizes the Town to reform the contract with AECOM and enter into the attached Addendum to Professional Services with AECOM TECHNICAL SERVICE, INC. hereto as Exhibit "A" between the Town of Surfside and AECOM TECHNICAL SERVICE, INC. as the Architectural Consultant for the Community Center construction.

**Section 3. Implementation.** The Town Manager and the Town Attorney are hereby authorized to take any and all action necessary to implement this Resolution and Agreement in accordance with the terms, conditions and purposes of this Resolution and Agreement.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of October, 2010.

Motion by Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Edward Kopelman \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Joseph Graubart \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

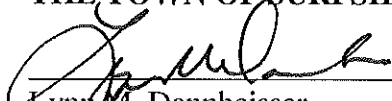
Resolution No. \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Debra E. Eastman, MMC  
Town Clerk

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

  
\_\_\_\_\_  
Lynn M. Dannheisser  
Town Attorney

Resolution No. \_\_\_\_\_



# EXHIBIT A

## ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT

Between

**THE TOWN OF SURFSIDE, FLORIDA**

And

**AECOM TECHNICAL SERVICES, INC. (FORMERLY KNOWN AS SPILLIS  
CANDELA DMJM)**

For

**ARCHITECTURAL SERVICES  
FOR SURFSIDE COMMUNITY CENTER**

**THIS ADDENDUM** dated this \_\_\_ day of October, 2010 (the Effective Date) by and between the **TOWN OF SURFSIDE**, Florida, a Florida municipal corporation (hereinafter referred to as the "TOWN"), and **AECOM TECHNICAL SERVICES, INC.**, a California corporation authorized to do business in the State of Florida (hereinafter referred to as the "CONSULTANT"), whose principal place of business is 800 Douglas Entrance North Tower, 2nd Floor Coral Gables, FL 33134 amends and supplements the Agreement dated October 26, 2007 known as the PROFESSIONAL SERVICES AGREEMENT ("AGREEMENT"). The ADDENDUM and AGREEMENT shall collectively be referred to herein as the "Agreement". In the event of any conflict between this Addendum and the Agreement, it is agreed that this Addendum shall control.

The following sections of the Agreement are hereby modified as follows:

### **SECTION 1. BASIC SERVICES**

Shall be amended as follows:

#### **TASK VI - CONSTRUCTION ADMINISTRATION**

CONSULTANT and the TOWN acknowledge that no decision has been made regarding whether construction of the Project will utilize the Construction Manager at Risk or Hard Bid process. CONSULTANT and TOWN agree to enter into an Addendum to this Agreement to fully set forth CONSULTANT's duties under this Task when such decision is made. Notwithstanding the foregoing, CONSULTANT agrees that CONSULTANT and subconsultants shall be available to perform periodic observation construction site visits of the work to monitor compliance with the contract documents as generally outlined below. Services include:

- 1) The Construction Phase shall begin with approval of the 100% Construction Documents and shall end when the General Contactor's final Payment Certificate is

approved by the TOWN. During this period, the CONSULTANT shall provide administration of the Construction Contract.

2) The CONSULTANT and Project Manager, as the representatives of the TOWN during the Construction Phase, shall advise and consult with the TOWN and shall have authority to act on behalf of the TOWN.

3) The CONSULTANT shall visit the site weekly and at such additional time as requested by the Project Manager, and at all key construction events, and the CONSULTANT's respective SubConsultants shall visit the site weekly whenever the SubConsultant is performing work under this Agreement and whenever required to be present by the Project Manager, TOWN Manager or his designee, to ascertain the progress of the Project and to determine in general if the Work is proceeding in accordance with the Contract Documents. On the basis of on-site observations, the CONSULTANT shall endeavor to guard the TOWN against defects and deficiencies in the Work. The CONSULTANT shall notify the TOWN in writing of any non-compliant work discovered during the site observations. The CONSULTANT will not be required to make extensive inspections or provide continuous daily on-site inspections to check the quality or quantity of the Work unless otherwise set forth in this Agreement. The CONSULTANT will not be held responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, nor will the CONSULTANT be held responsible for the General Contactor's or Subcontractors', or any of their agents' or employees', failure to perform the Work in accordance with the Contract Documents.

4) The CONSULTANT shall furnish the TOWN a written report of all observations of the Work made by the CONSULTANT and its SubConsultants during each visit to the Project. The CONSULTANT shall also briefly note the general status and progress of the Work on forms furnished by the TOWN, and submit same weekly or more often if requested by the Project Manager. The CONSULTANT and the SubConsultants shall ascertain that the General Contactor is making timely, accurate, and complete notations on the "as-built" drawings. Maintaining a current "as built" set will be required for approving the Contractor's monthly pay request.

5) Based on observations at the site and consultation with the Project Manager, the CONSULTANT shall determine the amount due the General Contactor on account and shall recommend approval of such amount. This recommendation shall constitute a representation by the CONSULTANT to the TOWN that, to the best of the CONSULTANT's knowledge, information and belief, the Work has progressed to the point indicated and the quality and quantity of the Work is in accordance with the Contract Documents subject to:

- a. an evaluation of the Work for conformance with the Contract Documents upon Substantial Completion; and
- b. the results of any subsequent tests required by the Contract Documents; and

- c. minor deviations from the Contract Documents correctable prior to completion; and
- d. any specific qualifications stated in the Payment Certificate; and further that the General Contactor is entitled to payment in the amount agreed upon at the requisition site meeting. By recommending approval of a Payment Certificate, the CONSULTANT shall not be deemed to represent that the CONSULTANT has made any examination to ascertain how and for what purpose the General Contactor has used the money paid on account of the Construction Contract Sum.

6) The CONSULTANT shall be the interpreter of the technical requirements of the Contract Documents and shall make recommendations to the Project Manager regarding performance thereunder. The CONSULTANT shall render interpretations necessary for the proper execution or progress of the Work on written request of either the TOWN or the General Contactor within one (1) business day from receipt of the applicable submittal by the entity. The CONSULTANT shall respond to all Requests for Information or Requests for Clarification from the General Contactor or TOWN within five (5) business days from receipt of the applicable submittal by the entity. The CONSULTANT shall provide recommendations to the Project Manager, on all claims, disputes and other matters in question between the TOWN and the General Contactor relating to the execution or progress of the work or the interpretation of the Contract Documents. The TOWN Manager shall make final decisions regarding non-technical interpretations or disputes concerning the Contract Documents.

7) Interpretations and recommendations of the CONSULTANT under Section 6 above, shall be consistent with the intent of, and reasonably inferable from, the Contract Documents and shall be in written or graphic form. In the capacity of interpreter, the CONSULTANT shall endeavor to secure faithful performance by both the TOWN and the General Contactor, and shall not show partiality to either.

8) The CONSULTANT shall have the authority to recommend rejection of Work which does not conform to the Contract Documents. Whenever, in the CONSULTANT's reasonable opinion, it is necessary or advisable to insure compliance with the Contract Documents, the CONSULTANT shall have the authority to recommend special inspection or testing of any Work deemed to be not in accordance with the Construction Documents, whether or not such Work has been fabricated and delivered to the Project, or installed and completed. The CONSULTANT shall provide such normal mechanical, electrical, structural, landscape or other related inspection expertise as necessary to determine compliance with the Construction Contract.

9) The CONSULTANT, within ten (10) business days of receipt, shall review and approve shop drawings, samples, and other submissions of the General Contactor for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. The CONSULTANT shall prepare colorboards to review the color selections for all finish materials with the Project

Manager and furnish the approved colors to the General Contactor within fourteen (14) days after receipt of all approved color samples, so as not to delay the construction progress. Changes or substitutions to the Contract Documents shall not be authorized without prior written concurrence of the Town Manager or his designee.

10) When requested by the TOWN or the Project Manager, the CONSULTANT shall work with the General Contactor to develop a Change Order for approval by the TOWN. The Change Order process shall be specified in the Owner/General Contactor Agreement. The CONSULTANT will be furnished a copy of that agreement.

11) The CONSULTANT shall examine the Work upon receipt of the General Contactor's request of Substantial Completion inspection of the Project and shall, prior to occupancy by the TOWN, recommend execution of a certificate of acceptance for Substantial Completion after first ascertaining that the Project is substantially completed in accordance with the contract requirements. A punch list of any defects and discrepancies in the Work required to be corrected by the General Contactor shall be prepared by the CONSULTANT in conjunction with representatives of the TOWN, and satisfactory performance obtained thereon before the CONSULTANT recommends execution of a Certificate of Final Acceptance and final payment to the General Contactor. The CONSULTANT shall obtain from the General Contactor all guarantees, operating and maintenance manuals for equipment, releases of claims and such other documents and certificates as may be required by applicable codes, laws, and the contract documents, the Closeout Documents, and deliver them to the Project Manager. Receipt of the closeout documents and satisfactory completion of the punch list are precedent to execution of the Project's Certificate of Final Acceptance by the CONSULTANT.

12) The CONSULTANT shall provide assistance in obtaining the General Contactor's compliance with the Contract Documents relative to 1) initial instruction of TOWN's personnel in the operation and maintenance of any equipment or system, 2) initial start-up and testing, adjusting and balancing of equipment and systems and 3) final clean-up of the Project.

13) Provided that the CONSULTANT has been paid in full for services rendered and approved hereunder, the CONSULTANT shall furnish to the TOWN, the original drawings, revised to "as-built" conditions based on information furnished by the General Contactor. Such drawings shall become the property of the TOWN. In the event that CONSULTANT and TOWN are in a dispute over payment, the CONSULTANT shall provide the drawings to the TOWN pending resolution of the dispute.

14) The CONSULTANT shall notify the TOWN in writing of all conflicts between the plans and specifications and/or contract documents and any laws, ordinances, rules, regulations and restrictions that come to the attention of the CONSULTANT.

15) The CONSULTANT shall prepare and submit to TOWN weekly and monthly reports throughout all phases of the Project. The reports shall provide the current status of activities of CONSULTANT, General Contactor, consultants, subconsultants,

contractors, subcontractors, and others whose activities affect the Project. The reports shall also provide, at least monthly, updated information regarding the Project budget, costs, schedules and other information necessary to keep TOWN informed of all activity relevant to the Project; provided, however, the parties acknowledge and agree that the Project Manager shall prepare and revise, as necessary, the Project budget to be used by CONSULTANT throughout the Project.

**SECTION 3. BILLING AND PAYMENTS TO THE CONSULTANT**

Section 3.2 shall be amended to delete the percentages for Task VI Construction as outlined but provide that the Town shall pay consultant one hundred ninety nine thousand eight hundred ten dollars (\$199,810).

Section 3.2 shall retain the following provision:

Ten (10) percent retainage to be held on Task VI Construction only. Construction to be paid monthly in direct proportion to percent of construction completed. Additional professional services requested will be provided as a negotiated lump-sum fee or at the CONSULTANT's standard rates.

**SECTION 23. NOTICES**

Shall be amended to reflect:

FOR CONSULTANT:

Nina Gladstone  
Senior Associate  
AECOM TECHNICAL SERVICES, INC.  
800 Douglas Entrance  
North Tower, 2nd Floor  
Coral Gables, FL 33134

FOR TOWN:

Town of Surfside  
Attention: Roger Carlton, Town Manager  
9293 Harding Avenue  
Surfside, FL 33154  
Phone: (305) 993-1052

With a copy to:

Lynn M. Dannheisser  
Town Attorney  
Town of Surfside  
9293 Harding Avenue  
Surfside, Florida 33154

All other terms and conditions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereby execute this Addendum on the date first stated above.

ATTEST:

TOWN OF SURFSIDE, FLORIDA

\_\_\_\_\_  
Debra Eastman, Town Clerk

By: \_\_\_\_\_  
Daniel Dietch, Town Mayor

Date: \_\_\_\_\_

**APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND RELIANCE OF THE TOWN  
OF SURFSIDE:**

\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney

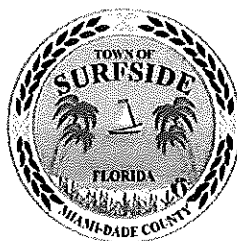
ATTEST:

**AECOM TECHNICAL SERVICES, INC.**

\_\_\_\_\_  
Secretary  
Please type name of Secretary

By: \_\_\_\_\_

Date: \_\_\_\_\_



**TOWN OF SURFSIDE  
Office of the Town Attorney**

MUNICIPAL BUILDING  
9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser  
Town Attorney

Telephone: 305 993-1065

**MEMORANDUM**

**TO:** Town Commission  
**FROM:** Lynn M. Dannheisser, Town Attorney *[Signature]*  
**CC:** Roger M. Carlton, Town Manager  
Debra E. Eastman, M.M.C., Town Clerk  
**DATE:** October 12, 2010

**SUBJECT: Town Attorney Monthly Update for October 2010 Commission Meeting**

**I. The following Ordinances and Resolutions have been prepared and/or reviewed this month:**

Ordinances:

- Municipal Surface Parking And Design Standards
- Regulated Uses (Parking as a Permitted Use)
- Ordinance adopting updated CIE
- Ordinance establishing water and sewer rates
- Ordinance clarifying standards for vehicular queuing

Resolutions:

- Forfeiture
- Mutual Aid Agreement with Miami Gardens
- Mutual Aid Agreement with Golden Beach
- Police Parking Lot Lease
- Communications Committee
- Code Enforcement Committee
- Joint Meeting with Planning & Zoning and Town Commission

**II. Town Clerk:** Per the Charter, the Petition for Referendum Regarding Ordinance 10-1558 regarding Re-adoption of Zoning Code was reviewed. The Petitions did not meet sufficiency in that two names of the Committee of Petitioners did not match as electors and are not listed on the Miami-Dade voter list for the Town of Surfside. Conduct research and take all legal action necessary relative to this petition. Work with outside counsel re petition impacts and possible consequences and need for clarification.

**III. Planning & Zoning Board:** This Office counseled the members of the Board at the September 30, 2010 meeting where the members requested a joint meeting with the Commission and reviewed and discussed the following items:

1. 9401 Harding Avenue – new signs
2. 9373 Byron Avenue – new rear addition
3. 808 88<sup>th</sup> Street – new carport canopy
4. 9452 Carlyle Avenue – garage conversion, carport canopy and rear addition  
9452 Carlyle Avenue, request to install shingle roof

Planning & Zoning As The Local Planning Agency reviewed the following:

1. Parking as Regulated Use
2. Onsite and Offsite Circulation Standards
3. Capital Improvements Element

Planning & Zoning Discussion Items:

1. Comprehensive Plan Overview
2. Adding Minimum Lot Area per Dwelling Unit into Zoning Code
3. How Staff evaluates buildings that are constructed over multiple zoning district
4. Tourist Board presentation re Downtown Improvement Master Plan
5. Curb Cuts
6. Boat Parking

This Office continues to work with the Town Manager on RLUIPA issues and potential claims relative to 9200 Collins Avenue.

**IV. Building Department:**

Preparation of a notice of Disclosure Regarding Zoning Applications Filed With the Town and preparation of a Hold Harmless and Indemnification Agreement relating to issuance of a zoning permits under the current zoning code.

Work with Building Department on Parking lot requirements.

Continue to monitor FEMA violations.

Continue to give advice re community center issues



V. **Litigation:**

- A. **John Davis v. Town of Surfside** Case No. 07-17286 CA 08, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case has been consolidated with a previous case filed by a former sergeant in the Town's police department. Settlement discussions have been unfruitful. Plaintiff has filed a Notice of Non-Jury Trial, estimated time for trial four (4) days and requested the following dates: from November 1 or November 8, 2010 or December 6, 2010. No change in the status of the case this case this month.
  
- B. **Candy Miller v Surfside** Case No. 10- 49676 filed in Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case alleges the Town has prohibited Candy Miller from operating a business and revoked her occupation license for failure to disclose her occupation engaging in astrological consultation, tarot card reading, psychic reading and palmistry.
  
- C. **Hapuarachchi v Surfside** Miami Dade Case No. (F98-450). This case arises out of a January 6, 1998 arrest and seizure of property/currency. On December 16, 2008, Petitioner, Sandra Hapuarachchi filed a Petition for Return of Property which the Court granted. On January 9, 2009, Surfside filed a Motion to Intervene and Motion to Vacate Order for Return of Property/Currency. At the hearing on January 28, 2009, the Court granted Surfside's Motion to Vacate the Order for Return of Property/Currency. On August 10, 2010, Sandra Hapuarachi filed for a re-hearing of the Order dated January 28, 2009. The Re-Hearing is scheduled for October 20, 2010.
  
- D. **Florida League of City Cases:**

We monitor, coordinate witnesses from our staff, and confer with League counsel on these cases that are covered by the FMIT:

**John Davis v. Town of Surfside** OJCC Case No.: 07-024495C.

Workers compensation case is settled as of this month.

**Warren Blum v. Town of Surfside** Case No. 02-19134 CA 08

This action commenced in 2001 against the Town, former Town Manager, Rodriguez and former Police Chief, Boemler. Blum, a former police officer alleges breach of contract, violation of policeman's bill of rights and fraud in the inducement. A Calendar Call was scheduled for October 4, 2010 and Judge Cardonne-Ely granted Plaintiff's motion for continuance and removed the case from the trial calendar. The Judge indicated that the case would be reset for trial sometime in 2011. We await a new trial order. Pursuant to the FMIT policy, the Town is responsible for only the \$5,000 deductible. FMLA counsel and the Town Attorney's office have been in frequent contact to discuss this matter and as of this date, no settlement has been reached.

Dina Agin filed a complaint seeking damages for injuries allegedly arising from a trip and fall accident due to a defective condition on the property/premises/sidewalk near the corner of 96<sup>th</sup> Street and Bay Drive in the Town of Surfside. League counsel has informed our office that the hearing on Plaintiff's motion to compel DOT's responses to discovery, motion to special set the case for trial and the Plaintiff's second partial motion for summary judgment was cancelled and will be rescheduled.

Piedad Uejbe and Americo Wehbe: Claims by Piedad Uejbe and Americo Wehbe are filed pursuant to Florida Statute 768.28. These claims are currently under pre-suit investigation by the Florida League of Cities in accordance with the Town's insurance policy and subject to the attorney-client privilege. It appears the primary allegations in the claims arise from an arrest of both Claimants by the Surfside Police Department on September 27, 2007. This office is working with the Police Department to sort out the facts.

**VI. Finance Department:**

Prepare resolutions for Second Budget Hearing held on September 22, 2010 and follow-up advice and counsel.

**VII. Police Department:**

On-going review of FOP contract.

**VIII. Public Works:**

Review contract with Coral Gables and Waste Management of Florida, Inc. and prepare draft resolution regarding Surfside piggybacking off the contract.

Review and analysis of 9450 Parking lot and parking issues.

Review RFQs RFPs and render opinions on bid opening issues.

This is a follow-up to the July 2010 Town Attorney Report regarding the lifeguard stand impact windows. Public Works purchased the impact windows for installation on a lifeguard stand for (\$2,643.30) from Roger Garcia of F&P Aluminum Screen, Inc. The Town of Surfside check was deposited and signed by Roger Garcia on March 25, 2010. Officials from the Town of Surfside Public Works Department and Detective Frank Colonna of the Surfside Police Department made several telephone calls, emails, correspondence and interviews with Mr. Garcia and Mr. Perez to request delivery of the windows or return of the money owed to the Town. When that failed, the Town Attorney became involved with the Town Manager, Public Works Department and Surfside Police Department. We conducted an investigation, researched case law and Florida Statutes and prepared several demand letters. These were sent via certified mail return receipt requested to Roger Garcia and William Perez of F&P Aluminum Screen, Inc., the company who failed to provide lifeguard stand impact windows to the Town. Mr. Perez's letter was returned unclaimed. We cannot locate him. Mr. Garcia

retained an attorney, Donna Bumgardner, who notified our office that she represented Mr. Garcia in a Chapter 13 bankruptcy case. We have not submitted a claim but this Office has already expended six times the value of this case in time attempting to recover this money. At this point we would have to retain a bankruptcy lawyer to file a claim in court in Fort Lauderdale. It is now the Commission's decision to instruct staff to pursue. It would be our recommendation at this point, however, strictly from a cost/benefit analysis and the unlikely favorable result (we have no priority) to write off this matter.

**IX. Tourist Bureau:**

Analysis of Tourist Bureau downtown development issues for presentation to Planning & Zoning Board.

**X. Community Center:**

Review requested revisions to AECOM contract.  
Review issues relative to parking requirements.

**XI. Research Issues:**

First Amendment issues  
Petition/Repeal/Ballot Questions  
Residential Parking Program  
Public Records Request  
Bid opening issues

**XII. Special Matters:**

1. Analysis of all matters relating to Ballot referendum question and petition.
2. Executive Session was held on September 27, 2010 to discuss litigation.
3. Assist new Town Manager in becoming acquainted with issues and processes in Town

We continue to monitor legislation out of Tallahassee and Miami Dade County that would impact the Town including opinions issued by other municipalities. Monitor new opinions.



TOWN OF SURFSIDE  
BUILDING DEPARTMENT  
MUNICIPAL BUILDING  
9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154

## **“Code Compliance Amnesty Program” (Update)**

September 29, 2010

On May 11, 2010, the Town of Surfside Commission approved Resolution No. 10-1934 prepared by the Building Department, granting residents that were issued Courtesy Notices for non life threatening issues a One Hundred Twenty Day (120) Amnesty period for them to correct Code Compliance issues without fines or penalties.


These amnesty letters were mailed on July 15, 2010 to all residents that were issued “Courtesy Notices” that met the criteria of the amnesty program. A total of one hundred fourteen (114) amnesty letters were mailed.

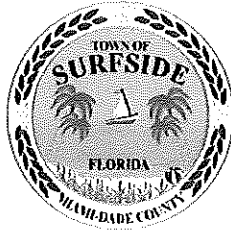
We are now a little more than halfway through the amnesty program. Of the one hundred fourteen (114) letters issued, forty (40) residents are in full compliance.

There are eighteen (18) residents who are making an effort to comply before the end of the amnesty period and fifty six (56) residents, appear to be making no effort to comply. We are sending a reminder to the fifty six (56) residents.

We will be discussing this situation and many related code enforcement matters with the new Code Compliance Committee which will convene in the very near future.

  
Michael Garcia – Code Compliance Officer


  
Roger M. Carlton – Interim Town Manager



8A

## Town of Surfside Commission Communication

**To:** Honorable Mayor, Vice Mayor and Town Commission

**From:** Roger M. Carlton, Interim Town Manager 

**Date:** October 12, 2010

**Subject:** Bal Harbour amendments to future land use plan

Attached are two advertisements for Comprehensive Plan Amendments for the Village of Bal Harbour. The amendments relate to the land use designation for the Village Hall and the Church by the Sea on 96<sup>th</sup> Street. The purpose is to allow the expansion of Bal Harbour shops to the west along 96<sup>th</sup> Street.

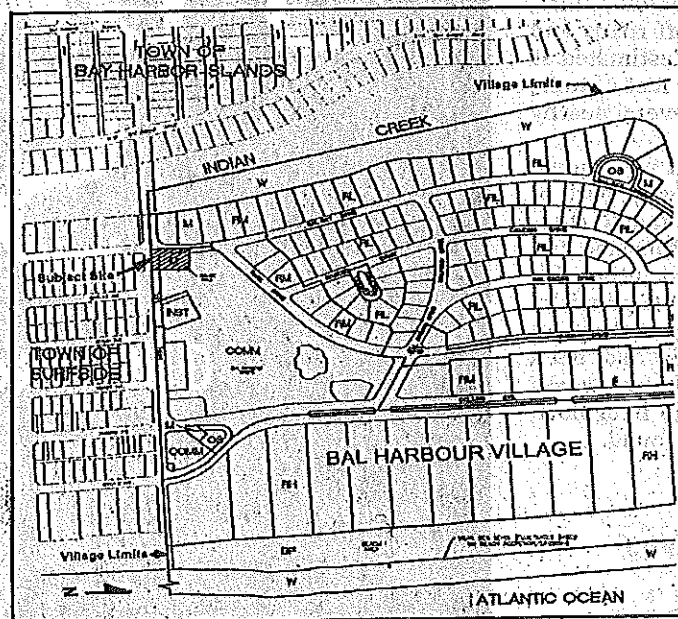
This project provides both opportunities and concerns for the Town of Surfside. I have met with Bal Harbour Village Manager, Al Treppeda to learn more about the project and would like to make a brief report to the Town Commission Tuesday night and receive authorization for a representative of the Town Commission and I to speak on behalf of the Town at the first reading public hearing scheduled for October 19, 2010 at 7 p.m.

**BAL HARBOUR VILLAGE, FLORIDA  
PUBLIC HEARING  
NOTICE OF HEARING ON SMALL-SCALE COMPREHENSIVE  
PLAN AMENDMENT TO FUTURE LAND USE PLAN**

**NOTICE IS HEREBY GIVEN** that the Village Council of Bal Harbour Village, sitting in its capacity as the Local Planning Agency, will hold a public hearing on **Tuesday, October 19, 2010, at 7:00 p.m.**, at **Bal Harbour Village Hall, 655 96<sup>th</sup> Street, Bal Harbour, Florida**. The purpose of the public hearing is to consider and make recommendations to the Village Council, regarding the Ordinance described below.

**PLEASE NOTE** that the Village Council will hold a public hearing and first reading of the Ordinance immediately following the meeting of the Village Local Planning Agency. The purpose of the public hearing is to consider the adoption of the following Ordinance:

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF A PARCEL OF LAND LOCATED AT 655 96<sup>TH</sup> STREET, BAL HARBOUR, FLORIDA, FROM "MUNICIPAL" TO "COMMERCIAL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**



The proposed ordinance may be inspected by the public at the Village Clerk's Office, 655 96<sup>th</sup> Street, Bal Harbour Village, Florida 33154. Interested parties are invited to attend the public hearing or provide written comments to the Village Council.

All persons who are disabled and who need special accommodations to participate in this proceeding should contact the Village Clerk's Office (305-866-4633, #318) not later than two business days prior to such proceeding (Americans with Disabilities Act of 1990).

If a person decides to appeal any decision made by the Village Council, with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105).

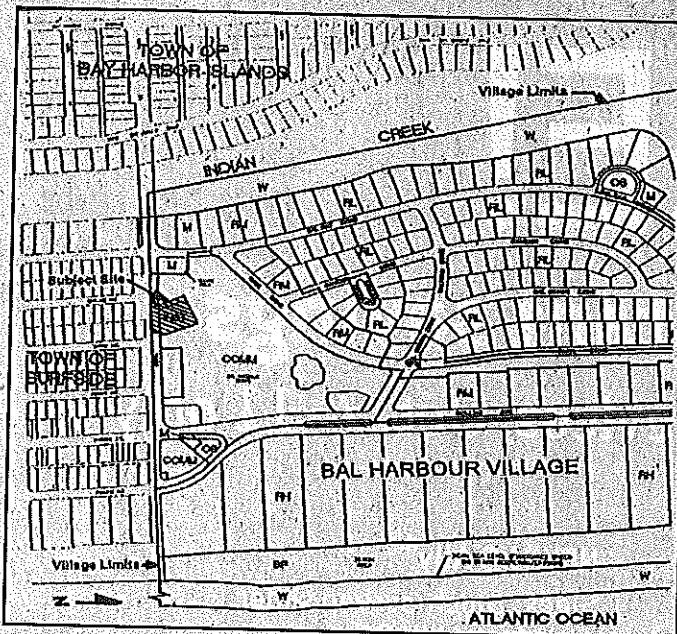
ELLISA L. HORVATH, MMC, Village Clerk

# BAL HARBOUR VILLAGE, FLORIDA PUBLIC HEARING NOTICE OF HEARING ON SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT TO FUTURE LAND USE PLAN

NOTICE IS HEREBY GIVEN that the Village Council of Bal Harbour Village, sitting in its capacity as the Local Planning Agency, will hold a public hearing on Tuesday, October 19, 2010, at 7:00 p.m., at Bal Harbour Village Hall, 655 96<sup>th</sup> Street, Bal Harbour, Florida. The purpose of the public hearing is to consider and make recommendations to the Village Council, regarding the Ordinance described below.

PLEASE NOTE that the Village Council will hold a public hearing and first reading of the Ordinance immediately following the meeting of the Village Local Planning Agency. The purpose of the public hearing is to consider the adoption of the following Ordinance:

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF A PARCEL OF LAND LOCATED AT 501 96<sup>TH</sup> STREET, BAL HARBOUR VILLAGE, FLORIDA, FROM "INSTITUTIONAL" TO "COMMERCIAL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

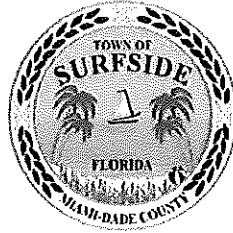


The proposed ordinance may be inspected by the public at the Village Clerk's Office, 655 96<sup>th</sup> Street, Bal Harbour Village, Florida 33154. Interested parties are invited to attend the public hearing or provide written comments to the Village Council.

All persons who are disabled and who need special accommodations to participate in this proceeding should contact the Village Clerk's Office (305-866-4633, #318) not later than two business days prior to such proceeding (Americans with Disabilities Act of 1990).


If a person decides to appeal any decision made by the Village Council, with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

ELLISA L. HORVATH, MMC, Village Clerk



## Town of Surfside Commission Communication

**To:** Honorable Mayor, Vice Mayor and Town Commission

**From:** Roger M. Carlton, Interim Town Manager 

**Date:** October 12, 2010

**Subject:** Miami Dade Public Library System

It has just come to my attention that the FY 2010-2011 budget for the Miami Dade Public Library System includes an increased library card fee for non-residents of the district to \$100 from \$50. The Town Commission policy is for the reimbursement of approximately 120 households for the cost of the library card at a rate of \$50 per household.

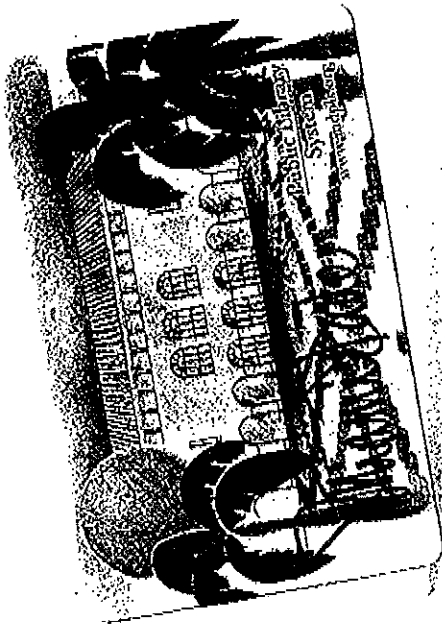
The Town front office is already receiving requests for reimbursement of the total fee from Surfside residents.

The Administration is suggesting three alternatives to address the card fee increase, as follows:

- Maintain the current \$50 reimbursement which would allow the Town to remain within the \$6,000 already allocated in the FY 2010-2011 budget, or
- Share equally in the increase with the 120 Surfside households, reimbursing them \$75 per household, which will result in an additional cost of approximately \$3,000, or
- Fund the entire increase which would result in an additional cost of approximately \$6,000.

This matter has been added to the Oct 12, 2010 Town Commission agenda because today is the effective date for the new fee for the library cards. Should the Town Commission wish to fund the additional cost, the Administration suggests that this allocation come from expected revenue from the red light camera program.





# LIBRARY CARD FEES

*Effective October 12, 2010*

**Library Cards  
for Residents outside the Library's Taxing District  
\$100**

*Get full use of all library services for an entire year. This fee applies to non-Miami-Dade County residents and to Miami-Dade County residents who live outside the Library's Taxing District (Bal Harbour, Bay Harbor Islands, Miami Shores and the Town of Surfside).*

**Guest Card – Computer Use Only  
\$5**

*Visitors can enjoy the use of public computers for up to three months. A picture ID is required.*

**Note:** This is a draft and will be further reviewed by the Town Manager, Town Attorney and Town Clerk to insure that this informational mailing is value neutral & meets the requirements of State law for the expenditure of public funds.



## Town of Surfside NOVEMBER 2, 2010 BALLOT INFORMATION

This is not an endorsement and is provided to Surfside residents for the purpose of reference and information.



The Town of Surfside will have one ballot question on the November 2, 2010 General Election ballot. This is a proposed Charter Amendment eliminating the Town's Personnel Appeals Board (PAB). At right, is the actual language as it will appear on the ballot. This change in the Charter was discussed at the July 13, 2010 Commission meeting and the language was approved by Resolution 10-1949 at the August 10, 2010 Commission meeting. It is proposed that the Personnel Appeals Board be eliminated because:

- The Town now has a *Personnel Policies & Procedure* manual specifying the appeals process for non-union employees. Union employees, such as Police Officers, have collective bargaining agreements that supersede the Personnel Appeals Board.
- The Town must now comply with the Florida Statutes regarding personnel matters.
- Employees have additional recourse through the Courts and the U. S. Equal Employment Opportunity Commission.
- Duplicate appeals do not reflect modern personnel practices.

### OFFICIAL SPECIAL ELECTION BALLOT SURFSIDE, FLORIDA NOVEMBER 2, 2010

#### SURFSIDE, FLORIDA

##### Charter Amendment

The Town Charter currently provides for the existence and operation of a Personnel Appeals Board. It is proposed this Board be eliminated.

Shall the above-described amendment be adopted?

##### Enmienda a la Carta Constitucional

La Carta Constitucional del Municipio dispone actualmente la existencia y operación de una Junta de Apelación de Personal. Se propone que esta junta sea eliminada.

¿Debe aprobarse la enmienda antes descrita?

##### Amannman Konstitisyonèl

Aktyèlman Konstitisyon Vil la genyen anplis egzistans yon Komite Dapèl pou Pèsonèl operasyonèl. Yo pwopozè pou yo elimine Komite sa-a.

Èske se pou yo adopte amannman ki dekri anwo la-a?

|                                |     |
|--------------------------------|-----|
| <input type="radio"/> YES/SÌWI | 230 |
| <input type="radio"/> NON/NON  | 231 |

((MAILING SIDE OF CARD))

## Town of Surfside NOVEMBER 2, 2010 BALLOT INFORMATION

The reverse side of this card contains important information about a Town of Surfside ballot question that will appear on the **Tuesday Nov. 2, 2010** General Election ballot.

Please review the information and remember that local issues are often located on the last pages of the ballot.

*Please continue to the last page.*



9293 Harding Avenue  
Surfside, FL 33154

PRESORT  
STANDARD  
U.S. POSTAGE  
**PAID**  
SURFSIDE, FL  
PERMIT No. 457

*Do your part -  
Vote on Nov. 2!*  
**Page 194**

RE: Website/Code Enforcement Committee member appointments

Sat 9/25/2010 10:42 AM

Debra Eastman

I will put the appointment on the OCT agenda

de

---

**From:** jgraubart@townofsurfsidefl.gov [jgraubart@townofsurfsidefl.gov]

**Sent:** Saturday, September 25, 2010 10:52 AM

**To:** Debra Eastman; Roger Carlton

**Subject:** Re: Website/Code Enforcement Committee member appointments

Yes he attends many meetings and is anxious to help + participate

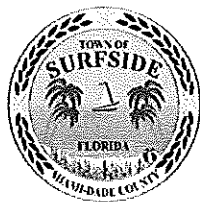
Sent from my Verizon Wireless BlackBerry

**From:** "mkarukin@townofsurfsidefl.gov" <mkarukin@townofsurfsidefl.gov>  
**Date:** Sat, 25 Sep 2010 17:34:11 -0400  
**To:** Roger Carlton <RCarlton@townofsurfsidefl.gov>  
**ReplyTo:** Michael Karukin <mkarukin@townofsurfsidefl.gov>  
**Subject:** Re: Website/Code Enforcement Committee member appointments

Randi McBride for website communications committee.

Thanks  
Mk

Sent via BlackBerry by AT&T



**Town of Surfside  
Town Commission Meeting  
October 12, 2010  
7 p.m.**

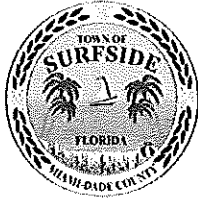
Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**DISCUSSION ITEM MEMORANDUM**

**Title:** Reschedule the November Commission Meeting

**Objective:** To query the Commission if it is acceptable to reschedule the November 9, 2010 Commission meeting to November 4, 2010.

**Consideration:** It is desirable to hold Commission meetings with all elected officials in attendance. I have been advised that at least one Commissioner has a conflict and will not be able to attend the November 9, 2010 Commission meeting.



**Town of Surfside  
Town Commission Meeting  
October 12, 2010  
7 p.m.**

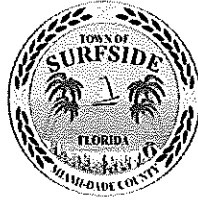
Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**DISCUSSION ITEM MEMORANDUM**

**Title:** Special Recognition

**Objective:** To query the Commission if it desires to schedule the special recognition portion of the Commission Agenda to occur at 6:30pm instead of occurring during the regular commission meeting. If the policy is adopted, it is further requested that the Town Manager have discretion to place the special recognition items on the regular Commission agenda or to call it for 6:30pm.

**Consideration:** Concerns have been expressed about the length of our regularly scheduled Commission meetings. One option to consider is to move any special recognition to an earlier time. The benefits include less time occupied during the Commission meeting and it reduces the time that staff and/or residents need to spend during the Commission meeting. A potential drawback is that fewer people may be in attendance to witness the recognition.



**Town of Surfside  
Town Commission Meeting  
October 12, 2010  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**DISCUSSION ITEM MEMORANDUM**

**Title:** Photo/Film Permit Program

**Objective:** To develop a Photo/Film Permit Program, including the establishment of a standard process for reviewing permit applications for photographers, filmmakers, and other as appropriate within the Town of Surfside. The program should also address a fee schedule and other conditions (e.g., parking, hours, noise, etc.) necessary to balance the desires of the permittee, while minimizing disruptive activities that adversely impact the greater community.

I may be appropriate to appoint a committee to work with the Town Manager to develop a Photo/Film Permit Program.

**Consideration:** Recently, the Town considered a permit request for an all-day video production on a Sunday. Concerns were raised by the Town Manager that a formal program to review the permit does not exist and that such an activity on a Sunday may not be harmonious with the surrounding neighbors and the Town in general. It is suggested that the Town consider developing a Photo/Film Permit Program with citizen input.