



**Town of Surfside
Town Commission Meeting
AGENDA
January 17, 2012
7 p.m.**

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

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks – Mayor Daniel Dietch**
 - 1. Announcement Regarding Special Commission Meeting on Monday, January 23, 2012 at 7:00 p.m. to vote on Young Israel Litigation Settlement**
- E. Agenda and Order of Business Additions, deletions and linkages**
- F. Community Notes – Mayor Daniel Dietch**
- G. Employees of the Quarter; Front Office Staff - Darlene Martinat, Sabrina Ferreira, Treva Bolus, LaSonya Nixon, Magalie Bichotte and Mayte Gamiotea – Yamileth Slate-McCloud, Human Resources Director**
- H. Recognition of Larry Feder for his contributions to the Holiday Toy Drive – David Allen, Chief of Police**
- I. Recognition of Parking Enforcement Officer Willie Perez for Police Civilian of the Month December 2011 – David Allen, Chief of Police**
- J. Officer of the Month presentation for Sgt. Rory Alberto, Detective Alberto Knight and Reserve Officer Rolando Baldomero – David Allen, Chief of Police**
- K. Beautification Committee Members Recognition- Commissioner Marta Olchyk**
- L. Presentation by Aletha Player – FPL District Representative – Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN AT 7:45PM)**

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (Set for approximately 7:55 p.m.)

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the Consent Agenda and discussed separately.

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

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

- A. **Minutes - December 13, 2011 Regular Town Commission Meeting Page 1-9**
December 12, 2011 Beautification Committee Meeting **Page 10-11**
- B. **Budget to Actual Summary as of October 31, 2011 – Roger M. Carlton, Town Manager Page 12-13**
- *C. **Town Manager’s Report (Points of Light) – Roger M. Carlton, Town Manager Page 14-27**
- *D. **Town Attorney’s Report – Lynn M. Dannheisser, Town Attorney Page 28-31**
- *E. **Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 32-34**

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

- *1. **Temporary Construction Fences – Sarah Sinatra, Town Planner Page 35-38**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-56.1 “CONSTRUCTION FENCING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance delegates to the Town Manager the authority to waive temporary construction fencing setback requirements and approval of certain graphics on said fencing]

- *2. **Town of Surfside Amended off Street Parking compliance for SD-B40 and Religious Places of Public Assembly Ordinance – Lynn Dannheisser, Town Attorney Page 39-47**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE VII “OFF-STREET 1. PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES FURTHER CLARIFYING OFF-STREET PARKING COMPLIANCE FOR THE SD-B40 ZONING DISTRICT AND OFF-STREET PARKING COMPLIANCE FOR RELIGIOUS PLACES OF PUBLIC ASSEMBLY; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance makes applicable the off-street parking requirement options for mitigation to changes of use from service business to retail or restaurant within the SD-B40 district and for religious places of public assembly. It also allows an opportunity for a property owner to apply for a reduction in mitigation on a case by case basis]

***3. Awning Ordinance – Sarah Sinatra, Town Planner Page 48-54**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS” AND SPECIFICALLY AMENDING SECTION 14-52 “COMMERCIAL STANDARDS ESTABLISHED”; AND CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-47 “YARDS GENERALLY, ALLOWABLE PROJECTIONS”; SECTION 90-49 “AWNINGS AND CANOPIES”; AND SECTION 90.99 “APPENDIX-EXHIBIT A, DESIGN GUIDELINES FOR SINGLE FAMILY RESIDENTIAL PROPERTIES, MULTIFAMILY AND COMMERCIAL PROPERTIES.”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance provides design review standards for awnings in the downtown business district]

B. First Readings Ordinances

(Set for approximately N/A p.m.) (Note: Good and Welfare must begin at 8:15)

5. Resolutions and Proclamations

(Set for approximately 9:00 p.m.) (Note: Depends upon length of Good and Welfare)

**A. Casino Gambling Expansion Opposition Resolution – Roger M. Carlton,
Town Manager Page 55-58**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REJECT ANY AND ALL EXPANSIONS OF GAMBLING IN FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

***B. Approval of Loan Application for State Revolving Funds for the Construction of Water, Wastewater and Stormwater Infrastructure – Roger M. Carlton, Town Manager Page 59-77 (Linked to Item 9J)**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION FOR \$9,312,881 FOR CONSTRUCTION ACTIVITIES ASSOCIATED SURFSIDE WATER, WASTEWATER AND STORMWATER IMPROVEMENTS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

6. Good and Welfare (Set for approximately 8:15 p.m.)

Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.

7. Town Manager and Town Attorney Reports

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

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

***A. Town Sponsored Candidate Debate Presentation from the League of Women Voters– Mayor Daniel Dietch (SET FOR TIME CERTAIN AT 7:30PM)**

B. Local Business Tax Receipt and Certificate of Use: Non-compliant Businesses Action Program – Joe Damien, Code Compliance Director Page 78-79

C. Massive Parking Problem – Commissioner Edward Kopelman Page 80

D. Abbott Lot Parking – Vice Mayor Joe Graubart Page 81

E. 95th Street “Streetscape Project” – Vice Mayor Joe Graubart Page 82

F. Incorporating the ‘name’ of new businesses established in Surfside – Vice Mayor Joe Graubart Page 83-84

G. Resort Tax Audit Update – Roger M. Carlton, Town Manager Page 85-88

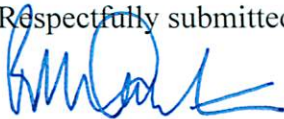
H. Downtown Vision Process Continuum – Roger M. Carlton, Town Manager Page 89-95

***I. Request for Proposals for Municipal Parking Structure(s) – Roger M. Carlton, Town Manager-Page 96-106**

***J. 88th Street & Byron Avenue Traffic Calming Design Alternatives-** Roger M. Carlton, Town Manager **Page 107-110 (Linked to Item 5B)**

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

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

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



**Town of Surfside
Town Commission Meeting
MINUTES**

December 13, 2011

7 p.m.

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:02 P.M.

B. Roll Call of Members

Town Clerk, Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Graubart, Commissioner Karukin and Commissioner Olchyk. Commissioner Kopelman was absent.

C. Pledge of Allegiance

Chief Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Olchyk spoke about how gratified she was to see how much the Town has saved in all of the departments on the Budget Summary.

Mayor Dietch spoke about the property taxes and how they have decreased compared to previous years.

The Mayor thanked his colleagues, the administration and the members of the Community Garden for realizing a long time vision of the Commission and making the Community Garden a reality. He spoke about a few residents wanting to develop another location for a dog park and invited the community to contact him or the Town Manager to schedule a meeting sometime in January to talk about how it can be done.

The Manager spoke about the feral cat program and how hard it has been to find volunteers to help administer this program. He encouraged any cat lover or a responsible resident who would like to help with the program to come forward and contact the Town Manager. The Mayor also spoke about the Street Sweeper and announced that the sweeper will begin to operate on a daily basis starting in January. The Town of Surfside bus system has been linked to the Sunny Isles Beach route and explained that the information is available on the Town's website.

Vice Mayor Graubart spoke about the property taxes and agreed with the Mayor's statement that they lowered the millage rate.

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

The Mayor stated that there were two agenda requests for time certain. One was related to Points of Light number one for 8:45 p.m. and proceeding that item 9B related to Parking Feasibility Study for 8:30p.m.

Vice Mayor Graubart pulled Item 3C, pages 37-48 Points of Light, Item 3C, #24, page 43; Item 3C, #35, page 45; Item 3E, page 105 and page 106, Landscape Architecture. Item 3C, #1, page 49-92; Item 3C, #32, page 93.

Commissioner Olchyk pulled item Downtown vision project, item # 4, page 38; item #5, page 38; item # 29, page 44 and 3D1.

Town Attorney, Lynn Dannheisser pulled item 3D1 which is the Miami Dade County Commission on Ethics and Public Trust Campaign Skills Seminar. She explained that the Town's qualifying period is from January 25, 2011 – February 14, 2011 and Mr. Joe Centurino, Executive Director of the Commission on Ethics has agreed to present a Campaign Skills Seminar Do's and Don'ts of Campaign Finances in the Town of Surfside where they will invite surrounding towns as well. The proposed day is Thursday, January 12, 2011 from 6:30 p.m. – 8:30 p.m. The Mayor asked for the seminar to be broadcast on channel 77 and Vice Mayor Graubart requested to put the information on the web as well.

She also announced an Attorney/Client Session on the litigation entitled Young Israel Bal Harbor Inc. vs. Town of Surfside, Case # 110CB24392 in the United States District Court. The Town Attorney is seeking advice concerning litigation and the meeting will be confined to this discussion. There is a mediation schedule for January 4, 2011 and the meeting is called for 6:30 pm on Monday, January 9, 2011 in the Manny Crawford Conference Room.

F. Community Notes – Mayor Daniel Dietch

The Mayor announced that the next Eye on Surfside meeting will take place on December 20, 2011 at 6:00 p.m. in the Police training room. The Holiday Toy Give Away will be on December 21, 2011 between 3:00 – 5:00 p.m. in the Commission Chambers. Winter Break Camp will be held from December 19, 2011 – December 30, 2011, registration is now in progress. There will be a Senior Trip to the Hard Rock on Thursday, December 15, 2011. The farmers market will be in Surfside Sunday, December 18, 2011 from 9:00 a.m. – 2:00 p.m. The fall pool hours are daily from 9:00 a.m. – 5:00 p.m. The Buy A Brick program is still available and anyone who is interested is more than welcome to inquire at the Community Center. The Mayor reminded everybody that the Town is looking for Volunteers for Community Projects. He reminded all residents that the Community Center is now available for private parties and information is available at the Community Center.

Vice Mayor Graubart announced that on December 2, 2011 he attended the Miami Dade League of Cities Best Practices Conference and he took a lot of toys on behalf of the Town of Surfside. He also announced the Relay for Life event that will take place on May 5, 2012 and there is a need for volunteers to join the overnight event.

G. Certificate of Achievement for Excellence in Financial Reporting- Martin Sherwood, Finance Director

Mr. Sherwood, Finance Director presented the prestigious Certificate of Achievement for Excellence in Financial Reporting. He explained that the Certificate of Achievement program has been in effect since 1946 and spoke about the purpose of the program.

Town Manager, Roger M. Carlton and Mayor Dietch presented Mr. Martin Sherwood with a plaque in appreciation of his years of service to the Town of Surfside.

H. Recognition of Donna Natale Planas, Volunteer photographer for the Town of Surfside Police Department – David Allen, Chief of Police

Dina Goldstein, Executive Assistant to the Chief of Police presented Ms. Donna Natale Planas with a plaque of appreciation for volunteering her time in many community and crime prevention events by documenting the events in pictures.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

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

A. Minutes - October 11, 2011 Commission Meeting Minutes

November 8, 2011 Commission Meeting Minutes

B. Budget to Actual Summary as of September 30, 2011- Martin Sherwood, Finance Director

***C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager**

Item 1, page 37 – Commissioner Olchyk had questions about the retention of a professional marketing/advertising firm. Town Manager Carlton explained that the Town doesn't have the skills set to do some of the projects. Commissioner Olchyk made a motion to spend a maximum of \$8,000.00 plus \$2,000.00 donated from two downtown business owners to assist in the effort of this project. The motion received a second from Commissioner Karukin and all were in favor

Item 2, page 37 – Commissioner Olchyk asked Town Manager Roger M. Carlton to provide them with more details on the financing opportunity with Bal Harbour and the State of Florida. Town Manager Carlton explained the options and explained that he will bring back the different finance options and recommendations for their approval.

Item 4, page 38 – Commissioner Olchyk stated that the Town has been dealing with the feral cat and dog feces concerns for a while and she doesn't see an end to it. Mayor Dietch explained that the Town's goal is to develop a program to stabilize the population but the Town is having trouble finding volunteers. Commissioner Olchyk made a motion to pay a stipend of minimum wage for five (5) hours a week to any resident that wishes to volunteer for this program and see how it works on a month to

month basis. The motion received a second from Commissioner Karukin and all voted in favor.

Item 5, page 38 – Commissioner Olchyk asked the Manager to talk more about the deadlines that he will be using for the Tax Receipt Programs. Roger M. Carlton, Town Manager, spoke about the auditing firms and will have more information available on the January 17, 2012 meeting.

Item 29, page 44 – Commissioner Olchyk asked how items are currently being placed on the agenda. Town Manager Roger M. Carlton explained that items should be placed on the agenda on a first come first serve basis and that's the way it would be done from now on. Vice Mayor Graubart asked not to make it any stricter than what it is for a small Town. Commissioner Olchyk made a motion to take this item off the Points of Light. The motion received a second from Commissioner Karukin and all were in favor.

Item 35, page 45 – Vice Mayor Graubart expressed his disagreement with town staff for not placing a utility payment lock box at Publix.

Item 32, page 93 – Vice Mayor Graubart spoke about his concerns, he wanted to know the difference of establishing a credit union and if it would help facilitate a program that would best benefit the employees. He also asked about counseling availability and living wage. Town Manager, Roger M. Carlton, explained that living wage is federally governed. He also talked about the Town's consideration in re-joining the Miami Dade County Credit Union but explained that the BMG loan program is for small and quick loans with lesser credit checks for employees and they also provide them with counseling. Vice Mayor Graubart made a motion to approve. The motion received a second from Commissioner Karukin and all were in favor.

Presentation of Item 1, page 37 – Mr. Chris Rogers from Yazi Design in Coral Gables made a presentation on the Town Wayfinding Program. Town Manager, Roger M. Carlton answered questions posted by Commissioners. Commissioner Olchyk made a motion to accept the design theme and authorize the Town Manager to go out and get pricing. The motion received a second from Commissioner Karukin and all voted in favor.

***D. Town Attorney's Report** – Lynn M. Dannheisser, Town Attorney

1. Miami Dade Commission on Ethics and Public Trust Campaign Skills Seminar

E. Projects Progress Report – Calvin, Giordano and Associates, Inc.

Page 105 – Vice Mayor Graubart asked CGA if there were any updates regarding the Water/Sewer/Storm Drainage Project that the Commission should be aware of as they are approaching the end of Phase I. Mr. Giordano stated that the only large change order that they approved was the deducted change order for the direct purchase option which provides that the Town purchases materials since the Town is a Tax Exempt entity and the Town saves money by doing that. He spoke about some change orders/claims that are not finalized.

Mayor Dietch requested that as we transition from Phase I to Phase II, a public meeting be schedule to speak about not only lessons learned but to gather questions from residents that are going to be affected.

***F. JGB Bank Temporary Construction Fence-** Sarah Sinatra, Town Planner
Item approved on consent.

***G. Proposed agreement with the Miami-Dade State Attorney's Office to prosecute criminal municipal ordinances** – David Allen, Chief of Police
Item approved on consent.

4. Ordinances

A. Second Readings (Ordinances and Public Hearing)

None

B. First Readings Ordinances

***1. Temporary Construction Fences – Sarah Sinatra, Town Planner**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1 "CONSTRUCTION FENCING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

The ordinance received a motion for approval on first reading by Commissioner Karukin. The motion was seconded by Commissioner Olchyk. The ordinance was approved on first reading 4-0 with Commissioner Kopelman absent.

***2. Town of Surfside Amended off Street Parking compliance for SD-B40 and Religious Places of Public Assembly Ordinance – Lynn Dannheisser, Town Attorney (Linked to Item 5E)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," ARTICLE VII "OFF-STREET 1. PARKING AND LOADING," DIVISION 1 "OFF-STREET PARKING," SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES FURTHER CLARIFYING OFF-STREET PARKING COMPLIANCE FOR THE SD-B40 ZONING DISTRICT AND OFF-STREET PARKING COMPLIANCE FOR RELIGIOUS PLACES OF PUBLIC ASSEMBLY; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN

CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

The Ordinance received a motion for approval on first reading by Commissioner Karukin. Mayor Dietch seconded the motion. The ordinance passed on first reading 3-1 with Vice Mayor Graubart voting in opposition and Commissioner Kopelman absent.

***3. Awning Ordinance – Sarah Sinatra, Town Planner**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS” AND SPECIFICALLY AMENDING SECTION 14-52 “COMMERCIAL STANDARDS ESTABLISHED”; AND CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-47 “YARDS GENERALLY, ALLOWABLE PROJECTIONS”; SECTION 90-49 “AWNINGS AND CANOPIES”; AND SECTION 90.99 “APPENDIX-EXHIBIT A, DESIGN GUIDELINES FOR SINGLE FAMILY RESIDENTIAL PROPERTIES, MULTIFAMILY AND COMMERCIAL PROPERTIES.”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Graubart made a motion to approved Ordinance on first reading. The motion received a second from Commissioner Karukin and all voted in favor with Commissioner Kopelman absent.

5. Resolutions and Proclamations

***A. Town wide Landscape Maintenance Contract Consideration with Luke’s Landscaping – Bill Evans, Public Works Director**

Commissioner Olchyk made a motion to approve. The motion received a second from Vice Mayor Graubart and all voted in favor.

B. Children’s Movement of Florida – Vice Mayor Joe Graubart

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

C. Termination of the Beautification Committee and Appreciation to the Volunteer Members – Roger M. Carlton, Town Manager

Commissioner Karukin made a motion to terminate the Beautification Committee. The motion received a second from Vice Mayor Graubart and all voted in favor. A token of appreciation and a certificate will be awarded to each member of the Beautification Committee.

***D. Solid Waste and Recycling Intergovernmental Cooperation Agreement with the Miami-Dade County Property Appraiser and Miami-Dade County Tax Collector Office's - Martin Sherwood, Finance Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR A UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR RECYCLING SERVICES AND SOLID WASTE SERVICES; AUTHORIZING ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TO PLACE THE TOWN'S PROPOSED NON-AD VALOREM ASSESSMENTS ON THE COUNTY TAX BILL; AND PROVIDING FOR AN EFFECTIVE DATE.

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

E. Cost Recovery Consultant Fee Schedule – Roger M. Carlton, Town Manager (Linked to Item 4B2)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, ADOPTING A COST RECOVERY CONSULTANT FEE SCHEDULE TO BE ESCROWED AND MAINTAINED FOR PURPOSES OF REIMBURSING THE TOWN FOR CONSULTANT FEES INCURRED; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Olchyk made a motion to approve. The motion received a second from Commissioner Karukin. The motion passed 3-1 with Vice Mayor Graubart voting in opposition.

Commissioner Olchyk made a motion to extend the meeting until 11:45 p.m. The motion received a second from Commissioner Karukin and all were in favor.

6. Good and Welfare

Mr. Sasha Plutno was called to speak and was not in the Chambers.

Mr. Louis Cohen spoke about a program led by Dr. Flax and suggested the Town should consider it for Winter Camp 2011.

7. Town Manager and Town Attorney Reports

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- *A. Adjustment to Town Commission Meeting Calendar for Calendar Year 2012 –**
Roger M. Carlton, Town Manager
Commissioner Karukin made a motion to approve. Motion received a second from Commissioner Olchyk and all were in favor.
- *B. Parking Garage Feasibility Study Discussion –** Roger M. Carlton, Town Manager
Town Manager, Roger M. Carlton, spoke about getting authorization from the Commission to put an RFP out for the Parking Garage Feasibility Study.
Discussion on the item took place.
Mr. Shaun Grenald spoke in favor of the item.
Mr. Jack Stevens spoke in favor of a parking garage.
Ms. Jessie Flax spoke in favor of the item and getting people out of the town's streets.
Commissioner Karukin made a motion to accept staff's recommendation. The motion received a second from Mayor Dietch. The motion passed 3-1 with Vice Mayor voting in opposition.
- *C. Town Sponsored Candidate Debate –** Mayor Daniel Dietch
Commissioner Olchyk made a motion to approve. Motion received a second from Commissioner Karukin and passed 3-1 with Vice Mayor Graubart in opposition and Commissioner Kopelman absent.
Commissioner Olchyk made a motion to have the meeting televised. The motion received a second from Commissioner Karukin and all voted in favor.
- *D. Campaign Transparency –** Mayor Daniel Dietch
Vice Mayor Graubart made a motion to approve. The motion received a second from Commissioner Karukin and all voted in favor.
- *E. Outcome of Communications Workshop –** Roger M. Carlton, Town Manager
(Verbal)
Town Manager, Roger M. Carlton gave a report on the outcome of the Communication Workshop. He explained that the Town would like to negotiate with E-Cities based on a competitive procurement that they had at the Town of Deland. The Town Manager explained all the benefits that the Town of Deland's website offers.
Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor.
- F. Not schedule any future (Special) Town Hall meetings until after the elections –**
Commissioner Marta Olchyk
Commissioner Olchyk would not like to have any Special Town Hall meetings until after the elections. She explained that she doesn't want people to use the Town meetings as a political platform. Everyone was in agreement and no Special Town Hall meetings will be schedule until after March 20, 2012.

***G. Purchase of Audio/Visual Equipment for North Multi-Purpose Room – Vice Mayor Joe Graubart (Linked to Item 9I)**

Vice Mayor Graubart made a motion to approve and to try to purchase the equipment before the Winter Camp. The motion received a second from commissioner Karukin and all were in favor.

Mr. Span Flax spoke in favor of the item

H. Five Years Financial and Strategic Plan Operations Point Staff Retreat Update– Roger M. Carlton, Town Manager (Verbal)

Town Manager, Roger M. Carlton spoke about the Five Year Financial and Strategic Plan and explained that it will be updated in the next month with the new vision for each department.

***I. Expanded Programming in the Community Center – Roger M. Carlton, Town Manager (Linked to Item 9G)**

Commissioner Karukin made a motion to approve a position at \$30,000.00 annual salary plus benefits. The motion received a second from Vice Mayor Graubart and all voted in favor.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 11:30 p.m.

Accepted this ____ day of _____, 2012

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



December 12, 2011
 Beautification Committee Meeting
 Meeting Minutes
 7pm

1. Call to Order.

Meeting called to order at 7:02pm.

2. Roll Call.

In attendance: Adam Markow; Jennifer Brilliant; Charles Kesl; Grace Heising.
 Also in attendance: Commissioner, Marta Olchyk (left the meeting at 7:36pm); Public Works Director, Bill Evans; Town Manager, Roger M. Carlton; Recording Clerk, Sarah Johnston.

3. Approval of Minutes.

September Beautification Committee Minutes.

Jennifer Brilliant made a motion to approve, Charles Kesl seconded the motion, all members voted in favor.

4. Agenda Items.

A. Sunset of the Beautification Committee.

Town Manager Roger Carlton explained that there is a resolution to sunset the Beautification Committee, which will go before the Commission at the December Commission Meeting. Bill Evans asked for the Committees feedback regarding the proposed sunseting of the Committee and suggested that if members feel strongly they should attend the Commission meeting and voice their opinion.

Town Manager Roger Carlton suggested they join the Downtown Vision Advisory Committee (DVAC) and continue their participation. He explained how the DVAC process differs from the Beautification Committee process.

The Committee agreed that between DVAC and the Points of Light the intention of the Committee is fulfilled through other means. They indicated they were somewhat frustrated with their own process and expressed appreciation for the Town Manager attending the meeting and explaining the recommendation to sunset the Committee.

The members expressed interest in being appointed to the DVAC.

Charles Kesl mentioned that he would like to continue the idea of sculptures throughout the Town in the green spaces (currently existing).

Town Manager Roger Carlton discussed the 95th Street project and some other ideas that have been suggested related to adding art throughout the Town.

**Marta Olchyk left the meeting at 7:36pm.*

Town Manager Roger Carlton asked for the Committee's feedback regarding undergrounding all utility/power/cable lines which would be paid for by a \$25 monthly surcharge on the utility bill for residents.

Bill Evans explained the legislation allowing for the undergrounding project and the Committee expressed interest in the project but would like more information.

5. Adjournment.

The meeting was adjourned at 7:52pm.

Respectfully Submitted,

S/Sarah Johnston, Recording Clerk.

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2011/2012
As of OCTOBER 31, 2011
8% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 2

Agenda Date: January 17, 2012

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET	
GENERAL FUND				
REVENUE	\$409,146	\$9,325,305	4%	A
USE OF UNASSIGNED FUND BALANCE		\$188,000	8%	
EXPENDITURES	\$447,153	\$9,513,305	5%	B
Net Change in Fund Balance	-\$38,009			
Fund Bal.-Beg. of FY(unaudited assigned+unassigned)	\$3,979,723			
Fund Balance-October 31, 2011	<u>\$3,941,714</u>			
RESORT TAX				
REVENUE	\$0	\$134,988	0%	C
EXPENDITURES	\$5,295	\$134,988	4%	D
Net Change in Fund Balance	(\$5,295)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$184,806			
Fund Balance-October 31, 2011	<u>\$179,511</u>			
POLICE FORFEITURE/CONFISCATION				
REVENUE	\$0	\$34,166	0%	E
USE OF RESTRICTED FUND BALANCE		\$45,044	8%	
EXPENDITURES	\$3,524	\$79,210	4%	
Net Change in Fund Balance	(3,524)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$116,769			
Fund Balance-October 31, 2011	<u>\$113,245</u>			
TRANSPORTATION SURTAX				
REVENUE	\$12,326	\$170,535	7%	
USE OF RESTRICTED FUND BALANCE		\$128,579	8%	
EXPENDITURES	\$9,198	\$299,114	3%	
Net Change in Fund Balance	3,128			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$239,760			
Fund Balance-October 31, 2011	<u>\$242,888</u>			
CAPITAL PROJECTS				
REVENUE	\$0	\$400	0%	
USE OF ASSIGNED FUND BALANCE		\$274,600	8%	
EXPENDITURES	\$5,574	\$275,000	2%	B
Net Change in Fund Balance	(5,574)			
Fund Balance-Beg. of Fiscal Year (unaudited assigned)	\$442,435			
Fund Balance-October 31, 2011	<u>\$436,861</u>			

NOTES:

- A. Timing Difference - FY 11/12 ad valorem property tax revenues are not collected and received until November
- B. Timing Difference - Discretionary expenditures ordered in October are received and paid during November
- C. Timing Difference - October Resort Taxes are collected starting in November
- D. Timing Difference - Lower due to Nov/Dec commencement of Resort promotion activities
- E. Timing Difference - Forfeiture revenue fluctuates widely

ENTERPRISE FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET	
WATER & SEWER				
REVENUE	\$223,217	\$3,045,252	7%	
USE OF NET ASSETS/LOAN PROCEEDS		\$10,342,572	8%	
EXPENDITURES	\$653,380	\$13,387,824	5%	F
Change in Net Assets*	(\$430,164)			
Unrestricted Net Assets-Oct 1 (unaudited)	\$1,140,704			
Unrestricted Net Assets-October 31, 2011	<u>\$710,540</u>			
MUNICIPAL PARKING				
REVENUE	\$60,414	\$693,944	9%	
USE OF NET ASSETS		\$1,500,000	8%	
EXPENDITURES	\$78,244	\$2,193,944	4%	F
Change in Net Assets*	(\$17,830)			
Unrestricted Net Assets-Oct 1 (unaudited)	\$1,383,464			
Unrestricted Net Assets-October 31, 2011	<u>\$1,365,634</u>			
SOLID WASTE				
REVENUE	\$474,868	\$1,277,684	37%	G
EXPENDITURES	\$84,339	\$1,277,684	7%	
Change in Net Assets*	\$390,529			
Unrestricted Net Assets-Oct 1 (unaudited)	\$203,543			
Unrestricted Net Assets-October 31, 2011	<u>\$594,072</u>			
STORMWATER				
REVENUE	\$41,852	\$1,073,452	4%	H
USE OF NET ASSETS/LOAN PROCEEDS		\$1,712,289	8%	
EXPENDITURES	\$50,447	\$2,785,741	2%	F
Change in Net Assets*	(\$8,596)			
Unrestricted Net Assets-Oct 1 (unaudited)	\$206,661			
Unrestricted Net Assets-October 31, 2011	<u>\$198,065</u>			

NOTES:(con't)

* the change in net assets excludes financial impact from Capital Assets

F. Underage due to Infrastructure/Capital Outlay projects (\$10.4 mill for water/sewer, \$2.2 mill for stormwater, \$1.6 mill for parking)

G. Timing difference: Billing (and the resulting revenue) for the entire fiscal year pertaining to Residential (non-condominium) customers are recorded in October

H. Timing Difference - Underage due to a budgeted and committed State Grant (FDEP #SO374) in the amount of \$474k that will not be received until mid FY 11/12



Finance Support Svcs Dept Head



Town Manager



**Town of Surfside
Town Commission Meeting
January 17, 2011**

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

**POINTS OF LIGHT
After Action Items**

1. Downtown Vision Project

Current Status: Staff will focus on implementing a number of approved projects including the news rack, sidewalk café and code enforcement efforts. The awning ordinance was presented to the Planning and Zoning Board on November 17, 2011 and a number of suggestions were made. The amended awning ordinance appeared on the December 13, 2011 Town Commission agenda for first reading and was approved. Second reading is on the January 17, 2012 Town Commission agenda. Regarding the remaining elements of the vision, Staff continues to research the Business Improvement District potential. The wayfarer sign program has been scaled back to include limited upgrades to the entry signs at 96th/Harding and Collins Avenue/Veterans Park, locational signs and parking identifier signs for the parking lots and a single sign for beach access points to clean up the plethora of signs which appear today. The Town Commission accepted the design during the December 13, 2011 meeting and the consultant has been directed to prepare the bid package.

The parking garage feasibility study explanation requested by the Town Commission appeared on the December 13, 2011 agenda and the Town Manager was authorized to prepare the RFP for review by the Town Commission. The alley upgrade program and discussion of a parking project on the 94th/Harding parking lot remain longer term possibilities. Commissioner Karukin has completed his survey of community reaction to the branding taglines which has been discussed with the Downtown Vision Advisory Committee (DVAC) during their November 30, 2011 meeting. The DVAC conclusion was to recommend that the Town retain the services of a professional marketing and advertising firm to assist with this effort. Staff will prepare an RFP to obtain these services for review by DVAC in an upcoming meeting. Parking funds not to exceed \$10,000 was approved by the Town Commission on December 13, 2011.

2. Water, Sewer and Storm Drainage and Collins Avenue Force Main Projects

Current Status: The project began on August 15, 2011 and is progressing on schedule. Nearly 95 percent of the permission slips to install the water tie-ins have been received, 359 water services have been replaced, 10,000 linear feet of water pipes have been installed, 7900 feet of sewer laterals have been repaired or lined, 395 sewer connections have been replaced or repaired, 10,000 linear feet of water main has been installed, 8200 linear feet of sewer main has been lined and 1200 linear feet of sewer main point repairs have been completed. 48,500 square yards of asphalt has been placed (first lift) on the various roads throughout Phase 1. The Collins Avenue sewer force main project is complete and we expect to begin operating by the end of January 2012 subject to regulatory agency

approvals. This will allow the Town and Bal Harbour to clean and video the 60 plus year old force main on Byron and decide the best strategy.

A very interesting opportunity has presented itself in that Bal Harbour and the State of Florida have both offered financing at rates of 2.5 to 2.6 percent to partially replace and enhance our current project financing which carries a 4.72 percent rate. The Administration is working with our bond counsel and financial advisor and is in the process of updating the TischlerBise (now Black & Veatch) rate study to determine the best course of action. The water/sewer/storm drainage citizen committee will also be reconvened with a report to soon be made to the Town Commission regarding the best recommended strategy. The bottom line is that we may be able to hold our current rates in place if the interest rate is lowered while providing an expanded scope of work. The sources of funds to achieve this would be interest rate savings, the contingency account, reserves and possible additional funds from Bal Harbour. All of this will be included in a major report during the next month.

3. Community Garden: Mayor Daniel Dietch

Current Status: The dedication for this project was held on December 3, 2011. Staff continues to support the efforts of the Surfside Urban Gardeners Club to ensure that the urban garden is well maintained and meets the requirements of the agreement with the Town. Our appreciation to Public Works Director, Bill Evans and Tourist Bureau Director, Duncan Tavares for their concerted efforts to make this happen. The 12 fruit trees were planted on January 16, 2012 as part of National Day of Service volunteerism and the project sign was installed before the holidays. The low picket fence has been installed. Mayor Dietch has requested that Staff investigate the possibility of installing a shared storage shed for the Gardeners Club. That request is underway. Item completed.

4. Feral Cat and Dog Feces Concerns: Mayor Daniel Dietch

Current Status: The Town is developing a feral cat program with trained volunteers to assist with trapping, neutering, and releasing the cats and to be responsible for the feeding and cleanup at specific locations. The program has been advertised on the website and in the November 2011 Gazette for volunteers to become approved feeders. We now have our first volunteer. A follow up meeting was held with the Police Department, Code Enforcement Director, Suely Carmelo and Helena Forbes of the City of Sunny Isles Beach who oversees their feral cat program. More than 150 feral cats have been trapped, neutered and released (TNR) over the past year in Surfside. Five feeding locations on the beach have been identified. Volunteers will be issued identification cards and a tunic to wear. A surplus police car has been donated to the Friends of Surfside Cats to support the program and the transportation of traps and cats. The Town has increased the TNR payment from \$25 to \$30 per neutered animal to further assist with the program. The key to success is finding volunteers to complete the training. With the December 13, 2011 Town Commission approval of a small stipend for volunteers, we should be able to move this effort forward at a more rapid pace. A meeting was held on January 4, 2012 with Veterinary Medical Director, Dr. Marc Kramer from the Meow Mobile. The Town of Surfside will host the Meow Mobile on February 12, 2012. The Meow Mobile will be parked in a municipal lot and perform 40 surgeries per day including feral cats and domestic cats from Surfside residents neutered at a discounted price.

5. Tourist/Resort Tax Auditor/Certificate of Use/Local Business Tax Receipt/Short Term Rentals Programs

Current Status: See separate report in Section 9 of this agenda for the status of the Tourist Resort Tax and CBO/LBTR efforts.

Short Term Rentals: To date, Code Compliance in concert with Police and Building staff have completed the initial phase of the short term rental investigation associated with the test cases at an oceanfront condominium association owned units and a group of single family residences, owned by a particular entity, that had been historically associated with the short term rental issue.

As to the condominium, the Town has requested and received an affidavit, executed by one of the condominium association directors, affirming that: 1) in accordance with a resolution of the Board of Directors on September 8, 2011, short term rentals will not be permitted at any condominium units owned by the Association; 2) that there are presently no units owned by the Association that are the subject of short term rentals; and 3) the Association does not intend in the future to rent any of the units it owns or will own for short term rentals. As to the single family properties, recent investigation has determined that the properties all have been sold except for one which is currently occupied by its owner.

Code Compliance and Police staff will take advantage of the peak winter season and investigate web based advertising and request lease agreements from the respective short term lessees during the next several weeks. Those found to be advertising short term rentals will be sent an invoice for resort tax that would be due based on their advertised rental rates.

6. Bike Racks/Bus Benches/Shelters: Mayor Daniel Dietch

Current Status: Four bike racks in inventory have been installed. Two bike racks are located at the Community Center and one at the 95th Street parking lot. The fourth rack is located at Town Hall. The schedule for installing the bus shelters, which is a Miami Dade County responsibility, is January 2012. The bike rack element of the Points of Light is completed. Staff will continue to report on the bus shelters until they are installed.

7. Clean Up/Update/Enhance Town Website Content: Commissioner Michael Karukin

Current Status: A Commission Workshop on the issue of improving our communication program was held on December 5, 2011. A report was made at the December 13, 2011 Town Commission meeting. An agreement with e-City Services will be developed, using similar agreements the company has with DeLand and Oldsmar, to provide Surfside with a modern, fully functional website. The agreement will come before Town Commission for ratification in February, 2012. This project should be completed in approximately four months.

8. Feasibility of Surfside Sharing Sunny Isles Beach Street Sweeper: Mayor Daniel Dietch

Current Status: The first cost estimate submitted by Bal Harbour was too high and negotiations to lower the price were unsuccessful. Sunny Isles Beach finalized its offer at \$17,395 per year for twice monthly town wide sweeping. We have also rejected this offer and have awarded a contract to Dynaserv at the cost of \$11,500 annually for the same level of service. This contract was awarded using a previously competitively bid State contract. The first pass was made January 15, 2012. Initiating this service allows us to meet federal and local mandates for street sweeping to avoid polluting the waters surrounding Surfside. The project will be funded from the Storm Water Utility and will not utilize General Fund revenues. Item completed.

9. Bike Rental Station: Vice Mayor Joe Graubart

Current Status: Based on the determination to move forward with the Deco Bike rental program made by the Town Commission during the September 13, 2011 meeting, negotiations have been completed with Deco Bikes. The contract was approved with amendments during the November 8, 2011 Town Commission agenda. The agreement has been signed, and the two stations will be installed at Town Hall on Collins Avenue and 94th Street outside Publix during mid-February 2012.

10. eReaders, Wi-Fi, Large Screen TV's and Broadcasting Capabilities for the Community Center: Commissioner Ted Kopelman

Current Status: Based on a request from Commissioner Ted Kopelman, the Town will incorporate eReaders into the addition room of the Community Center. Furniture has been installed and patrons will be able to check out devices for up to two weeks. Four Amazon Kindles, two Barnes and Noble Nooks and two Sony e-Reader devices have been purchased. Outreach to the business community to sponsor e-readers has started with the help of Parks and Recreation Committee member Barbara McLaughlin. Staff is working with the Miami Dade Public Library system to determine their e-reader procedures applicable to Surfside.

Wi-Fi at the Community Center is underway. This is necessary to enable the electronic books. Staff has purchased two large 70 inch screen TV's for the addition room and the main room with installation expected to be completed by the end of January, 2012. This will enable a broader range of services and events at the Community Center.

Broadcasting from the Community Center will be quite expensive and the cost will be considered as part of the FY 2012/13 Budget process.

11. New Crime Prevention Initiatives: Mayor Daniel Dietch

Current Status: The following crime prevention initiatives were reviewed by the Town Commission at the May and June 2011 Commission meetings: Implementation has begun.

- Crime prevention through environmental design – landscaping, lighting, and physical barriers at the entrances to residential areas enhances safety and deters criminal activity. Several options for entrance features to major streets have been designed by the same firm that is designing the “Wayfarer” signs and the alleys east and west of Harding Avenue. Now that the signage design has been approved, Staff will seek funding sources for the entrance features and will bring a more complete single family entrance feature program to the Town Commission in the near future.
- The Police Department reviewed technology for license plate readers. The Police Department is recommending not purchasing either the mobile or stationary license plate readers. The mobile readers were tested during the past few months and Staff was not satisfied with the product or software. The stationary reader is cost prohibitive. Item completed.

12. Beach Concessions

Current Status: As the only service and maintenance provider for the beach in Miami-Dade County, the Miami Dade County Parks and Recreation Department has determined that a lease from the State of Florida for the beach in Surfside and Bal Harbour similar to Sunny Isles Beach is necessary. The lease will include a management plan. The management plan will identify the services the County will provide for the beach, the manner and frequency the area will be maintained and rules or standards for upland properties regarding the storage and deployment of chairs, umbrellas, and cabanas on the beach. Mayor Dietch has requested that a situation wherein condominium associations place chairs on the beach in an area marked “private” be clarified and that concern will be incorporated in the negotiations. John Ripple, Beach Operations and Maintenance Supervisor for the Miami Dade County Parks and Recreation Department met with the Town Manager and Parks and Recreation Director Tim Milian on November 30, 2011 to begin the negotiation.

The surveys and legal descriptions for the State of Florida Lease Agreement are being prepared by the County and should be available for review by the end of January, 2012. The Town Manager and Staff will meet with representatives from Bal Harbour and the County to review the agreement in early February. The negotiation process is projected to be completed in April, 2012. The Points of Light report will continue to bring updates as this effort progresses.

13. Single Family Residential Solid Waste and Recycling Bills on FY 12/13 TRIM Notice and Property Tax Bills

Current Status: The four required advertisements have been completed and the Town Commission adopted the first required resolution during the November 8, 2011 Town Commission meeting. The second resolution was approved during the December 13, 2011 Town Commission agenda. Meetings will now be held with the Miami Dade County Property Appraiser and Tax Collector to complete the process, thereby allowing the majority of solid waste and recycling bills to appear on the 2012 Property Tax TRIM notices and tax bills. This will greatly enhance the efficiency of collection and avoid the need to file liens for non-payment of solid waste/recycling charges in the single family neighborhood.

14. Policy on Art in the Community Center

Current Status: The current art in the Community Center by local artist Robert Swedroe has been on display since the Center's opening in June 2011. Staff has worked with the Parks and Recreation Committee which has recommended a policy to revolve the art quarterly. A liability agreement is now in place and the next Art Exhibit is scheduled to commence on February 1, 2012. The next artist will be Daryle Prager, who has been a Surfside resident for 46 years. Daryle was named an "Artist of Merit" by the Town of Surfside in 1994.

15. 9501 Collins Avenue Townhome Development

Current Status: The Town Commission declined the first right of refusal for acquisition of the site during the August 9, 2011 meeting. Subsequently Greystone Residential LLC closed on the property and will develop the seven permitted townhomes. While there was not a legal requirement for the developer to make any capital contributions to the Town, as a matter of goodwill, the developer has offered a \$100,000 contribution to the 95th Street Grand Concourse project which will renovate 95th Street from the hard pack to Abbott Avenue. In a recent meeting, the developer agreed to an additional \$50,000 based on release of a security deposit which has been held by the Town since 2005. With the \$200,000 committed by the Grand Beach Surfside Hotel plus funds available in the Parking Enterprise Fund it is now possible to build the first block of the project. The Town Commission viewed preliminary renderings of the project during the October 11, 2011 Town Commission meeting and passed a resolution accepting the funds. Staff has met with Bermello Ajamil which is one of the preapproved firms in the architect/engineer rotation. Their proposal for schematic design of the entire three blocks and biddable documents for the east block in the amount of \$82,400 was reviewed and deferred during the December 13, 2011 Town Commission meeting. Based on the reaction by the Town Commission, a detailed report on the entire project will be prepared by Staff and a workshop set in the near future.

Related to the 9501 townhouse development, the Building and Planning Departments have been contacted by the developer regarding the process to add small swimming pools above each unit. They have been informed that this will require returning to the Planning and Zoning and Design Review Boards.

16. Replacement of Publix in North Beach – Shuttle Service for Miami Beach Residents

Current Status: The North Beach Publix closed October 9, 2011 to allow a two story store to be built. Therefore the volume of business and deliveries to the Surfside Publix located on 94th Street and Harding Avenue has increased greatly. Chief David Allen and Assistant Chief John Di Censo have met with the Surfside Publix manager to discuss delivery hour limitations and to add monthly parking spaces at the 94th Street lot for additional employees. We have been contacted by Miami Beach Commissioner Ed Tobin's office to determine if the Town would extend our bus route to the North Beach Publix site for one year to help their elderly residents reach the Surfside Publix. Our proffer was to do that by adding one daily roundtrip to make up for the approximately 10 minute extra time

needed to make the route extension. The cost would be approximately \$14,000 to do this and we have asked Publix to fund the cost.

On December 13, 2011, Chief Allen met with the Regional Director and Security Director for Publix. Publix is still in negotiation with the bus company on the shuttle bus agreement. The truck unloading issue has been resolved. All Publix drivers and private vendors are in compliance with the new rules. Deliveries have also been adjusted. We have only received one complaint. We will continue to monitor the area. The off duty detail request will not be implemented due to the lack of additional crime or incidents at Publix related to the extra demand on the store. The Points of Light will keep the Town Commission aware of any further impacts during the construction period and what actions have been taken.

17. Property Assessed Clean Energy (PACE): Program to retrofit existing residential and commercial buildings for energy efficiency: Mayor Daniel Dietch

Current Status: Staff has just begun to investigate this program which allows existing buildings to be retrofitted for energy efficiency with the cost funded from a loan pool authorized by the State of Florida and funded by Barclay's Capital. The low interest loans are repaid from a long term assessment on the property. There are no guarantees provided by the Town of Surfside. When Staff has completed research on the program, a report will be brought to the Town Commission.

18. FPL/AT&T/Cable Undergrounding Project

Current Status: The Town Commission allocated funds in the Water/Sewer/Storm Drainage project to provide mid-block crossover conduit so that a future undergrounding project would not have to break the pavement. Staff is working with FPL and other utilities to complete their study of the cost of undergrounding Town wide. We will keep the Town Commission aware of progress in the FPL study and bring forth methods for funding the project when the study is complete. By way of information, FPL was late in delivering the first supply of conduit necessary for the Phase 1 water/sewer/storm drainage project. Staff made the decision to complete the paving before the holdup and install the conduit as a "patch", which is now underway. The final paving will cover the patch for a smooth job. Please inform your constituents that this will not happen in future phases and that the Town has not made a mistake.

19. FEMA Flood Insurance Status

Current Status: Due to the extraordinary work of Building Director Paul Gioia, FEMA has sent us a letter saying that all issues which this Town Commission and Administration inherited have been resolved. We have received notice from FEMA that their Community Assistance Visit, which is the necessary step to lower rates will not occur until early 2012. This issue is a high priority item for Staff and we will keep the pressure on to schedule this visit as early as possible.

20. Bus Stop Pull-in at East Bound 96th Street, West of Abbott Avenue

Current Status: Due to the heavy traffic on 96th Street, busses do not use the pull-in because it is difficult to return to the line of vehicles. Staff has made contact with Miami Dade Transit and FDOT to determine the feasibility of closing this bus pull-in. When information is available, a report will be made to the Town Commission.

21. American Cancer Society – Relay for Life Event: Vice Mayor Joe Graubart

Current Status: At the request of the Vice Mayor, Staff met with the American Cancer Society in an effort to replace their overnight event which cannot be held any longer at Ruth K. Broad K-8. The Surf/Bal/Bay event will be held on the hard pack on May 5, 2012 and will be named to capitalize on the romanticism of the full moon. An initial meeting was held on November 16, 2011 with strong support provided by Bal Harbour. A second meeting was held on January 5, 2012 and an event Chair, Orly Alexander, has volunteered. Our Town coordinator will be Yami Slate-McCloud. We are also working on the donation of a leased Cadillac. Future Points of Light will keep the Town Commission up to date as this event evolves.

22. Surf/Bal/Bay Jointly Signed Letter to FPL and AT&T Referencing Leaning Poles: Vice Mayor Joe Graubart

Current Status: After careful consideration and the discussion held by the Town Commission during the November 8, 2011 Town Commission meeting, a decision was reached that Town Manager Roger Carlton would write directly to the Public Service Commission for relief regarding the leaning poles. The letter was delayed while a new PSC director was named. Staff will report regarding the results when an answer is received.

23. Grease Trap Ordinance

Current Status: Paul Gioia has determined that existing County regulations are not sufficient to enforce this issue. This problem has been growing with more and more clogs coming from restaurants not maintaining or not having adequate grease traps. Code Enforcement Director Joe Damien is working on an enforcement program to help alleviate this situation, however, Miami Dade County has balked saying that this enforcement is their responsibility. A meeting will be scheduled to work out the issues and to ensure that Miami Dade County meets its obligations.

24. Five Year Financial and Operation Plan Update Department Directors Retreat

Current Status: Members of the Board have expressed concern regarding the workload, priorities, resources available and other related matters that are managed by Staff on a short, mid and long term basis. In order to analyze the long term direction the Town is taking and update the Five Year Financial and Operations Plan adopted by the Town Commission in early 2011, Staff held a retreat in

the Community Center on December 1, 2011. As required by the Open Government (Sunshine) Law, we requested the Town Commission to attend the meeting individually in 15 minute intervals to share their views on prioritization and long term strategic and financial goals. Mayor Dietch and Commissioners Olchyk and Karukin attended. Commissioner Kopelman was out of town. The final document will be ready for public input and Town Commission review in early 2012.

25. Draft a Policy on How the Town Commission Places Items on the Agenda: Mayor Daniel Dietch

Current Status: Based on discussion during the December 13, 2011 Town Commission meeting, this item requires no further action. Item completed.

26. Welcome to Town of Surfside Packet for New Residents: Vice Mayor Joe Graubart

Current Status: Staff is reviewing the costs, benefits, desired content and potential for sponsorship for a welcome packet to be given to new residents. A report will be made in the near future regarding the potential for this program.

27. Restore Bird Houses at Beach-side Street Ends: Mayor Daniel Dietch

Current Status: Frank McBride III, a young Town resident, built the birdhouses in 2001 as an Eagle Scout project. Two birdhouses remain at the beach street ends on 88th and 90th Streets. Surfside resident Richard Iacobacci has agreed to train Surfside youth in woodworking at his shop using the birdhouse as the theme. The event will produce five new birdhouses and a “take home” house for each participant. Richard Iacobacci has agreed to oversee the project however due to personal circumstances this project is on hold until he is available.

28. Micro-Finance Employee Benefit Program

Current Status: The Town Commission was briefed during the November 8, 2011 Town Commission by BMG Money Inc. regarding a small loan program for Town employees wherein the loans are made to employees at reasonable terms with payment made from payroll deduction. Given the difficult financial times many of our employees face, this method of financing is a worthwhile program. The experience in Doral and Sweetwater where this program has been implemented has been very positive. Subsequent to the December 13, 2011 Town Commission acceptance of the Agreement with BMG Money, Inc, nine Town employees have participated in the program. Item completed.

29. Parking Forbearance for the Holiday Season: Mayor Daniel Dietch

Current Status: The Downtown Vision Advisory Committee discussed in their November 30, 2011 meeting various options for a good-will parking gesture during the holiday season. The Town

Manager recommended a one hour forbearance on receiving a parking citation beginning Thanksgiving and ending January 1, 2012. Late parkers received a note from the Town thanking them for their business downtown and letting them know they did not receive a citation for a one hour grace period. Based on Town Commission approval during the November 8, 2011 meeting, the program was implemented. From November 24, 2011 thru January 1, 2012 parking enforcement officers issued a total of 472 parking grace period notices. This program will become institutionalized in future holiday seasons. Item completed.

30. Options to Mitigate Inadequate Number of Parking Spaces at many of the Multi-family Establishments along the Collins Avenue Corridor: Mayor Daniel Dietch

Current Status: Staff has begun an investigation of this Point of Light to determine if all the buildings on the east side of Collins actually built the number of spaces required in their development approval. This will be called the “first level shortfall”. The “second level shortfall” will be a number developed with the condominium managers regarding peak time of day and seasonal shortages. We will then develop strategies that require little or no capital cost such as potentially issuing monthly after hours parking permits in the street ends. As can be seen from this Point of Light update, the solution to the parking issue along Collins Avenue is not a short term project. Staff will continue to report as progress is made on this Point of Light.

31. Job Classification Study

Current Status: Four proposals for the job classification study, including a fringe benefit analysis, for this FY 11/12 adopted budget approved project were received. The proposers were Cody and Associates with a not to exceed price of \$7200, Mercer Group for \$8500, Archer Group for \$16,480 and on the high end, MGT of America Inc. at \$25,670. Based on the Manager’s authority to award contracts below \$8500, the project Notice to Proceed was awarded to Cody and Associates effective November 21, 2011 with a 60 day completion. The study will include review of all positions, recommended pay ranges based on comparable jurisdictions and internal equities and an analysis of the cost and/or savings for implementation. Once the study is completed it will be brought to the Town Commission for review and approval. This study will be very helpful for building the FY 12/13 Budget process which begins early in 2012, and for providing independent and professional analysis of the comparability of compensation paid to our employees with similar jurisdictions.

32. Community Center Concession Operation Concerns

Current Status: During the September 19, 2011 Parks and Recreation Committee, a recommendation was made to allow limited outside food to be brought in. The Town Commission in the October 11, 2011 meeting modified that recommendation to keep the exclusive policy through May 2012 to allow the actual financial performance to be monitored. Staff continues to work very closely with the sole bidder vendor, David Jacobson, to ensure quality, variety (healthy and Kosher products) and hours of operation. Unfortunately the amount of business being done once school went back into session does not meet either the Town’s or the vendor’s expectation and we have been requested by the vendor to assist financially as well as in marketing to maintain the current operation. Options under review

include limiting winter hours (underway), reducing rent during the winter season, expanded marketing of parties and special events (already underway), specials for lunch and Town employees (also underway) and expansion of Parks and Recreation programming at the Community Center (also underway). A separate report regarding expanded programming appeared on the December 13, 2011 Town Commission agenda and was accepted. This Point of Light is to make the Town Commission aware that the bring in food policy you adopted was correct and that Staff is working closely with the vendor to alleviate the situation.

The Town has set new operating hours for the winter months of January and February 2012 for the Community Center Concession. The new hours are in place to help assist the continued success of the Surf Café during the slow winter months. These hours are Thursday through Sunday 12:00 pm – 5:00 pm. Expanded hours will be reinstated later in the spring and full operating hours will commence in the summer. All hours of operation will be posted on the Town website, Community Center and Gazette. We will keep you aware of the situation.

33. Sea Level Awareness Project (SLAP): Mayor Dan Dietch

Current Status: Surfside resident Howard Rennert and the Eagle Scouts are interested in creating a dozen decorative poles that, when placed around Town, will visually show the level of sea water in that area if global warming occurs. These indicators are used to create awareness of the outcomes of global warming and to stimulate community discussion and action regarding this issue. While being a community educational initiative, the poles also serve as public art. Production and installation will occur in early 2012 as the Town Commission accepted this Point of Light during the December 13, 2011 meeting.

34. Expanded Programming at the Community Center

Current Status: The Parks and Recreation Department submitted a report to the Town Commission December 13, 2011 regarding the expansion of programming at the Community Center. The report listed 90 programs which were currently in place or could be added to expand the utilization of the Community Center by our residents and visitors, increase revenue to help our operational costs and meet the needs of targeted populations. The addition of this new group of programs stretches our capacity to manage, open a new intellectual and artistic direction, strives to bring the community together through cross cultural events, celebrates more holidays and reaches out to our teen and senior citizen populations. Staff has been diligently working to implement the newly expanded programming. As of January 1, 2012, 20 new programs have been implemented and 13 are currently in progress. One of the new events will be a Super Bowl Party using the Surf Café to provide food.

35. Linkage of Bus Routes with Sunny Isles Beach: Mayor Dan Dietch

Current Status: After long discussions with Sunny Isles Beach, this project will finally become a reality before the end of January, 2012. The connection point will be at the Surfside Publix. Schedules have been posted on the Town website and a story will appear in the February 2012 Gazette.

36. Community Center Flat Screen TV's

Current Status: This item has been incorporated in Point of Light #10 related to communications at the Community Center.

The following items have been completed. These items have been deleted from the December 2011 Points of Light report.

13. Leaf Blower Ordinance: Vice Mayor Joe Graubart

Current Status: Pursuant to the discussion during the August 16, 2011 Town Commission meeting first reading of the Litter Ordinance, Staff has reviewed the pros and cons of a leaf blower regulating ordinance. We have reached the conclusion that the benefits of less noise from the blowers will not exceed the cost of enforcing the ordinance and the negative reaction from our property owners. Therefore Staff will not pursue this any further unless alternate direction is given by the Town Commission. Item completed.

15. Umbrellas for Pool Deck – Commissioner Michael Karukin

Current Status: The Parks and Recreation Committee discussed this item during their November 21, 2011 meeting and reached the conclusion that sufficient shade was available. Item completed.

21. Cigarette Butt Disposal – Mayor Daniel Dietch

Current Status: Mayor Dietch has brought to Staff's attention the need to resolve the cigarette butt litter problem in the downtown area. Staff has investigated the situation and suggests that proper cigarette disposal devices be included in a larger sidewalk widening project included in the DVAC recommendations. Item completed.

25. Replacement of Holiday Lights on Harding Avenue, Entrance lighting on Collins and Santa returns home

Current Status: The new multi-colored lights have been installed and a lighting ceremony was held in conjunction with the November Third Thursday. The existing white and blue lights will be used elsewhere and the new holiday display for Veteran's Park entrance feature has also been installed (funded by the Tourism Board). The Santa Claus refurbishment is completed and he has returned to his rightful home in front of the Community Center. At the November 9, 2011 Tourist Board meeting and the November 30, 2011 DVAC meeting all members voted for the installation of white lights (from last year) on the lighted palm trees for the Harding Avenue Business District to be installed after the holidays and to remain until the end of Easter/Passover. Item completed.

34. Short Term Rentals

Current Status: This item has been incorporated with the monthly report on the resort tax audits. Item will no longer appear as a separate Point of Light. Item combined with the Resort Tax Audit issue. Item completed.

35. Utilities payment lockbox at Publix: Vice Mayor Joe Graubart

Current Status: Staff has discussed this suggestion and determined that the level of usage and the complication of collecting the payments from the lockbox would not result in a significant improvement. We do not have the Staff to check the box daily which could result in on-time payments becoming late. There is a method to make after hours payments in the Town Hall lobby with convenient parking in the 93rd Street lot. Item completed



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

CC: Roger M. Carlton, Town Manager

DATE: January 17, 2012

SUBJECT: Town Attorney Monthly Update for January, 2012

The following Ordinances and Resolutions have been prepared (and/or reviewed and researched) or other advice rendered regarding the issues contained in them. In the case where agreements are attached, those contracts have also been drafted and/or reviewed and revised this month:

Ordinances:

1. Review Revisions to Second Reading Awning Ordinance
2. Revisions to the Parking Trust Ordinance

Resolutions:

1. Casino Gambling Resolution
2. Loan for Stormwater Improvements

The Town Attorney has prepared for, attended and/or rendered advice for the following meetings:

December 13, 2011 Commission Meeting
 December 22, 2011 Planning & Zoning Meeting
 January 4, 2012 Mediation for Young ISrael

January 9, 2012 Young Israel Executive Session
January 12, 2012 Campaign Skills Seminar

Town Manager and Town Clerk Issues:

Review and revise FDOT Sidewalk Agreement and begin preparation of proposed companion sidewalk ordinance
Review and analyze County ordinance related to lien foreclosure issue
Prepare for Campaign Survival Skills Seminar
Review and analyze 9501 Agreement Revisions
Research validity of requests for tolling and Extension of Approvals including gubernatorial executive orders re same
Review decision of Special Magistrate on Police arbitration issues
Research vacant Window Covering issues and prepare letter for Manager
AECOM Closeout
Review and revise B & V Draft Agreement
Review and revise Utility Consultant Agreement
Election Issues
Review Qualifying Information Handbook
Deal with Carlisle Association attorney

Agenda for December 22, 2011 Planning Board Sitting With Design Review Board:

- A. Request of the Applicant located at 9573 Harding Avenue
The applicant is requesting to replace the storefront and add an awning.
- B. Request of the Applicant located at 8705 Carlyle Avenue
The applicant is requesting a garage conversion.
- C. Request of the Applicant located at 9526 Harding Avenue
The applicant is requesting to install a new wall and ATM signs "Florida Community Bank"
- D. Request of the Applicant located at 9482 Harding Avenue
The applicant is requesting to install a non-illuminated sign "Nikki Danielle Paris"
- E. Request of the Applicant located at 9487 Harding Avenue
The applicant is requesting to install a new sign "Asian Kosher"

Planning & Zoning Board sitting as Local Planning Agency

- A. Parking Trust Ordinance
- B. Awning Ordinance
- C. Temporary Fence Ordinance

Planning And Zoning Discussion Items:

- A. 9501 Collins Avenue
- B. Alley Renderings
- C. Wayfarer Signs
- D. Discuss Parking Distance

Building Department/Code Enforcement/Planing:

Surfside Hotel (9200 Collins)
Spaggia Condo building permit issues

Advice to new code Enforcement Director on rental restrictions and window coverings

Human Resources Department:

Employee Severance Agreement

Finance Department:

Approval of Loan Application for State Revolving Funds for Utility Project.

Parks and Recreation:

Review letter to Fundtraptions

Review and revise Art in Community Center Agreement

Alarm Maintenance Agreement

Police Department:

FOP Arbitration

Davis v Surfside issues

Public Works:

Prepare lease of 9200 Collins to allow RicMan construction equipment for utility project.

Revise utility consultant agreement

Tourist Bureau:

Finalize Decobike Agreement

Litigation:

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 as to discovery with a previous case filed by a former sergeant in the Town's police department. The Court denied the Motion to Consolidate both cases for trial. The Court has ordered mediation and the Trial is scheduled for the week of July 30, 2012.

Young Israel of Bal Harbour, Inc. v. Town of Surfside Civil Action No. 1:10-cv-24392 in the United States District Court for the Southern District of Florida. On December 10, 2010, Young Israel served a complaint alleging the Town Zoning Code imposes a substantial burden on Young Israel in violation of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA). This matter is primarily being defended by The Florida League of Cities which has approved counsel to assist in the defense of this case. Settlement negotiations are underway.

Mediation was held on January 4, 2012 an Executive Session on January 9, 2012, and a Special Commission Meeting will be held January 23, 2012 regarding settlement of this matter.

American Enterprise Bank v Bishop Partners, LLC, Surfside, et.al Case No. 11-07139 CA 04 filed in Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. The case involves a mortgage foreclosure action against Defendants who owned property in Surfside. It appears that Surfside has been named as a defendant due to an unsatisfied lien on a Surfside property due to a code violation relating to a failure to pull a building permit. The Town was sued in error and counsel negotiated a settlement which resulted in \$500 proceeds for the Town.

Florida League of City Cases:

We monitor, coordinate witnesses and assist with requests for discovery with League counsel on cases that are covered by the FMIT. In addition to Young Israel (see above), we assist counsel with the following FMIT cases:

Americo Wehbe v Town of Surfside, Civil Action No. 11-23445 in the United States District Court for the Southern District of Florida. Plaintiff filed a ten (10) count Complaint served December 13, 2011 and a response to the Complaint is due by January 17, 2012. Florida League counsel represents the Town and these claims are currently under investigation by the Florida League of Cities counsel in accordance with the Town's insurance policy and subject to the attorney-client privilege. This office is working with the Police Department and Florida League of Cities to sort out the facts. The Florida League previously investigated this matter and determined there was no liability on the Town or any of the officers, and the League stated there was no probable cause for the arrest.

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. Counsel also attended an updated deposition of Plaintiff Blum who currently lives in Vermont and is a law enforcement specialist with Homeland Security Administration. He continues to request that his FDLE police certificate file be cleared of "resigned or retired while being investigated for violating agency policy," and requests Surfside issue him a retired law enforcement officer identification card. 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. Pursuant to the FMIT policy, the Town is responsible for only the \$5,000 deductible. The parties are in the process of negotiations to settle this case.

Dina Agin v. Town of Surfside Case No. 07-41974 CA 30

This case has been specially set for trial on January 23, 2012. This office is assisting Florida League counsel with trial preparations and witness preparations for trial.

Special Matters:

Continued monitoring and cataloguing of new case law and legislation on Federal, State, and County levels.



TOWN OF SURFSIDE

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Municipal Building
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Surfside, Florida 33154
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3E

Page 1
Town of Surfside
Projects Progress Report

Daniel Dietch
Mayor

Joe Graubart
Vice Mayor

Marta Olchyk
Commissioner

Michael Karukin
Commissioner

Edward Kopelman
Commissioner

Roger M. Carlton
Town Manager

TOWN OF SURFSIDE PROJECTS PROGRESS REPORT CALVIN, GIORDANO & ASSOCIATES. INC. January, 2012

1. **Community Center** – Final payment to the Contractor has been authorized with a small retainage for a few remaining items. The Contractor will continue to honor all warranty work via the 1 year warranty bond. Final payments will be made to the Architect and Project Manager when releases are signed.
2. **Planning and Community Development** – Planning Staff has finalized an ordinance for design elements relating to awnings within the downtown area per the input from the Downtown Vision Advisory Committee (DVAC) and the Planning and Zoning Board. It was unanimously approved by the Planning and Zoning Board and will be heard by the Town Commission for second reading on January 17, 2012. Staff has also presented an ordinance to the Town Commission on first reading and the Planning and Zoning Board in December which gives the Town Manager the authority to approve waivers for setbacks, landscaping and graphics on temporary construction fences. This will also be heard on January 17, 2012 for second reading of the ordinance. At the Planning and Zoning Board's December 22, 2011 meeting, the board discussed the desire to require all signage to be lit. Staff will place a discussion item on sign lighting on the January 26, 2012 Planning and Zoning Board agenda. Planning staff continues to answer general zoning calls and e-mails from the public and to review building permits for conformance with the zoning code.
3. **Website, Information Technology, TV Broadcasts** – The new, upgraded police laptops continue to work without any connectivity issues. AT&T is in the process of installing the new T1 line at the Community Center to allow for a larger bandwidth for staff and residents utilizing the new wifi system (wireless internet). AT&T anticipates completion of the installation by January 13th, 2011. The e-reader program is being implemented, and community center staff received training on all the devices. IT staff continue to respond to IT support requests via email and phone on a daily basis.

- 4. Public Utilities / Engineering** – The Water/Sewer/Storm Drainage Project commenced on August 15, 2011 in the southern sector (Phase I) of the City. The project involves water main / water service replacements, lining of the gravity sewer mains and sewer lateral replacements, rehabilitation of the sewer pump stations, and improvements to the stormwater collection system including two new drainage pump stations. Construction also commenced within the Harding and Collins Avenues corridors (with a break that occurred during the holiday season) preceding the FDOT resurfacing project anticipated to commence in April 2012. The public information project website continues to be updated frequently. The website receives approximately 10 hits daily, and inquiries are being promptly responded to. At the suggestion of Mayor Dietch, the Frequently Asked Questions (FAQ's) has been updated with information gathered from the Phase 2 pre-construction meeting which was held on January 11, 2012.

Bal Harbour Village has completed the construction / installation of a parallel force main within the Collins Avenue corridor through the Town. Bal Harbor received approval from WASD early in January to connect to the newly installed line. This will allow for the transfer of sewage from the old force main under Byron Avenue to the new Collins Avenue force main. Once completed, the old force main can be cleaned/tested and the appropriate course of action (repair / abandonment / continued utilization) can be determined.

CGA continues to work with the Town Manager regarding its potential for a partial refinancing of the project to reduce the interest cost and provide funding for a potentially expanded scope of work to include additional residences and potential work to rehabilitate the old Byron force main.

Stormwater System

Phase I Complete; majority of stormwater system work will occur in Phase II.

The construction includes the installation of a backbone stormwater conveyance system along Bay Drive that will interconnect existing stormwater culverts / piping and direct the run-off to two pump stations. Also, a third pump station will be constructed on the southern end of Carlyle Avenue. All permits have been obtained including contractor dewatering permit and FDEP well permit.

Sanitary Sewer Collection System

Phase I sewer lateral replacement is completed; TV, inspection and lining of sewer mains will continue Town wide.

Sewer lateral replacement, lining of the mains and television inspection of the gravity sewer mains has commenced in Phase II of the Town and shall continue within the Harding and Collins Avenue corridors. The improvements being completed on the Sanitary Sewer System are required per a consent decree with Miami-Dade County.

Water Distribution System

Phase I water main installation is completed; work outside of the roadway (in right of way and private property) will continue into early February. As the work is completed and the Contractor receives all Department of Health approvals, the water service is being switched over to the new system for all of Phase I.

Water main and water service installations have commenced in Phase II.

Grant status - Miami-Dade (GOB) Building Better Community Bonds \$829,000 – In place

Stormwater Master Maintenance

CGA staff assisted the Town with the response to the Florida Department of Environmental Protection comment letter on the July 2011 submittal of the Year 8 Annual Report Form. The Town staff has implemented the street sweeping program, with a private contractor sweeping every two weeks, as per National Pollution Discharge Elimination System permit requirements.

Funding Summary –

Funding Status:

<u>Grant</u>	<u>Amount</u>	<u>Status</u>	<u>Probability</u>
FDEP Grant	\$873,500	In place	100%
FDEP Grant	\$125,000	In place	100%
FDEP Grant	\$100,000	In place	100%

\$1,098,500 Total In Place Funding

FDEP State Revolving Fund Loan	\$9,312,881	In process*	90%
FEMA/PDM Grant	\$2,949,550	In process**	10%

\$5,720,550 Total In Process Funding

*The Town received the letter to incur costs on October 25, 2011.

**Anticipated determination in process funding sources is scheduled for February 2012.

- Neighborhood Improvements** – The Town Commission determined to hold on the additive alternate projects until the water/sewer/storm drainage project was underway one year to determine if remaining contingency account funding would be available.



**Town of Surfside
Commission Communication**

Agenda Item #: 4A1

Agenda Date: January 17, 2012

Subject: Temporary Construction Fences

Request: The code requires temporary construction fencing along Collins Avenue and Harding Avenue to be installed with a six foot setback and landscaping in front of the fence, however, an applicant may be heard by the Town Commission for a waiver of this requirement. This requirement was intended to avoid temporary fences being placed along Collins Avenue and Harding Avenue for long periods of time without landscaping. The code also prohibits graphics on temporary construction fences, but permits the Commission to waive this requirement as well. A waiver has been granted for limited project signage for an approved new building. While a project is waiting on the next Commission meeting, the property may remain unsecured due to the lack of fencing and the scheduling of the next meeting ultimately could delay a project.

The Town Commission heard a request for a waiver of the setback, landscaping and graphic requirement for the 9501 Collins 55 foot lot project during the November 8, 2011 Commission meeting and a similar waiver for JGB Bank located at 9585 Harding Avenue at the December 13, 2011 Commission meeting. Staff anticipates that future development projects will also request this waiver. Therefore, to adequately accommodate property owners securing their land with temporary fences and to facilitate the Commission agenda, staff is recommending that the Town Manager have the authority to waive the setback, site distance, landscaping and graphic requirements on temporary construction fences if appropriate to the conditions of the waiver request. The Town Manager's approval would be based on input from the Building Official, Town Planner and Public Works Director.

Recommendation: The Planning and Zoning Board reviewed this ordinance at their December 22, 2011 meeting and recommended approval to the Town Commission on a 3-1 vote. On December 13, 2011, the Town Commission voted unanimously to approve the ordinance on first reading. Staff is recommending that the Town Commission approve the ordinance on second reading granting the Town Manager the authority to waive the setback, landscaping and graphic requirements on temporary construction fences.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Roger M. Carlton, Town Manager

ORDINANCE NO. 12-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1 "CONSTRUCTION FENCING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES 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 (the "Commission") by Ordinance 10-1549 adopted regulations to require and address construction fencing issues but recognized therein that there might be unique circumstances under which the Commission should be able to waive any particular requirements; and

WHEREAS, the Commission having already heard one request for a waiver of the setback, landscaping and graphic requirement now anticipates there will be other such requests which can be easily handled by the Town Manager and the Town Commission hereby wishes to delegate that authority to the Manager as it may best suit the needs of the community; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on December 22, 2011 with due public notice and input; and

WHEREAS, the Town Commission held its first public hearing on December 13, 2011, having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on January 17, 2012

Ordinance No. _____

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:

90-56.1 Construction Fencing

e. Setbacks. A temporary fence installed on the front of the property shall be situated six feet from the property line on Harding Avenue and Collins Avenue, unless specifically waived by the town ~~manager~~ commission. The setback area between the temporary fence and the property line shall contain a continuous extensively landscaped buffer which must be maintained in good healthy condition by the property owner. No temporary construction permit shall be issued unless a landscape plan is approved by the Town for the buffer. Failure to maintain the landscaping will result in the Town taking action to replace same and lien the property for the costs of landscaping.

g. Murals and graphics. Graphics and murals on temporary construction fencing are prohibited unless approved by the town ~~manager~~ commission ~~at site plan review pursuant to section 90-20. The town commission, in its discretion, may permit graphics and painted murals on temporary construction fences for aesthetic enhancement of the fence and advertisement of the project to be constructed at site plan review.~~

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 13th day of December, 2011.

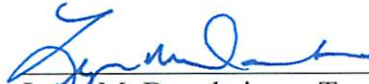
PASSED and ADOPTED on second reading this _____ day of January, 2012.

Daniel Dietch, Mayor

Attest:

Sandra Novoa
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. _____



TOWN OF SURFSIDE
Office of the Town Attorney

MUNICIPAL BUILDING
 9293 HARDING AVENUE
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Lynn M. Dannheisser
 Town Attorney

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 E-mail: ldannheisser@townofsurfsidefl.gov

MEMORANDUM

TO: Town Commission;
FROM: Lynn M. Dannheisser, Town Attorney 
cc: Town Planning and Zoning Board
 Roger Carlton, Town Manager
 Sarah Sinatra, Town Planner

DATE: January 17, 2012

SUBJECT: Town of Surfside Amended off Street Parking compliance for SD-B40 and Religious Places of Public Assembly Ordinance

The Town Commission through Ordinance 10-1556 encouraged businesses to gravitate to the downtown business district and/or created opportunity for redevelopment within the SD-B40 Zoning District with alternatives to meeting off-street parking requirements through the payment of fees into a Downtown Parking Trust Fund, which would then be utilized to finance creation of public parking for new construction or fund alternate means of providing parking.

Presently, Staff is recommending the Town amend this section to include an incentive to allow changes of use from service businesses to retail and/or restaurant uses through payment of a parking fee into the Town's Downtown Parking Trust Fund in addition to the use of tandem, shared parking, joint use, or off-site parking methods of compliance currently provided as well as expand the scope and applicability of these parking mitigation options to religious places of public assembly. This is done in a desire to avoid any limitations on the exercise of religious freedom. The Planning and Zoning Board wished to include outdoor seating in the computation of total commercial floor area and

also considered the issue of distance of allowable alternative parking when determining whether there was sufficient parking for purposes of considering any modification of parking requirements. Their recommendation is a distance of 300 feet. These two modifications are included in this draft.

Finally, the Town Commission also desires to provide a mechanism by which applicants may seek a reduction in the required number of spaces on a case by case basis if they otherwise meet the requirements of this ordinance. This Ordinance is consistent with the Town's Comprehensive Plan and furthers the public health, safety and welfare.

Budget Impact: This may result in an increase in revenues through the Town Parking Improvement Fund and a source to create additional improvements for the purpose of remediating the parking problems. It is also designed to incentivize new business and offer relief to religious institutions.

Staff Impact: None

Recommendation: It is recommended you adopt this ordinance.

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," ARTICLE VII "OFF-STREET PARKING AND LOADING," DIVISION 1 "OFF-STREET PARKING," SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES FURTHER CLARIFYING OFF-STREET PARKING COMPLIANCE FOR THE SD-B40 ZONING DISTRICT AND OFF-STREET PARKING COMPLIANCE FOR RELIGIOUS PLACES OF PUBLIC ASSEMBLY; PROVIDING FOR THE ABILITY TO MODIFY PARKING REQUIREMENTS; 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") in their desire to foster the creation of a pedestrian-friendly mixed-use downtown environment within the Town of Surfside ("Town"), by supporting the redevelopment and revitalization of properties in the downtown area within the Town's SD-B40 Zoning District, adopted Ordinance 10-1556 on July 13, 2010; and

WHEREAS, the Town's Future Land Use Element of the Town of Surfside Comprehensive Plan supports the use of a Parking Trust Fund as a method for funding the construction of public parking garages and/or other facilities and programs to provide needed parking within the Town's business district; and

WHEREAS, the Town Commission finds that, as a downtown business area within a geographically constrained beachfront community, vehicle parking is substantially limited within the SD-B40 Zoning District and other areas of the Town and these limitations hinder the ability

of businesses, and other nonresidential uses including religious places of public assembly throughout the Town to develop, improve and redevelop properties within existing properties; and

WHEREAS, the Town through Ordinance 10-1556 encouraged businesses to gravitate to the downtown business district and/or created opportunity for redevelopment within the SD-B40 Zoning District with alternatives around the Town such as shared parking, joint use, off site facilities and an additional parking mitigation option per the Town Comprehensive Plan, allowing new businesses and development projects to meet off-street parking requirements through the payment of fees into a Downtown Parking Trust Fund, which can then be utilized to finance creation of public parking for new construction or fund alternate means of providing parking; and

WHEREAS, there is recognition that there is insufficient parking in the SD-B40 Zoning District and this ordinance, attempts to remediate non-compliance when any building or structure is hereafter constructed, structurally altered so as to increase the number of dwelling units or hotel/motel rooms, structurally altered so as to increase its total commercial floor area, including provision of outdoor seating, or when any building or structure is hereafter converted to any of the uses listed in section 90.77(c) to meet code requirements by providing alternative mechanisms to meet those parking compliance requirements; and

WHEREAS, now the Town wishes to modify this section to clarify its scope and include an incentive to allow changes of use from service businesses to retail and/or restaurant uses through payment of a parking fee into the Town's Downtown Parking Trust Fund in addition to

the use of tandem, shared parking, joint use, or off-site parking methods of compliance currently provided; and

WHEREAS, the Town Commission desires to also address parking compliance options for religious places of public assembly in order to avoid limitations on the exercise of religious freedom; and

WHEREAS, the Town Commission also desires to provide a mechanism by which applicants may seek a reduction in the required number of spaces provided on a case by case basis if they otherwise meet the requirements of this ordinance; and

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 December 22, 2011 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 January 17, 2012, 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.

Ordinance No. _____

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby

amended as follows:

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

(a) Except as otherwise provided herein, when any building or structure is hereafter constructed; or structurally altered so as to increase the number of dwelling units or hotel rooms to increase its total commercial floor area, including provision of outdoor seating; or when any building or structure is hereafter converted to any of the uses listed in subsection 90-77(c), off-street parking spaces shall be provided in accordance with the requirements of subsection 90-77(c), or as required in subsequent sections of this article. The requirement for an increase in the number of required parking spaces shall be provided on the basis of the enlargement or change of use.

(b) Parking compliance for properties and uses located in SD-B40 zoning district and for religious places of public assembly in other areas of the Town. ~~; The following shall apply to properties and uses within the SD-B40 zoning district:~~

(1) Off-Street Parking Applicability. ~~This Section applies to: Compliance with the off-street parking requirements shall be required for all projects and developments consisting of new construction. It shall also be required for renovations with an aggregate job value which equals or exceeds any of the following:~~

a. Uses within the SD-B40 zoning district where changes of use from service businesses to restaurant or retail occur; and

b. Religious places of public assembly located within the area depicted on the Public Assembly Places as set forth in Section 90-41 (d)(23) hereinabove.

~~a. — \$40,000; or~~

~~b. — For interior renovations (may include exterior signage or facade improvements); ten percent of current building value; or~~

~~c. — For interior and exterior renovations (excluding signage), ten percent of the current assessed value of the property.~~

~~Assessed value and building value shall be determined from the Miami Dade County Property Appraiser's Office tax rolls. All permits issued for projects and development within a 365 day period shall be aggregated to determine if this threshold is met. Normal repairs and maintenance shall not trigger compliance. Changes of use or changes of business in an existing building that are not accompanied by construction or renovations meeting the thresholds of this subsection shall be exempt from the off-street parking requirements of Section 90-77.~~

(2) Options to satisfy parking requirements for uses specified in (1) above. Satisfaction of the off-street parking requirements of this subsection (b) may be achieved through

compliance with any combination of the following options:

- a. On site provision of required parking spaces as more specifically set forth in Section 90-77(c);
- b. Tandem parking as more specifically set forth in Subsection 90-77(d);
- c. Joint use and off-site facilities as more specifically described in Section 90-80. If parking is satisfied by agreement with a private third party, the Town shall require an agreement in writing for an effective period of no less than five (5) years. No less than sixty (60) days prior to the expiration of such agreement, either a new agreement shall be in place or the owner of the property for which the parking is being provided shall receive the Town's approval of the employment of one of the other prescribed options contained in this subsection. Failure to secure the Town's approval of one or a combination of the prescribed options shall result in revocation of the owner's Certificate of Occupancy and Certificate of Use;
- d. Shared parking; or
- e. Payment of parking trust fee: that can be used to finance the provision of parking whether through the purchase, construction or modification of parking facilities or to otherwise provide for additional parking as more specifically set forth in Section 90-77(b)(3).

(3) Modification of Parking Requirements. In tandem with the use of options (2)c-e to satisfy parking requirements, requests may be made for a reduction in the minimum parking requirements which may be considered by the Town upon receipt of an application from the owner of the site seeking a reduction as follows:

- a. Minor reductions. Requests for a reduction of one to three required parking spaces may be approved by the Town Manager in consultation with the Town Planner as a de minimus reduction upon a finding that the applicant has utilized the options available in Section 90.77(b)(2) above, to the greatest extent feasible. If the request is denied by the Town Manager, that decision may be appealed to the Town Commission.
- b. Major reductions. The Planning & Zoning Board shall hear requests for reductions in parking in excess of the Town Manager's authority under subsection (3)a hereinabove. Such requests shall be accompanied by a report prepared by the Town Manager and Town Planner and approved for legal sufficiency by the Town Attorney, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation. The report prepared by the Town Manager and Town Planner and approved for legal sufficiency by the Town Attorney will be based upon an independent study completed by a professional traffic engineer licensed in the State of Florida.

- c. Criteria for approval of major or minor reduction. Requests for reduction may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within 300 feet of the subject property along a practical and usable pedestrian route excluding residential districts.

If the request is denied by the Planning and Zoning Board, that decision may be appealed to the Town Commission.

* * *

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 13th day of December, 2011.

PASSED and ADOPTED on second reading this ____ day of _____, 2012.

Daniel Dietch, Mayor

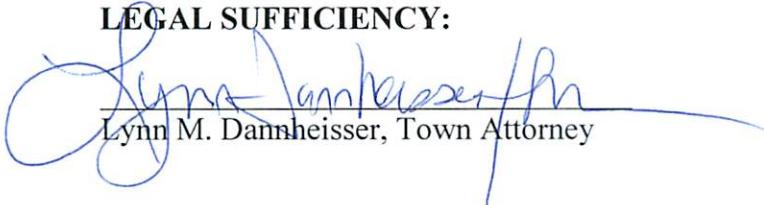
Attest:

Ordinance No. _____

Attest:

Sandra Novoa, MMC
Town Clerk

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



Lynn M. Damheisser, 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 Commission Communication

Agenda Item #: 4A3

Agenda Date: January 17, 2012

Subject: Awning Ordinance

Background: The Downtown Vision Advisory Committee (DVAC) has spent many meetings discussing ways to improve the business district. One of the proposed improvements is to create additional requirements for awnings.

Request: While the ordinance does not require consistency with other awnings throughout the district, it has multiple provisions regarding consistency with the overall design and details of the building in which the awning will be attached. This will encourage variety while maintaining a quality appearance throughout the downtown. The ordinance also recognizes that many buildings may represent an historic era. There are exceptions to the requirements for these buildings, such as permitting a curved awning, rather than the required straight awning.

DVAC did not recommend requiring a color palette, but did suggest limiting awnings to a solid color with a provision that the awning color shall not call more attention to the awning than the building. This is in place to prohibit applicants from using the awning as an extension of their sign or promoting their corporate colors. This ordinance is intended to assist the Design Review Board as it evaluates new awnings in the business district.

Recommendation: The Planning and Zoning Board unanimously recommended approval to the Town Commission at their December 22, 2011 meeting. The Town Commission unanimously approved this ordinance on first reading. Staff is recommending that the Town Commission approve the awning ordinance on second reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Roger M. Carlton, Town Manager

ORDINANCE NO. 12- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS” AND SPECIFICALLY AMENDING SECTION 14-52 “COMMERCIAL STANDARDS ESTABLISHED”; AND CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-47 “YARDS GENERALLY, ALLOWABLE PROJECTIONS”; SECTION 90-49 “AWNINGS AND CANOPIES”; AND SECTION 90.99 “APPENDIX-EXHIBIT A, DESIGN GUIDELINES FOR SINGLE FAMILY RESIDENTIAL PROPERTIES, MULTIFAMILY AND COMMERCIAL PROPERTIES.”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Downtown Vision Advisory Committee (DVAC) has proposed these additional requirements for awnings in an attempt to improve the appearance of the business district and these additional requirements are intended to assist the Design Review Board as it evaluates new awnings in the business district; and

WHEREAS, the Commission has attempted to create regulations to address the specific needs of the this unique community and continues to amend these regulations as they may best suit the needs of the community; for the health, safety and welfare of the Town; and

WHEREAS, the Town Commission held its first public hearing on December 13, 2011 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on December 22, 2011 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 January 10, 2012 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

Sec. 14-52. - Commercial standards established.

(a)The exterior appearance of all commercial property shall be maintained so as to prevent deterioration or blight.

(4)All awnings shall be without tears or holes and be free of dirt, discoloration, fading or cracking. ~~Any lettering or painted surface on awnings shall conform to subsection (a)(2) of this section.~~ All hardware, supports and poles shall be straight, free of rust, and in good condition.

Section 90-47 Yards generally, allowable projections.

90-47.2 Moveable awnings may be placed over doors or windows and may project not more than three feet into any required yard, except as provided in Section 90-49.2(a) 8.

Sec. 90-49.2 Awnings and canopies

The following Design Criteria are applicable to all multi-dwelling and non-residential properties. All new and replacement awnings and canopies shall meet these requirements.

- ~~a. Awnings and canopies shall have consistent height and depth.~~
- ~~b. Awnings and canopies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context.~~
- ~~c. Awnings and canopies shall be consistent on multiple storefronts within a larger building.~~
- ~~d. Awnings shall be fabric or metal. Plastic awnings are prohibited.~~
- ~~e. Awnings shall be solid colors rather than patterned.~~
- ~~f. Awnings shall utilize down lighting. Backlighting shall be prohibited.~~

- ~~g. Awning valances shall be straight rather than curved, except for special architectural elements to be compatible with historic building styles.~~
- ~~h. Awnings shall be attached to the building façades and shall not be supported by vertical elements within the right-of-way.~~

a. Location/Placement

- 1. Awnings and canopies shall have consistent height and depth subject to the size of the wall opening which the awning or canopy is affixed.
- 2. Awnings and canopies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context.
- 3. Awnings and canopies shall be consistent on multiple storefronts within a larger building.
- 4. After 25 feet in length, an awning or canopy shall have either a break of a minimum of six inches or articulation of the awning or canopy.
- 5. Awnings shall be attached to the building façades and shall not be supported by vertical elements within the right-of-way.
- 6. Awnings shall have a pedestrian scale and be placed so as to provide weather protection.
- 7. Awnings shall be an enhancement to the building façade and shall be proportional with and complimentary to nearby buildings and awnings.
- 8. Awnings shall be mounted in locations that respect the design of the building and do not obscure ornamental features over storefronts (i.e. rooflines, arches, materials, banding).
- 9. Awnings shall project a minimum of three (3) feet and a maximum six (6) feet over the sidewalk, not to exceed the width of the sidewalk.

b. Appearance

- 1. Awnings shall be fabric or metal. Plastic and vinyl awnings are prohibited, except for First Grade vinyl awnings, subject to approval by the Design Review Board.
- 2. Awnings shall be solid colors rather than patterned.
- 3. If an awning valance is proposed, it shall be straight rather than curved, except for special architectural elements to be compatible with historic building styles.
- 4. Awning colors shall enhance and complement the building and adjacent awnings, rather than overwhelm the building scheme. Colors shall not call more attention to the awning than the building.
- 5. Lighting associated with awnings and canopies shall be prohibited, except lighting approved by the Design Review Board which is attached underneath the awning and intended to provide pedestrian lighting.
- 6. Signage, graphics and lettering shall be prohibited on canopies and awnings

c. Construction and Maintenance

- 1. Awnings shall be mold and UV-resistant.
- 2. The awning frame structure shall be finished to match the metal storefront system color or the awning fabric color. The structure shall also be compatible with the window system of the building in terms of placement and materials.
- 3. Awnings shall have between a 30 and 50 degree angle, taking into consideration the height of the storefront and wind load requirements.

4. Awnings shall not be torn, frayed, ripped, faded, or stained, soiled or dirty. When not specifically addressed by this ordinance, provisions of the Town's Property Maintenance Code shall apply.
5. Maintenance, repair, replacement, and/or removal. All awnings and canopies shall be maintained and kept in good order and repair. Awnings and canopies which are found, upon inspection, to be in disrepair shall be subject to removal and/or replacement in accordance with the commercial standards established in Section 14-52 of the Code of Ordinances.

d. Enforcement

1. Code Enforcement and/or the Building Department shall be responsible for the enforcement of these provisions. Any person or entity violating these provisions shall be subject to a \$250/day fine and punishable as provided in Section 1-8 and all other applicable sections of the Code of the Town of Surfside

Sec. 90-99 APPENDIX

EXHIBIT "A" Design Guidelines for Single Family Residential Properties, Multifamily, and Commercial Properties.

~~TOWN OF SURFSIDE DESIGN GUIDELINES PERTAINING TO AWNINGS~~

~~E. AWNINGS, CANOPIES, "EYEBROWS" AND BALCONIES.~~

- ~~1. Balconies shall not extend into the frontage setbacks and shall not be less than five feet (5') in depth.~~
- ~~2. Awnings and canopies shall be incorporated to provide pedestrian protection from the elements as well as reduce overall building heat gain. Encroachments by awnings and nonpermanent canopies over the public sidewalk are permitted, but shall not be greater than 6' or the width of the sidewalk, whichever is less.~~
- ~~3. Awnings, canopies, "eyebrows" and balconies shall have consistent height and depth;~~
- ~~4. Awnings, canopies, "eyebrows" and balconies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context;~~
- ~~5. Awnings, canopies, "eyebrows" and balconies shall be consistent on multiple storefronts within a larger building.~~
- ~~6. Awnings shall be fabric or metal. Plastic or vinyl awnings are discouraged prohibited.~~
- ~~7. To reduce visual clutter, awnings shall be solid colors rather than patterned.~~
- ~~8. Awnings shall utilize down lighting. Backlighting is prohibited.~~
- ~~9. Awning valances shall generally be straight rather than curved, except for special architectural elements to be compatible with historic building styles.~~
- ~~10. Awnings shall be attached to the building facades and shall not be supported by vertical elements within the R.O.W.~~
- ~~11. All new and replacement awnings shall meet these requirements.~~

~~K. COMMERCIAL USES DESIGN CRITERIA.~~

~~1. Frontages along Harding Avenue are encouraged to provide a minimum six foot (6') wide continuous non-removable awning.~~

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 13 day of December, 2011.


PASSED and ADOPTED on second reading this ____ day of _____, 2011.

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
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	_____



**Town of Surfside
Town Commission Meeting
January 17, 2012
7 p.m.**

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

DISCUSSION ITEM MEMORANDUM

Title: Casino Gambling Expansion Opposition Resolution

Objective: To query the Commission if it is supportive of passing a resolution urging the Florida Legislature against any expansion of destination resorts (i.e., Casino Gambling) in the State of Florida.

Consideration: During the July 12, 2011 Commission Meeting a resolution was passed stating the Town Commission's opposition to Casino Gambling in Miami-Dade County, and specifically within the Town limits. Based on recent events, I again ask the Town Commission to pass a resolution which urges the Legislature to not pass any Casino Gambling expansion legislation statewide.

A resolution appears in Section 5 of the January 17, 2012 Town Commission Agenda.

If the Resolution passes, I further request our Town Clerk to transmit our resolution to our state legislative representatives, Governor Scott, and our neighboring municipalities.

RESOLUTION NO.

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO REJECT ANY AND ALL EXPANSIONS OF GAMBLING IN FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Resolution 11-2034 The Town Commission directed the Town Manager and the Town Attorney to investigate and research methods to prevent gambling in Miami- Dade County and specifically the Town of Surfside; and

WHEREAS, the Florida Legislature continues to consider various measures that would provide for the substantial expansion of gambling and potentially allow for casino operations in South Florida that rival in size and scope or exceed the gambling operations that exist in Las Vegas and Atlantic City; and

WHEREAS, notwithstanding the assurances of gambling promoters, historically, large scale casino operations cannibalize non-gambling businesses causing, for instance, the shuttering of forty percent of all restaurants and one-third of all retail businesses in Atlantic City; and

WHEREAS, if located near or in Surfside, the community will have to bear the potentially severe and painful economic and social costs that always accompany expansive gambling, including reached consequences such as the misery of individuals and families touched by problem gambling as they are at higher risk of divorce, bankruptcy, child abuse, domestic violence, crime, and suicide; and

WHEREAS, expanded gambling may also bring corruption of the governmental process as immensely wealthy gambling interests from all over the world seek to receive benefits from the local and state governments that regulate their existence and profits; and

WHEREAS, the Town believes that should gambling interests be allowed to obtain major casino expansion, in addition to social issues, the quality of life will be denigrated by the enormous exacerbation of traffic and the potential destruction of otherwise commercially viable businesses in our community; and

WHEREAS, the Town Manager and Town Attorney believe this issue will be preempted by the State and therefore the best course of action at this particular time is to direct a resolution from the Town urging the Florida Legislature to reject the expansion of gambling in the State of Florida and specifically in Miami-Dade County.

Resolution No. _____

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

Section 1. That the Town of Surfside, Florida urges the Florida Legislature to reject any and all expansions of gambling, including legislation to legalize so-called “destination casinos” in Florida.

Section 2. Implementation. The Mayor and the Town Manager are hereby authorized to take any and all action necessary to implement this Resolution.

Section 3. Direction to the Town Clerk. The Town Clerk is hereby directed to send a certified copy of this Resolution to the Florida Legislature.

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

PASSED AND ADOPTED this 17th day of January, 2012.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

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

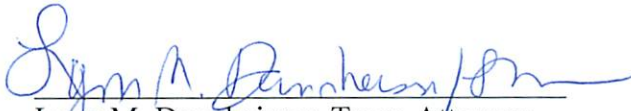
Daniel Dietch, Mayor

Resolution No. _____

ATTEST:

Sandra Novoa, CMC, 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 #: 5B

Agenda Date: January 17, 2012

Subject: Approval of Loan Application for State Revolving Funds for the Construction of Water, Wastewater and Stormwater Infrastructure

Objective: State Revolving Fund loans were identified as the back-up funding source for this project. Florida Statutes provide for loans to local government agencies to finance the construction of water and related facilities. The Town has met all criteria to qualify for said SRF Funds.

Background: The Town Commission has previously approved a facilities plan for water sewer and stormwater improvements in January, 2011. The State has approved the plan and has funds available for the sewer and stormwater portions of the project to lend to the Town. In order to secure the loans, the Florida Administrative Code rules require authorization to:

- apply for loans,
- establish pledged revenues,
- designate an authorized representative;
- provide assurances of compliance with loan program requirements; and
- enter into a loan agreement; and

The attached resolution is in the form required by the State to meet these authorization criteria.

Analysis: The loan application is attached.

Budget Impact: The interest rate on the SRF loans is currently substantially less than those for the current bonds (2.5% vs 4.72%). However the Town has the opportunity to make appropriate financial decisions at a later point in time on the mix of SRF funds to be used for repayment (\$4 million with no penalty, plus additional monies with a penalty, but still at a much lower interest rate), as makes good financial sense to the Town.

Growth Impact: N/A


Staff Impact: N/A
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Recommendation: It is recommended that the Town Commission approve a resolution for the loan application to the State Revolving Fund program for a construction loan in an amount not to exceed \$9,312,881 and authorize the Town Manager to execute the loan documents. If this is approved, the following actions will be required over the next few months:

- 1) An update to the Tischler Bise (now Black & Veatch Corp.) rate study will be reviewed to ensure that its entire financial restructuring package has no impact on rates that are currently in place in the short term. The study includes the potential that Miami-Dade County (water) and Miami Beach (sewer) increases our wholesale rates. If this occurs the Town Commission will decide during the FY 2012/2013 Budget review process if it desires to absorb all or part of a rate adjustment using reserves, or use other sources or pass through the costs. However, that decision does not have to be made today.
- 2) Any change in scope due to the addition of homes not indexed in the original project will be absorbed without a rate increase in the short term due to the lower interest rates including financing costs. We believe that reserves will continue to grow as per the Five Year Financial Plan.
- 3) The Citizen Advisory Committee will be reconvened to review the proposed new financial structure and the State revolving loan program will not be finally accepted until their input is reviewed.
- 4) The potential for loan forgiveness in the amount of \$3 million by the State will be factored at the end of year 4 as per the advice of our Government Relations and Public Affairs consultant, Mr. Fausto Gomez.



Finance Department Svcs. Director



Town Manager

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION FOR \$9,312,881 FOR CONSTRUCTION ACTIVITIES ASSOCIATED SURFSIDE WATER, WASTEWATER AND STORMWATER IMPROVEMENTS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of water, wastewater and stormwater facilities; and

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund loan priority list designates DEP the Infiltration and inflow for financing of construction activities involved with SURFSIDE Water, Wastewater/Construction Major Sewer and Stormwater Rehabilitation and infiltration and inflow projects are eligible for available funding; and

WHEREAS, the Town of Surfside, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing;

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

Section 1: That the foregoing findings are incorporated herein by reference and made a part hereof.

Section 2: That the Town of Surfside, Florida is authorized to apply for a loan to finance the Town's project.

Section 3: That the revenues pledged for the repayment of the loan are net water, sewer and stormwater system revenues after payment of debt service on the Town's Series outstanding obligations as noted in the loan application.

Section 4: That the Town Manager is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

Section 5: That the Town Manager is hereby designated as the authorized representative to execute the loan agreement which will become a binding obligation in accordance with its terms when signed by both parties. The Town Manager is authorized to delegate responsibility to appropriate Town staff to carry out technical, financial, and administrative activities associated with the loan agreement.

Section 6: That the legal authority for borrowing monies to construct this Project is the Florida Statutes.

Section 7: That all resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 8: That if any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section or part of this Resolution.

Section 9: That this Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 17th day of January, 2012.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

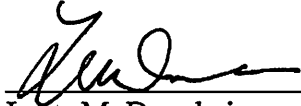
Commissioner Michael Karukin	_____
Commissioner Edward Kopelman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Joseph Graubart	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Lynn M. Dannheisser, Town Attorney

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE REVOLVING LOAN PROGRAM
for
Point Source Water Pollution Control

Project No.** Surfside Water and Stormwater Improvements

LOAN APPLICATION



Florida Department of Environmental Protection
Bureau of Water Facilities Funding
Twin Towers Office Building
2600 Blair Stone Road, MS 3505
Tallahassee, FL 32399-2400

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LOAN APPLICATION

- (1) SUBMITTAL. Submit the application and attachments to the Department of Environmental Protection, MS 3505, Bureau of Water Facilities Funding, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.
- (2) COMPLETING THE APPLICATION.
 - (a) This application consists of five parts: (I) ADMINISTRATIVE INFORMATION; (II) PROJECT INFORMATION; (III) FINANCIAL INFORMATION; (IV) AUTHORIZATION AND ASSURANCES; and (V) SUPPLEMENTARY INFORMATION.
 - (b) All information provided on this application must be printed. Monetary amounts may be rounded.
 - (c) Forms and attachments to be submitted are denoted with italic print.
- (3) ASSISTANCE. Completing this application may require information that can be obtained from Bureau of Water Facilities Funding staff. Please call (850) 245-8358 or SUNCOM 205-8358 for assistance in completing this application.

PART I - ADMINISTRATIVE INFORMATION

- (1) PROJECT SPONSOR Town of Surfside
Federal Employer Identification Number 59-6000434
- (2) AUTHORIZED REPRESENTATIVE (person authorized to sign or attest loan documents).
Name Roger Carlton Title Town Manager
Telephone 305-861-4863 FAX 305-861-1302 Email rcarlton@townofsurfsidefl.gov
Employer Town of Surfside
Mailing Address _____
- (3) PRIMARY CONTACT (person to answer questions regarding this application).
Name Marty Sherwood Title Finance Director
Telephone 305-861-4863 x 225 FAX 305-861-1302 Email msherwood@townofsurfsidefl.gov
Employer Town of Surfside
Mailing Address 9293 Harding Ave
Surfside, FL 33154
- (4) ADDITIONAL CONTACTS. If more than one additional person is to receive copies of Department correspondence, attach the information (*Attachment #1*).
Name Frederick Bloetscher, Ph.D., P.E. Title President
Telephone 239-250-2423 FAX 954-925-2692 Email h2o_man@bellsouth.net
Employer Public Utilities Management and Planning Services, Inc.
Mailing Address P.O. Box 221890
Hollywood, FL 33022 Physical Address: 15 SW 5th St. Dania Beach, FL 33004
- (5) PROJECT NUMBER (listed on the Department's priority list). 791040P
- (6) CAPITALIZATION GRANT PROJECT REQUIREMENTS. An Applicant may have to comply with certain Federal requirements for loans from funds that, in aggregate, are equivalent to the amount of the federal grant

awarded to the Department to partially capitalize the State Revolving Fund. Please check with the Department to determine if the project is subject to such requirements.

Is this project subject to special federal requirements? Yes No

If this project is subject to special federal requirements complete an *EPA Preaward Compliance Review Report* and attach in Part V, *List of Attachments*. (Attachment #_____).

(7) **FINANCIAL HARDSHIP.** To qualify for a financial hardship loan the affordability index of a small community to be served by the project shall be less than 100. A small community is a municipality or unincorporated community with a total service area population of 20,000 or less as of the most recent decennial census. Please check with the Department to determine if the project qualifies for a financial hardship loan.

Does the loan qualify for financial hardship consideration? Yes No

(8) **DIRECT AND LEVERAGED LOANS.** A local government project sponsor that receives a loan from proceeds of bonds issued by the Florida Water Pollution Control Financing Corporation will be subject to certain limitations resulting from the tax exempt status of such bonds. Please check with the Department to determine if the loan is subject to such limitations.

Is this loan subject to the special leveraged loan limitations? Yes No

PART II – PROJECT INFORMATION

If you are applying for a loan to plan and design a project that will involve construction, complete only Subpart A below. If you are applying for a loan to construct a project that is already planned and designed, complete only Subpart B below.

A. PRECONSTRUCTION PROJECT -

Information should be provided for each separate facility to be planned and designed as appropriate. For design/build projects or those where multiple facilities, segments, or phases are involved, please attach information for activities, schedule, and cost for each. (*Attachment #see Facilities Plan submitted previously*)

(1) **ACTIVITIES.** Attach a brief description of the scope of planning and design activities to be financed by this loan. Include a list of any specialized studies to be performed. (*Attachment #2*) Are these activities the same as those scheduled on *Request for Inclusion Form*? Yes No. If “No”, please explain. (*Attachment #_____*)

(2) **SCHEDULE.**

(a) Provide proposed completion dates for the items. (Please call Department staff to discuss time frames needed to complete required tasks.)

Planning documentation	July 2011
Engineering work	7/2011
Certification of site availability	3/2011
Permit	8/2011

(b) Do you anticipate that an interlocal agreement with another party will be necessary to implement the project? If “Yes”, please explain. (*Attachment #_____*) Yes No

(c) Is this a design/build project? Yes No

(3) **COST.** Is the cost information submitted for the preconstruction loan priority list current? If “No”, please explain and submit revised cost information using the appropriate page of the *Request for Inclusion Form*. (*Attachment #_____*) Note that the Yes No

disbursable amount will be limited to the priority list amount.

PRECONSTRUCTION LOAN APPLICANTS PROCEED TO PART III.

B. CONSTRUCTION PROJECT

(1) ACTIVITIES.

(a) Attach a brief description of construction activities to be financed by this loan. Include a list of the construction contracts (by title) corresponding to the plans and specifications accepted by the Department (*Attachment #2*).

Are these contracts the same as those scheduled on the *Request for Inclusion Form*? Yes No

If "No", please explain. (*Attachment #_____*)

(b) Have any of the contracts been bid? Yes No

If "Yes", indicate which contracts have been bid.

(c) Was the planning and design for this project financed with a preconstruction loan? Yes No

If "Yes", give the preconstruction loan number. _____

(d) Does this project involve an interlocal agreement with other local governments or other entities? Yes No

If "Yes", attach a copy of the Department letter accepting the interlocal agreement. (*Attachment #_____*)

Is the interlocal agreement, as accepted by the Department, fully executed and enforceable? Yes No

If "No", please explain (*Attachment #_____*).

(2) SCHEDULE. (month and year)

(a) What is the estimated date for the start of construction? 8/2011

(b) What is the estimated date for construction completion? 12/2012

(c) What is the date for start up of the facilities? 12/2012

(3) COST. Is the cost information submitted for the priority list current? Yes No

If "No", please explain and submit revised cost information using the appropriate page of the *Request for Inclusion Form*. (*Attachment #_____*) Note that the disbursable amount will be limited to the priority list amount.

PART III - FINANCIAL INFORMATION

Please check with the Department to establish estimates of the capitalized interest rate, project useful life for financial hardship loans, financing rate, pledged revenue coverage, limitations on annual loan amounts for large projects, applicability and amount of repayment reserves, amount of the loan service fee and any other information needed to complete this form.

- (1) **PRINCIPAL.** The requested amount of the loan, excluding capitalized interest is \$9,312,881
The estimate of the capitalized interest is \$0 based on a financing rate of 2.50%

Note that the disbursable amount will be limited to the priority list amount and must be consistent with the project information provided under **PART II** of this application. Also note that the capitalized interest is an inexact estimate, and it is subject to adjustment by the Department to reflect actual disbursement timing. The principal amount of the loan does not include the loan service fee.

- (2) **TERMS AND REPAYMENT.**

- (a) Loans to local government project sponsors are amortized over the lesser of useful life of the project or 20 years unless the project is to serve a small community qualifying as having a financial hardship. Loans to financial hardship communities may be amortized over the lesser of useful life of the project or 30 years. Loans to non-governmental project sponsors are amortized over the lesser of the useful of the project or 10 years. Finance charges and principal are paid semiannually.

What is the useful life of the project? 20 (years)

Over how many years would you like to amortize the loan? 20 (years)

- (b) List all revenues that are to be pledged for repayment of this loan. Water, sewer and stormwater user fees.
- (c) Pledged revenue receipts or collections by the project sponsor must exceed the amount of the repayments due to the Department unless there are other collateral provisions. The excess revenue, or coverage, generally is 15% of each repayment.

What coverage is proposed for the loan? 15% (coverage percentage)

- (d) Is any other financial assistance being applied to this project? Yes No
If "Yes", please list. (*Attachment #*)

- (3) **ANNUAL FUNDING LIMIT.** Large project funding (generally, loans in excess of \$10 million) may be provided in increments pursuant to the initial loan agreement and subsequent amendments. Each increment shall have a separate financing rate as established in the agreement or amendment providing that increment.

- (4) **LOAN REPAYMENT RESERVE.** Subject to the Department's approval, a local government may establish a restricted or assigned reserve account, using its own funds, in an amount not less than the sum of two semiannual loan repayments in order to reduce the pledged revenue coverage requirement to as low as 1.0 times the annual debt service.

Is a reserve expected to be established using local funds? Yes No

If "Yes," describe the locally funded reserve. (*Attachment #* 3)

- (5) **INFORMATION ON LIENS.**

- (a) Describe, if applicable, all debt obligations having a prior or parity lien on the revenues pledged to repay this loan. (*Attachment #* 4) For example: City Name, Florida, Water and Sewer System Revenue Bonds, Series 1996, issued in the amount of \$10,000,000, pursuant to Ordinance No. 93-104, as amended and supplemented by Ordinance No. 96-156.

- (b) Using the Part V, *Schedule of Prior and Parity Liens*, provide debt service information, if applicable, on each prior and parity obligation.
 - (c) For the listed obligations, provide a copy of the ordinance(s), resolution(s), official statement(s), or pages thereof, setting forth the definitions, use of proceeds, debt service schedule, pledged revenues, rate covenants, provisions for issuing additional debt, provisions for bond insurance, and debt rating. (*Attachment #4*).
 - (d) Describe any other notes and loans payable from the revenues pledged to repay this loan. (*Attachment #4*).
- (6) ACTUAL AND PROJECTED REVENUES.
- (a) Complete the Part V, Schedule of Actual Revenues and Debt Coverage for the past two fiscal years.
 - (b) Complete the Part V, *Schedule of Projected Revenues and Debt Coverage*, demonstrating the availability of pledged revenues for loan repayment.
- (7) AVAILABILITY OF PLEDGED REVENUES. All sources must be supported by a written legal opinion. (*Attachment #5*) The opinion must address the following:
- (a) Availability of the revenues to repay the loan.
 - (b) Right to increase rates at which revenues shall be collected to repay the loan.
 - (c) Subordination of the pledge if pledged revenues are subject to a prior or parity lien.
- (8) LOAN SERVICE FEE. A loan service fee is assessed on each loan. The fee is not part of the loan. The fee along with interest thereon will be deducted from the first available repayments after the final amendment to the loan agreement.

PART IV – AUTHORIZATION AND ASSURANCES

- (1) AUTHORIZATION. Provide an authorizing resolution of the Applicant's governing body or other evidence of authorization (*Attachment #6*) for the following:
- (a) Pledging revenues to repay the loan.
 - (b) Designation of the Authorized Representative(s) to file this application, provide assurances, execute the loan agreement, and represent the Applicant in carrying out responsibilities (including that of requesting loan disbursements) under the loan agreement.
- (2) ASSURANCES. The Applicant agrees to comply with the laws, rules, regulations, policies and conditions relating to the loan for this project. Applicants should seek further information from the Bureau of Water Facilities Funding staff as to the applicability of the requirements if the necessity for the assurances are of concern. Specifically, the Applicant certifies that it has complied, as appropriate, and will comply with the following requirements, as appropriate, in undertaking the Project:
- (a) Assurances for capitalization grant projects.
 1. Complete all facilities for which funding has been provided.
 2. The Archaeological and Historic Preservation Act of 1974, PL 93-291, and the National Historic Preservation Act of 1966, PL 89-665, as amended, regarding identification and protection of historic properties.
 3. The Clean Air Act, 42 U.S.C. 7506(c), which requires conformance with State Air Quality Implementation Plans.
 4. The Coastal Zone Management Act of 1972, PL 92-583, as amended, which requires assurance of project consistency with the approved State management program developed under this Act.
 5. The Endangered Species Act, 16 U.S.C. 1531, et seq., which requires that projects avoid disrupting threatened or endangered species and their habitats.

6. Executive Order 11593, Protection and Enhancement of the Cultural Environment, regarding preservation, restoration and maintenance of the historic and cultural environment.
 7. Executive Order 11988, Floodplain Management, related to avoiding, to the extent possible, adverse impacts associated with floodplain occupancy, modification and development whenever there is a practicable alternative.
 8. Executive Order 11990, Protection of Wetlands, related to avoiding, to the extent possible, adverse impacts associated with the destruction or modification of wetlands and avoiding support of construction in wetlands.
 9. The Fish and Wildlife Coordination Act, PL 85-624, as amended, which requires that actions to control natural streams or other water bodies be undertaken to protect fish and wildlife resources and their habitats.
 10. The Safe Drinking Water Act, Section 1424(e), PL 93-523, as amended, regarding protection of underground sources of drinking water.
 11. The Wild and Scenic Rivers Act, PL 90-542, as amended, related to protecting components or potential components of the national wild and scenic rivers system.
 12. The federal statutes relating to nondiscrimination, including: The Civil rights Act of 1964, PL 88-352, which prohibits discrimination on the basis of race, color or national origin; the Age Discrimination Act, PL 94-135, which prohibits discrimination on the basis of age; Section 13 of the Federal Water Pollution Control Act, PL 92-500, which prohibits sex discrimination; the Rehabilitation Act of 1973, PL 93-112, as amended, which prohibits discrimination on the basis of handicaps.
 13. Executive Order 11246, Equal Employment Opportunity, which provides for equal opportunity for all qualified persons.
 14. Executive Orders 11625 and 12138, Women's and Minority Business Enterprise, which require that small, minority, and women's business and labor surplus areas are used when possible as sources of supplies, equipment, construction and services.
 15. The Coastal Barrier Resources Act, 16 U.S.C. 3501 et seq., regarding protection and conservation of the coastal barrier resources.
 16. The Farmland Protection Policy Act, 7 U.S.C. 4201 et seq., regarding protection of agricultural lands from irreversible loss.
 17. The Uniform Relocation and Real Property Acquisition Policies Act of 1970, PL 91-646, which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs.
 18. The Demonstration Cities and Metropolitan Development Act of 1966, PL 89-754, as amended, which requires that projects be carried out in accordance with area wide planning activities.
 19. Section 306 of the Clean Air Act, Section 508 of the Clean Water Act and Executive Order 11738, which prohibit manufacturers, firms, or other enterprises on the EPA's list of Violating Facilities from participating in the Project.
 20. Executive Order 12549, Debarment and Suspension, which prohibits any award to a party which is debarred or suspended or is otherwise excluded from, or ineligible for, participation in federal assistance programs.
 21. Minority and Women's Business Enterprise participation in project work using numerical goals, established by the U.S. Environmental Protection Agency, and to be set forth in the specifications for construction and materials contracts.
- (b) Assurances for other projects.
1. Chapter 161, Part I, F.S., "Beach and Shore Preservation Act" and Part III, "Coastal Zone Protection Act of 1985" which regulate coastal zone construction and all activities likely to affect the condition of the beaches or shore.

2. Chapter 163, Part II, F.S., the "Local Government Comprehensive Planning and Land Development Regulation Act" which requires units of local government to establish and implement comprehensive planning programs to control future development.
3. Chapter 186, F.S., State and Regional Planning, which requires conformance of projects with Regional Plans and the State Comprehensive Plan.
4. Chapter 253, F.S., "Emergency Archaeological Property Acquisition Act of 1988" which requires protection of archaeological properties of major statewide significance discovered during construction activities.
5. Chapter 258, Part III, F.S., which requires protection of components or potential components of the national wild and scenic rivers system.
6. Chapter 267, F.S., the "Florida Historical Resources Act" which requires identification, protection, and preservation of historic properties, archaeological and anthropological sites.
7. Chapter 287, Part I, F.S., which prohibits parties convicted of public entity crimes or discrimination from participating in State-assisted projects and which requires consideration of the utilization of Minority Business Enterprises in State-assisted projects.
8. Chapter 372, F.S., the Florida Endangered and Threatened Species Act which prohibits the killing or wounding of an endangered, threatened, or special concern species or intentionally destroying their eggs or nest.
9. Chapter 373, Part IV, F.S., Florida Water Resources Act of 1972, which requires that activities on surface waters or wetlands avoid adversely affecting: public health, safety, welfare, or property; conservation of fish and wildlife, including endangered or threatened species or their habitats; navigation or the flow of water; the fishing or recreational values or marine productivity; and significant historical and archaeological resources.
10. Chapter 380, Part I, F.S., Florida Environmental Land and Water Management Act of 1972 as it pertains to regulation of developments and implementation of land and water management policies.
11. Chapter 381, F.S., Public Health, as it pertains to regulation of onsite wastewater systems.
12. Chapter 403, Part I, F.S., Florida Air and Water Pollution Control which requires protection of all waters of the state.
13. Chapter 582, F.S., Soil and Water Conservation Act which requires conformance with Water Management District's regulations governing the use of land and water resources.
14. Governor's Executive Order 95-359, which requires State Clearinghouse review of project planning documentation and intergovernmental coordination.

I, the undersigned Authorized Representative of the Applicant, hereby certify that all information contained herein and in the attached is true, correct, and complete to the best of my knowledge and belief. I further certify that I have been duly authorized to file the application and to provide these assurances.

Signed this _____ Day of _____, 20 _____

Authorized Representative _____
(signature) Roger M. Carlton
(name typed or printed)

PART V – SUPPLEMENTARY INFORMATION
SCHEDULE OF PRIOR AND PARITY LIENS

List annual debt service beginning two years before the anticipated loan agreement date and continuing at least fifteen fiscal years. Use additional pages as necessary.

IDENTIFY EACH OBLIGATION

#1 Coverage % Insured (Yes/No)	#2 Coverage % Insured (Yes/No)	#3 Coverage % Insured (Yes/No)
#4 Coverage % Insured (Yes/No)	#5 Coverage % Insured (Yes/No)	#6 Coverage % Insured (Yes/No)

Fiscal Year	Annual Debt Service (Principal + Interest)						Total Non-SRF Debt Service w/coverage	Total SRF Debt Service w/coverage
	#1	#2	#3	#4	#5	#6		
2012								
2013								
2014								
2015								
2016								
2017								
2018								
2019								
2020								
2021								
2022								
2023								
2024								
2025								
2026								
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2023								
2034								

2035								
2036								
2037								
2038								

**SCHEDULE OF ACTUAL REVENUES AND DEBT COVERAGE
FOR RATE-BASED SYSTEM PLEDGED REVENUE**

(Provide information for the two fiscal years preceding the anticipated date of the SRF loan agreement.)

	FY 2009	FY 2010
Operating revenues (Identify)		
<u>User Fees</u>	\$ 2,210,490	\$ 2,765,220
<u>Intergov.</u>	\$ (44,333)	\$ (63,452)
Interest Income	638	11,575
Other Revenues (penalties/meters)		
<u>Misc.</u>	\$ 200	
Total Revenues	\$ 2,166,995	\$ 2,713,343
Operating Expenses (excluding interest on debt, deprec, and non cash)	\$ 1,798,387	\$ 2,104,788
Net Revenues (f = d - e)	\$ 368,608	\$ 608,555
Debt Service (including coverage Excluding SRF Loans)		\$ -
Debt Service (including coverage) for Outstanding SRF Loans		
Net	\$ 368,608	\$ 608,555

- (h) Attach audited annual financial report(s), or pages thereof, and any other documentation necessary to support the above information. Include any notes or comments from the audit reports regarding compliance with covenants of debt obligations having a prior or parity lien on the revenues pledged for repayment of the SRF loan. (Attachment # 10& 11)
- (i) Attach worksheets reconciling this page with the appropriate financial statements (for example, backing out depreciation and interest payments from operating expenses). (Attachment # 10& 11)
- (j) If the net revenues were not sufficient to satisfy the debt service and coverage requirement, please explain what corrective action was taken. (Attachment # N/A)

**SCHEDULE OF PROJECTED REVENUES AND DEBT COVERAGE
FOR RATE-BASED SYSTEM PLEDGED REVENUE**

(Begin with the fiscal year preceding first anticipated semiannual loan payment.)

Item	2011	2012	2013	2014	2015
Operating Revenues					
User Fees - Water	\$ 1,540,201	\$ 1,621,254	\$ 1,706,572	\$ 1,779,272	\$ 1,855,069
User Fees - Sewer	\$ 1,518,999	\$ 1,769,120	\$ 1,897,691	\$ 1,887,557	\$ 2,102,678
User Fees Stormwater	\$ 487,000	\$ 487,000	\$ 487,000	\$ 487,000	\$ 487,000
Connection Fees	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200
Interest Income	\$ 2,128	\$ 2,128	\$ 2,128	\$ 2,128	\$ 2,128
Non-OP/Rate Stabilization					
Other Revenues	\$ 1,760	\$ 1,760	\$ 1,760	\$ 1,760	\$ 1,760
Misc.	\$ 4,433	\$ 4,433	\$ 4,433	\$ 4,433	\$ 4,433
TOTAL	\$ 3,555,721	\$ 3,886,895	\$ 4,100,784	\$ 4,163,350	\$ 4,454,268
Operating Expenses	\$ 2,096,698	\$ 2,219,535	\$ 2,451,950	\$ 2,714,467	\$ 3,011,220
SW Expenses	\$ 246,532	\$ 252,695	\$ 259,013	\$ 265,488	\$ 272,125
Net Revenues	\$ 1,459,023	\$ 1,667,360	\$ 1,648,834	\$ 1,448,883	\$ 1,443,048
Debt Service (Excl SRF Loans)					
Debt Service (SRF Loan, incl coverage)	\$ -	\$ -	\$ -	\$ -	\$ -
Total Ex. Debt	\$ -	\$ -	\$ -	\$ -	\$ -
Proj Future Debt (Non-SRF Loans)	\$ -			\$ -	
Projected SRF Loan Debt (Incl coverage)		995,728	995,728	995,728	995,728
New Debt	\$ -	\$ 995,728	\$ 995,728	\$ 995,728	\$ 995,728
NET	\$ 1,459,023	\$ 671,632	\$ 653,106	\$ 453,155	\$ 447,320

(k) Identify the source of the above information and explain methods used to develop the projections (*Attachment # 12* ____). Include an explanation of any revenue and expense growth or other adjustments; for example, any rate increases, service growth, inflation adjustments, expense adjustments reflecting the cost of operating additional facilities, or other considerations.

(m) Are the above projections consistent with the capital improvements financing information in the accepted water facilities plan? Yes No. If not, explain on *Attachment #* ____.

PART V – SUPPLEMENTARY INFORMATION

LIST OF ATTACHMENTS

LIST OF ATTACHMENTS. This application requires the submittal of *Attachments* to provide supplemental information. The application is not complete without the completed *List of Attachments*. Please list all attachments that you are including with this application form.

<u>Attachments</u>	<u>Number</u>
<u>Persons to Receive Correspondence</u>	<u>1</u>
<u>Project Description</u>	<u>2</u>
<u>Loan Reserve</u>	<u>3</u>
<u>Prior Obligations (SRF Loans)</u>	<u>4</u>
<u>Attorney’s Opinion</u>	<u>5</u>
<u>Resolution Approving Loan</u>	<u>6</u>
<u>Site Certification</u>	<u>7</u>
<u>EPA Form</u>	<u>8</u>
<u>Capital Financing Plan</u>	<u>9</u>
<u>2009 Audit Statements</u>	<u>10</u>
<u>2010 Audit Statements</u>	<u>11</u>
<u>2010 Rate Study</u>	<u>12</u>
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Town of Surfside Commission Communication

Agenda Item # 9B

Agenda Date: January 17, 2011

Subject: Local Business Tax Receipt and Certificate of Use: Non-compliant Businesses Action Program

Background: Since August, 2011, Town staff has been reaching out to the local business community in an effort to attain voluntary compliance from the businesses with the required Local Business Tax Receipt (LBTR) and Certificate of Use (CU) ordinances. To date, although many businesses have responded, others have failed to do so after repeated attempts to notify and inform them of the process.

The businesses in the Commercial District have all been personally provided notice and advised of the procedures. Most have been contacted multiple times (either by phone, e-mail, in person) in an attempt assist them in making application for both CU and LBTR. The effort for home based businesses has not been as successful due to the limitation of resources, and in many instances identifying them has proven to be difficult.

Analysis: As of January 8, 2012:

- 143 Certificate of Use applications have been received and 139 have been processed.
 - Of the 139 processed, 125 have been issued and 14 are pending resolution of inspection issues.
- 189 Local Business Tax Receipt applications have been received and 114 businesses have been issued a total of 152 licenses (some have multiple licenses), and 75 applications are still being processed.
 - The balance of 179 businesses have not applied, may no longer exist, or have not submitted appropriate paperwork
- Town records indicate that there were 368 businesses (including out-of-town insurance agencies) registered in FY 2011. As such, the remaining businesses need to be identified as “inactive” or enforcement action needs to be initiated against the business owners and/or property owners.

Budget Impact: Cost of sending certified mail (return receipt requested) and cost for staff time required in preparation and mailing of Notices, which is anticipated to be recovered via fines which may be levied. Also, an increase in revenue to the Town generated from the collection of the outstanding LBTR and CU that has yet to be collected.

Staff Impact: There is no anticipated staff impact, except for the time and effort required in preparation and mailing of the notices.

Conclusion: The Administration will move forward with enforcement action, via the issuance of Civil Citations that will carry a \$100 per day fine until such time as the CU and/or LBTR are obtained by the respective businesses. We wanted you to be aware that this enforcement action is about to begin in the event you are contacted.



Department Head



Town Manager

Sandra Novoa

From: Lynn Dannheisser
Sent: Tuesday, January 10, 2012 11:48 AM
To: Sandra Novoa; Roger Carlton
Subject: FW: Young Israel Teleconference

Ted wants to further discuss parking problem in February. See below but coordinate with Roger as he may already have an item.



Lynn M. Dannheisser
 Town Attorney
 Town of Surfside
 9293 Harding Ave
 Surfside, FL 33154
 305-993-1065
 305-993-5097 (fax)
ldannheisser@townofsurfsidefl.gov

"Fiat justitia, ruat coleum."

"Let justice be done even if the heavens themselves shall fall."

Mansfield, 1772

to or from Municipal employees regarding town business are public records, available to the public and media upon request. Therefore, this e-mail message may be subject to public disclosure.

From: Edward Kopelman
Sent: Tuesday, January 10, 2012 11:18 AM
To: Lynn Dannheisser
Subject: RE: Young Israel Teleconference

DEAR LYNN: GREAT JOB!! PLEAS ADD TO FEBRUARY'S AGENDA SOMETHING RELATING TO OUR MASSIVE PARKING PROBLEM...THANKS, TED



**Town of Surfside
Town Commission Meeting
January 17, 2012
7 p.m.**

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

DISCUSSION ITEM MEMORANDUM

Title: Abbott Lot Parking

Objective: To discuss ‘believed’ or alleged parking problem at the Abbott Lot (Abbott Avenue, between 95th and 96th Streets). Offer solution to alleviate any of these concerns.

Consideration: Discuss methods and ways to help guarantee that ‘real shoppers’ have parking spaces available during the ‘height’ of the season and the busiest shopping hours.

Respectfully,

Joe Graubart

Vice Mayor



**Town of Surfside
Town Commission Meeting
January 17, 2012
7 p.m.**

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

DISCUSSION ITEM MEMORANDUM

Title: 95th Street “Streetscape Project”

Objective: To discuss and give Town Manger and Staff direction as to the Commissions directive(s) regarding Phase One: Hard-pack to Collins Ave., Phase Two: Collins Avenue to Harding Avenue, and Phase Three: Harding Avenue to Abbott Avenue.

Consideration: Amount of Town and ‘contributed’ funds, by recent developers (hotel and residential), to be dedicated to this 95th street rehabilitation (streetscape) project. We are told that the east block alone will cost \$82,400.00 in design costs alone (Phase One).

Discuss having Univ of Miami, Florida International Univ., and Nova Southeastern compete for designing – with a payment for first, second and third place for this project. Give Town manager ‘direction’ regarding this.

Concerns: Defer Phase Two and Three in particular (see above). Ensure that these two phases won’t be ‘torn-up’ with any new and major changes to traffic patterns and the like resulting from the new Grand Beach Hotel and any major changes to the downtown.

Respectfully,

Joe Graubart

Vice Mayor



**Town of Surfside
Town Commission Meeting
January 17, 2012
7 p.m.**

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

DISCUSSION ITEM MEMORANDUM

Title: Incorporating the ‘name’ of new businesses established in Surfside

Objective: To encourage shopping in our downtown business and to have the names of these businesses reflect their location – Surfside. Not Miami Beach – Not Bal Harbour.

Consideration: A good example of this is the wonderful ‘Natural Foods Café’ located on 94th street and Harding Ave., know as: Bal Harbour Juice, www.bhjuice.com

Another example is the Best Western on 96th and Collins Avenue. Brochures read as follows: “Oceanfront Resort” - 9365 Collins Avenue, Miami Beach/Bal Harbour, FL The Brochure does NOT mention Surfside once.

I am asking if this Commission wants to ‘pass’ a Resolution in favor of encouraging the use of our Town’s name, Surfside, in their advertising, address letterheads, brochures, etc., by businesses located in the Town. With the hopes of attracting customers for the downtown business district - this could certainly help.

Respectfully,

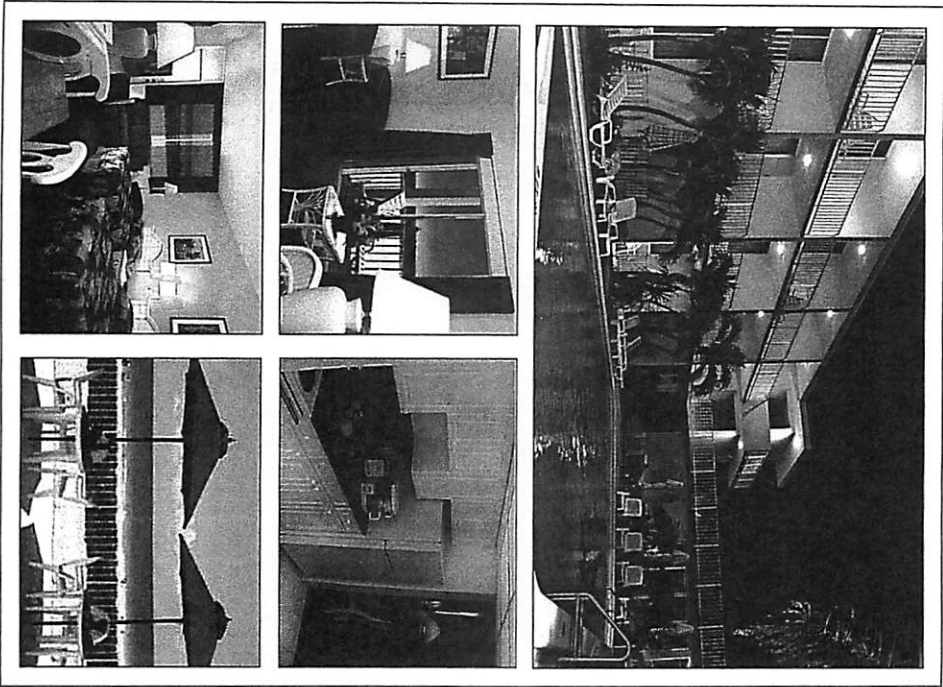
Joe Graubart

Vice Mayor



MIAMI BEACH

FLORIDA



OCEANFRONT RESORT

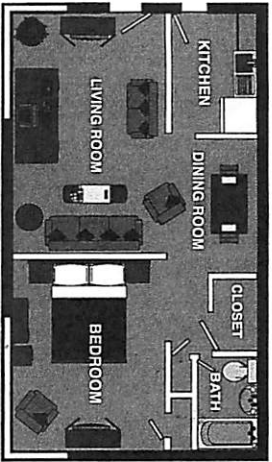
9365 Collins Avenue, Miami Beach/Bal Harbor, FL 33154

Tel: (305) 864.2232 Fax (305) 864.3045

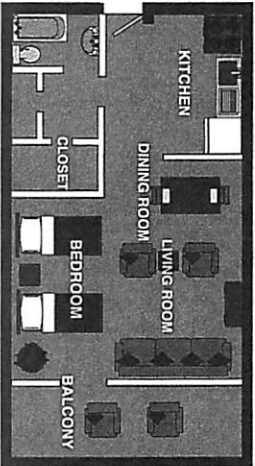
Email: bw@bestwesternoceanfront.net

Website: www.oceanfrontbestwestern.com

Toll Free: 1.800.327.1412



1 Bedroom Suites:
Our 1 Bedroom Suites can accommodate up to 6 guests and have a separate bedroom, full size kitchen, living/dining room area, as well as ample closet space. We also feature two televisions.



Executive Suites:
Our Executive Suites can accommodate up to 4 guests and include private balcony, a walk-in closet, separate full size kitchen, as well as a breakfast nook/seating area.

Casual and Relaxed - 10 Min. to South Beach

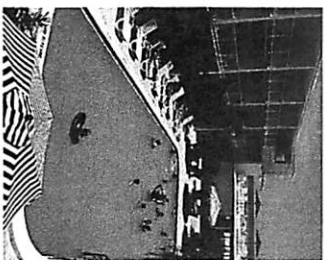
Amenities include:

- Deluxe Full Breakfast
- (Self) Free Parking • Daily Maid Service
- 300 ft. Oceanfront with 2 Heated Pools
- Business Center and Wi-Fi in Suites
- World Class Shopping
- Reasonable Rates • Discounts Available
- Close To Everything

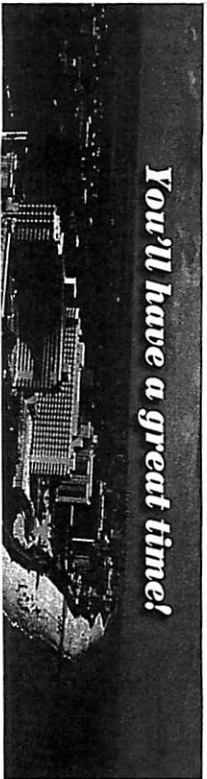
Directions:

Interstate 95 to NW 125th Street Exit 13, East to Harding Avenue, south to 93rd Street, turn left go east a half block to Collins Avenue A1A, turn left go north a block. The Best Western Oceanfront Resort is located on the oceanside on the right side of the street.

220 >



You'll have a great time!



Best Western Oceanfront Resort

Reservations: 1.800.327.1419



Town of Surfside Commission Communication

Agenda Item # 9G

Agenda Date: January 17, 2012

Subject: Resort Tax Audit Update

Background: The unique ability of Surfside to collect Resort Tax revenue on accommodation rental sales through a four percent tax and through two percent on food and beverage sales is defined by Florida State Law Chapter 67-930 Municipal Resort Tax and the Town's Charter Sec, 69-A Resort Tax. Miami Beach and Bal Harbour are the other only other municipalities in Miami-Dade County with the same capability.

Surfside's Chapter 70 Article IV Resort Tax governing the collection and use of this tax was adopted in 1960 and has not been updated since. Through a series of public meetings and workshops with previous and present Tourist Boards, that included a review of the Florida Statute and the Town's Charter as well as those ordinances pertaining to Resort Tax from Miami Beach and Bal Harbour, and with input from the Town Manager and Town Attorney, an amendment to the ordinance was brought before the Town Commission on May 10, 2011.

The amendments address the following areas that were lacking in the original ordinance:

- Provides definitions of terms used throughout the ordinance to avoid any potential confusion.
- Authorizes the taxation of beer, malt and refrigerated beverages, as well as take-out, bringing the ordinance in line with amendments to the State Statute since 1960.
- The responsibility of the applicable businesses to collect and remit the tax is clarified.
- Provisions for enforcing compliance, a delinquency penalty schedule, and the creation of a means for the settling of disputes is provided.
- Requirements to provide sufficient documentation with the tax submittal are defined.

- Identifying the creation of a special fund for all Resort Tax receipts brings the ordinance in line with the Town's Charter and complies with the State's statute. The capability of the Town to use a portion of the fund for Town purposes is not diminished.
- Identifying that a minimum of thirty four percent of the Resort Tax collected becomes the Tourist Bureau's budget aligns this amended ordinance with the traditional amount outlined in the original ordinance.
- By simplifying and stating that the Tourist Bureau's use of a portion of the fund becomes part of the Town's annual budgetary process codifies a process that has been the situation for many years.

Increasing Resort Tax revenue through new revenue streams and addressing compliance issues (e.g. audits) aligns with the direction given by the Town Commission during the workshop on the Five Year Financial Plan. The increased revenue will help achieve the goal of diversifying the Town's revenue sources and diminish a reliance on property taxes the subsequent Surfside resident tax burden.

With the Town Commission's adoption of the amendments to Chapter 70 Article IV "Resort Tax" Ordinance on second reading at the June 14, 2011 Commission Meeting, a comprehensive program to determine compliance via the performance of independent audits became possible. While Surfside's statutory authority to collect the Resort Tax has been in existence since 1960, audits had never been undertaken. For the first time in over sixty years an auditing process, with the allowance for a dispute and resolution process, was created.

A Request For Proposals (RFP) was issued on August 12, 2011 with the view of selecting multiple qualified audit firms that could be utilized to audit businesses subject to Resort Tax. This RFP process followed that of the Town Commission approved RFP process for engineering/architecture firms. On September 19, 2011 a Town Selection Committee consisting of the Finance Support Services Director, Acting Town Clerk and Tourism Director reviewed all seven proposals against the requirements outlined in the RFP. The following seven firms met the RFP requirements and were presented to the Town Commission at the October 11, 2011 Commission Meeting and approved:

- Experis Finance, 1600 Sawgrass Corporate Parkway, Sunrise FL 33324
- Gamarra & Associates, LLC, 2999 NE 191 Street, Ste 704, Aventura FL 33180
- Keefe, McCullough & Co., LLP, 6550 N Federal Highway, Ste 410, Fort Lauderdale FL 33308
- Marcum, LLP 1 SE 3rd Avenue, Miami FL 33131
- RGL Forensics, 100 SE 3rd Avenue, Ste 1515, Fort Lauderdale FL 33394
- Samson Kline Jacomino & Co., LLP, 5805 Blue Lagoon Drive, Suite 220, Miami FL 33126
- TCBA Watson Rice LLP, 500 NW 165th Street, Ste 205, Miami FL 33169

The acceptance of this range of small and large firms provided flexibility to the Town in determining a timely audit completion date and in identifying the types of businesses that could be audited. The agreement with the auditing firms is for two fiscal years with the option of three one-year renewals. With the subsequent merger of two of the approved qualified firms, Gamarra & Associates and Samson Kline Jacomino, the remaining six firms were assigned two businesses each to audit a period that encompasses the previous three fiscal years. Therefore the initial audit addresses twelve Resort Tax paying businesses. These businesses ranged from hotels, with and without food and beverage service, to both high volume and smaller restaurants. Constant contact between Staff and all six firms was maintained throughout the audit process. A meeting was held with each firm on January 5, 2012 to review their findings before final reports were presented to the Town Manager on January 17, 2012.

Analysis: Presently staff is reviewing the final reports relating to the twelve audited businesses. Preliminary findings identify a wide range of results. Some businesses have records that match the Town's Resort Tax payment receipts and other documents that are used to determine resemblances of the submissions. Other businesses have minor discrepancies that err in the Town's favor. These businesses will be invoiced accordingly for the amounts due. There is one business that overpaid the tax to the Town, due to their accounting errors, and will qualify for a reimbursement. However, there are a few businesses that have very significant underpayments to the Town and will be addressed accordingly.

At this juncture it is the prudent duty of the Town to formally notice all audited businesses of their specific outcomes and it would be inappropriate to discuss individual details prior to this occurrence. Those businesses with significant underpayments will have an opportunity to appeal the audit finding with the Town Manager acting as the hearing officer as outlined in the Resort Tax Ordinance. A status report will be brought before the Town Commission when such procedures are finalized.

As this was the first time an audit of Resort Tax paying businesses has been conducted there were lessons learned. The state of recording keeping of some of these businesses is woefully inadequate. Outreach to all businesses is on-going to ensure that their continued maintenance of proper and (now) required records is achieved. This will have a positive effect on compliance and may reduce the frequency of auditing in the future. The Town will also adjust its Certificate of Use and Local Business Tax Receipt processes to assist with Resort Tax compliance. Documents necessary for a business to operate in the Town will not be issued to businesses that have outstanding Resort Tax payments. If necessary, liens will be filed if payment plans are not met.

Budget Impact: \$15,000 was the approved budget for this first audit process. For the most part the hours invoiced match those estimated by staff for audit completion. Some of the records from the businesses, required by the auditors to perform the assigned task, necessitated additional hours due to an unforeseen and subsequent extraordinary forensics approach. However, the additional revenue from the audit findings should more than address any additional cost.

Staff Impact: Utilization of existing staff and continued use of the approved qualified audit firms as determined.

Recommendation: Based on the potential considerable net gain accessed through the completed auditing process on twelve businesses, staff recommends continuing with the audit process on the remaining non-audited businesses.



TEDACS Director



Town Manager



Town of Surfside Commission Communication

Agenda Item # 9H

Agenda Date: January 17, 2012.

Subject: Downtown Vision Process Continuum.

Since its inception by Town Commission approval during the January 18, 2011 Commission Meeting, the Downtown Vision Advisory Committee (DVAC) has arguably proven to be one of our most effective advisory organizations, through a process that has included actionable items at every meeting, that Surfside has seen. The DVAC, originally consisting of sixteen stakeholders, includes representatives from each appropriate Town board and committee, a mixture of single family and condominium residents (including both full time and "snow bird" representation), Surfside business owners and operators, as well as representatives from such local organizations as the Surfside Civic Association and the Surfside Business Association. From the initial meeting on February 15, 2011 this committee has treated all that attend the monthly meetings as part of the committee; evaluating all contributions to the discussion items and initiatives. Feedback from many residents, board and committee members and downtown business operators and owners formed the consensus that there is a need to reinvigorate the Surfside business district after years of conversation and little tangible action.

With the Miami Dade County Property Appraiser preliminary tax roll for 2011 release on June 1, 2011, acknowledging the continued decrease in property values in Surfside, and the workshop on the Five Year Financial Plan that demonstrated the need to diversify the Town's source of property tax from the current 80/20 split (residential/commercial) to a more balanced distribution, the Town Commission saw the necessity for a proactive approach to diversifying Surfside's tax base. The comprehensive vision for downtown, developed in a broad based community stakeholders' process, was presented to the Town Commission on June 14, 2011 as a path to revitalize the downtown business district with the ultimate focus on supporting existing businesses, attracting new businesses and creating an environment that will support the diversification of the tax base.

As the need to strengthen Surfside's downtown as the social, cultural and economic center of the Town was established, the DVAC was directed to return to the Town Commission with a comprehensive vision for the district. A broad series of recommendations (the "vision") was presented to the Town Commission on June 14, 2011 in an effort to establish a path forward. The status of the elements of the vision are included in this update. There is clear consensus from this committee that these initiatives for downtown, taken as a package, would provide a beneficial blueprint for a revitalized downtown. While some of these have been achieved, or are being implemented on a continuous basis, all the initiatives are interconnected. Operating on the basis that a thriving downtown can enhance the quality of life for Surfside's residents and improve the visitor experience, the committee continually and passionately addresses many issues such as:

Downtown Code Enforcement: From the very first meeting the DVAC has exhibited a unanimous displeasure in the public and private maintenance of Surfside's downtown. Based on consensus from the committee the Town Code Enforcement identified all external code violations in the downtown business district. Courtesy notices were sent to all applicable business owners/property owners. The Town Manager has assured the committee that all violations would be addressed through the Code Enforcement process until full compliance is achieved. This means that penalties will soon be applied to non-responsive property owners and eventually the matter could go to Special Master. Violations that do not require permits such as clean windows, clean trash behind buildings, remove illegal signs and clean alleys behind stores were expeditiously completed. Violations that require permits such as painting the building, repairing windows and façades as well as exposed electrical wires (etc) required more time to complete. However, it is visually evident that this has been an overwhelming success as the downtown district has not looked better in many years. With the purchase of the Town Commission approved power washer, the gum has been removed by Public Works staff from the sidewalks in the downtown district and the overall appearance of the sidewalks has improved dramatically. All of the palm trees in the district have been pruned. These completed projects, are interconnected to the parking lot improvements, new landscaping contract, vacant window coverings, news rack and awnings ordinances (see below). This is a testament to the Town's response to the DVAC members concerns and to the overall continued commitment to enhancing the aesthetic of Surfside's downtown.

Parking Lot Improvement/Landscaping: The parking lot on 95th Street and Collins Avenue, including the extension lot, has been repaved, striped and landscaped. This project is on-going with recent re-landscaping of the 94th Street and Municipal Parking lots. The addition of central parking pay stations has forged the way for a more welcoming experience to visitors and residents' using the Town's parking facilities. The holiday season forbearance on citation writing was also successful.

Vacant Windows Ordinance: In order to address the aesthetic look of the ground floor vacant property windows downtown, Town Staff were requested to amend the Town's ordinance that addresses vacant windows. Approved by Town Commission on June 14, 2011, the Town now requires downtown property owners to pay for the Town installation of a Town issued external decorative window covering when their ground floor properties are vacant. Through the use of Surfside photos, many donated by resident photographers, this initiative has positively impacted the visual aesthetic of downtown creating an 'art in public places' experience. The next installment is set for 9569 Harding Avenue where the property owner contacted Staff to notify of a vacancy and request a covering.

News Racks Ordinance: This initiative also addresses the downtown, and overall Town, aesthetic by requiring news rack dispensers to adhere to a specific desired look. The ordinance, passed by Town Commission on July 12, 2011, requires Staff to work with a dozen publications identified as having a presence in the Town through their present use of news rack dispensers. A six dispenser news rack was ordered and delivered with placement set for Harding Avenue at 95th Street by end of January 2012. Staff will continue to assist all publications in effecting compliance of the new ordinance.

Awnings Ordinance: Part of the on-going effort to create a more aesthetically pleasing downtown environment, clearly defined guidelines for awnings will be coming before the Town Commission for final approval on the January 17, 2012 agenda.

The Moratorium Ordinance: The Town Commission adopted a Moratorium Ordinance on second reading at the April 12, 2011 Commission Meeting. The moratorium restricted the downtown property owners to only renting their ground floor spaces to retail and/or restaurant businesses for six months. The intent of the moratorium was to allow the DVAC enough time to discuss the issue of restricting service industries from the ground floors of downtown buildings and to return to the Town Commission with a recommendation. While the moratorium has been rescinded, Town Staff were instructed by the Town Commission to return with recommendations from the DVAC within three months.

As a direct result from the enacting of the moratorium, the Town Manager was contacted by concerned downtown property owners regarding the restrictions and a meeting was held with owners on April 26, 2011. Sixteen property owners, a number from the same family trust, representing approximately seventy percent of the buildings downtown were in attendance. During this meeting a series of conceptual initiatives were discussed and approved by consensus from the attendees in exchange for terminating the Moratorium Ordinance prior to its sunset date.

These initiatives were subsequently presented to the DVAC at the April 27, 2011 meeting and were approved in principle by consensus from those in attendance. Some members at that meeting still expressed their concern for giving up the restrictions on street level service businesses as they strongly felt that this was the only method to achieve the type of dynamic and vibrant downtown that all favor. The DVAC requested

Town Staff to return at the next meeting, held on May 12, 2011, with a more specific written statement, including timelines, for ratification by the members so that this vision could be presented to the Town Commission for review at the June 14, 2011 meeting.

At the DVAC meeting on May 12, 2011 a memorandum listing the rescinding of the moratorium with corresponding initiatives to be taken as a package was presented. Designated representatives of the property owners, accompanied by some of their service oriented tenants and concerned residents, came to the meeting as a reflection of their commitment to the vision. Upon discussion of the initiatives, since approved in principle by the DVAC and the property owners, it became apparent to Town Staff that the division between the various stakeholders was deeper than expected. The DVAC voted six to three to adopt the vision, with the rescinding of the moratorium, but to revisit a plan for restricting ground floor uses to retail and/or restaurants with a distancing/grandfathering provision. As this is a non-negotiable action for the property owners to support all the elements of the DVAC vision, the owners left the meeting quite distressed. Upon further reflection and heated discussion amongst the DVAC it was decided that a second vote should be conducted regarding the vision. This second vote resulted in a seven to two vote in favor of rescinding the moratorium as soon as possible and to approve all of the initiatives presented as a package. The DVAC directed the Town Staff to return at the May 25, 2011 meeting with a more definitive plan of action, including specific timelines and commitment requirements from the various stakeholders, for ratification before presenting to the Town Commission for review at the June 14, 2011 meeting. The consensus from the DVAC members was that the Town needed something to bind the property owners to all of the initiatives that they have presently committed to in good faith only.

The Planning & Zoning Board met on May 26, 2011 and thoroughly discussed rescinding the Moratorium Ordinance and for the grand vision to be presented to the Town Commission on June 14, 2011. Understanding that every item needs significant research and discussion and must be vetted through the various Town Departments, Boards, Committees and Town Commission, the Planning & Zoning Board unanimously approved the rescinding of the Moratorium Ordinance and the acceptance of the package of vision initiatives previously approved by the downtown property owners and DVAC that are presented in this memorandum. The Town Commission subsequently voted to rescind the moratorium and to accept the vision initiatives as on-going discussion and vetting initiatives.

Upgrading Alleys: A study of the Town's parking lots and alleys was awarded on June 14, 2011. This study included the viability of upgrading the alleys, both privately and publicly owned, on both sides of Harding Avenue. The plan also addresses the possibility of creating a breezeway from the east side of the Abbott Avenue parking lot through to the west side of Harding Avenue. Financing could be achieved by a joint venture with the property owners of the private alley and the utilization of parking funds. In effort to move forward, the Development Impact Committee secured a financial commitment from the Grand Beach Hotel Surfside developers to underground the

utilities in the alley west of their Collins Avenue West building and the CVS expansion also includes requirements to address the utilities on the building facing the Abbott parking lot. The Town Commission was presented with conceptual renderings of what the alleys could become. The next step would be the completion of an overall vision and strategic plan for the alleys.

Wayfarer Signage Program: As part of the parking lot/alley improvement study, a wayfarer program was identified. The Town Commission was presented with renderings of potential Town entrance signs, parking identifiers and beach informational signs. The approved consultant is formulating the required specifications for such signs so that the project can proceed to a competitive bidding process. The entire project will be brought back to Town Commission for approval.

Branding: Through multiple DVAC meetings and a workshop devoted to branding conducted with presentations from branding experts, DVAC has decided that this issue needs to be tackled by professionals that specialize in this arena. Staff will prepare on RFP and return to Town Commission for discussion and direction.

Business Improvement District: The Town Manager will continue to meet with the downtown property owners and tenants over the spring to develop a possible Business Improvement District (BID) for the Downtown District. The basic premise of a BID is that the Town agrees to continue to provide a basic level of service and that incremental services such as extra police protection for expanded special events, maintenance for specialty landscaping, downtown marketing programs, cleaning after special events, and the retention of consultants to secure tenants are funded with a self imposed charge on the owners which is generally passed on to the tenants. The use of these funds is governed by the board of the BID. The process for establishing the District and ensuring that funds are collected and property spent is governed by State law and an agreement with the Town Commission. This initiative will soon be detailed to the Town Commission before embarking on a competitive bid process to secure an experienced firm to assist with the BID process and implementation.

Facade Upgrading Program: The Town Manager will begin an effort to create a consortium of banks operating in the Downtown District to develop financing for a facade upgrading program for the district's property owners and businesses. Proceeds from the Parking Fund could be utilized to reduce the interest on loans granted for facade improvements. Miami-Dade's "Mom & Pop" grants, set to be rolled out on January 17, 2012 (see below) may be able to assist some of the downtown businesses with such facade adornment improvements as appropriate awnings and signage.

Abbott Avenue Parking Garage Feasibility Study: A feasibility study would address a garage project on the Abbott Avenue parking lot, an upgrade to the alley on the east side of the parking lot to facilitate a more pedestrian friendly environment and access to the Harding Avenue east side businesses, as well as the possibility of rezoning the west side of Abbott Avenue from 95th to 96th Streets to allow very limited commercial use and/or live/work use in the existing homes. An appropriate landscaping buffer on the

west side of the Abbott Avenue homes would also be addressed. A proposed RFP to retain a consultant to complete the parking structure study appears on the January 17, 2012 Town Commission Agenda.

The Current Forty Foot Height Allowance and Amalgamation of Properties: Presently the buildings in the Downtown District can be forty feet in height. In an effort to encourage property owners to voluntarily seek longer frontage national retail and restaurant tenants for their ground floor properties, buildings could be redeveloped to the maximum four stories presently allowed and would not include restriction regarding residential use. Property owners could voluntarily amalgamate buildings to achieve this initiative. This initiative has not begun and will be discussed with the Planning and Zoning Board before a recommendation for the Town Commission is formulated.

Development of an East West Corridor on 95th Street from Abbott Avenue to the Beach: The Development Impact Committee worked on the preliminary design theme for this project which was presented to the Town Commission. This initiative saw a significant contribution from the developers of Grand Beach Hotel Surfside and financial commitment from the developers of 9501 Collins Avenue. An improved linkage on 95th Street, and eventually 94th Street, to Harding Avenue will help ensure that this project becomes an asset to downtown and increase business development as well as augment visitor satisfaction and enhance the downtown experience for our residents. A workshop is planned in the near future to enhance understanding of the concept.

Rebuilding of Harding Avenue Sidewalks: If the Town Commission determines the need for a garage on the Abbott Avenue parking lot, and the project moves forward to completion, then the Town Administration will address expanding the sidewalks on Harding Avenue between 94th and 96th Streets in the Downtown District by removing some of the existing parking spaces. This would be feasible as adequate parking would now be available in the new Abbott Avenue garage. A small number of spaces on Harding Avenue would remain for bus lay-bys and a valet parking service. The wider sidewalks would provide more space for outside café seating and enhanced landscaping and streetscaping. A Sidewalk Café Ordinance would govern all aspects of café seating and street use (see below). The financing of this project is yet to be determined but could be achieved through a joint venture with the Town and an assessment on the downtown properties.

Sidewalk Café Ordinance and FDOT Agreement: The Town Commission will review an agreement with the Florida Department of Transportation (FDOT) governing the use of Harding Avenue business district sidewalks and café seating in the near future. FDOT requires these agreements with all jurisdictions that have café seating on FDOT sidewalks. This agreement, based on the one FDOT presently has with Miami Beach, will lay the foundation for an overall Sidewalk Café Ordinance; set for first reading at the February 14, 2012 Commission Meeting. This ordinance will define all aspects of café seating and umbrellas, including signage and menu posting, while maintaining ADA compliance.


Miami-Dade “Mom & Pop” Grants: These yearly grants, due for release on January 17, 2012 are distributed through Commissioner Heyman’s office and are available to approved businesses in Surfside. They do not require matching funds and may be able to assist our downtown property owners and business operators on aesthetic improvements, marketing plans and securing inventory. Once Staff receives information on this year’s grants, and subsequent requirements, outreach will be conducted to assist in securing as many of the grants as possible for Surfside’s downtown.

Through the actions of the DVAC and the property owners, and with Town Commission support, Surfside’s downtown is experiencing an increase in the upgrading and maintenance of the buildings and the public spaces within the district. Vacant properties are being leased and interest in the remaining vacancies is increasing. The Town will continue with Code Enforcement to ensure that this mission achieves its goal of positively impacting the aesthetic environment, safety and image of downtown Surfside. The Town will also continue its efforts to increase maintenance of the area such as the steam cleaning of sidewalks and to work with DVAC and other relevant boards and committees on additional short-term aesthetic upgrades. The FDOT repaving project will also add new crosswalks at all intersections and at the mid-block pedestrian lights.

The clear intent of the property owners, DVAC and Town Administration is that the initiatives and vision evolve in a very short time frame as directed by the Town Commission and with minimal cost for consultants. The initiatives and vision provide a path to sensitively bring our downtown to a more contemporary place without losing its hometown feeling. This is also a necessary element of the Town Commission’s stated goal of creating property tax equity and fairness through expansion of commercial uses without deteriorating our quality of life. It is the unanimous recommendation of DVAC to continue with the path forward with these initiatives and others that may develop along the way. As so much has positively shaped the downtown through all of these efforts, now is not the time to become complacent. A renewed focus and commitment is required by DVAC, the Town Administration and Town Commission. DVAC has pledged to continue with the process as it is energized by the results and momentum. Staff is committed to reinvigorate the number of stakeholder members to ensure a robust and diverse group to take the vision to the next level for Commission review and endorsement.



TEDACS Director



Town Manager



Commission Communication

Agenda Item # 9I

Agenda Date: January 17, 2012

Subject: Request for Proposals for Municipal Parking Structure(s)

Objective: To obtain Town Commission comments regarding an RFP for a municipal parking structure(s) feasibility study in downtown Surfside.

Background: During the December 13, 2011 Town Commission meeting, staff was directed to prepare a draft RFP for a municipal parking structure feasibility study for review during the January 17, 2012 Town Commission meeting. The scope of work appears as Attachment 1 in this memorandum. The scope of work includes two garages so that a comparison can be made of two locations, the Abbott lot and the 94th Street lot. It should be clear that the Administration is not recommending two garages to be built. The scope of work outlines what will be studied by the selected consultant team. The need to complete the feasibility study and the process to make the go-ahead decision on a garage are defined in Attachment 2 which appeared on the December 13, 2011 Town Commission agenda.

Analysis: Should the Town Commission authorize the RFP to be advertised, a selection committee which includes staff and citizens will be established and a recommended consultant team will be brought back to the Town Commission with an agreement in April 2012. We will also establish a citizen's committee to work with staff and the Town Commission similar to the committee that was so very effective for the water/sewer/storm drainage project.

Budget Impact: There will be a cost for this feasibility study which will be funded from available parking funds. There will be no impact on the General Fund and no use of property tax funds.

Staff Impact: Staff will support the consultant team selection process as needed in order to resolve the critical parking problem being experienced in the downtown area.

Conclusion: The Town Commission has authorized small but steady steps toward determining the need for a parking structure downtown. Parking counts were made in July 2011 and the conclusion was that a short fall was clearly indicated. The real world

has proven that this winter. Your approval of the RFP scope of work will be another step in the long journey of adequately meeting our parking needs.



John Di Censo
Assistant Chief



Roger M. Carlton
Town Manager

TOWN OF SURFSIDE
REQUEST FOR PROPOSAL
PARKING GARAGE FEASIBILITY STUDY

Date: January 17, 2012

To: Qualified Parking Consultants

INTRODUCTION:

The Town of Surfside (TOWN) has issued this Request for Proposal for the purpose of selecting a parking consultant to review the parking structure feasibility and best approach to build for both the Abbott Avenue and 94th Street parking lots. The selected consultant will analyze the current parking conditions of the downtown area, approved and proposed development plans for private facilities, projects included in the Downtown Vision Advisory Committee work program/approved or under consideration, and potential impact of projects proposed or recently contracted in the Village of Bal Harbour to determine the best strategy for the TOWN. Previous work completed by FTE Engineering during July 2011 will be reviewed by the consultant selected.

Surfside's downtown, once a premier shopping area with national retailers has seen a slow and steady decline in the last 50 years. Recent initiatives by the TOWN's DVAC committee as well as approval of new residential/hotel projects in Surfside and the Village of Bal Harbour have created an energy downtown which is reducing vacancies, converting less desirable service businesses to restaurant/retail and creating a shortage of parking particularly during the four month winter tourist/second home seasonal influx. Further creating a need for this study is the proposed plans for building or expanding religious institutions in the downtown area. The TOWN would like to have an independent study of all these factors which provides information on the feasibility of the garage at either of the two surface lots, the best manner to develop minimizing the financial risk to the TOWN and an analysis of the nearby built environment to ensure the compatibility of the project with various land use provisions of the Comprehensive Plan, Code and Charter. The RFP is being issued by the Town Manager's office. All questions or clarifications will be discussed in a pre-proposal conference to be held on _____, 2012 at 10:00a.m. in the Town Commission Chambers located at 9293 Harding Avenue, Surfside, FL 33154. Following the pre-proposal conference, a written addendum will be sent to all venders.

RESPONSIBILITIES:

The TOWN seeks pro-active solutions to the current parking needs and future parking needs in order to continue the successful upgrade and improvement of the Downtown area. The selected consultant will develop a detailed and cohesive parking study which shall include, but is not limited to the following elements:

EXISTING PARKING CONDITIONS & RECOMMENDATIONS:

- Review current parking restrictions – Four hour time limit on street parking and in the lots
- Perform studies during appropriate periods of time that provide information on turnover and occupancy patterns, including major events that affect the Downtown area
- Evaluate pedestrian traffic patterns
- Evaluate/analyze the current parking demands
- Provide a list of questions to be distributed to current business owners, property owners and concerned citizens to reflect their concerns relative to the current parking conditions
- Review two surface lots for parking structure potential
- Identify current public parking shortfalls
- Provide a parking utilization assessment of the current level of usage of public parking
- Identify peak demands and periods of the day when parking is at low demands
- Utilize existing studies to hold down costs

FUTURE PARKING NEEDS & RECOMMENDATIONS:

- Develop strategies for improved visitor and employee parking options
- Evaluate feasibility of multi-level parking structures for two public parking lots
- Develop a parking lot build-out plan to reflect future needs and encourage the DVAC concepts while maintaining the Surfside laid back quality of life

- Assess the impact of potential future development on parking
- The two sites for parking structures should include estimated parking count and configuration on the selected site

RECOMMENDED PARKING STRUCTURE REQUIREMENTS:

- Recommend financing strategies for multi-level parking structures including public finance initiatives and public/private partnerships
- Provide yearly maintenance costs for a parking structure
- Provide a strategy for operating guidelines, parking revenue and enforcement of a parking structure
- Recommend appropriate management/staffing and pricing strategies for parking structure.
- Provide a ten year financial proforma for recommended parking structure(s)
- Detailed parking capacity for the site (number of spaces allowable within code(s))
- Feasibility of locating other uses on the west side of the Abbott lot to better interface with the single family homes on Abbott Avenue. Suggest any land use changes that might enhance this interface
- Pedestrian routes from the facility to various destinations in the Downtown
- Traffic flow, to and from the sites
- Provide preliminary cost estimate for construction of the structure
- Recommend phasing of the facility in response to the need to maintain as much parking as possible during construction.
- Estimate time to construct recommended facility

This list is not intended to be a comprehensive itemization of plan components or analysis needed to complete the required study. The TOWN is relying on the consultant's professional expertise in analyzing these factors and any others that are pertinent to evaluating parking in a community that anticipates demand and desires to maintain the Surfside quality of life.

Items to be provided by the Town:

- Schedule of major events Downtown
- Current public parking quantities
- Current building uses
- Future known developments
- Known surface parking lots
- Master plan for the TOWN
- The parking ordinances for the TOWN and other related Comprehensive Plan, Code and Charter requirements and limitations

Any questions regarding this information shall be directed toward the Town Manager during the pre-proposal conference. Questions may be submitted in advance to rcarlton@townofsurfsidefl.gov; however, such questions shall not be submitted later than 5:00PM the day before the pre-proposal conference.



Commission Communication

Agenda Item # 9B

Agenda Date: December 13, 2011

Subject: Parking Garage Feasibility Study Discussion

Background: Much like the need for upgrading the water/sewer/storm drainage system and the discussion of how many floors the Community Center should provide once the determination was reached to tear down the old facility, the debate and dissent regarding a parking structure to serve the downtown business district has been underway for many years. The current Town Commission had the courage to move forward with the water/sewer/storm drainage system and to incorporate the addition room in the Community Center. Each of these decisions was based on professional analysis supported by community participation.

In the case of the water/sewer/storm drainage system bond financing was first analyzed in the Tischler Bise rate study to determine what rates would be necessary to repay a bond issue. The initial rate study was subsequently updated to adjust for lower than anticipated interest rates and current cost estimates. The updated rate study was then used by the Town's bond counsel Bryant Miller Olive and Financial Advisor Public Financial Management Group to help structure the debt and to market the issuance in the broadest possible manner to ensure low rates. Each of these steps were incremental until the Town Commission made the final decision in April, 2010. The Administration and Town Commission were advised by a Citizen Committee comprised of resident experts in various elements of the project. That advice was extremely beneficial and became an important element of justification for the project.

The determination to build the addition room for the Community Center was based on cost estimates which were prepared by the design consultant AECOM, intense scrutiny by project manager Calvin/Giordano and value engineering required by the Administration to ensure that the \$250,000 budget was achievable. The Parks & Recreation Committee and the Tourist Board were involved with the Tourist Board providing funding for the design cost for the room.

The determination regarding development of a parking structure should and has so far followed the same process as has proven successful in the previously described two situations. To date, the Downtown Vision Advisory Committee which represents a broad

spectrum of citizens and concerns for all Surfside has unanimously recommended that a feasibility study be initiated (detail regarding garage feasibility studies follows later in this memorandum).

The Administration incorporated a survey of parking demand at all municipal lots by the engineering firm retained to plan the Town wide parking lot renovations at very low additional cost. That independent analysis of actual parking demand when adjusted for seasonality and store vacancies concluded that the Abbott lot (95th-96th Street) was over capacity at peak times. The Town Commission was presented with this information during the November 8, 2011 meeting as well as additional concepts to enhance downtown including an alley upgrade (east and west of Harding) and a wayfarer sign program. Collectively these and other programs such as vacant store window treatment, enhanced code enforcement, sidewalk café ordinance, newspaper rack ordinance and encouragement of better sign and storefront renovation design in coordination with the DRB have created a new excitement downtown which is increasing business and reducing vacancy duration. We will soon be announcing a long desired national food tenancy which in major part is happening due to this new energy downtown. Finally as a capstone, the property owners have become active and supportive including investing in their properties and helping to energize a Business Improvement District.

How is the Parking Enterprise Fund Structured?

It is important to understand that Surfside financially accounts for the parking program as an Enterprise Fund. This means that the revenues and expenses are accounted for separately from the property tax supported General Fund. It further means that 1) parking program revenues must equal or exceed expenses and that 2) prudent rate setting generates a reasonable surplus, 3) sufficient to maintain existing facilities in first rate condition, 4) modernizing systems when appropriate and 5) grow the amount of spaces when real world market conditions in the downtown business district require additional capacity. There is one more factor to consider for a parking enterprise fund and 6) that is to generate sufficient funding capacity to support Comprehensive Plan goals and parking related elements in a Five Year Financial and Strategic Operations Plan which is a critical element of any well managed and policy directed community. Following is a brief evaluation of the current status of each of the six criteria referenced above:

- 1) Parking program revenues in Surfside significantly exceed expenses and have achieved this goal for a number of years. These available revenues have enabled the current Town Commission to greatly improve the parking system without any General Fund property tax support.
- 2) Parking rates in Surfside for both short term and monthly parkers are reasonable and comparable to other jurisdictions with municipal programs. The rates are significantly below those charged by nearby private parking facilities.
- 3) This Town Commission has actively moved to maintain and improve the existing parking system. The Town Commission approved the retention of a consultant to review all parking lots for maintenance needs and plans have been submitted for staff review. The renovation and expansion of the 95th Street lot (Post Office) has

been completed as has the employee lot where the portables were formerly located. Work will begin on all the remaining lots in mid-January.

- 4) Available funds in the parking program have been used to install the multi-space meters which accept credit cards and bills. This decision made by the current Town Commission has greatly increased customer convenience; improved aesthetics and nearly doubled revenue generated from the old deteriorated single-space meters. The Town has also upgraded its maintenance capacity allowing most meter issues to be resolved in hours rather than days as in the past. This has been achieved with Town staff reducing operating cost by \$10,800 per year.
- 5) Growing the number of spaces when market conditions require is a long term process which cannot be achieved in a single two year Town Commission term. This Town Commission has made the correct decisions to expand the 95th Street lot (project completed) and acquire land south of Town Hall to allow additional parking for the new Community Center (project completed) . The investment made in land acquisition and construction of these facilities exceeds \$1.3 million. The entire amount has been provided from the Parking Enterprise Fund without any General Fund property tax support.
- 6) The expansion of parking capacity to meet criteria in the Comprehensive Plan and the Five Year Financial and Strategic Operations Plan is a complex situation that this analysis will only touch briefly. In terms of the Comprehensive Plan, objective 6 requires adequate parking. "The Town shall provide an adequate supply of parking to serve the business area and major community facilities". Policy 6.1 requires the Town to consider the financial feasibility of conducting a "Parking Trust Fund Study" to evaluate the areas best suited for development, cost, funding techniques and sources, and timeline to construct parking garages within the business district, as identified in the November 2006 Charrette. It is the Administration's position that the recommended feasibility study will complete this requirement and that the work of the DVAC Committee and our parking lot renovation consultant met the required start-up date of June 2011.

The Five Year Financial and Strategic Operations Plan has an underlying and fundamental principle to evolve the mix of property tax generation from its current 88.5 percent residential/commercial ratio to a much more equitable 80 percent ratio over five years. This important goal is not achieved by wishful thinking. It is achieved by creating a hotel supportive environment that convinces developers to build hotels rather than condominiums. It is achieved by investing in downtown to support restaurants and retail establishments thereby generating additional resort taxes which offset the need for property taxes. Simply stated downtown cannot flourish and expand its non-property tax revenue generating capacity without adequate parking.

It is also important to mention that one of the elements of a potential settlement of the Young Israel issue requires the institution to make a contribution to the Parking

Trust Fund. It is reasonable and responsible to assume the Town's intention to build a garage using the funds generated from the Young Israel and other payments.

What is the goal of a Parking Garage Feasibility Study?

It is the goal of a parking garage feasibility study to independently and rationally determine if a parking garage is necessary, economically justified, self-supporting and sized properly. Secondary level issues analyzed include the best funding strategy, the potential and advisability of a public/private partnership to limit the financial risk and the amount of public funds needed from the Town and the potential for ancillary uses such as artists lofts on the west side of an Abbott garage to blend better with the single family neighborhood to the west, the potential to rent/acquire store front(s) on Harding Avenue to "punch through" a mid-block access point for better pedestrian convenience and the potential for alley development along the rear face of Harding Avenue stores to clean up a very uninviting transition from the garage to the retail areas.

What are the elements of a Parking Garage Feasibility Study?

The first element of parking garage feasibility study is an analysis of parking demand with estimates into the foreseeable future.... usually 5 to 10 years. This work has already been done and has been presented to the Town Commission. This report is the result of Town Commission discussion during that presentation. To validate the parking counts already completed with 5-10 year projections is not a complex task and will be a very small element of the cost of the feasibility study.

2) The second task is to develop a 5-10 year "pro-forma" analysis of the financial operation of the garage reflecting revenues and expenses. This analysis results in "operating income" available for debt service should debt be necessary to fund the facility. In fact, the net operations of the entire Parking Enterprise Fund may be sufficient to build the facility without debt or a public/private partnership where the Town's only contribution is a long term lease on the land may achieve the goal of providing adequate parking without any further financial contribution from the Town. The feasibility study provides independent financial analysis that is used by our financial advisor and bond counsel if the Town chooses to finance the garage or the private sector if a public/private partnership is the best choice. Without this analysis it is nearly impossible to seek out and receive the best possible financial transaction for the Town. Payments to the Parking Trust Fund are also included to help retire debt or reduce construction cost.

3) The third task is to analyze the financial and operational impacts of optional additive items for the project. Will it be feasible to have a "west side liner building" of artists lofts to soften the impact of the west side of the parking structures on the Abbott Avenue residences? How will traffic entering and exiting the building be handled, what will it cost to clean up the alley on the east side of the garage and create a transition to Harding Avenue at mid-block? These and other issues are resolved in the study in order to allow the best possible decision making on the part of the Town Commission and full transparency for the community.


What is the process to complete the study?

Should the Town Commission accept this report the following steps would be taken:


- 1) The Administration would appoint a committee similar to the water/sewer/storm drainage citizen committee to help develop an RFP and to recommend to the Town Commission the ranking of the consulting firms that would complete the study. Time required to prepare the RFP for Town Commission approval would be 30 days placing the RFP on the January agenda.
- 2) The RFP would be advertised for 30 days and analysis, interviews and ranking would take another thirty days resulting in a recommended contract being brought to the Town Commission in April, 2012.
- 3) The study itself would require approximately 120 days thereby providing the Town Commission with the information necessary to make a "go/no go" decision on the project in September, 2012. Once this decision is made, there would be numerous decision points for the Town Commission until either a developer (public/private partnership) or a design firm/contractor (Town builds) are selected.
- 4) At best, the entire process from feasibility study to occupancy is a two year effort.

Conclusion:

Given the on-going renewal of our downtown and the many other factors addressed in this report, it is time to move forward with the feasibility study report just as the Town Commission determined it must move forward with completing the addition to the Community Center and the water/sewer/storm drainage project. This would be the first of many steps and many more decision points until a final commitment would be necessary. It will also fulfill the request of the downtown merchants and property owners as expressed through the DVAC Committee. There will also be many opportunities for citizen input along the way.



John Di Censo
Assistant Chief



Roger M. Carlton
Town Manager



**Town of Surfside
Commission Communication**

Agenda Item #: 9J

Agenda Date: January 17, 2012

Subject: 88th St & Byron Avenue Traffic Calming Design Alternatives

Objective: To review three (3) proposed design renderings for modification to the existing curb median at 88th Street and Byron Avenue.

Background: During the development of the Utility Rehabilitation Project it was determined that the Town residents desired a more aesthetically pleasing solution to replace the curb median that currently runs down 88th Street that will be removed as the water/sewer/storm drainage project proceeds. This median was installed to impede north south traffic along Byron Avenue. Town Staff has met with the design consultants and provided direction to create three (3) renderings of more aesthetically pleasing solutions.

Analysis: Each of the three (3) solutions have various rates of success. The first, which is a partial lane closure, is less forceful than the remainders. This is due to the fact that a driver willing to ignore the "right turn only" signage could still travel north through the intersection. The second rendering, which is a complete roadway closure will restrict drivers from traveling north-south on Byron Avenue, but will also create dead ends where drivers could not turn onto 88th Street to return to Collins/Harding Avenue to continue traveling north/south. The third rendering is a widened median which includes landscaping, pavers and traffic domes to restrict north/south travel through the median. This approach has the potential to require a small amount of the easement the Town has available on either side of 88th Street.

Budget Impact: The cost of this project will be borne by the water/sewer/storm drainage project.

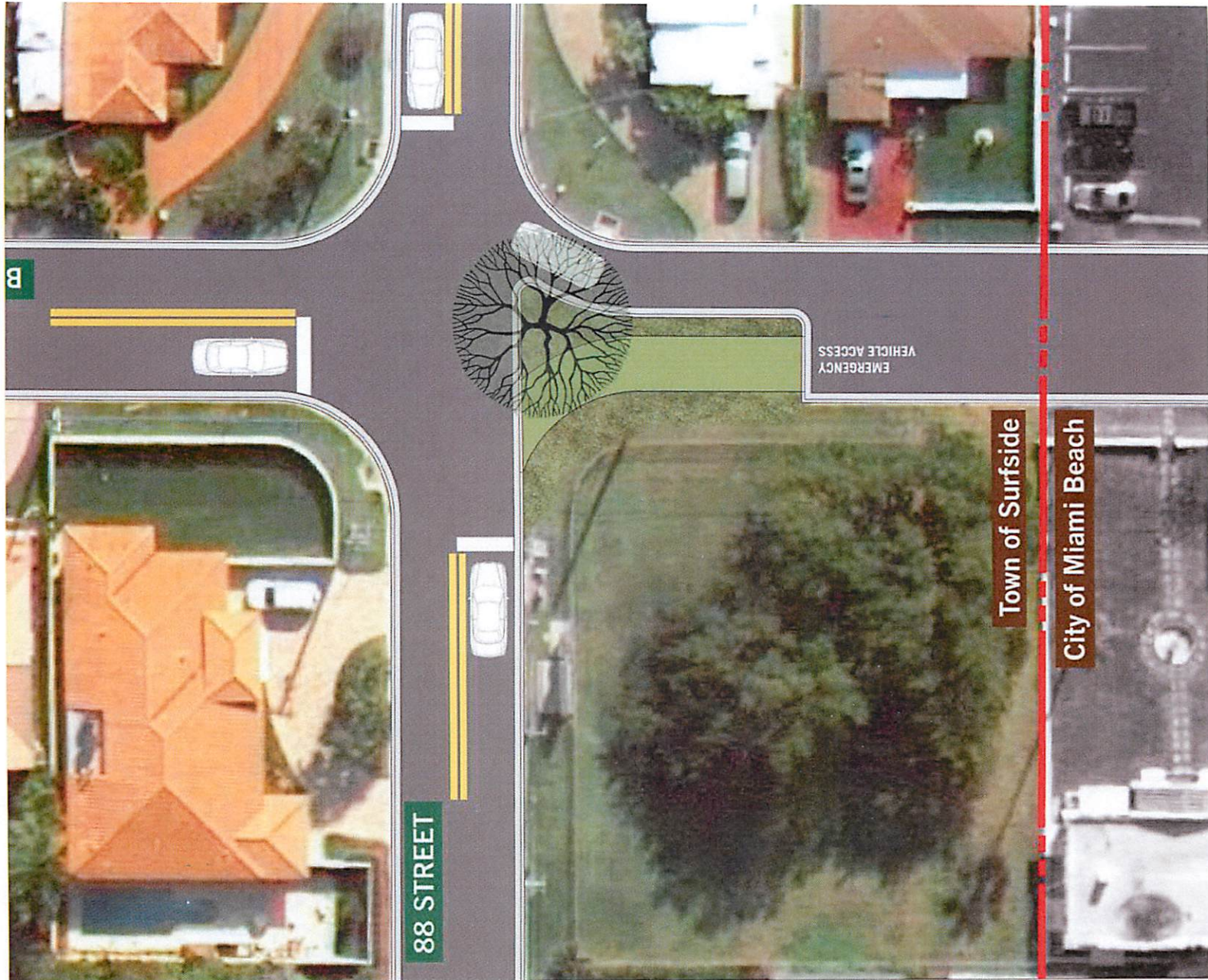
Growth Impact: N/A

Staff Impact: The project team that is currently assigned to this project will continue throughout the completion of the project.

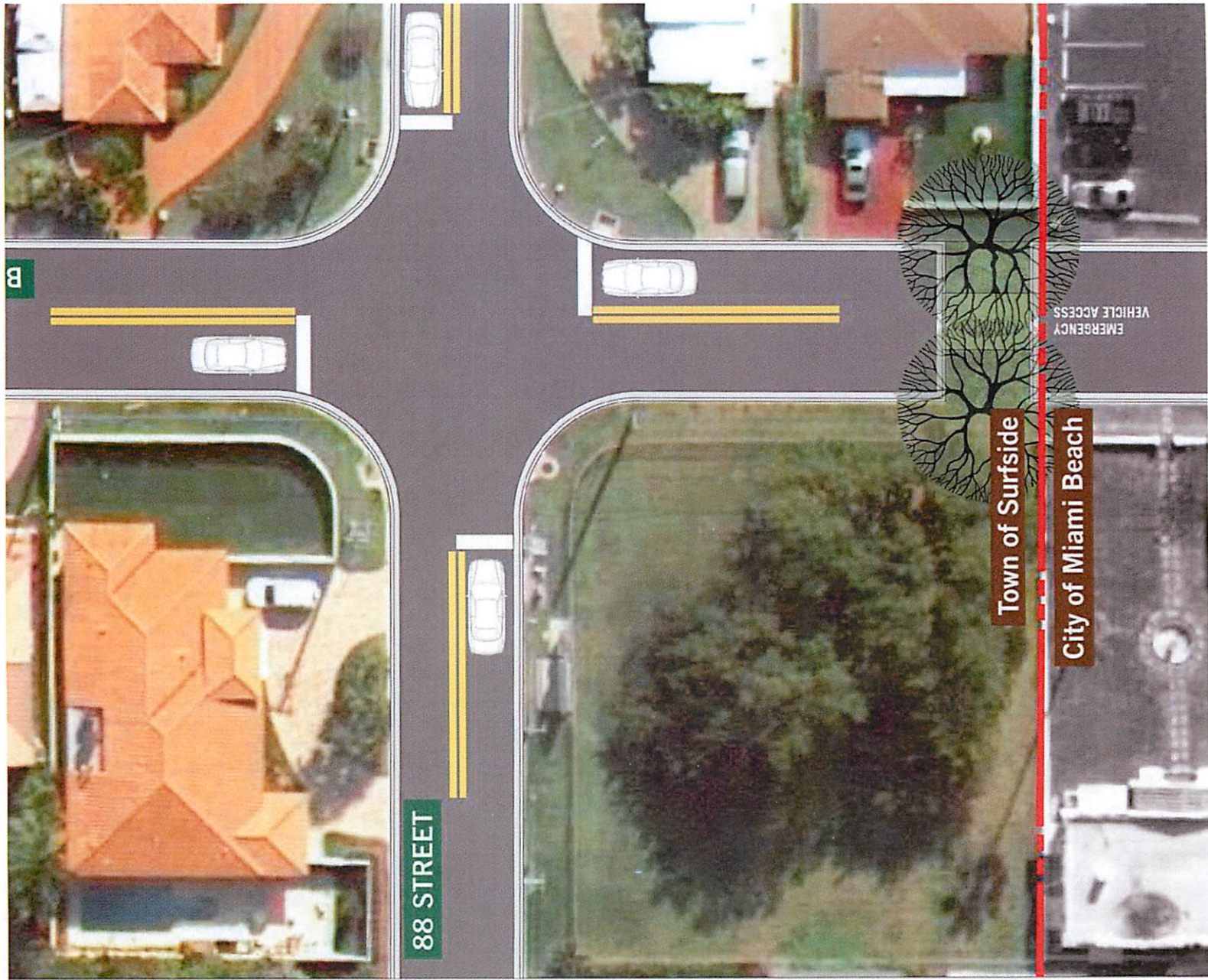
Recommendation: It is recommended that the Town Commission provide input on the three choices. Staff will then convene a neighborhood meeting to receive additional input from the impacted homes. Once this is done a final report with recommendations and estimated costs will be brought back to the Town Commission.

Department Head

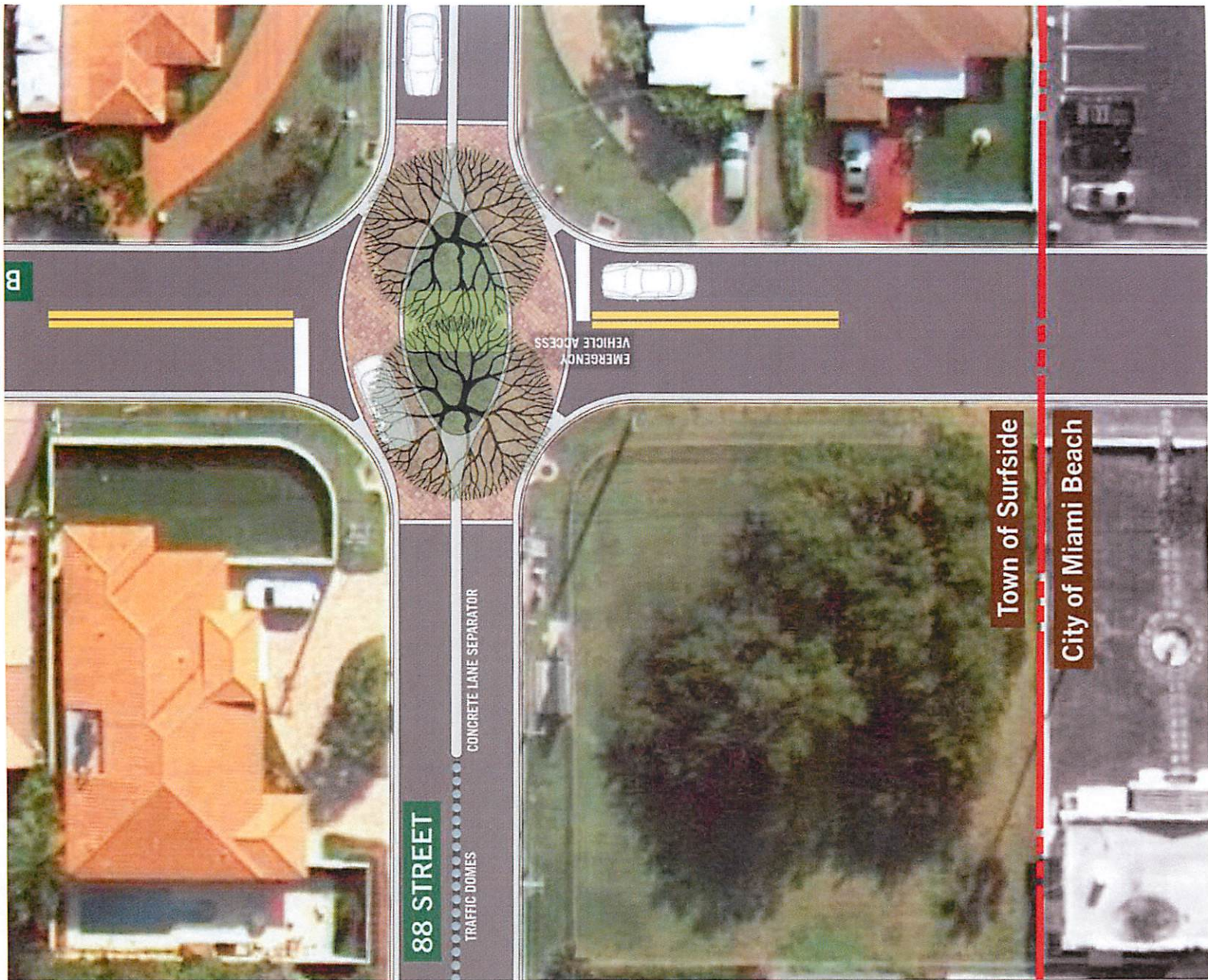
Town Manager



EXISTING CONDITIONS - BIRD'S-EYE-VIEW, FACING SOUTH



EXISTING CONDITIONS - BIRD'S-EYE-VIEW, FACING SOUTH



EXISTING CONDITIONS - BIRD'S-EYE-VIEW, FACING SOUTH