



**Town of Surfside
Town Commission Meeting
MINUTES
March 12, 2013
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 Karukin, Commissioner Olchyk, Commissioner Kligman and Commissioner Graubart.

C. Pledge of Allegiance

Interim Public Works Director John Di Censo led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Graubart spoke about the need to slow down with any further major and critical projects till the new Town Manager is on board.

Mayor Dietch recognized Commissioner Kligman for her leadership with the bullying initiative. The Town will be recognized as well by the Miami Dade County School Board with a proclamation.

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

Commissioner Olchyk requested for her item 9J to be heard earlier on the agenda because she submitted the request in February and should be heard before the other items. Commissioner Olchyk made a motion for item 9J to be heard as item 9A.

Commissioner Kligman seconded the motion and all voted in favor.

Commissioner Graubart made a motion to reverse the order of item 9D and 9E putting 9E first. Commissioner Kligman seconded the motion and all voted in favor.

Commissioner Graubart made a motion requesting to link item 5A to agenda item 3G.

Commissioner Olchyk seconded the motion and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Vice Mayor Karukin announced the Alzheimer's Association luncheon that will be held March 21, 2013 at 11:30 am at The Sea View Hotel.

Commissioner Graubart announced that the new 2013-2014 Surfside Business Directory is now available at Town Hall and the Town's website. He invited residents to meet the artists responsible for the Turtles of Surfside sculptures at the next third Thursday event March 21, 2013 from 7:00 – 10:00 pm on 95th Street and Harding Avenue.

Mayor Dietch encouraged everyone to sign up for the Town's automatic alerts on the Town's website to receive updates and activities.

G. Presentation on Ruth K. Broad K-8 Turtle to People of Newtown, CT – Mayor Daniel Dietch (Time Certain 7:25 PM)

Mayor Dietch acknowledged Duncan Tavares, TEDACS Director and Maggie Vidal-Santos who presented a PowerPoint presentation and a YouTube video on the Ruth K. Broad K-8 Turtle to the People of Newtown, CT.

H. Presentation to Planning and Zoning Board Member Jorge Gutierrez – Mayor Daniel Dietch

Mayor Dietch presented Jorge Gutierrez with a plaque in appreciation for his year of services to the Town of Surfside.

I. Recognition of Lifeguards Calvin Webb III, Heather Johnson, Jose Espinoza and Peter Filiberto – Tim Milian, Parks and Recreations Director

Parks and Recreations Director Tim Milian and Aquatic Supervisor Jackie Villagran recognized Calvin Webb III, Heather Johnson, Jose Espinoza and Peter Filiberto for two ocean rescues.

2. Quasi-Judicial Hearings

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.

A. 1233 Biscaya Drive – Klahr Variance Page 1-7

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 1233 BISCAYA DRIVE, TO PERMIT A SIDE SET BACK VARIANCE FROM THE REQUIREMENTS OF SECTION 90-45 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW THE EXISTING SINGLE FAMILY HOME TO REPLACE THE EXISTING DECK WITH A NEW CONCRETE DECK; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa swore in everyone wishing to speak on the item.

Town Attorney Linda Miller asked if any members of the Town Commission had ex-parte communications with the applicant and if so, to state it for the record.

Commissioner Graubart stated that he spoke with Mr. Klahr two or three times over the last year regarding his situation.

Mayor Dietch stated that he has had conversations with the applicant's team and received a briefing package as part of the Planning and Zoning Board meeting.

Vice Mayor Karukin had no ex-parte communications with the applicant.

Commissioner Kligman had no ex-parte communications with the applicant.

Commissioner Olchyk had no ex-parte communications with the applicant.

Town Planner Shelly Eichner presented the item. Staff recommended approval with the Planning and Zoning Board conditions related to wind load for the roof structure. Mr. Klahr spoke on his item and stated that he has not touched the exterior of the property since he purchased it in June 1980.

Mayor Dietch opened the Public Hearing. No one wishing to speak on the item, Mayor Dietch closed the Public Hearing.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Graubart. The motion passed 5-0.

3. Consent Agenda (*Set for approximately 7:30 p.m.*)

Commissioner Olchyk pulled item 3E, page 100; item 21, page 47; item 26, page 49.

Commissioner Kligman pulled item 34, page 52; item 53, page 56.

Commissioner Graubart pulled item 3A, page 4; item 3B, page 36; item 1, page 39, item 8, page 42; item 10, page 42; item 40, page 53; CGA report, page 99; item 6, page 101.

Vice Mayor Karukin pulled item 3A, page 13; item 3B, page 36; item 17, page 45; item 25, page 48; item 29, page 50; item 37, page 52; item 57, page 57; item 3F, page 110; item 3G, page 113.

Vice Mayor Karukin made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Graubart. The motion passed 4-0 with Commissioner Olchyk absent from the dais.

A. Minutes – January 15, 2013 Regular Commission Meeting

Interim Town Attorney Linda Miller clarified that she did not sit on the Charter Review Board, but was involved in the process.

Commissioner Graubart asked the Town Attorney's office to verify and correct if necessary the address on the FDOT resolution that was presented during the January 15, 2013 Town Commission meeting as item 5F. He thinks it should be 94th Street instead of 93rd Street.

Vice Mayor Karukin stated that on page 13 of the Minutes, under the Points of Light the Town Commission agreed to add an item to the Points of Light.

January 22, 2013 Special Commission Meeting

January 24, 2013 Special Commission Meeting

February 12, 2013 Regular Commission Meeting

Commissioner Graubart would like to add under item 3E of the February 12, 2013 Town Commission meeting the following "Chris Giordano spoke on the item and responded that the amount of linear feet of curving did go over budget"

February 26, 2013 Special Commission Meeting

B. Budget to Actual Summary as of December 31, 2012 – Donald Nelson, Finance Director

Vice Mayor Karukin requested to have the word “Reserves” spelled out next to fund balance as it states on the Minutes from the previous Town Commission meeting.

Commissioner Graubart asked Finance Director Donald Nelson if he felt comfortable with everything being reported. Finance Director Donald Nelson explained that the reason for the 29% straight line projection (3 months of the fiscal year) rather than 25% is due to the annual retirement expense being paid for the entire year at the beginning of the Fiscal Year and also the payment of the Davis Settlement. With these adjustments the expenditures is actually less than budget.

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

Item 1, page 39 – Commissioner Graubart stated his concerns about the Parking Structure Feasibility Study and asked the Town Commission if they wish to move that quickly on this item and make a decision in April. Town Manager Roger M. Carlton stated that it would not be on the April meeting for final decision, just for discussion

Item 8, page 42 – Commissioner Graubart asked for an update. Mayor Dietch stated that this item is on the list for discussion at the Mayor’s upcoming meeting with the Mayors of Bal Harbour and Bay Harbor Islands.

Item 10, page 42 – Commissioner Graubart asked for an update. Building Official Eddie Rojas provided an update to the Town Commission on the FEMA Flood Insurance status. Commissioner Kligman asked some questions on the item related to the audit.

Item 17, page 45 - Vice Mayor Karukin withdrew this item from the pulled items.

Commissioner Olchyk asked for an update. Mayor Dietch provided Commissioner Olchyk with an update on the item.

Item 21, page 47 – Commissioner Olchyk asked why is the Town thinking of outsourcing imaging the building plans instead of doing it in house. Building Official Eddie Rojas stated that he is considering other options because he would like to organize all of the Building Department’s files and plans as quickly as possible. Commissioner Olchyk asked Mr. Rojas if this is something that will come back to them for approval. Building Official Eddie Rojas responded affirmatively.

Item 25, page 48 - Vice Mayor Karukin thanked the Town Manager, the Parks and Recreation Director and the Committee for developing the Five (5) Year Parks and Recreation Capital Plan.

Item 26, page 49 – Commissioner Olchyk asked about the funds to fix the pool Tot Lot and if they are working with a new contractor to get it fixed. Town Manager Roger M. Carlton responded that the funds are available to fix the Tot Lot. Parks and Recreation Director Tim Milian stated that they will have something ready for April 2013 and they would not need to close the Tot Lot for the repairs.

Item 29, page 50 – Vice Mayor Karukin would like to know what action needs to be taken on this item. Town Manager Roger M. Carlton asked the Town Commission to let staff begin with the community involvement process. Item will be discussed together with item 9C.

Item 37, page 52 – Vice Mayor Karukin would like to schedule the date for the Code Enforcement Workshop. Everyone agreed to meet on April 17, 2013 subject to Commissioner Kligman’s availability. Commissioner Olchyk would not be available.

Item 40, page 53 – Commissioner Graubart would like to know where the \$97,000 for the sidewalk staining came from. Town Manager Roger M. Carlton stated that the funds came from the Water and Sewer project because it was to provide a uniform color for all the patches.

Item 53, page 56 – Commissioner Kligman asked for more information regarding the Citizen Request Management (CRM). Town Manager Roger M. Carlton explained that the current website has a module and it has not been well used by our residents and the Town will not move forward with the upgrade.

Item 57, page 57 – Vice Mayor Karukin asked why is this item a priority for next month's meeting agenda when they have other priorities. Mayor Dietch would like to leave it as a discussion item.

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

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

Commissioner Graubart asked for an update regarding the seawall at the southern end of Carlyle Avenue. Chris Giordano from CGA stated that they received the permit in late February and they are still waiting for permits from other agencies and he thinks they will be ready to go in the next couple of weeks.

Commissioner Olchyk asked about the force main. Chris Giordano from CGA explained the current status.

F. Committee Reports – Roger M. Carlton, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*)

- January 9, 2013 Streetscaping Masterplan Sub-Committee Minutes
- January 28, 2013 Downtown Vision Advisory Committee Minutes
- January 29, 2013 Pension Board Minutes

Vice Mayor Karukin asked the Town Manager to explain the motion on page 110 of the Agenda and page 3 of the Minutes regarding the mortality table. Town Manager Roger M. Carlton elaborated on the issue with the mortality table and the financial impact of the change.

***G. Opposing Transportation Committee Bill** – Roger M. Carlton, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE HONORABLE GOVERNOR AND THE STATE OF FLORIDA LEGISLATURE TO OPPOSE THE "PROPOSED TRANSPORTATION COMMITTEE BILL" REQUIRING MUNICIPALITIES TO REMIT 50% OF REVENUE GENERATED FROM ANY FEES COLLECTED BY ON-STREET PARKING METER DEVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Graubart linked the item to item 5A and expressed that he would like to see perhaps a one hour free parking. He does not think that purchasing the IPS meters (Item 5A) may be a great idea at this point.

Town Manager Roger M. Carlton explained that this resolution is to oppose the State trying to force the Town to pay half of its meter revenues on Harding and Collins Avenues to the FDOT.

H. Proclaiming Dr. Bernstein Day – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN OF SURFSIDE ADOPTING A PROCLAMATION HONORING YEARS OF EDUCATIONAL SERVICE BY DR. ALLYN BERNSTEIN, PH.D.; PROCLAIMING MAY 2, 2013 AS “DR. ALLYN BERNSTEIN DAY”; PROVIDING APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent

***I. Prohibit Texting While Driving – Commissioner Joe Graubart**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; URGING THE HONORABLE GOVERNOR AND FLORIDA LEGISLATURE TO BAN TEXTING WHILE DRIVING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent

Commissioner Kligman made a motion to accept the consent agenda. Commissioner Olchyk seconded the motion and all voted in favor.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

(Set for approximately 8:00 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

***1. Corner Clearance Ordinance – Sarah Sinatra, Town Planner**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” STRIKING CODE SECTION 90-52 REQUIRED CLEARANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Town Planner Shelly Eichner presented the item to the Town Commission.

Commissioner Olchyk made a motion to accept. Commissioner Graubart seconded for discussion purposes.

Commissioner Graubart stated that in the first paragraph of the current Section 90.52 is information that cannot be found under Section 90.92. He stated that by eliminating Section 90.52 you will be eliminating that important language that should probably be included in Section 90.92.

Interim Town Attorney Linda Miller stated that she will review the language with the Town Planner and amend this ordinance, take it to the Planning and Zoning Board and then bring it back as first reading.

Mayor Dietch suggested redrafting of the ordinance.

Commissioner Olchyk withdrew her original motion.

Commissioner Olchyk made a motion to revisit this ordinance with the corrected language. Commissioner Graubart seconded the motion by reading the language that should be added “for proposed construction hereafter, there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs, hedges, shrubbery etc.” The motion passed 5-0.

***2. Outdoor Dining Ordinance – Sarah Sinatra, Town Planner**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, ARTICLE IV “DISTRICT REGULATIONS” AND SPECIFICALLY AMENDING SECTION 90-41 “REGULATED USES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES ADDING OUTDOOR DINING AS A PERMITTED USE IN THE SD-B40 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

Town Clerk Sandra Novoa read the title of the ordinance.

Town Planner Shelly Eichner presented the item to the Town Commission.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Graubart. Motion passed 4-0 with Commissioner Graubart absent from the dais.

5. Resolutions and Proclamations

(Set for approximately 9:15 p.m.) (Note: Depends upon length of Good and Welfare)

***A. IPS Parking Meter Agreement – Chief of Police David Allen**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH IPS GROUP INC., FOR THE PURCHASE OF FIFTY-ONE (51) CREDIT CARD ENABLED SINGLE-SPACE PARKING METERS AND WEB-BASED MANAGEMENT SYSTEM; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton introduced the item

Commissioner Kligman asked about the possibility of an extended warranty.

Commissioner Graubart would like to have short term meters in front of the cleaners and Post Office or even install some of these new meters in that area. He also asked if the Town Commission would agree to purchase less than the offered amount.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman. The motion passed 4-1 with Commissioner Graubart voting in opposition.

Commissioner Graubart would like to have short term meters in front of the cleaners and the Post Office and suggested any members of the Town Commission that would like to discuss this item to submit it as a discussion item for the next Commission meeting. He stated that he thinks it should be a half-hour or one hour. Town Manager Roger M. Carlton stated that this has previously been studied and staff recommended against it and the Commission accepted that recommendation. If the Town Commission wishes for staff to study it again to please let him know. Commissioner Kligman stated that she would like to know more about it and asked the Town Manager to provide her with the information. Town Manager Roger M. Carlton will provide Commissioner Kligman with the old study.

Commissioner Kligman made a motion to extend the meeting until 12:00 am. The motion received a second from Commissioner Kligman. The motion passed 3-1 with Commissioner Graubart voting in opposition. Vice Mayor Karukin was absent from the dais.

***B. Purchase of Three (3) Additional Bus Shelters – Commissioner Marta Olchyk**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH PREMIERE DESIGN SOLUTIONS, INC. TO PURCHASE AND INSTALL THREE (3) BUS SHELTERS: TWO (2) ON COLLINS AVENUE AND ONE (1) ON HARDING AVENUE; AUTHORIZING THE PURCHASE OF THREE BUS SHELTERS FOR APPROXIMATELY \$75,000; AUTHORIZING THE APPROPRIATION OF FUNDS IN FISCAL

YEAR 2012-13 FROM THE MUNICIPAL TRANSPORTATION FUND IN THE AMOUNT OF \$40,000 AND FROM THE CAPITAL FUND IN THE AMOUNT OF \$35,000; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton presented the item.

Interim Public Works Director John Di Censo stated that one bus shelter will go in front of the Best Western, another one on 9011 Collins Avenue and the third one at 9280 Harding Avenue.

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

***C. Establishing the Town’s “Attorney/Client Conflict Disclosures and Waiver” Policy – Commissioner Marta Olchyk [*Linked to Item 9A*]**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, (“TOWN”) ESTABLISHING THE TOWN’S “ATTORNEY/CLIENT CONFLICT DISCLOSURES AND WAIVER” POLICY; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Olchyk presented the item.

Interim Town Attorney Linda Miller explained that this resolution is to adopt a policy that addresses a process for retaining outside Legal Counsel.

Commissioner Kligman asked why the item was limited to attorney/client and does not include other experts that may be advising the Town Commission.

Interim Town Attorney Linda Miller stated that Commissioner Kligman’s concerns should be part of a different resolution.

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

***D. Consultants Competitive Negotiation Act (CCNA) – Mayor Daniel Dietch**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DECLARING SUPPORT FOR PROPOSED CHANGES TO SECTION 287.055, FLORIDA STATUTES, ALSO KNOWN AS THE “CONSULTANTS COMPETITIVE NEGOTIATION ACT” OR “CCNA”; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch excused himself from participating during this item due to a conflict of interest and passed the gavel to Vice Mayor Karukin.

Town Manager Roger M. Carlton presented the item.

Vice Mayor Karukin asked why this item was before the Town Commission at this time. Town Manager Roger M. Carlton stated that it is because the Legislature is in session.

Commissioner Graubart expressed that it is not always good when the Town has to go with the lowest bid because you don't always get the best product.

The item died for lack of a motion.

***E. Town Manager John Mark Taxis Employment Agreement – Mayor Daniel Dietch**
(The negotiations are on-going but not completed by the agenda deadline)

Mayor Dietch explained the current situation regarding Mr. Taxis' Employment Agreement negotiations. He explained that Mr. Taxis asked for an extra couple of days to consider the Agreement and asked the Town Commission if they are willing to wait.

Commissioner Kligman made a motion to give Mr. Taxis until Friday, March 15, 2013 at noon and schedule a tentative Special Town Commission meeting for Monday, March 18, 2013 at 7:00 pm for approval of the employment agreement or to discuss further. She also added that if Mr. Taxis does not accept, the Mayor should contact candidate number two (2) and begin negotiations. Commissioner Graubart seconded the motion and all voted in favor.

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.

Artist Roberto Garcia spoke to the Town Commission regarding the issue he has encountered to get payment from Prince Media for the turtle he painted.

Duncan Tavares, TEDACS Director stated that he has been contacted by a few other artists during the last week stating nonpayment from Prince Media.

Commissioner Graubart made a motion to pay the artists that have not been paid and have the Town work on getting reimbursed from Prince Media. Commissioner Kligman seconded the motion and all voted in favor.

Peter Neville spoke about the undergrounding utility project.

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. Concern re: Conflict of Interest** – Roger M. Carlton, Town Manager and Linda Miller, Interim Town Attorney [*Linked to Item 5C*](**TIME CERTAIN 8:30 PM**)
Commissioner Olchyk made a motion not to discuss this item and remove it from the agenda. The motion received a second from Commissioner Graubart.

Town Manager Roger M. Carlton stated that the Administration did not recommend removing this item from the agenda.

Interim Town Attorney Linda Miller stated that if there is a motion, a second and the Town Commission votes in favor of removing the item, the item will be considered removed from the agenda.

The motion passed 4-1 with Mayor Dietch voting in opposition.

Item removed from agenda.

- B. Consideration for Allocation to Shared Cost for Full Time Nurse in Ruth K. Broad K-8 Center** – (**TIME CERTAIN 7:45 PM**)

Town Manager Roger M. Carlton presented the item.

Tamar Oppenheimer spoke about the need for a full time nurse at the school. She stated that they are asking for the Town to fund a nurse which the cost will be shared with the Towns of Bay Harbor and Bal Harbour and the amount is \$7,200 per Town.

Leslie Rosenfeld from the City of Miami Beach spoke on the item.

Pablo Clausel spoke on the item and stated that this is a service that is critical to the school. He suggested that the Mayor to speak to the Mayors from other municipalities and to enter into an interlocal agreement based on a per capita basis.

Commissioner Graubart made a motion to allocate the \$7200 if the Village of Bal Harbour and Bay Harbor Islands agree as well. The motion received a second from Vice Mayor Karukin and all voted in favor.

Commissioner Kligman made a motion to take all the time certain items in order.

Commissioner Graubart seconded the item and all were in favor.

- *C. Traffic Study (Please bring the Traffic Study book provided in December 2012)** – Roger M. Carlton, Town Manager

Mayor Dietch made a motion to authorize the Community discussions to begin and bring back a specific plan next month. The motion died for lack of second.

Commissioner Olchyk made a motion to defer to the April meeting at a time certain.

The motion received a second from Commissioner Kligman. The motion passed 3-2 with Mayor Dietch and Commissioner Graubart voting in opposition.

- *D. FPL Sixth Update** – Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton presented the item.

Commissioner Kligman stated that she wanted a meeting prior to first reading and another meeting between first and second reading. She requested that both meetings be advertised in the Gazette.

Commissioner Graubart stated that the Town Manager's memo page 4, third bullet does not reflect his opinion. Vice Mayor Karukin stated that he is also in disagreement with the comments on that bullet.

Florida Power and Light representative Aletha Player spoke on the item.

Commissioner Olchyk asked if there is any other alternative besides the big boxes. Mr. Rodriguez from Florida Power and Light stated that there are two types of boxes, one is a transformer that is only good for 5 or 6 houses and the switch boxes are bigger.

Mayor Dietch asked the Town Manager if there is a design for the location of the boxes that could be presented to the Town Commission due to the concerns of the size of the boxes and the locations. Town Manager Roger M. Carlton responded that there is a preliminary design and it could be presented to the Town Commission.

Commissioner Kligman asked the Town Manager if he could come up with a formula for those residents that are on a fixed income and cannot afford the electrical upgrade who will qualify for some type of assistance from the Town.

Commissioner Graubart suggested for the Town to come up with an application so that residents could apply for hardship assistance.

Mayor Dietch asked the Town Manager if the Town is close to receiving a refined cost estimate. Town Manager Roger M. Carlton stated that the independent cost estimator will provide that.

Commissioner Kligman wants all information to be integrated and provided to the Town residents during both meetings. Town Manager Roger M. Carlton stated that he will put an announcement in the April Gazette if the information is ready.

Vice Mayor Karukin asked about the possibility of change orders that will drastically increase the cost of the project over time. He is also concerned about how the MGRUF tariff played into the fee structure per resident now when they were told months ago the preliminary information. Also, he is concerned about what happens if people don't pay the MGRUF and if Surfside will be liable. He would like to know how the per house upgrade cost will get funded because some homes will cost more than others.

Vice Mayor Karukin also mentioned that the potential for increased revenue over time is good but he would much rather use the expected revenue increase in tourist tax revenue which the Charter allows them to use to offset the ad valorem property taxes and not to offset the cost of this project like Commissioner Graubart stated.

Town Manager Roger M. Carlton stated that the staff would like to find a way to structure this project to pay for itself and does not need property taxes or tourist tax revenue but when you begin to get constraints by the percentage system required under MGRUF then you have to find an alternate back-up revenue.

Town Manager Roger M. Carlton stated that the Town will budget a 10% reserve for change orders.

Vice Mayor Karukin opined that it will be a good idea to revise the FAQ's as new things are coming up.

Pablo Clausel spoke on the item.

Town Manager Roger M. Carlton asked if it was the will of the Commission to move forward working with Florida Power and Light and the cable and telephone companies and come back next month if the staff is ready with the ordinance on first reading and a report answering all of the questions.

Commissioner Kligman made a motion to give direction to the Town Manager to address the items in the memo and the additional items that were discussed. The motion received a second from Commissioner Olchyk and all voted in favor

- E. Financing the Proposed Conversion of Overhead Utilities to Underground –**
Commissioner Joe Graubart made a motion to defer items 9E, 9F, 9G and 9H. The motion received a second from Commissioner Olchyk and all voted in favor.
Items deferred
- F. Severance/Compensation –** Commissioner Joe Graubart
Item deferred
- G. Town Calendar –** Commissioner Joe Graubart
Item deferred
- H. Commission Directive: Town Manager Short Term Priorities –** Commissioner Joe Graubart
Item deferred
- *I. Setting a Date for a Special Meeting on Revision to the Plans for the Surf Club April 23, 2013 Amendment to the Surf Club Development Agreement –** Roger M. Carlton, Town Manager
Town Manager Roger M. Carlton presented the item.
Vice Mayor Karukin made a motion to schedule a Special Commission meeting for April 23, 2013. Commissioner Kligman seconded the motion and all voted in favor.
- J. Approval of Any Donation Over \$850 –** Commissioner Marta Olchyk
Commissioner Olchyk presented the item and stated that she would like for the Town Commission to approve that any donations over \$850 should be approved by the Town Commission.
Town Manager Roger M. Carlton spoke on the item and stated that he has never given a donation of public money to any entity without authority from the Town Commission and that this item was generated from the turtle project to Newtown, CT. The Manager's spending authority per the Charter is \$8,500 and does not exclude donations or anything as long as the money is available.
The Mayor suggested including this discussion as part of the Charter reform.
Commissioner Graubart stated that when budget meetings are scheduled he will ask for \$5,000, \$1,000 for each Commissioner to give away to a pre-approved list.
Item died for lack of a motion.

Commissioner Graubart made a motion to extend the meeting 10 minutes to discuss some of the remaining items on the agenda. The motion received a second from Commissioner Olchyk. The motion passed 3-2 with Vice Mayor Karukin and Commissioner Kligman voting in opposition.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 12:06 am.

Accepted this ____ day of _____, 2013

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



**Town of Surfside
Special Town Commission Meeting
MINUTES
March 18, 2013
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 7:00 P.M.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Karukin, Commissioner Graubart, Commissioner Olchyk and Commissioner Kligman. Present at the meeting as well were Interim Town Attorney Linda Miller, Town Manager Roger M. Carlton, Chief of Police David Allen, Town Clerk Sandra Novoa, Assistant Town Attorney Sarah Johnston, Human Resources Director Yamileth Slate-McCloud and Labor Counsel Brett Schneider.

C. Pledge of Allegiance

Labor Counsel Brett Schneider led the Pledge of Allegiance

2. Approval of Town Manager Michael P. Crotty Employment Agreement – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING MICHAEL P. CROTTY AS TOWN MANAGER; APPROVING THE EMPLOYMENT AGREEMENT BETWEEN MICHAEL P. CROTTY AND THE TOWN OF SURFSIDE ATTACHED HERETO AS EXHIBIT “A”; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch presented the item and gave a brief background.

Vice Mayor Karukin asked Legal Counsel if everything is in accordance with the Town Charter. Labor Attorney Brett Schneider stated that he was not aware of any provisions that will conflict with the Town Charter.

Vice Mayor Karukin spoke about an inconsistency with the title when referring to the Manager throughout the employment agreement.

Commissioner Graubart stated that he would like to come up with a good form to use as a performance evaluation.

Members of the Town Commission posed a variety of questions to the Labor Counsel and Brett Schneider responded.

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

3. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 7:31p.m.

Accepted this _____ day of _____, 2013

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

**TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2012/2013**

AS OF

January 31, 2013

33% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: APRIL 9, 2013

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$5,550,944 *	\$10,225,227	54%
EXPENDITURES	3,870,776 A-1	\$10,225,227	38%
Net Change in Fund Balance	1,680,168		
Fund Bal.-Beg. of FY (unaudited assigned+unassigned)	5,349,497 A		
Fund Balance-January 31, 2013 (Reserves)	<u>\$7,029,665</u>		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$57,958 *	\$230,811	25% B
EXPENDITURES	82,501	\$230,811	36%
Net Change in Fund Balance	(24,542)		
Fund Balance-Beg. of Fiscal Year (unaudited)	173,018		
Fund Balance-January 31, 2013 (Reserves)	<u>\$148,476</u>		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$4	\$162,490	0% C
EXPENDITURES	22,218	\$162,490	14%
Net Change in Fund Balance	(22,214)		
Fund Balance-Beg. of Fiscal Year (unaudited)	122,312		
Fund Balance-January 31, 2013 (Reserves)	<u>\$100,098</u>		
TRANSPORTATION SURTAX			
REVENUE	\$56,601 *	\$185,830	30% D
EXPENDITURES	66,008	\$185,830	36%
Net Change in Fund Balance	(9,407)		
Fund Balance-Beg. of Fiscal Year (unaudited)	123,002		
Fund Balance-January 31, 2013 (Reserves)	<u>\$113,595</u>		
CAPITAL PROJECTS			
REVENUE	\$25,143	\$561,000	4%
EXPENDITURES	73,398	\$561,000	13%
Net Change in Fund Balance	(48,255)		
Fund Balance-Beg. of Fiscal Year (unaudited assigned)	126,313		
Fund Balance-January 31, 2013 (Reserves)	<u>\$78,058</u>		

NOTES:

* Many revenues for January, 2013 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.

A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$3,349,497 is unassigned fund balance.

A-1. Includes Town's annual General Fund pension contribution of \$473,991 & Davis Settlement

B. Timing Difference - January Resort Tax revenues are received in February, 2013.

Total Resort Tax Revenues of \$152,484 were received thru December, 2012 (\$57,958 to TEDAC, \$94,526 to the General Fund).

C. Forfeiture revenue fluctuates widely.

D. Timing Difference - January, 2013 CITT revenues are received in April, 2013.

ENTERPRISE FUNDS

ACTUAL	ANNUAL BUDGETED	% BUDGET
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WATER & SEWER

REVENUE	\$1,408,783	\$4,990,121	28%
EXPENDITURES	972,938	\$3,022,367	32%
Change in Net Assets	435,845		
Unrestricted Net Assets-Oct 1 (unaudited)	2,343,427		
Restricted Net Assets-Renewal & Replacement	1,017,776		
Unrestricted Net Assets-January 31, 2013 (Reserves)	\$3,797,048		
Capital Project Expenses to date for Water & Sewer	\$1,954,944	\$1,967,754	99%

MUNICIPAL PARKING

REVENUE	\$246,439	\$904,661	27%
EXPENDITURES	239,210	\$757,389	32%
Change in Net Assets	20,151		
Unrestricted Net Assets-Oct 1 (unaudited)	1,660,702		
Unrestricted Net Assets-January 31, 2013 (Reserves)	\$1,680,853		
Capital Project Expenses to date for Municipal Parking	\$196,296	\$147,272	133%

SOLID WASTE

REVENUE	\$310,149	\$1,232,457	25%
EXPENDITURES	409,359	\$1,232,457	33%
Change in Net Assets	(99,209)		
Unrestricted Net Assets-Oct 1 (unaudited)	246,064		
Unrestricted Net Assets-January 31, 2013 (Reserves)	\$146,855		

STORMWATER

REVENUE	\$292,378	\$1,173,781	25%
EXPENDITURES	102,281	\$505,000	20%
Change in Net Assets	190,097		
Unrestricted Net Assets-Oct 1 (unaudited)	444,247		
Unrestricted Net Assets-January 31, 2013 (Reserves)	\$634,344		
Capital Project Expenses to date for Storm Water	\$230,418	\$668,781	34%

NOTES:(con't)

E. Includes rate stabilization of \$651,144, renewal and replacement of \$1,017,776 and \$2,128,128 is unrestricted.

E-1. Includes bond interest payment of \$292,881 for water & sewer for the period of November, 2012 to May, 2013.



Donald G. Nelson, Finance Director



Roger M. Carlton, Town Manager

**ATTACHMENT

Town of Surfside
Fund Balance (Reserves)
January 31, 2013

FUND	9/30/2010	9/30/2011	9/30/2012	1/31/2013
General	\$ 3,163,038	\$ 4,256,315	\$ 5,349,497	\$ 7,029,665
Resort Tax	179,035	184,867	173,018	148,476
Police Forfeiture	71,825	117,889	122,312	100,098
Transportation	416,500	239,760	123,002	113,595
Capital	4,888,357 *	399,754	126,313	78,058
Water & Sewer	2,108,920	2,692,379	3,361,203	3,797,048
Parking	2,043,034	1,385,581	1,660,702	1,680,853
Solid Waste	82,210	207,462	246,064	146,855
Stormwater	194,564	342,240	444,247	634,344
Total	\$ 13,147,483	\$ 9,826,247	\$ 11,606,358	\$ 13,728,991
	<u>4,201,479 *</u>			

\$ 8,946,004

*Committed to Capital Project (Community Center)



**Town of Surfside
Town Commission Meeting
April 9, 2013**

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

**POINTS OF LIGHT
After Action Items**

1. Downtown Vision Project: Commissioner Michelle Kligman

Current Status: The Downtown Vision Advisory Committee (DVAC) meeting set for March 25, 2013 was deferred to Monday, April 22, 2013 due to scheduling issues. Items to be discussed include updates on the following:

- *Parking Structure Feasibility Study (see item #15)*
- *Downtown Streetscape Master Plan*
- *Business Improvement District (BID)*
- *Commissioner Heyman's Mom & Pop Grant Program 2013*
- *Awnings Ordinance Amendment*
- *Introduction of New Town Manager Michael Crotty*

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

Current Status: This project is entering the final stages of completion. Key issues that remain are:

1. Installation of the final lift (layer) Phase of asphalt. Phase I and part of Phase II have been completed. The RicMan paving subcontractors have not devoted full time to complete the task.
2. Resolve issue with the Village of Bal Harbour related to final cost of the joint force main. A meeting was held March 15, 2013 with the Bal Harbour Interim Village Manager. This matter will most likely go to arbitration per the agreement to build the project.
3. Resolve any closure requirements for the old force main with the Village of Bal Harbour and the City of Miami Beach. The decision has been reached to leave the old force main inactive. Valves allow it to be used as an emergency backup.
4. Determine if sufficient funds are available for the additive alternatives including street signs and street trees. It is unlikely sufficient funds will be available to achieve this goal.
5. Closeout the project with a report in late April, 2013. This will most likely be a status report and not the final report.
6. Final paving delays and punch list items will require at least thirty more days.

3. Tourist/Resort Tax Audit/Certificate of Use/Local Business Tax Receipt/Short Term Rentals

Current Status:

Resort Tax Audit II: Seven (7) businesses including The Greek Place, Pescecane , Ho Wang, Bal Harbour Juice, Asa-2, Serendipity and Onarga are presently going through the Code Compliance Special Master process for not responding to the Auditors numerous requests for information. The hearing will be scheduled before the Special Master in early May, 2013.

Certificate of Use (CU) /Local Business Tax Receipt (LBTR): Three remaining businesses have yet to comply. Staff continues to work with them for compliance. Failure to respond will result in these businesses being brought before Special Master tentatively in early May, 2013. This is the highest level of compliance ever achieved in Surfside history.

Short Term Rentals: This effort will await the Code Enforcement Priority Setting Workshop set for April 17, 2013.

4. Residential Home Based Businesses

Current Status: At the direction of the Mayor and Town Commission, enforcement of the Local Business Tax Receipt and Certificate of Use provisions was stayed for Home Based Businesses for FY12/13, until such time as code compliance priorities are established. As time permits, the Code Compliance Division has continued to pursue information available on several internet based databases including the Secretary of State's. A code compliance workshop has been scheduled for April 17, 2013, at which time priorities and resource allocation will be established.

5. Bus Shelters: Commissioner Marta Olchyk

Current Status: The Town Commission approved the purchase of three additional shelters at a cost of \$75,000 which has been reduced to \$64,237 after negotiations. The shelters were ordered on March 27, 2013 and are expected to be delivered in 10-12 weeks. The shelters will be located at 9011 and 9365 Collins Avenue and 9280 Harding Avenue. Once these shelters are installed it will bring the total number of shelters to seven (7) including the older style one in front of Publix. This will leave six (6) other bus stop locations for consideration if funding becomes available. (See Item 12 for use of the available savings from the lower cost).

6. Beach Concessions

Current Status: The lease agreement with the State of Florida and Miami Dade County was presented to the County Recreation and Cultural Affairs Committee on September 10, 2012 and moved forward to the Board of County Commissioners on October 2, 2012. The lease application and documents are being prepared by Miami Dade County and will be submitted to the State for approval. Once the State approval is received, Miami Dade County along with the Town of Surfside, will have 10 months to submit a Beach Management Agreement to the State. This process has been slowed by the County's need to move forward on beach restoration along our entire coastline due to Hurricane Sandy. During this time the County will continue the everyday beach maintenance it is currently providing to the Town of Surfside.

The County was contacted by the Florida Department of Environmental Protection on February 19, 2013 in regard to processing the lease agreement. The Division of State Lands Title and Land Records Section is the first to review the lease and we are waiting on their findings and report. The County is projecting a May, 2013 date to move forward. Updates will be provided as the process moves forward.

7. 95th Street End Project

Current Status: Due to the need to complete the street end project contemporaneously with the 9501 building construction which began construction in mid-May 2012, the Administration has moved forward with the project for one block only using the architectural/engineering firm Bermello Ajamil (from the approved rotation). The Town Commission confirmed this on July 17, 2012 and selected the design "look" on August 15, 2012. The thematic design will be usable for all three blocks of 95th Street should the Town Commission determine to expand the project in the future. Bermello Ajamil has completed the design and submitted the bid package which was advertised April 2, 2013 in the Daily Business Review (**Action Item**). The project will be brought to the Town Commission for award during the June, 2013 Town Commission meeting.

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

Current Status: This program 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. A presentation was made by Chad Friedman and Steve Alexander regarding the program during the October 9, 2012 Town

Commission meeting. Recently, Bay Harbor Islands agreed to join the program. This matter will be brought to the Town Commission during the May 14, 2013 meeting for a determination.

9. FPL/AT&T/Cable Undergrounding Project: Commissioner Michelle Kligman

Current Status: The Town Commission allocated \$300,000 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. FPL has completed the study of the cost of undergrounding Town-wide and the Town Commission authorized retaining bond counsel and financial advisor to assist with the project during the November 13, 2012 Town Commission meeting. During the December, 2012 Town Commission meeting, Staff was authorized to schedule five televised public meetings that have been held and a FAQ's was mailed to all addresses in the Town. At the direction of the Town Commission the cost estimate validation process has been contracted to HPF and Associates for \$2750 and preliminary cost estimates have been received and are under review. This firm has done similar work for Golden Beach, Miami Beach Palm/Hibiscus and Sunset Islands underground projects. This Agenda includes a seventh status report on the project (**Action Item**) which will answer the many questions raised by the Town Commission during the March 12, 2013 meeting when authorization to continue developing the project was granted.

10. FEMA Flood Insurance Status

Current Status: The General Contractor retained to perform the remedial work necessary to correct flood deficiencies at 1220 and 1236 Biscaya Drive, has begun the permitting process. Work is expected to begin the first week of April, 2013.

Meetings with the engineering teams representing the owners of 9578 and 9415 Harding Avenue have continued. Technical Bulletins from FEMA reference material, outlining all the Dry Flood Proofing Certification requirements have been made available to both teams. The engineering package from 9415 Harding Avenue is further along in the process. The initial submittal has already been reviewed by the Town's Structural Engineer. Approval is contingent on the correction of review commentary and additional information that is required. The comments are currently being addressed by the owners' engineer. The Building Official expects that both properties will have approved Dry Flood Proofing Certifications by the end of April, 2013.

Meanwhile, progress continues with preparations for the Insurance Services Office (ISO) visit. The Building Official continues to work closely with Town staff to develop an outreach program to inform customers and home owners of the importance of proper flood plain management. The information is still on schedule to be posted on the Town's website during the month of April, 2013.

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

Current Status: The Spiaggia Condominium review has been completed and the building has been determined to be sixteen (16) usable spaces short from its required number of spaces. This is due to the design of the parking facility which makes certain spaces unusable. Staff in conjunction with the Town Attorney's office is developing a draft agreement with the Spiaggia condominium board to resolve the situation. The goal is to present the agreement to the Town Commission in May, 2013.

12. Dog Park: Mayor Daniel Dietch

Current Status: An agreement with the newly formed non-profit and the Town is scheduled to come before the Town Commission during the May 14, 2013 meeting. As the proposed site is at an existing pump station, which is being reconstructed as part of the final phase of the water/sewer/storm drainage project, an opening is anticipated, barring any unforeseen circumstances, in mid to late May, 2013. The project budget is inadequate to complete the desired work and after careful review, an estimated \$8000 additional will be necessary for an estimated total of \$18,000 (**Action Item**). The funds for this increase will come from the savings for the bus shelter project. (See related Item 5 regarding the savings source).

13. Turtle Sculptures - Art in Public Places

Current Status: During the March 12, 2013 Town Commission meeting, Staff were directed to research all artist stipends and pay provable disputes. All artists have been contacted and Staff is in the process of determining the outstanding payments for processing. The Town will be proceeding with legal action on Prince Media Development to recover this additional expense.

We continue to monitor the condition of the sculptures and repair any damage. From the standpoint of tourism development and creating an awareness of art, the project continues to be a huge success.

14. FDOT Surfside Repaving

Current Status: The Collins/Harding Avenue repaving project has been completed by FDOT. This leaves the Kane Concourse (96th Street) from the Surfside Town limits to Collins Avenue and Collins Avenue in Bal Harbour from 97th Street to the Haulover bridge projects to be completed. The stamped asphalt crosswalks on Harding and Collins Avenues were finished in December, 2012. Staff authorized an additional stamped asphalt crosswalk for the 93rd

Street/Harding Avenue intersection to tie together the pedestrian path from the single family neighborhood to the Community Center at a cost of \$14,000. This cost will be covered in the final change order for the water/sewer/storm drainage project (**Action Item**). The Public Works Director will authorize the new crosswalks to be installed prior to the Summer season.

15. Parking Structure Feasibility Study

Current Status: The completed study was issued to the DVAC Parking Subcommittee (which includes members appointed by the Town Commission and the Town Manager) on March 8, 2013 for the March 20, 2013 meeting. Rich and Associates and C3TS/Stantec presented to the committee and public in attendance and the meeting was broadcast over Channel 77. After nearly three hours of discussion, the committee unanimously voted in favor of moving the study on to the Planning and Zoning Board (April 3, 2013) and Town Commission (April 9, 2013). The unadopted minutes of the Parking Subcommittee are included in the Town Commission April 9, 2013 agenda packet (**Action Item**).

16. Bal Harbour Shops Expansion Status Report

Current Status: Press coverage and discussions with Stanley Whitman confirm that Bal Harbour Shops has completed negotiations with the Church by the Sea. The members of the Church approved the agreement on June 3, 2012.

In a meeting on June 27, 2012 with Gus Pego, FDOT District Secretary, we were disturbed to learn that FDOT's role in reviewing traffic issues related to such large scale projects has been virtually eliminated by the Legislature. This will make our negotiations with the Whitmans more difficult and greatly supports the decision to have a traffic study completed by CGA as a tool to support these negotiations. The study was completed during November, 2012, appeared on the December 2012 Agenda for the possible scheduling of a workshop and was deferred to the January, 2013 Agenda. The study was again deferred by the Town Commission and is included on the April 9, 2013 Town Commission Agenda at 8:00 pm Time Certain. One area of particular concern is that an expanded number of commercial vehicles will serve the project and how those trucks will impact the 96th Street and Byron Avenue intersection. There is also a new development in that the Whitman family has announced that they will partner with Swire Properties to build a new very high end retail center in the new Brickell City Center project at SW 7/8th Streets and Miami Avenue. They may also build a similar project in the expanded Miami Beach Convention Center redevelopment (Attachment 1). The implication of this change for the Bal Harbour Shops expansion schedule is not known. Town Manager Designee Michael Crotty will be fully briefed on this project.

17. North Force Main/Building Better Communities Bond Program

Current Status: There is both progress and pushback on this effort to obtain funding for this critically important second sewage disposal alternative for Surfside, Bal Harbour and Bay Harbor Islands. Miami-Dade County WAsD has retained the firm of Hazen and Sawyer to study the situation at the North Dade Regional Plant and the 163rd Street force main. This is recognition that something needs to be done that will resolve the issue which we keep top of their minds. The negatives are that specific projects which would facilitate acceptance of our sewage are not listed in the draft settlement agreement with EPA and FDEP. Surfside was represented in a community meeting held by WAsD September 27, 2012 and our concerns were placed on the record. Roger Carlton, Donald Nelson and Mayor Daniel Dietch also attended a meeting held at WAsD on October 25, 2012 in which the draft settlement agreement was further discussed. A new resolution was approved by the Board of County Commissioners that gave specific direction to the County Administration to consider innovative municipal projects as they prioritized the Building Better Communities bond funding. This amendment was written by your Town Manager and supported by County Commissioner Sally Heyman. Finally, the risks inherent in the Virginia Key plant (where our sewage is treated) and the new force main under Government Cut have been documented in the Miami Herald.

In a recent conversation with Doug Yoder, Assistant WAsD Director who is handling the negotiations with EPA and DEP, it was learned that an environmental group has filed a lawsuit which questions the advisability of upgrading shoreline sewer plants that may go underwater if global warming raises sea level. Therefore WAsD is looking at the alternative of an inland plant at a higher elevation. There is a long way to go on this issue.

Town Manager Designee Michael Crotty will be fully briefed on the project and will be introduced to the appropriate decision makers.

18. Best Western (Chateau) Project

Current Status: The Best Western property sale closed on March 27, 2012 in the amount of \$50 million. The Design Review Group (first step of the review process) met on August 2, 2012. A second DRG meeting was held on September 11, 2012 to complete this stage of the review. The Development Impact Committee met three times to review the project to negotiate certain items contained in the Resolution which were approved unanimously by the Planning and Zoning Board/Design Review Board on December 4, 2012. The Town Commission approved the Resolution in a 4 to 0 vote during the Special Meeting on January 24, 2013. Staff took the position that the nearly \$100,000 pass through costs for outside legal counsel and Town consultants be reimbursed before the Resolution was filed with the Clerk of the Court. The applicant posted the entire \$100,000 (\$50,000 in escrow) with the Town and reserved the right to review all the costs before the final \$50,000 is released. The Applicant requested a reduction of

\$22,925 and the Town Manager negotiated that request to \$8500. Special counsels Bill Bloom of Holland and Knight and Miriam Maer have been requested to reduce their compensation by \$4250 each respectively, so that the Town does not have to absorb the cost. Bill Bloom reduced his fee by 50 percent of the Town Manager's request and that offer has been accepted. Therefore Holland and Knight's bill will be paid less the settlement. Miriam Maer's remaining bill is still in negotiation at the time the Points of Light for April, 2013 were written.

19. Island Community Initiative Automatic License Plate Reader Project (ALPR)

Current Status: The Island Community Initiative ALPR Project was originally planned as a new crime prevention program involving the Bal Harbour, Bay Harbor Islands, Golden Beach, Sunny Isles Beach, and Surfside Police Departments. Dispatchers and police officers in all of the communities would have been alerted automatically at police stations and on laptops in real time to stolen cars, BOLOs, Amber Alerts, Silver Alerts, and hot lists. The project would also provide inter-agency sharing of investigative intelligence. The cost to Surfside would be \$100,000 to become a participant in the project. In the original plan, Surfside was slated to receive eight ALPR cameras to secure the south end of the five communities and to share a server.

The project has become complicated with issues including verifying vendor capabilities, retention of records, FDOT and Miami-Dade County right of way use approvals. Golden Beach moved ahead with a vendor on its own and began the installation of ALPR's and surveillance cameras. Sunny Isles Beach approved a different vendor at its December 2012 Commission meeting. Bay Harbor Islands is expected to piggy back on the Golden Beach contract. Bal Harbour is on hold at this time. Due to the complications, four of the five Towns have or will move ahead with their own ALPR systems.

Chief Allen has met with several vendors in January, 2013 for review of their proposals. Surfside will be able to piggy back off either the Golden Beach or the Sunny Isles Beach contracts. On January 10 and 31, 2013, Police Department staff met with Iron Sky, the vendor who was awarded the contract with Sunny Isles Beach. In order to secure the perimeter of the Town, the number of ALPR's will double and we will need our own server. The original cost was \$100,000 approved from forfeiture funds. The new cost is expected to be approximately \$250,000. Based on the new cost, we are investigating leasing the equipment which will still allow the project to be funded with forfeiture funds over a five year period. We have also learned that our red light camera vendor, ATS, has developed an ALPR capability. On March 29, 2013, Staff held a conference call with ATS and is currently reviewing this option which will be less costly. There is a long way to go on this project.

20. Sidewalk Ordinance Implementation

Current Status: The Town is currently working on the roll out of the application process to the downtown businesses community with the goal of compliance by the October 1, 2013 Certificate of

Use and Local Business Tax Receipt renewal annual deadline. All three requirements will be streamlined into a “one-stop” application process. Compliance is a challenge and appropriate actions are being pursued per the Code. FDOT has requested amendments to the lease for use of the sidewalks. Those amendments have been sent to FDOT and we await their final acceptance. As soon as FDOT signs off, the amended lease will be brought to the Town Commission for approval.

21. Imaging Town Documents

Current Status: Since the implementation of dedicated daily time given by the full time staff of the Building Department at the end of each business day, productivity in the scanning has increased. We have managed to organize all the files in the file room properly grouping them by address. Documents within each file are currently being organized chronologically and categorized by permit type. This methodology is allowing for more organization and consistency in terms of scanning. A log is being created that lists all the addresses in the jurisdiction of the Town. This log will allow for an accurate accountability and tracking of the files that have been scanned and that remain to be completed. As an alternative to speed the process, the Building Official is reviewing the potential to outsource a portion of the scanning. As of March 31, 2013, we have estimated that approximately 32 percent of the scanning has been completed. This number is substantially less than was represented by the previous Building Official. Procedures put in place by Ed Rojas will catch us up to previously reported percentage completion numbers over the next six months.

22. Five Year Tourism Strategic Plan

Current Status: The consultants are on track with the timeline, analysis of existing tourism and marketing expenditures, reviewing the existing market research, reviewing current Resort Tax projections, reviewing the existing Resort Tax Ordinance, conducting an e-survey of area business and downtown property owners meeting with Town Commissioners individually and the identification of target markets. Progress in detail is reported to the TEDAC Board monthly.

23. The Shul Project

Current Status: An application in sufficient form to start the Design Review Group process was received and the first meeting was held on August 22, 2012. A second Design Review Group meeting was held on February 13, 2013 and a third was held on March 28, 2013. A meeting took place with Stanley Price representing the Shul, Town Manager Roger Carlton and Interim Town Attorney Linda Miller on March 1, 2013 to further refine the voluntary proffers including an alternative to a Payment In Lieu of Taxes (PILOT). The key issue remains the number of offsite parking spaces required (currently 96) due to the impact of the expanded hall and the increased number of student spaces. Voluntary monetary proffers currently include

\$250,000 to the underground utility project, \$175,000 to the 95th Street upgrade, \$100,000 to the Harding Avenue beautification project and a waiver of the exemptions to the food and beverage tax collection on events that are not tied to a religious holiday. This means that wedding and bar mitzvah party food would be taxed with an estimated \$25,000 to \$50,000 per year in revenue to the Town.

This project should be ready for DIC before the current Town Manager retires and be scheduled for the Planning and Zoning Board in May, 2013 and a Special Meeting of the Town Commission in June, 2013 if all goes well.

24. Electric Car Charging Station: Mayor Daniel Dietch

Current Status: The company Car Charging now has agreements with the City of Miami Beach and the City of Hollywood for the installation and operation of electric car charging stations. Staff has met with the company about the possibility of installing a station in Surfside. The location will be the northeast corner of the Town Hall lot due to the readily available power supply. One parking space will be dedicated for this use with the install, equipment and signage being provided by the vendor. The objective is for electric cars to “top up” while visiting Surfside since a full recharging of a vehicle requires 4 to 6 hours. Eventually two spaces could only be used by either electric or alternative energy vehicles and would not be subject to parking meter charges. Presently two parking spots at this location earn a combined total of \$248 per month (\$3976 per year) in meter fees. Information on station locations are incorporated in electric vehicles on board GPS and through dedicated Apps. The driver of the car would pay at the station, by credit card, for usage presently set at 49 cents per kilowatt hour – this equates to a “full tank” at \$12 for a Leaf and \$5 for a Volt. The Town would receive 10% of the net revenue from the vendor annually once the cost of electricity is removed (no dollar estimate available at this time). The vendor would pay for the electricity. Net revenues (profit) are always a concern as to verification of the vendor stated amount. While this item was not determined to be a priority during the December, 2012 Town Commission meeting, the Town Commission voted to move this item forward. An agreement and accompanying resolution are earmarked for the May, 2013 Town Commission meeting.

25. Five Year Parks and Recreation Capital Plan

Current Status: The Surf Club developer agreed to provide \$400,000 to this project and the Chateau developer has agreed to add \$200,000 for a total of \$600,000. During the Planning and Zoning Hearing meeting on the Surf Club held September 25, 2012, the condition was modified to allow the contribution to be used for any Parks and Recreation capital project subject to a comprehensive Parks and Recreation infrastructure plan. With \$600,000 in voluntary proffers to the Parks and Recreational capital budget, an initial meeting with the Parks and Recreation

Committee to develop a Capital Plan was held on December 17, 2012. During the December 17, 2012 Parks and Recreation Committee Meeting the Second Floor of the Community Center was listed by the Committee as the top priority for the Parks and Recreation Infrastructure Plan. A more comprehensive plan to detail cost and time frame for the proposed Parks and Recreation projects was presented to the Parks and Recreation Committee during their February 11, 2013 meeting and updated during then March 18, 2013 meeting. The next step is to complete the Plan with project descriptions, schedule and refined estimated costs and funding sources. This project should be ready for consideration by the Town Commission in June, 2013.

26. Pool Tot Lot (Water Playground) Community Center

Current Status: Funtraptions, the original contractor for the Community Center water playground, is no longer in business and not available for any warranty work or repairs. At the completion of the project, a 10 percent retainer fee was held back by the Town until full satisfaction was met with the water play structure. The retainer (\$22,600) will be utilized to cover the cost of repairs of warranty items that need to be addressed. Reliable Pools, a local qualified contractor experienced in working with Funtraptions equipment had been retained to work on the repairs. The amount of retainage should be sufficient to achieve this goal. A technician from Reliable Pools was on site December 10, 2012 and again on January 7, 2013 and January 25, 2013. A set date for the completion of the work was scheduled for the end of February 2013 depending on the scope of work required. At this time Reliable Pools has been unable to meet the required deadline for completion of the work. Due to other commitments on other large projects Reliable Pools has been unreliable.

Staff has reached out to another vendor within the State of Florida that has had experience in repairing this specialized equipment. Water Works is the company and has been on site at various times since January 28, 2013 reviewing the water playground operations and reviewing the water playground pool blue prints. Due to the complexity of the work to be performed, staff is working with Water Works to come up with a realistic time frame for the completion of work and cost associated with the project. In order to stay within the original funds set aside for this project it may be necessary to fund the work in stages. The water playground continues to remain open. The start of repairs by the new vendor is anticipated before the summer peak period. Updates will be provided as we move forward with the new vendor.

27. Bullying Program: Commissioner Michelle Kligman

Current Status: The bullying program was held on January 16, 2013 in the Community Center Multipurpose Room. The event consisted of an informative session that included an expert panel in the control of bullying with a question and answer session and a showing of the movie *Bully*. The event was a great success with approximately 100 people in attendance. Commissioner Kligman has

proposed a robust program that incorporates surrounding communities and the School Board to further this program. A resolution defining this effort was approved by the Town Commission during the February 12, 2013 Commission Meeting. The resolution along with an outline for implementing the program was introduced to the Parks and Recreation Committee during their March 18, 2013 meeting. The Parks and Recreation Committee first request was to possibly have the incoming summer camp staff trained in an Anti-Bullying program. Staff at this time is working with Julio Avel with the Non-Violence Project to develop an Anti-Bully Training program for the Parks and Recreation staff. This will be an ongoing process and updates will be provided each month in the Points of Light.

28. Seawall Project

Current Status: The seawall design project was awarded to Calvin, Giordano & Associates with the commitment that the grant application cost would not be paid until a grant in the amount of not less than \$250,000 was made available. The design work is being finalized. As a result of Hurricane Sandy, the seawall at Carlyle and 88th St is near collapse, endangering the Town's \$250,000 investment in the new storm water pump station. A recommendation to declare the project an emergency was made to the Town Commission during the November 13, 2012 meeting. Based on authority granted at the November 13, 2012 Town Commission meeting, Staff applied for the emergency permit from Miami Dade County and received budgetary quotes from Palm Beach Marine (\$60,000), BK Marine (\$88,000) and Shoreline Foundation, Inc. (\$92,000). We have now received United States Army Corps of Engineers and the preliminary approval from Miami Dade County, which was a prerequisite to obtain the Surfside Building Permit and the FDEP Permit. As soon as these are obtained we will be awarded our final Miami Dade County Permit. After receiving comments from all permitting agencies the plans will be revised, if necessary, and resubmitted to the three qualified marine contractors listed above. The updated bids received will be evaluated and the Contractor which provides the best value for the Town will be awarded. A Notice to Proceed will be issued immediately thereafter (**Action Item**).

29. Traffic Calming Study

Current Status: This project reviews traffic flows, traffic calming devices and provides a model to simulate future traffic impacts. The study was completed in November, 2012 and has been deferred three times by the Town Commission and once by the Town Manager. The study was deferred from the March 12, 2013 Town Commission meeting to 8:00 pm time certain during the April 9, 2013 Town Commission meeting (**Action Item**).

30. Federal Road Designation Removal in Single Family Neighborhood

Current Status: A meeting was held with the FDOT District Engineer on September 13, 2012 to discuss the need to downgrade the single family streets to the lowest federal classification. The 10 year FDOT update is underway and we have provided necessary information to support the change. The downgrade has been recommended by FDOT and the designation should be changed by the Federal DOT in late 2013. This is very important to ensure that our single family streets maintain their current residential status. This is also important should the Town Commission determine to close Byron Avenue at 88th Street in the future. A meeting will be held before the end of April, 2013 to introduce Michael Crotty, Town Manager Designee, to FDOT District Engineer Gus Pego.

31. Legislative Priorities

Current Status: A meeting with the Town Manager and Fausto Gomez took place on January 8, 2013 to discuss legislative priorities. A subsequent meeting was held January 10, 2013 with State Representative Joe Gibbons and Mayor Dietch to discuss how the Representative may be helpful. The Town Commission approved the legislative priorities during the January 15, 2013 meeting with an amendment and Fausto Gomez is working the issues in Tallahassee. The session began March 4, 2013 and we will remain in constant contact with Fausto Gomez. Two very significant items include a raid by FDOT on 50 percent of our on street meter revenues and changes to pension regulations which is both bad (lower the 7.5 percent earnings assumption) and good (allows us to use Section 185 money to supplement the basic pension). Michael Crotty was introduced to Fausto Gomez on March 29, 2013.

32. Credit Card Accepting Single Space Meters

Current Status: During the September 19, 2012 Town Commission meeting, a 90 day experiment to install credit card accepting single meters was approved with IPS Inc. The thirty single space locations were identified and installation for the project was completed on November 20, 2012. An informational flyer was created and was advertised in the November, 2012 edition of the Gazette. A preliminary one month comparison of the revenue was conducted. The original thirty meters collected \$572 during the thirty day period before the new meters were installed. The credit card accepting meters collected \$1300 during the immediate thirty day period after installation. The new meters collected \$1900 during the second thirty day period. The final thirty day period of the ninety day experiment was completed on February 20, 2013 and showed a similar increase. IPS Inc. has also agreed to upgrade the meters to a newer model which has a 100% larger display screen; a longer battery life of 3-5 years; built-in integration with Pay-by-Cell, IPS Sensor and IPS Smart Collection System technologies; and the capability to display advertising and public alerts at no additional cost. The recommendation to purchase the new meters based on convenience and increased revenue was

approved during the March 12, 2013 Town Commission meeting and the purchase order has been signed. Item completed.

33. Solar Panels and TV Antennas (Dishes)

Current Status: Solar panels are becoming less expensive to install and more cost effective as technology advances. TV antennas (dishes) are proliferating where some buildings have as many as ten facing main streets causing visual clutter and excess wiring. Both devices are a part of urban life, however, guidelines need to be developed. Therefore this matter was sent to the Planning and Zoning /Design Review Board for discussion during their January 31, 2013 meeting. The Board determined to take up the issues and Staff is preparing appropriate ordinances for the Board's review in April, 2013.

34. Regulation of Power Grass Blowers and Disposal of Yard Waste

Current Status: With the completion of our expanded and upgraded storm sewer system, the need to avoid landscapers blowing grass and leaves into the storm sewer has become apparent. In some cases we have already had to clean new storm sewers which became clogged with yard refuse. We have also found residential garbage and large piles of tree cuttings in the gutters which impedes the flow of water, blocks driving lanes and creates a visual mess throughout Town. Staff and the Interim Town Attorney are developing an ordinance which will better regulate the stacking of yard cuttings in the gutters for Town Commission consideration in late Spring 2013. There is already a leaf blower prohibition ordinance on the books and this will be discussed during the Code Compliance Workshop on April 17, 2013.

35. Starbucks

Current Status: Starbucks is coming to the Condotti Men's Clothing Store location. It has been approved by the Planning and Zoning Board during their January 31, 2013 meeting. Look to enjoy a cup in Fall of 2013! Thank you to Sergio Castaneda for his long service to Surfside and welcome to our first national tenant in a very long time. Item completed.

36. Beach Erosion

Current Status: Hurricane Sandy and very high full moon tides and wind have caused significant erosion on our beach. Due to the storm, Surfside lost up to 75 feet of beach (with nearly 25 feet returning by natural drift of sand) and was one of the least damaged segments of beach countywide. Staff has begun work on many fronts to ensure that various agencies with authority and funding

initiate a renourishment program. A meeting was held with Miami Dade County staff on December 20, 2012 and the County has accepted responsibility for coordinating the renourishment. Town Staff will be kept updated as Miami Dade County moves forward with any renourishment project. Congresswoman Debbie Wasserman Shultz scheduled a meeting April 4, 2013 on this project and Town Manager Designee Michael Crotty and Parks and Recreation Director Tim Milian attended. The Town Commission will be kept aware monthly of progress with this matter.

37. Code Compliance Priorities Workshop

Current Status: At its March 12, 2013 meeting, the Administration provided the Mayor and Town Commission several dates in April for their consideration, in order to schedule a workshop to address Code Compliance priorities. At that meeting, the Mayor and Commissioners scheduled the workshop for April 17, 2013 at 6:00 pm. The Administration has provided the required notice and will move forward with the Workshop in the Commission Chambers.

38. Charter Amendment Schedule

Current Status: The Town Commission during the February 12, 2013 meeting determined to initiate the Charter review process no later than August, 2013. This means that the actual review must begin in November, 2013 thereby requiring that appointments be made, the process and schedule be set and a decision on legal advice be made in the period between August and November, 2013.

39. Forty Year Building Certification on Collins and Harding Avenues

Current Status: As of February 28, 2013, notices have continued to be sent to property Owners and/or Condominium Associations. In an effort to educate and inform the community, we have posted information regarding the Forty Year Certification regulations, procedures and required documentation on the Town website. A log is being created that lists all the properties that have reached the 40 year mark and have been sent notice. The log will allow for the Building Department to track and monitor progress. Michael Crotty will be briefed on this situation during April, 2013. Once the process is complete, sufficient time and resources for a public information campaign should be allocated similar to the program that garnered voter approval for the three Charter amendments on the November, 2012 ballot.

40. Sidewalk Staining to Match Colors

Current Status: The project is almost complete with the only remaining item being touch-up work on the driveway entrances along Collins Avenue and the alleys on the side streets. This work is

scheduled to be completed during April, 2013 and the final payment will be withheld until the work is complete.

41. Town Manager Recruitment

Current Status: It is a pleasure to write that this Point of Light has been completed with the appointment of Michael Crotty. Thanks to Human Resources Director Yami Slate-McCloud for her excellent work. Item completed.

42. Mt. Sinai Bus Route: Commissioner Michelle Kligman

Current Status: Staff reviewed the bus rider records kept by Sunny Isles Beach and discovered that during a six month period from June 1, 2012 thru December 31, 2012 they did not transport any Surfside residents to Mt. Sinai. Based upon this information, providing bus service to Mt. Sinai is not warranted, however, as per the direction of the Town Commission during the February 12, 2013 Agenda, contact has been made with the Miami Dade County Special Transportation Service (STS) and the new Jewish Family Service program to determine what alternatives are available. The STS program serves only handicapped individuals and does not meet the Town Commission's goals. The Jewish Family Service program will provide the service to individuals who join their program which is available to all residents of Surfside regardless of religious affiliation. Therefore that is the recommended solution (**Action Item**).

43. Plastic Bag Ban

Current Status: The Town Manager and Interim Town Attorney are reviewing ordinances from other communities for this initiative proposed by Peter Glynn during the January 15, 2013 Town Commission meeting Good and Welfare discussion. This is not viewed as a high priority and progress will be made as Staff resources allow.

44. Report on Tracking Development Orders

Current Status: Staff is working with Vice Mayor Michael Karukin to develop a system. It is our goal to initiate the new system as an element of the May 12, 2013 Town Commission meeting Agenda.

45. Discussion of Joint Park with City of Miami Beach

Current Status: Contact will be made with the newly appointed Miami Beach City Manager Jimmy Morales for this project located south of the Tennis Center and discussions have begun with our Parks and Recreation Committee. A coalition of tennis advocates is beginning to form in the same manner as the Dog Park and Community Garden. Rumor has it that the Deezer Hotel (Howard Johnson Hotel) has been sold at the corner of 87th Terrace and Collins Avenue. If this is the case, the Town should watch this situation closely as to the impact on Surfside. Everyone should view the ugly four story wall on the Bal Harbour condominium at 96th Street to consider how another community's development review process ignores the interests of our Town.

46. Surf Club

Current Status: Staff and the Interim Town Attorney's office have been reviewing an amendment requested by Fort Capital in which the developer incorporates aesthetic changes and certain building modifications suggested by recently added architect Richard Meier. The combined DRG/DIC meeting on the revised proposal was held March 4, 2013. The amended site plan was reviewed by the Planning and Zoning Board on April 3, 2013 and will be reviewed by the Town Commission at a special meeting on April 23, 2013.

47. Update Emergency Operational Plan (EOP)

Current Status: Town Staff held an initial planning meeting to update the Town's Emergency Operation Plan (EOP). The Department Heads were assigned to their areas of responsibility. Department Heads are required to ensure that their personnel have the mandated National Incident Management System (NIMS) training. Emergency plan information was collected and provided to the consultant to add to the update. Below is a summary of the updates which were incorporated into the new EOP and that are in compliance with the National Incident Management System and consistent with the County's Comprehensive Emergency Management Plan.

- **NIMS Compliance:** The National Incident Management System based position assignments were not clearly identified nor were the associated training requirements. The Plan develops position specific assignment tables which includes positions names and the associated federally required training.
- **Organizational Assignments:** The Plan now incorporates a series of tables and charts which detail roles and responsibilities for both a minor disaster affecting the Town as well as a catastrophic level incident.
- **EOC Operating Procedures:** The Plan includes a detailed set of procedures which illustrate how the Emergency Operations Center will function once activated. It

incorporates room layout, technology requirements, activation protocols, operational guidance, and forms to use during the activation.

- **Miami Dade County Comprehensive Emergency Management Plan Compliance:** The Plan incorporated enhanced policies and tools from the County CEMP (2008) including updated county evacuation sites, Snapshot Rapid Impact Assessment process, Miami-Dade Alert Tool, Disaster Assistance Centers, refuges of last resort, and WebEOC.
- **Recovery Components:** The Plan enhanced the Recovery Section to include damage assessment process details/forms/checklists, habitability assessment, disaster temporary housing, and the new county Post-Disaster Redevelopment Plan guidance.
- **Private Sector Role (ESF 18):** The Plan also incorporated roles for the private sector and local procedures for coordination with folks such as the Chambers of Commerce and Tourism.
- **Format Enhancement and Reorganization:** The entire Plan was reformatted for easier viewing and quick including placement of the hazard vulnerability analysis and the preparedness sections in the rear of the document.

The updated Plan will be presented to the Town Commission during the April 9, 2013.

48. Delivery of New Bus

Current Status: The new bus has arrived at the dealership and the Town's graphic design will be applied. The new bus is expected to be in service by April 15, 2013 and the existing bus will be held in reserve to avoid the need to contract bus service whenever possible. Item completed.

49. Scholarship Program: Commissioner Marta Olchyk

Current Status: Commissioner Olchyk has volunteered to spearhead the selection of the scholarship program committee and selecting two scholarship award winners to the Parks and Recreation Committee during the February 11, 2013 meeting. The Parks and Recreation Committee has accepted the responsibility of reviewing and determining two overall winners of \$1,000 dollars each. The number of scholarships and the amount was approved by the Town Commission during the February 12, 2013 Town Commission Meeting. The Parks and Recreation Committee requested that the program be advertised by the Town on the website, Gazette and at all Town facilities and sources. This advertising process has been completed. The application deadline is April 26, 2013 and no applications have been received as yet (**Action Item**). All qualified applications will be reviewed by the Parks and Recreation Committee in May, 2013 and the winners will be presented to the Town Commission during the June 2013 Town Commission meeting. Please use your networks to ensure that the broadest possible announcements are made.

50. Scholarship Program: Commissioner Marta Olchyk

Current Status: Commissioner Olchyk has volunteered to spearhead the selection of the scholarship program committee and selecting two scholarship award winners to the Parks and Recreation Committee during the February 11, 2013 meeting. The Parks and Recreation Committee has accepted the responsibility of reviewing and determining two overall winners of \$1,000 dollars each. The number of scholarships and the amount was approved by the Town Commission during the February 12, 2013 Town Commission meeting. The Parks and Recreation Committee requested that the program be advertised by the Town on the website, Gazette and at all Town facilities and sources. This advertising process has been completed. The application deadline is April 26, 2013. All qualified applications will be reviewed by the Parks and Recreation Committee in May, 2013 and the winners will be presented to the Town Commission during the June, 2013 Town Commission meeting. Please use your networks to ensure that the broadest possible announcements are made as there have been no applications received to date.

Part of this initiative was the need to address how the Town would manage Town Certificates to Surfside's exemplary elementary students (see Memorandum from the January 15, 2013 Town Commission meeting – Attachment 2). Commissioner Olchyk and the Parks and Recreation Committee feel that this is not a role for them to undertake. Presently there does not exist a way for the Town to identify these students who may attend a number of different area schools. Also there is no Commissioner representative designated to attend the various schools' functions where these students are honored. At one point the now defunct Town of Surfside Education Committee spearheaded these items. The Town is seeking Commission directive on how to proceed on this outstanding component (**Action Item**).

51. Street Signs Replacement

Current Status: This item has been deferred until the final costs of the water/sewer/storm drainage project are known. It does not appear that enough funds will be available for this project.

52. Website - Citizen Request Management (CRM): Mayor Daniel Dietch and Vice Mayor Michael Karukin

Current Status: This, and any additional website components, is now a part of the FY 13/14 budgetary process for Town Commission discussion and direction at that time. Item completed.

53. Indian Creek Village Settlement Agreement Update: Commissioner Joe Graubart

Current Status: We have received the first payment in the amount of \$100,000 from Indian Creek Village. The original resolution approved by the Surfside Town Commission established the due date for the funding as the end of December, 2012. The schedule for the Indian Creek Village Council did not allow approval of the required amendment until the end of February, 2013. Therefore the Town Manager extended the date. The remaining \$50,000 will be paid when the beautification/undergrounding of 91st Street is 50 percent complete. Item completed.

54. Collins Avenue Sidewalk Utility Box Repairs: Commissioner Marta Olchyk

Current Status: Staff has worked with the utility companies and Miami-Dade County to repair most of the identified hazards. The remaining few items will be corrected by the end of April, 2013.

55. Possible Mid-Block Access to Abbott Lot

Current Status: TEDAC Director Duncan Tavares and Town Manager Roger Carlton met with Donald Kahn who owns the Subway and the two stores to the north to discuss a renovated building proposed for the site and the potential for access to the Abbott lot. Two alternatives were discussed including the acquisition of an easement for a walking path and the renting of a store by the Town. We were not able to come to closure on either alternative so the three store renovation will proceed (Attachment 3) unless the Town Commission wishes to consider further negotiations.

56. Film Permit Study

Current Status: This project has languished far more than a year. The item will be scheduled for discussion during the May, 2013 Town Commission meeting (Attachment 4) (**Action Item**).

57. Isaac Singer Boulevard: Commissioner Marta Olchyk

Current Status: The Miami Dade County Public Works Department has offered to amend the signs to include the full name “Isaac Bashevis Singer” for a cost of \$1400. We will proceed to order the signs if this Point of Light is accepted (**Action Item**).

58. Pedestrian Crosswalk at Harding Avenue and 96th Street

Current Status: This FDOT experiment in modifying pedestrian behavior by requiring a three light alternative has been a failure. A meeting has been held with FDOT District Engineer Gus Pego and he has agreed to study going back to the original crosswalk. This will slow eastbound traffic on 96th Street making a right turn to Harding Avenue southbound, however, that is a more desirable consequence than leaving the current dangerous unauthorized pedestrian movement.

59. Recruitment of Building Official and Public Works Director

Current Status: Town Manager Designee Michael Crotty and Human Resources Director Yami Slate-McCloud are working on this to ensure a smooth transition.

60. Five Year Financial Plan Update: Mayor Daniel Dietch

Current Status: The Five Year Financial Plan was first adopted during FY 10/11. This document incorporated projected revenues, expenses and capital projects for all funds over a five year period. The key take away from the first iteration of the Plan was that the percentage of property tax burden borne by residents would exceed 90 percent if the in-fill lots in the Collins/Harding Avenue corridor were not built with non ad valorem revenue producing projects such as hotels and if the downtown was not upgraded to ensure property taxes/valuations increased. Both goals as adopted by the Town Commission have been achieved with the Surf Club, Grand Beach Surfside, Marriott Suites and Chateau projects all underway. There have also been more than ten stores downtown upgraded and/or new tenants such as JGB Bank and Starbucks making major investments. All in all a very successful beginning that will ensure the financial future of Surfside.

An updated version is underway with many of the assumptions necessary to make new forecasts already developed. With direction from the Town Commission on studies such as the Parks and Recreation Infrastructure Plan and the Parking Structure Study, this process will move forward.

61. Expedition Florida 500 (<http://www.motherocean.org/xf500.html>): Mayor Daniel Dietch

Current Status: Ponce de Leon landed on Florida's coastline in 1513. In celebration of the 500th anniversary, the organization Mother Ocean launched a yearlong project called Expedition Florida 500 (XF500). XF500 is a modern-day exploration of Florida's coastline, waterways, and aquatic ecosystem. The expedition's primary goal is to highlight the importance of stewardship efforts as they relate to the ocean, coastlines, waterways, and the marine ecosystem. Florida is unique in that it embodies the entire aquatic ecosystem from source to sea – one of the few places on Earth with such a vast array of thriving wildlife and a natural environment based around water. The XF500 team will

document their journey through daily blogging, daily photos and videos for social media outlets, filming for their own documentary. To participate in this celebration, the Parks and Recreation Department will plan and facilitate a group paddle with the XF500 team as it passes by Surfside in early to mid-May, 2013 (Attachment 5).

62. Future of Points of Light on the Monthly Agenda

Current Status: This Town Manager's Points of Light have been handed over to new Town Manager Michael Crotty. It is my sincere hope that the process continues to brightly illuminate the status of projects underway and that the Town Commission continues to use the process to impact the initiation and ensure timely completion of projects.

These items have been completed and deleted from the March 2013 Points of Light report

43. Outdoor Fitness Equipment: Commissioner Joe Graubart

Current Status: The Parks and Recreation Department was requested to research the possibility of installing outdoor fitness equipment at the Community Center. The two possible areas for the equipment to be placed would be on the green space area east of the pool deck or on the pool deck. Installing the equipment on the green space would reduce area that is used for special events. Staff would have to monitor the green space area more closely to ensure resident use only and there would be additional wear and tear on the grass leading to the equipment. The benefits of installing the equipment on the green space would be shade provided by the seagrape trees, large green open area with little congestion on a daily basis and out of the way from the public. Installing the equipment on the pool deck would eliminate pool deck space for lounge chairs, shade area that is limited and Staff would have to supervise the patrons using the equipment (i.e. young children playing on the equipment). Staff suggests that a minimum of three different pieces of equipment be considered. This would include machines focusing on upper body, core section and legs (lower body).

Staff is still researching the cost estimates, however, it is estimated that each piece of equipment would cost in the range of \$2,000 - \$3,000. This would include the equipment only. It is estimated that the total cost for installation and the equipment would be between \$8,000 and \$11,000 depending on the vendor and equipment selected. The warranty on the equipment ranges from 2 years to 10 years. The installation would have to be approved by Department of Environmental Protection if the equipment is installed in the lawn area east of the bulkhead. Based on the complexity of this project, the funding necessary and the potential for requiring Staff resources to monitor use, it was recommended that this project be discussed during the FY 13/14 budget process. The Town Commission directed this item to be included for review for funding during the FY 13/14 budget process. Item completed until FY 13/14 Budget process is underway.

Portman discusses plans for Miami Beach project

BY OSCAR PEDRO MUSIBAY

Jack Portman and his Portman CMC group would develop about 100,000 square feet of retail if they win the Miami Beach Convention Center district job, cutting the proposed retail component by more than half.

Portman, vice chairman of Portman Holdings, said the change was motivated in part by feedback from public presentations Portman CMC has made, including one before the city commission.

Portman's group is one of two vying for the job, which includes renovation of the convention center and construction of a convention hotel. The group is comprised of Portman Holdings, which built Peachtree Center in Atlanta; CMC Group's Ugo Colombo, who built Epic Residences and Hotel in downtown Miami; Cirque du Soleil; Bal Harbour Shops; international architect Bjarke Ingels and West 8, which created the Miami Beach SoundScape at the New World Center.

In 60 years, Portman Holdings has raised and applied more than \$6 billion toward projects and built more than 50 million square feet of real estate.

Portman Holdings specializes in hospitality, office, and mixed-use properties. Its development portfolio includes 15,000 hotel rooms; 28 million square feet of mixed-use projects; and several major urban landmarks across North America, Asia and Europe. Independently and in partnership, the Portman entities own a real estate portfolio in excess of 10 million square feet and exceeding \$1.5 billion in aggregate value, according to the company.

Learn more about the Portman CMC plan at www.portmancmcmiamibeach.com.

The following has been edited for clarity and brevity:

SFBJ: How does Lincoln Road fit into your plan?

Portman: We don't want to try to conflict with Lincoln Road. It would be counterproductive and self-defeating for us to do that. We'll seek out retail tenants that will take advantage of the location in a complementary way.

SFBJ: What is your strategy regarding possibly sharing ballroom and meeting space with the convention center?

Portman: The convention center and its headquarters hotel should work together, but have the ability to operate independently, so they'll each have their own dedicated meeting and ballroom spaces. This is what the city has asked us to provide in their RFQ, and this is typical of similar facilities.

For example, our Westin Charlotte development, adjacent to the Charlotte Convention Center, might take on an in-house event like a pharmaceutical trade show that would not be a customer of the convention center due to its size. However, the Westin Charlotte also hosted the Urban Land Institute Spring Meeting last May, which is a very large event that utilized both the convention center and the Westin's meeting space. Charlotte would have never been considered by



Portman CMC includes Jack Portman, above; developer Ugo Colombo; Cirque du Soleil and Bal Harbour Shops.

the event's organizers if it did not have the adjacent hotel with a large room count and supplemental meeting space.

SFBJ: How does your plan incorporate public transportation?

Portman: Our master plan has included a location for a potential transit hub central to the project since we began working on it. We were asked to show specific things in each of these commission workshops and public

community meetings, and our transit assessment is on the agenda for the March 27 meeting.

SFBJ: South Beach ACE mentioned possibly leasing space to a movie production facility, even though that was not part of the public bid. What are your thoughts?

Portman: The city of Miami Beach is in the convention business for this project, not the film production business. Those are two very different businesses. The single objective of this project is to refurbish the convention center to a point that it is so desirable that there is no extended downtime. We would rather have 2,000 convention attendees there most days than 200 movie production staff in town for a few months.

SFBJ: Do you want to operate the convention center or use a third-party operator? What about the hotel?

Portman: Managing the convention center has not been a consideration thus far because the convention center is currently operating on a contract with Global Spectrum.

We believe the convention headquarters hotel should be operated by a national hotel brand.

omusibay@bizjournal.com | (305) 949-7567

ON THE WEB

- For renderings of Portman CMC's proposed renovations of the Miami Beach Convention Center and surrounding property, go to www.southfloridabusinessjournal.com.



Town of Surfside Commission Communication

Agenda Item #

Agenda Date: January 15, 2013

Subject: Scholarship Program – Commissioner Olchyk

Town Administration is seeking Town Commission input on the formation of a committee to manage the process for Fiscal Year 12/13 with a goal of awarding the honors at the June 2013 Town Commission meeting. The Fiscal Year 12/13 approved budget allocation for this initiative is \$1500.

The guidelines and application requirements for potential applicants were presented to the Town Commission during the September 19, 2012 meeting. Commissioner Olchyk volunteered to be the Commission Liaison and her suggestions are included in the attached copies of the guidelines and application (Attachment A). The Mayor recommended resident Alan Rubin to the committee and resident Louis Cohen has also expressed interest in being a part of this initiative.

As Commissioner Olchyk is also the liaison to the Parks and Recreation (P&R) Committee, and given the interaction of the P&R Department with the Town's students, the natural fit is for this program to be undertaken by this Department/Committee and for the process to be handled at regularly scheduled P&R Committee meetings. The Mayor's request to include a process for the issuing of Certificates to Surfside's exemplary elementary students will also be addressed by the P&R Committee subsequent to Town Commission direction on this item.

TEDACS Director
Duncan Tavares

Town Manager
Roger M. Carlton

ATTACHMENT A

**TOWN OF SURFSIDE
HIGHER EDUCATION SCHOLARSHIP**

1. **DEADLINE** for scholarship applications is Friday, April 26, 2013, 5:00 p.m. (no exceptions).
2. Refer to criteria below for eligibility requirements.
3. Refer to application process below for a list of the supporting documents needed (i.e. reference forms, evidence of GPA, etc.) Incomplete applications will not be considered.
4. If any question does not apply to you in this application please put N/A in the space.
5. Type or print legibly. Illegible applications will be disqualified.
6. You will be notified by e-mail regarding the status of your application.
7. If you have any questions about the application, please call the Town Clerk at 305-861-4863.

NOTE: Scholarship funds will be awarded to the successful student applications upon evidence of registration in an accredited post-secondary institution.

Purpose: To Provide scholarships to three (3) deserving Town of Surfside graduating seniors interested in or intending to pursue post-high school course of study at either college/university or other post-secondary educational institution.

Award Components: Three (3) \$500 scholarships and individual certificates awarded to three (3) students selected by the Town of Surfside Scholarship Committee.

Criteria:

1. Applicant must be a Surfside resident for at least 5 years.
2. Applicant must be a graduating high school senior in the year of the award.
3. Applicant must demonstrate a positive-impact through community/civic involvement as determined through letters of recommendation.
4. Applicant must have a minimum graduating gpa of 3.0.
5. Applicant must have a financial need for the scholarship.

Application Process:

Applicant must submit the following items:

1. Completed application form (if handwritten, please print legibly)
2. Letter of application addressed to the Scholarship Committee. The letter should contain a brief explanation of career goals and biographical (background) information.
3. Two (2) letters of recommendations from choice of high school teachers, administrators, counselors, employers, or non-related individual with significant knowledge of applicant's experience and involvement.
4. An official and recent high school transcript with cumulative grade point average and a class standing/rank.

5. **Personal Essay.** In your essay, please answer the following question on the enclosed essay form:

How has your involvement within the Surfside community, or the community at large, had a positive impact?

Deadline for the application is Friday, April 26, 2013. Applications postmarked after this date will not be considered.

Please mail OR submit application in person to:

Town of Surfside Scholarship Committee
Town Hall
9293 Harding Ave.
Surfside, FL 33154

Higher Education Scholarship Application 2013

Please type or print your answers. If application is illegible it will be returned to you.													
1.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 5px;">Last Name: _____</td> <td style="width: 40%; padding: 5px;">First Name: _____</td> </tr> </table>	Last Name: _____	First Name: _____										
Last Name: _____	First Name: _____												
2.	Mailing Address: Street: _____ City: _____ State: _____ ZIP: _____												
3.	Daytime Telephone Number: () _____												
4.	Date of Birth: Month: _____ Day: _____ Year : _____												
5.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;">Current High School: _____</td> <td style="width: 30%; padding: 5px;">Number of years attended: _____</td> </tr> </table>	Current High School: _____	Number of years attended: _____										
Current High School: _____	Number of years attended: _____												
6.	I will be attending the following school in the <u>Fall of 2013</u> : _____ Proof of acceptance or current student enrollment from the above school is required prior to receipt of funds.												
7.	Grade Point Average (GPA): _____ (On a 4.0 scale) Attach proof of GPA. Your most recent official school transcript required.												
8.	ACT Score: _____ Or _____ A copy of your ACT or SAT score sheet on official high school transcript is required. SAT Score: _____												
9.	Name & address of parent(s) or legal guardian(s): Name (s) _____ Street: _____ City: _____ State: _____ ZIP: _____ Home phone of parents or legal guardians: _____												
10.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 5px;">Name and city of other high schools attended: _____</td> <td style="width: 40%; padding: 5px;">Number of years attended: _____</td> </tr> </table>	Name and city of other high schools attended: _____	Number of years attended: _____										
Name and city of other high schools attended: _____	Number of years attended: _____												
11.	What specialty/major do you plan to pursue as you continue your education?												
12.	List expenses you expect to incur per semester or quarter: (Approximate figures acceptable)												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; padding: 5px;">A.</td> <td style="width: 45%; padding: 5px;">Tuition:</td> <td style="width: 50%; padding: 5px;">Amount: \$ _____</td> </tr> <tr> <td style="padding: 5px;">B.</td> <td style="padding: 5px;">Books:</td> <td style="padding: 5px;">Amount: \$ _____</td> </tr> <tr> <td style="padding: 5px;">C.</td> <td style="padding: 5px;">Room & Board:</td> <td style="padding: 5px;">Amount: \$ _____</td> </tr> <tr> <td style="padding: 5px;">D.</td> <td style="padding: 5px;">Other expenses:</td> <td style="padding: 5px;">Amount: \$ _____</td> </tr> </table>	A.	Tuition:	Amount: \$ _____	B.	Books:	Amount: \$ _____	C.	Room & Board:	Amount: \$ _____	D.	Other expenses:	Amount: \$ _____
A.	Tuition:	Amount: \$ _____											
B.	Books:	Amount: \$ _____											
C.	Room & Board:	Amount: \$ _____											
D.	Other expenses:	Amount: \$ _____											
Comments: _____													

13.	List other financial assistance you will receive (add an 'R') or applied for (add an 'A') per semester or quarter:	
	A. Personal:	Amount: \$
	B. Other Scholarship(s):	Amount: \$
	C. Grants:	Amount: \$
	D. Student Loan(s):	Amount: \$
	E. Other Financial Resources:	Amount: \$
Comments:		

**Higher Education Scholarship
Application 2013**

Academic Questions:

14. List, and indicate year, your academic honors, awards and membership activities while in high school:

15. List, and indicate year with length of service, your community service activities, hobbies, outside interests, and extracurricular activities:

16. What are your short term after high school graduation career goals? (Example: One to five years after graduation)

17. What are your long term after college graduation career goals? (Example: Ten years from now):

18. What unique circumstances make you an ideal scholarship candidate compared to other applicants?

22.	<p>A. The following items must be attached to this application in order for the application to qualify to be reviewed by the scholarship committee.</p> <p>B. Your application will be returned to you if these items are not attached to this application. (No exceptions.)</p> <p>C. Circle "YES" or "NO" to be sure you have attached each item as required.</p>		
	YES	NO	Three (3) reference forms. Return these completed forms in a sealed envelope from your teachers or professors.
	YES	NO	Proof of college acceptance or current student enrollment. A letter of college acceptance or program acceptance is required for receipt of funds.
	YES	NO	Most recent official high school. Photocopies of your transcript are not acceptable.
	YES	NO	Personal Essay. How have you made a positive difference in your community, school, family, etc.?

23. Personal Essay

Please answer the following question:

How have you worked in your life to make a positive difference in a South Florida community?

Submit your response on the last sheet provided with this application.

Statement of Accuracy

I hereby affirm that all the above stated information provided by me is true and correct to the best of my knowledge. I also consent that my picture may be taken and used for any purpose deemed necessary to promote the Foundation's scholarship program.

I hereby understand that if chosen as a scholarship winner, according to Town of Surfside Scholarship policy, I must provide evidence of enrollment/registration at the post-secondary institution of my choice before scholarship funds can be awarded.

Signature of scholarship applicant: _____

Date: _____

The deadline for this application to be received by the Town of Surfside Scholarship Committee is Friday, April 26, 2013, 5:00 p.m.

**Town of Surfside
Higher Education Scholarship
Application 2013**

Personal Essay

How has your involvement within the Surfside community, or the community at large, had a positive impact? (Limit: 500 words)



2000 N.W. 11th Ave., Suite 100
 Miami, FL 33136
 Tel: 305.375.1212
 www.idealiter.com



PLANNING & ZONING BOARD REVIEW
 Rendering of Front Entrance

Scale: N.T.S. Date: 02-07-2013

OFFICE SPACE ON HARDING AVENUE
 9536-9540 Harding Ave., Miami Beach, FL 33138



Sheet: A5

10. Photo/film permit program: Town Manager, Roger Carlton will prepare a policy for the photo/film permit program in conjunction with input from Surfside citizens. A report will be prepared by Parks and Recreation Director Tim Milian, Police Chief David Allen and Tourist Bureau Director, Duncan Tavares for the December 14, 2010, Town Commission agenda.

Current Status: A meeting with Peter Glynn and the Town Manager was held on Monday, January 10, 2011 regarding moving the process forward. The outcome of this meeting was the suggested formation of a three person Advisory Committee to review a proposed ordinance and corresponding guidelines and permitting applications. Peter Glynn, Andy LaBrada and Bera Kalhan have agreed to constitute the Advisory Committee subject to Town Commission confirmation which will be presented with this ordinance in April 2011. This Committee will work with staff on Photo/Film Permit reviews upon adoption of a Town ordinance. This ordinance is earmarked for Commission first reading in April.

11. Circulator bus: Town Manager, Roger Carlton will review the potential linking of the Surfside circulator bus with other communities to allow residents transportation to the Sunny Isles library and possible other destinations. A report will be made to the Town Commission at their November meeting.

Current Status: The Managers of Bal Harbour, Surfside, Bay Harbor Islands and Sunny Isles Beach met in December 2010 to discuss potential linkages of their respective bus systems. The consensus was that a coordinated routing system would benefit all communities. Data allowing for operational improvements and improved linkages has been received. A recommendation will be made to the Town Commission in April 2011.

12. Water saving program: Town Manager, Roger Carlton instructed former Public Works Director, Fernando Rodriguez with the assistance of John Messarian, Engineer with Calvin, Giordano and Associates to obtain information regarding a water saving program that would provide reduced water usage in toilets. A report will be presented to the Town Commission at their November meeting.

Current Status: The program has been expanded to include other "green" issues. A report from the Town's consultant, Calvin Giordano and Associates was accepted by the Town Commission during the February 8, 2011 Town Commission meeting, Public Works Director Bill Evans will begin to bring specific recommendations in the near future.

13. Prepare a Five Year Financial Plan

Current Status: The Five Year Financial Plan appeared on the February 8, 2011 Town Commission meeting agenda. A Commission workshop was held on March 1, 2011 and direction was given that will help support the FY 11/12 budget process.

14. Study of Impact Fees

Current Status: Based on the outcome of the combined Planning and Zoning/Town Commission meeting, it may be more appropriate to have the proposed Development Impact Committee negotiate the off-site improvements to be funded by significant developments. Item completed.

15. Seek permission to use Bal Harbour basketball court and Sunny Isles skate park



- Home
- Welcome
- Vision
- Team
- Ocean Hour
- XF500
- Contribute
- Contact Us

Expedition Florida 500

Mother Ocean has launched a yearlong project in 2013 called Expedition Florida 500 (XF500) with numerous partners including Quiksilver, Tahoe SUP, Viva Florida 500, and more. XF500 is a modern-day exploration of Florida's coastline, waterways, and aquatic ecosystem as seen through the eyes of the waterman. 2013 is Florida's 500th anniversary since Ponce de Leon landed on Florida's coastline back in 1513; in celebration of this momentous occasion, the organizations will unite to embark on a yearlong journey combining the best of exploration, adventure, stewardship, science, and sport into a package that will include the full gamut of the waterman's lifestyle.

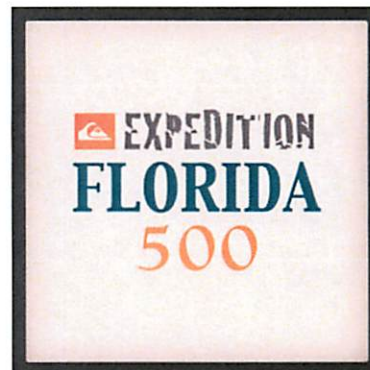
Mother Ocean's Justin Riney will be leading the movement for the entire 365 days; he will be joined by an all-star cast from partnering organizations, spending the first half of the year exploring the coastline: chasing hurricane swell in the Atlantic, freediving Spanish shipwrecks, sailing in the Gulf of Mexico, standup paddling the state's coastline, spearfishing in the Dry Tortugas, and stopping into local beachside communities and hosting cleanups. They'll encourage others to paddle with them, including team riders from Quiksilver and various celebrity paddlers.

Team XF500 will then turn inland, spending the second half of the journey along the rivers, lakes, estuaries, and marshland – the intricate network that makes up the Florida freshwater ecosystem. They'll document and explore the waterways much like they did with the coastline. They'll camp and airboat through the Everglades, canoe the natural springs, film amazing Florida wildlife and scenery, kayak and standup paddle the rivers and waterways, and leave the land in better and cleaner condition than when they arrived. Camping and living off the land will be the norm.

The expedition's primary goal is to highlight the importance of stewardship efforts as they relate to the ocean, coastlines, waterways, and the marine ecosystem. Florida is unique in that it embodies the entire aquatic ecosystem from source to sea – one of the few places on Earth with such a vast array of thriving wildlife and a natural environment based around water. The team will document their journey through daily blogging, daily photos and videos for social media outlets, filming for their own documentary, and filming for Tahoe SUP's EXPLORE project series.

Please email us at XF500@motherocean.org regarding opportunities to contribute to Expedition Florida 500. This is very much a collaborative effort, and we'll need your help.

Partners





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

TO: Town Commission

FROM: Linda Miller, Interim Town Attorney

CC: Roger M. Carlton, Town Manager
Michael P. Crotty, Town Manager Designee
Sarah Johnston, Interim Assistant Town Attorney

DATE: April 9, 2013

SUBJECT: Office of the Town Attorney Report

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

March 12, 2013 Town Commission Meeting
 March 18, 2013 Special Commission Meeting
 March 18, 2013 Parks and Recreation Committee Meeting
 March 20, 2013 Parking Study Meeting
 March 28, 2013 Design Review Group – The Shul
 April 1, 2013 Tourist Board
 April 3, 2013 Planning & Zoning Meeting
 April 3, 2013 Quasi-judicial Hearing – Surf Club

Ordinances prepared:

- Site Triangle Ordinance

Resolutions prepared:

- Resolution to enter into contract with Kelly Janitorial Service, Inc.
- Susan McGlynn Memorial Brick Placement at Community Center
- Isaac Bashevis Singer Resolution to correct street signage
- Resolution Opposing Proposed House Bill 999 “Environmental Regulation”

- Resolution Amending the Annual Appropriations and Other Budgetary Adjustments
- Resolution Revising FDOT Sidewalk Lease Agreement

Town Manager:

- Review Surf Club Amended Site Plan and attend DRG/DIC meeting
- Follow-up with The Shul expansion project and attend DRG meeting
- Redraft agreement to address parking issues with Spiaggia Condo
- Review and strategize re FPL cost of undergrounding and research legal implications
- Continuing assistance with FEMA response
- Finalize Seawall FIND Grant Affidavits
- Follow-up finalizing asphalt paving
- Follow-up with Bal Harbour expansion projects

Town Clerk:

- Review lobbyist issues, forms, and work with Clerk for preparation of revisions to ordinance.
- Opine on public records requests/sunshine issues
- Follow-up with public records requests
- Review notification requirements for ballot for March 18, 2014 Election

April 3, 2013 Planning and Zoning Board Agenda:

- Quasi-judicial Hearing – The Surf Club, Inc. – Site Plan Amendment
- 9531 Harding Avenue – Request to install new sign with illuminated channel lettering
- 9477 Harding Avenue – Request to install new sign with illuminated channel lettering
- Outdoor Dining Ordinance
- Massing & Zoning Discussion
- Parking Feasibility Study

Building Department/Code Enforcement/Planning:

- Coordinate with Building Official and outside FEMA counsel for follow-up to CAV response.
- Follow-up with Code Enforcement regarding pending Code Enforcement Workshop
- Research for revisions to home based business/local business tax receipt

Human Resources Department:

- Review Town Manager Contract

Finance Department:

- Continue analysis of finance issues with outside bond counsel and FPL for undergrounding utilities.
- Prepare Mid-year budget resolution

Parks and Recreation:

- Meet with Florida League Risk Control Consultant
- Follow-up with policy and procedure for dog park
- Follow-up for Bullying Policy and collaborative initiative through an Interlocal Board to develop and implement an awareness campaign and anti-bullying policy.
- Follow-up with issues re: Surfside Walking Path
- Review issues for beach concession agreement

Tourist Bureau/Downtown Vision Advisory Board:

- Follow -up re: post Tourist Board requests
- Prepare Turtle Artist Waiver
- Follow- up re: post Downtown Vision Advisory Board requests.
- Downtown Vision Project continuing issues including creation of a Business Improvement District; research various municipalities in preparation for revisions to draft ordinance.
- Resort Tax Penalty clarification and research
- Follow-up Ethics Policy and Procedures for Tourist Board
- Follow-up rules of procedure inquiry.

Public Works:

- Follow-up issues re: final lift of asphalt.
- Review Janitorial contract for amendment and preparation of Resolution.

Police Department:

- Follow-up update on Emergency Preparedness Plan and finalize Amendments to Debris Monitoring and Debris Removal Contracts.

Litigation:

In Re Forfeiture Of \$18,155.00 U.S. Currency; 2012 Honda Civic, V.I.N. 2HGHB2F84CH503951, Case No. 12-41877 CA 23 Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. We work with outside counsel on this forfeiture case. Barrocas retained an attorney who filed an answer on his behalf. The Town's counsel is preparing a Motion for Summary Judgment and Affidavit. A summary judgment can be awarded by the court before trial, based only upon the court's finding that there are no disputes of material fact requiring a trial to resolve, and in applying the law to the undisputed facts, one party is clearly entitled to judgment.

Florida Municipal Insurance Trust ("FMIT") has covered/provides coverage for the following matters:

1. Pieter Bakker vs. Town Of Surfside, a municipal corporation of the State of Florida and Young Israel Of Bal Harbour, Inc. In The Circuit Court Of The Eleventh Judicial Circuit In And For Miami-Dade County, Florida Case No. 12-17783 CA04, ("State Court Matter") filed on May 30, 2012 alleges counts against the Town include contract zoning, charter

violations, and a request for a writ of certiorari to quash Resolution 12-Z-2078 approving a site plan application to permit Young Israel to build a synagogue on 9580 Abbott Avenue. Bakker filed a Motion to Abate which has not been ruled on by the Court.

2. Pieter Bakker vs. Town Of Surfside, a municipal corporation of the State Of Florida and Young Israel Of Bal Harbour, Inc. United States District Court Southern District Of Florida, Civil Action No. 12-cv-24053 (“Federal Court Matter”) filed on November 8, 2012 includes allegations as to whether the Town violated Bakker’s constitutional rights by entering into a Settlement Stipulation that allowed Young Israel to violate the Town’s comprehensive plan, charter and land development regulations. Judge King issued a Trial Order and this case has been scheduled for trial during the two-week period commencing January 13, 2014. The Court granted Bakker’s leave to file an Amended Complaint, and the Order dated March 26, 2013 states that Surfside may move to dismiss the Amended Complaint.
3. Josefina Lopez vs. Town of Surfside and Florida Department of Transportation. Case No. 13-08398CA31, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. Plaintiff, Lopez filed a complaint alleging on May 18, 2009 while walking on the sidewalk located at 9140 Collins Avenue, she stepped into an uneven jagged crack in the sidewalk concrete and injured herself. We are working with Florida League counsel on this matter.

Ongoing FMIT matters:

Michael Henderson has filed a claim alleging excessive force. This claim is currently under pre-suit investigation by the Florida League of Cities in accordance with the Town’s insurance policy.

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



TOWN OF SURFSIDE
 PROJECTS PROGRESS REPORT
 CALVIN, GIORDANO & ASSOCIATES, INC.
 April, 2013

1. **Planning and Community Development** – In August 2012, the Shul submitted a site plan application for an expansion. Staff met with the applicant to discuss the review comments and they have resubmitted the plans on January 25, 2013. Staff held a Development Review Group meeting on February 13, 2013 and on March 28, 2013. Upon resubmittal, a number of outstanding comments still have not been addressed. Once all of the outstanding comments are addressed, a Development Impact Committee meeting will be scheduled. The Surf Club has submitted a site plan amendment. The amendment includes relocating a portion of the cabanas to the north of the property, reducing the length of the southern building by approximately 20 feet and changing the overall look of the façade by including architect Richard Meier’s signature “see-through” glass design. A joint Development Impact Committee/Development Review Group meeting was held March 4, 2013 and the amendment will be forwarded to the Planning and Zoning Board for their review on April 3, 2013. Staff continues to answer approximately 80 zoning questions monthly and reviews permit applications.

2. **Information Technology & TV Broadcasts** - ScanPath software was installed on February 13, 2013 in order to create searchable PDF documents from all existing copiers, scanning of all documents is still in progress. IT has provided cost estimates to the Finance Department for SunGard and Municode to allow paying utility bills online and is awaiting approval/direction. IT has provided the Finance Director with the quote to upgrade the Atlantic Broadband cable connection to high definition. Between March 7, 2013 and March 14, 2013, IT worked with USA Software and FDLE in regards to a connection problem to the FDLE network from within the USA Software on the police department laptops. These problems required additional after-hours support from the IT Department, and the issue was resolved as of March 14, 2013. IT has placed the order and installed the new Town Manager’s Laptop in March 2013 and has purchased a new microphone to increase reliability at public meetings. The IT staff continues to receive approximately 300 support requests monthly via phone and email.

3. **Public Utilities / Engineering** – The Water/Sewer/Storm Drainage Project commenced on August 15, 2011 in the southern sector of the Town (Phase I). The project involves water main/water service replacements, lining or replacement of the gravity sewer mains and sewer lateral replacements, rehabilitation of the sewer pump stations, and improvements to the stormwater collection system including three (3) new storm drainage pump stations. Phase I-III are now all substantially complete. All of the sewer mains have been lined and the TV crews have now completed the post construction video which is being reviewed for approval by Town Staff and CGA Engineers. The final lift of asphalt installation commenced

February 25, 2013. The paving subcontractor began in the south end of Town and will follow the phasing schedule to complete the paving in early April 2013. Work on the drainage and sanitary pump stations will be finalized in April 2013 (currently working on final FPL power installations).

Both Surfside and the Village of Bal Harbour are currently utilizing the newly installed Collins Avenue force main with no operational issues. CGA will assist the Town manager in negotiating with Bal Harbour a resolution of the design costs for the force main or arbitrations will begin.

Partial refinancing of the project has been completed to reduce the interest costs and provide funding for additional utility main replacements, and other costs within the original scope. A comprehensive status report for the project was provided in the August 14, 2012 Commission Agenda package and authority was granted to complete the project within a total budget of \$23.635 Million. Retainage will continue to be held and will only be released after all work is completed including the punch list. This will likely occur after Town Manager Carlton's departure and the release of final retainage will be approved by Town Manager Crotty.

Funding Summary –

<u>Funding Status:</u>	<u>Amount</u>	<u>Amount Received</u>
FDEP Grant	\$873,500	\$0 **
FDEP Grant	\$125,000	\$12,500 **
FDEP Grant	\$100,000	\$100,000
FDEP State Revolving Fund Loan*	\$9,312,881	\$4,792,023 ***
BBC Bond	\$859,000	\$787,335
TOTAL	\$11,270,381	\$5,691,858

*This loan has the potential of \$2-\$3 Million being forgiven by the State.

*Partial Reimbursement #2 is in process for \$3.188MM bringing total requested to \$7.896MM

**Reimbursements currently being processed by FDEP

*****The State of Florida has reduced the interest rate from 2.12% to 1.87% fixed over the life of the loan. This will save approximately \$200,000 of interest cost.**

4. **Neighborhood Improvements** – CGA Staff completed the traffic computer modeling of the Town's roadway system as an element of the Town-wide traffic calming study. The initial traffic counts to complete the traffic study occurred in September, 2012. A number of the

counts were finalized in late October due to construction activities. These counts are incorporated in the Draft Traffic Study Report that has been deferred by the Town Commission three times and once by the Town Manager with a time certain discussion scheduled for the April 9, 2013 meeting at 8:00 p.m.. When authorized by the Town Commission, staff will hold public meetings to discuss and receive resident input. The Town Manager will also utilize this study during his discussions with the Village of Bal Harbour regarding the potential mall expansion, and discussions with Miami-Dade County regarding additional traffic calming devices and street beautification projects.

5. **Emergency Management** - CGA finalized all revisions to the Town's Emergency Operations Plan (EOP) and submitted it on Friday, March 29, 2013. This item has been scheduled for acceptance on the April 9, 2013 Town Commission Meeting.

6. **Emergency Seawall Repair at 88th & Carlyle** - The drawings have been reviewed and permitted by the Town Building and Planning Departments. Miami Dade County RER (Formerly DERM) has completed the Biological Opinion (BO). The results of the BO were submitted to the Town and CGA has incorporated the BO permit requirements into our final plans. The final plans have been submitted for final permits. The US Army Corps of Engineers (USACE) permit was obtained in late February 2013. The South Florida Water Management District (SFWMD) and Miami Dade County RER permits are expected in April 2013. Once these permits are received, the project will be awarded to the lowest cost of the three bidders.

7. **Town-Owned Seawall Repair** - The 90% plans were submitted to the Florida Inland Navigation District (FIND) Commissioner Spencer Crowley, III, who represents Miami Dade County on the FIND Board. The project received a favorable response from the Commissioner and we were cleared to submit our project for funding. The package was submitted prior to the April 1, 2013 deadline. Simultaneously, while we are applying for the FIND funding we will be working on obtaining the required USACE, FDEP, Town and Miami Dade County RER permits.



TOWN OF SURFSIDE
Parks and Recreation Advisory Committee Meeting
 Monday, December 17, 2012 – 7:00 p.m.
 Community Center
 9301 Collins Avenue
 Surfside, FL 33154

MINUTES

Committee Members

Doris Obregon (Chair)
 Retta Logan (Vice Chair)
 Arnie Notkin
 Veronica Lupinacci
 Eliana Salzhauer

Town of Surfside

Martha Olchyk, Commission Liaison
 Tim Milian, Parks and Recreation Director
 Jenorgen "Jen" Guillen, Recording Clerk

1. Roll Call of Committee Members

Meeting called to order at 7:03 pm by Chair Doris Obregon.

In attendance; Vice Chair Retta Logan, Town Manager Roger Carlton, Parks and Recreation Director Tim Milian, Member Arnie Notkin, Commission Liaison Martha Olchyk, New Member Veronica Lupinacci (arrived at 7:05pm), and Recording Secretary Jenorgen "Jen" Guillen. Not in attendance; Eliana Salzhauer. A quorum was established.

Also in attendance; Commissioner Michelle Kligman, Commissioner Joe Graubart (arrived 7:11pm), Commissioner Michael Karukin (arrived 7:15pm)

2. Introduction of New Committee Member (Veronica Lupinacci)

Tim Milian introduced everyone to the committee. Everyone talked a little of themselves and how long they have been part of the Board.

3. Approval of minutes from 10/15/12

**Deferred – No minutes to be approved

4. Parks and Recreation Capital Projects (Roger M. Carlton)

Roger Carlton discussed the upcoming Five years' worth of projects and the amount of each. One of the projects is going to be funded by the parking project. He continued in discussing the renovation of 96th street park, updating the equipment on the Tot-Lot and the second floor of Community Center. He also discussed of the location of were the Tennis Center may go, split between spacing from Miami Beach and improving the current Tennis center with a Basketball court.

Martha Olchyk followed up on a request brought forth in a previous meeting in regards to using the Basketball court of Bal Harbour by the Surfside residents; she mentioned speaking with the Mayor and Vice Mayor of Bal Harbour and their reply was no.

Roger talked about the Abbott lot and how it would look like as an underground garage. An item is presented in which demonstrate how the end results will be, once construction is completed. He points out which will be the less expensive alternative and which one will have more use of it. He talked about the beach street ends and how he would like to clean them up, the project is about to go out to bid mid-January. Roger Carlton would like the committee members to review all of the ideas and inform him of any input they may have.

Doris Obregon points out the priority would be the second floor for the Community Center. The committee members pointed out of using a bus to bring children to the community center. Commissioner Joe Graubart mentioned in having a media center for children on the second floor in which they may use to study.

MOTION

The committee members made a motion to extend the meeting an extra thirty minutes Retta Logan moved, Veronica Lupinacci second. The motion passed unanimously.

5. Community Input

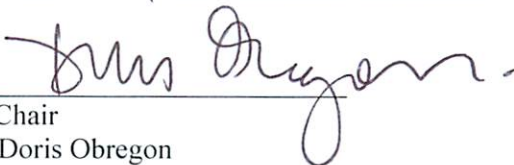
Next meeting January 14 on Monday. Tentatively 7pm

6. Meeting Adjournment


Meeting adjourned at 8:33pm.

There being no further business to come before the Board, the meeting adjourned at 8:33 p.m.

Accepted this 18th day of March, 2013


Chair
Doris Obregon

Attest:


Jerorgen Guillen
Recording Clerk



**TOWN OF SURFSIDE
DVAC Parking Structure Feasibility Study
Sub-Committee**

Tuesday, December 18, 2012 – 6:00 p.m.
Commission Chambers
Town Hall 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

I. Call to Order and Roll Call

The meeting was called to order at 6:03pm by Town Manager Roger Carlton.

In attendance was; Town Manager Roger Carlton, member Jessie Flax, member Tony Blate, member Alan Gorme, member Ken Arnold, member Marty Oppenheimer, TEDACS Director Duncan Tavares, Lieutenant Richard William, member Martha Castro and member Peter Filiberto - a quorum was established.

Also in attendance was; Dave Burr of Rich and Associates, Eddie Lamas and Jaime Straz of C3TS/Santec, Finance Director Don Nelson, member Louis Cohen, resident Barbara Cohen, Building Official Edward Rojas, Commissioner Joe Graubart, Mayor Daniel Dietch and member Joe Corderi (arrived at 6:07).

II. Parking Study Process ~ Rich & Associates Presentation

Dave Burr from Rich and Associates introduced his presentation and discussed the process of identifying, quantifying and planning for a community's parking requirements in the most efficient and cost effective manner. He pointed out the objectives and the phases involved in a study that addresses parking planning.

Joe Corderi asked when the sample size on David Burr's study was conducted. David Burr informed that the study was performed day and night, Friday and Saturday.

Jessie Flax asked if they took in consideration the construction trucks in the sample study. Dave Burr did confirm that they took note of the trucks in the lots when the survey was being completed.

Alan Gorme asked what period of the year did Dave Burr with Rich & Associates conduct the survey. Dave Burr stated the survey was done in July; with adjustment for seasonality.

Anthony Blate asked if the multi space meters average the length of time of stay. Town Manager Roger Carlton stated the meters provide incredible data that has been incorporated into the analysis.

III. Site Concepts Discussion: Abbott, 94th Street, “Post Office” ~ C3TS Presentation

Eddie Lamas presented this item and provided information and graphic visualization of the options for parking structures on the three specific sites; Abbott, 94th Street and Post Office site.

Alan Gorme asked if there is a plan for doing all three parking lots at the same time. Roger Carlton responded by that nothing has been concluded yet and that the Town Commission makes the ultimate decisions.

Joe Corderi asked how everything will work out if a Hurricane occurs as it relates to the idea of having an underground parking structure. Eddie Lamas informed him that a series of pump are installed that will pump out water if a flood were to occur as is seen elsewhere in the world.

Jack Weiss (?) asked if Surfside will handle the retail business or housing business in a structure. Roger Carlton replied that it would be handled by the private sector through a public-private partnership.

Jessie Flax asked how the construction trucks coming in for construction will affect traffic. Roger Carlton stated that the study gives models which will forecast the expected traffic. He also stated that traffic will go up due to the expansion of the Town and Bal Harbour shops anyway.

Roger Carlton talked about parking spaces and their value and what it takes to build a structure and how projects would produce a return on investment.

IV. Next Step / Action Items

Town Manager Roger Carlton stated he would like the Committee to weigh in on the parking structure ideas and look over the parking data, structure building economics and visual presentations.

V. Public Comment

Mayor Daniel Dietch thanked everyone for their participation and their input.

Commissioner Joe Graubart recommended giving the Committee members copies of the executive study that was produced as part of the traffic calming study. Commissioner Michelle Kligman also echoed the Mayor in thanking everyone for their commitment and how important it is to have this Committee and to ask questions. Consultants Eddie Lamas and David Burr thanked the Committee for allowing them to present.

Jessie Flax asked if the Committee has an option of choosing not to make any parking changes. Roger Carlton stated the Committee always has the option of not recommending any changes.

Roger Carlton pointed out that he has been contacted by the Post Office building owner who would like to improve building.

Commissioner Joe Graubart asked if the private land becomes designated MU. Roger Carlton replied no, any private land that goes into the deal remains private. The public land, depending on the structure and partnership, becomes taxable.

VI. Next meeting:
Tentatively Tuesday, January 22, 2013 at 6:00pm


VII. Adjournment
Meeting adjourned at 7:03pm.

There being no further business to come before the Committee, the meeting adjourned at 6:53 p.m.

Accepted this 20th day of MARCH, 2013



Attest:



Jenorgen Guillen
Recording Clerk



TOWN OF SURFSIDE

Tourist Board Meeting

Monday, January 7, 2013 – 5:30 p.m.

Town Hall Commission Chambers

9293 Harding Avenue, 2nd Floor

Surfside, FL 33154

MINUTES

Tourist Board Members

Eli Tourgeman (Chair)

Barbara Cohen (Vice Chair)

Barbara McLaughlin

Randi MacBride

Town of Surfside

Joe Graubart, Commission Liaison

Duncan Tavares, TEDACS Director

Jenorgen "Jen" Guillen, Recording Secretary

I. Call to Order and Roll Call

The meeting was called to order at 5:32pm.

Tourist Board members noted above, Commissioner Liaison, Joe Graubart, TEDACS Director, Duncan Tavares, and Recording Secretary, Jen Guillen were present. A quorum was established.

Member Ricardo Mualin was absent with regrets.

II. Approval of Minutes

November 5, 2012

MOTION

The Tourist Board members recommended the approval of the November 5, 2012 minutes meeting as amended. Barbara McLaughing moved, Eli Tourgeman seconded. The motion passed unanimously.

December 3, 2012

MOTION

The Tourist Board members recommended the approval of the December 3, 2012 minutes meeting as amended. Barbara Cohen moved, Barbara McLaughing seconded. The motion passed unanimously.

III. Accounts Receivable & Accounts Payable

Eli Tourgeman asked if there is anything unusual with the accounts receivable (Resort Tax) report. Duncan Tavares stated that there isn't anything unusual with the resort tax report. He stated that the Town's Finance Department has set-up payment plan with all the outstanding resort tax business on delinquency. The Board requested a delinquency list in which states the amount of resort tax owed and the payment plan agreed on.

IV. Holiday Lights – Eli Tourgeman

Eli Tourgeman proposed a recommendation to continue using just white holiday lights.

MOTION

The Tourist Board members recommended taking to the Town Commission the subject of only using white holiday lights. Barbara Cohen moved, Eli Tourgeman seconded. The motion passed unanimously.

V. Updates:

1. Food Trucks Update- **ITEM FOR NEXT AGENDA

Eli Tourgeman stated that he received feedback from business owners and residents and was informed that overall the event was great event. He also stated that Flannigan's owner was not affected per the event. Duncan Tavares stated that he estimated there were almost 1,000 attendees. Eli Tourgeman requested to bring the Food Trucks item on the next meeting to discuss if the Board agrees on spending on this event without return, or finding a way on how to have a return for the Board.

2. Tourism Five Year Consultant Update

Duncan Tavares stated that meetings are being set-up with hotels on January 15th to obtain feedback.

3. Turtles Update

Barbara Cohen proposed for the Board to dedicate a Town's Turtle to the Sandy Hook victims, and even shipping or driving a turtle. Eli Tourgeman recommended naming the Turtle under the Sandy Hook's mascot (Shelly), and send the Sandy Hook school an update of the commemoration. The Board also agreed on dedicating the Turtle of the Ruth K School in which the students painted.

MOTION

The Tourist Board recommended discussion for the commemoration of one of the Town's Turtle to the Sandy Hook victims. Barbara Cohen moved, Randi McBride seconded. The motion passed unanimously.

MOTION

The Tourist Board recommended a commemoration of one of the Town's turtle to the Sandy Hook victims.

Duncan Tavares stated that Ruth K's painted turtle would be at the Community Center Friday, January 11, 2013; all of the remaining turtles will be present in the Fish Bowl. Starting Monday, January 14, 2013, the turtles will be installed throughout town.

4. Third Thursdays Update

Duncan Tavares stated the music is lined up as the Board agreed. Informing the board that January 17th, 2013 would be Latin with Flamenco dancers from 7:00pm – 10:00pm. He also stated that there will be a lot more décor due to the authorization of the Board to better fund the event. Luke's Landscaping is being used to provide trees and lights.

5. Resort Tax Audit II Update

Duncan Tavares stated that nine businesses are currently under audit. when there is no response from business to auditors they are sent to special masters hearing by code compliance department.

6. **Resort Tax Language Update**

Tabled to February meeting due to failure of overviewing the report received on previous meeting.

7. **Signature Events**

Duncan Tavares stated that a follow up has not yet been made with Ken Arguo. He stated that a meeting is scheduled for tomorrow Tuesday, January 8th, 2013.

8. **Policies & Procedures**

***Tabled for next meeting.*

To find how much would it cost the Board to use Robert Meyers to provide policies & procedures on Code of Ethics and Conflicts of Interest internally.

9. **New Year Celebration – Barbara Cohen**

Barbara Cohen stated that the Town should have fireworks for New Year's, and should be funded by the hotels. Eli Tourgeman suggested reaching out to the Town of Bal Harbour.

VI. Next Meeting

Monday, February 4, 2013 at 5:30pm.

VII. Adjournment

The Tourist Board called for the adjournment of the meeting. Eli Tourgeman moved, Barbara Cohen seconded. The motion passed unanimously. The meeting adjourned at 6:35pm.


There being no further business to come before the Committee, the meeting adjourned at 6:35p.m.

Accepted this 1 day of April, 2013



Eli Tourgeman
Member

Attest:



Jenorgen Guillen
Recording Clerk



TOWN OF SURFSIDE

Tourist Board Meeting

Monday, February 4, 2013 – 5:30 p.m.

Town Hall Commission Chambers

9293 Harding Avenue, 2nd Floor

Surfside, FL 33154

MINUTES

Tourist Board Members

Eli Tourgeman (Chair) - Present

Barbara Cohen (Vice Chair) - Present

Barbara McLaughlin – Absent with regrets

Ricardo Mualin - Absent

Randi MacBride - present

Town of Surfside

Joe Graubart, Commission Liaison - Present

Duncan Tavares, TEDACS Director - Present

Jenorgen “Jen” Guillen, Recording Secretary - Absent with regrets

Linda Jain – Web & Special Projects Coordinator – Present

Visitors

Terrell Fritz – RMA

I. Call to Order and Roll Call – 5:55PM

This meeting was called to order at 5:55pm.

Tourist Board members listed above, Commission Liaison, Joe Graubart, TEDACS Director, Duncan Tavares, Web & Special Projects Coordinator, Linda Jain, Resident, June Neville, Interim Town Attorney Linda Miller, RMA, Terrell Fritz, were present. A quorum was established.

Member Ricardo Mualin was absent, Member, Barbara McLaughlin was absent with regrets, Recording Secretary Jen Guillen was absent with regrets.

II. Approval of Minutes: *January 7, 2013*

*Deferred for next meeting.

III. Accounts Receivable & Accounts Payable

Duncan Tavares informed the Board that there are no unusual items, the delinquent business are following along with payment plans set- up by the Finance Department.

IV. Ruth K Turtle ~ *Barbara Cohen*

Barbara Cohen stated that since the Board decided last meeting to send the Ruth K Broad Turtle to Newtown, CT; the Board will identify another turtle to place at the school at the expense of the Board. Barbara Cohen proposed

MOTION

The Tourist Board members recommended to replace the Ruth K Broad Turtle sent to Newtown, CT, at the expense of the Tourist Board. Barbara Cohen moved, Eli Tourgeman seconded. The motion passed unanimously.

V. Tourism Five Year Consultant Update ~ Feb 13 Meetings: Terrell Fritz of RMA

Terrell Fritz stated his process with the BID. He met with the hotels, and stated that he will have his first public meeting on Feb. 13th at 9am and 6:30om targeting business and property owners. He stated that the audit will be delivered in March and final product by May or June.

VI. Welcome Channel Presentation ~ Katherine McAninch

*Deferred, Katherine McAninch was unable to attend the meeting.

VII. Board Policies & Procedures: Robert Meyers

*Deferred, Robert Meyers was unable to attend the meeting.

VIII. Food Trucks to complement 3rd Thursdays ~ Eli Tourgeman

Eli Tourgeman stated that Third Thursdays has not reached the Board's expectations. He proposed combining the Food Trucks with March and April's Third Thursday.

MOTION

The Tourist Board members recommended to supplement activities for the Third Thursday event, Food Trucks will be invited to attend. Eli Tourgeman moved, Randi McBride seconded. The motion passed unanimously.

IX. Antique Car Show with Food Trucks in December ~1st Annual Antique Show ~ Eli Tourgeman

Eli Tourgeman discussion concerning the 1st Annual Antique Car Show and Food Truck event sometime on a Sunday afternoon in December. Eli Tourgeman stated the cost for the car-show is \$25000 which includes music and insurance. The tentative location for the car-show will be on Harding Avenue between 95th & 96th Streets, music on 95th Street.

MOTION

The Tourist Board recommended discussion to explore the possibility of hosting a combined Antique Car Show and Food Truck Event, including a Toys for Tots component. Eli Tourgeman moved, Barbara Cohen seconded. The motion passed unanimously.

X. Updates:

1. Turtles

*Discussed under Ruth K Turtle item.

2. Third Thursdays

*Discussed under the Food Trucks to complement 3rd Thursday's item.

3. Resort Tax Audit II -

Duncan Tavares stated there are three delinquent businesses that will be sent to the Special Master.

4. **Resort Tax Language**

Eli Tourgeman stated that the Resort Tax Penalty on the Town's ordinance stating delinquency, needs to clearly state that the delinquency continues. An expansion on the paragraph is needed to clarify penalty procedures.

5. **Signature Events**

Duncan Tavares discussed concerns in the difficulty of getting 100% sponsorship for events.

XI. Next Meeting:

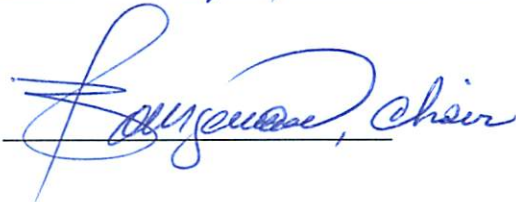
Monday March 4, 2013

XII. Adjournment – Adjourned at 7:05pm

The Tourist Board called for the adjournment of the meeting. Eli Tourgeman moved, Randi McBride seconded. The motion passed unanimously. The meeting adjourned at 7:05pm.

There being no further business to come before the Committee, the meeting adjourned at 7:05p.m.

Accepted this 1 day of April, 2013



ELI TOURGEMAN
Member

Attest:



Jenorgen Guillen
Recording Clerk



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

7:00 pm

Monday February 11, 2013
Community Center
9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

Meeting called to order at 7:13 pm by Chair Doris Obregon.

In attendance; Vice Chair Retta Logan, Town Manager Roger Carlton, Parks and Recreation Director Tim Milian, Member Eliana Salzhauer, Commission Liaison Martha Olchyk, and Recording Secretary Jenorgen "Jen" Guillen. A quorum was established.

Also in attendance; Interim Town Attorney Linda Miller, Interim Town Attorney Assistant Sarah Johnson and Town Manager Roger Carlton.

Not in attendance; Member Arnie Notkin, Member Veronica Lupinacci.

2. Approval of minutes from 12/17/12

*Deferred for March meeting.

3. Parks and Recreation 5 Year Capital Plan

Roger Carlton discussed the 5 Year Capital Plan. In the new buildings that have been approved (The Surf Club, Chateau and Grand Beach Hotel) they have offered money to give to Surfside's Parks and Recreation department for renovation of the community parks. An estimate of \$900,000,000 amount is expected to be received from the new buildings. Roger Carlton mentioned the renovation of a second floor to the Community Center in which will be estimated to cost \$1,900,000 to add, the renovation of the 96th street park, renovation of the Hawthorne Tot-Lot, the renovation of the current Tennis Center and the option to make a deal with Miami Beach to expand it to the south on 87th terrace, the acquisition of property, the street ends, and the Downtown parking feasibility study. Roger Carlton recommended the input of the Committee to present before the Town's Commission to meet the plan of the Voluntary Proffers and decide which project should be prioritized. The Parks and Recreation Committee gave their input on the following in priority level:

- 1) Second Floor to the Community Center.
- 2) 96th street park renovation.
- 3) Tennis Center Renovation.
- 4) Hawthorne Tot-lot renovation

- 5) Downtown Parking Lot
- 6) Acquisition of Property to create new parks
- 7) Street end #7 last

Doris Obregon asked how much budget expansion will be expected. Tim Milian stated 8-10 percent increase, for increase of programming and employee. Doris Obregon asked what kind of programs would be held at the community center. Tim Milian stated there could be two different programs even potential for renting the venue.

4. Scholarship Program

Tim Milian introduced the Scholarship Program for Surfside Residents. He mentioned there were three scholarships in which were awarded last year, each with the value of \$500. He stated that Commissioner Martha Olchyk suggested in taking the Scholarship Program subject up to the Town Commissioners to suggest expanding the Scholarship \$2000 for next Fiscal Year and having two students rewarded with a \$1,000 scholarships.

MOTION

The Town of Surfside Parks and Recreation Advisory Committee recommended two scholarships at \$750 for Fiscal Year 2013. Retta Logan moved, Doris Obregon second. Motion passed unanimously.

MOTION

The Town of Surfside Parks and Recreation Advisory Committee recommended awarding students meeting the academic criteria stated in the application they will then be measured on a subjective standard weighting all other criteria. Retta Logan moved, Eliana Salzhauer second. Motion passed unanimously.

MOTION

The Town of Surfside Parks and Recreation Advisory Committee recommended raising the scholarship fund to \$2,000 and presenting it to the Town Commissions. Therefore, awarding \$1,000 for two students. Retta Logan moved, Doris Obregon second. Motion passed unanimously.

5. E-Readers

*Deferred

6. Soccer League

Tim Milian stated that the Soccer League started as a recreational league and became a soccer league. He informed the Committee that due to competitive teams the league will go back to playing with recreational level teams.

7. Special Events Recap

Doris Obregon stated that Parks and Recreational should have one or two major event vs. having multiple events that are no success. Eliana Salzhauer disagreed and stated that all the events are great in which bring the community together. Commissioner Martha Olchyk stated that Parks and Recreational should have events at different timing from the Tourist Board events to make it easier on residents to attend them all. The committee also discussed the giveaways, which are successful and which have not been

so much a success. They also discussed on how it would be preferred to have two major giveaways at events vs. multiple.

8. Community Input

*None


9. Meeting Adjournment

MOTION

The Town of Surfside Parks and Recreation Advisory Committee called for the adjournment of the meeting. Retta Logan moved, Eliana Salzhauer seconded. The motion passed unanimously. The meeting adjourned at 9:08 p.m.

There being no further business to come before the Board, the meeting adjourned at 9:08pm.

Accepted this 18th day of March, 2013


Chair
Doris Obregon

Attest:


Jenorgen Guillen
Recording Clerk



DVAC Parking Structure Feasibility Study **Sub-Committee Meeting**

Wednesday March 20, 2013

6:00pm Commission Chambers

MINUTES

- Introduction

Meeting was called to order at 6:05pm by Town Manager Roger Carlton.

In attendance: Town Manager, Roger M. Carlton; Eli Tourgerman; Jessie Flax; Interim Town Attorney, Linda Miller; Interim Assistant Town Attorney, Sarah Johnson; Barbara Cohen; Jaymy Bengio; Andy Labrada; Joe Corderi; Alan Gorme; Ken Arnold; Lou Cohen; Police Chief, David Allen; Lieutenant Richard Williams; Parking Operations Manager, Elinor Joseph; Recording Clerk, Jen Guillen; TEDACS Director Duncan Tavares; Interim Public Works Director John Di Censo; Jackie Murphy; Rich + Associates Consultant Dave Burr; C3TS Consultants Eddie Lamas and Jamie Straz; RMA Consultant Terrell Fritz; Finance Director, Donald Nelson; Sandra Argow; MVB Development Rep, Flavio Sa Carvalho; CGA/Planning, Richard Cannone; Business Operator, Olga Arismendi; Armando Castellanos; June Neville; Peter Neville; Robert Andai; Richard Espinel; Juan Burges; Esteban Koffsman; Park & Recreation Director Tim Milian; Shawn Grenald; Adam Markow; Allan Yarkin; Martin Oppenheimer; Peter J. Filiberto; Anthony Blate; Alik Kolashnikov; Commissioner Joe Graubart; Commissioner Michelle Kligman (arrived at 6:35).

- Town Manager Welcome

Town Manager Roger M. Carlton welcomed everyone who was present and stated that the purpose of the Committee was to review the feasibility study for a variety of potential parking structures in the downtown area. He stated that the Parking Study started about a year ago when the Town Commission approved going out to bid for a parking study. The Town Commission authorized investigating the potential of three different sites for a possible future parking structure: the Abbott Street lot, the "Post Office" lot, and the 94th Street lot.

- December 18, 2012 Meeting Minutes Review/Approval

- Site Concepts Presentation: Abbott, 94th Street, "Post Office" ~ C3TS Presentation

Eddie Lamas presented the renderings for a variety of parking structures for the three different sites. Some sites had multiple options.

Allan Yarkin asked if all three sites went forth, would the amount of parking added be approximately 550 spaces. Roger M. Carlton confirmed that if everything were to be done to the max it would result in 550 additional parking spaces.

Alan Gorme asked what the growth potential for the Town would be in order to need an additional 550 extra parking spaces. Roger M. Carlton listed the new projects coming to Downtown and the Town's investment in downtown improvements. He stated an outcome of the study is to foster a good debate on different opinions on what Downtown should be.

Lou Cohen stated that cost effectiveness is very important. He stated that the third alternative for the Abbott lot and the second alternative for the Post Office lot will cost less than both alternatives on the 94th street - giving Downtown 438 parking spaces. Roger M. Carlton stated that the study does bring that forth. However, the park and additional retail will not be built. Roger M. Carlton asked the Committee if cost effectiveness is the only criteria they would like to use.

Andy Labrada stated that it would be nice to have a place, like the park, where pedestrians may sit and relax. It would be a positive change.

Peter Filiberto asked what would happen with the Post Office. Roger M. Carlton stated that they would have a temporary location while a structure on that site is built. Peter Filiberto expressed concern about the Abbott lot alternative #1 having two floors of underground parking with regard to potential flooding. Roger M. Carlton listed examples of all the preventative items the parking structure would contain in order to protect it from flooding – as is seen in other locations around the world.

Alan Gorme expressed concern about safety issues with an Abbott Street two floor underground level parking structure. Eddie Lamas stated that there would be light penetrations to avoiding dark areas and Roger M. Carlton stated that safety is always a primary consideration and that nothing would be built without accommodating the necessary safety and security features required.

Joe Corderi stated that a parking structure with a park would change Downtown and agreed it would be something nice to have. The community needs something like this. He also agreed that the Post Office needs to change; that there is no center in Downtown where residents may go. He stated that the alternative option for the 94th street lot would be a major change driver as well.

Ken Arnold stated that the Town needs 446 parking spaces, therefore, the Town would only have to choose two parking structure options. He also stated that he sees the 94th Street parking lot alternative as an anchor to bring shoppers from the Bal Harbour Shops to the Downtown and improve business for the stores on Harding Ave.

Bernie Oberlander stated parking has always been an issue for the Surfside business district. He stated that he is appreciative of the parking study. He also stated that parking is more of an issue because of construction worker parking. He questioned what parking is available for the consumer.

Peter Neville stated that a parking structure is a major project that should not be left to a Mayor or Commissioners; it should be voted on by the residents. He also stated that underground parking at Abbott is not a good idea as it is the lowest point in Surfside. People from Bal Harbour will park in the Town's Downtown because it would be cheaper to park in Surfside. He stated the best place to build would be at the Post Office lot.

Shaun Grenald stated that any addition of parking spaces is needed; the most beneficial option for him personally would be the one utilizing the Post Office lot. Any structure would be important as it would make Surfside a better place. The underground parking with a park at street level would be the best for the Town as a whole.

Commissioner Joe Graubart requested an item on the next Town Commission Meeting Agenda to discuss limiting commercial parking to two hours or eliminating it altogether in the downtown business district.

Overview: Town of Surfside Parking Analysis ~ Rich & Associates

Consultant Dave Burr presented the feasibility numbers of the parking study.

Dave Burr stated that a pedestrian survey was done to ask people in the downtown area the purpose of their visit (amongst other questions).

Peter Filiberto asked how many years would the parking revenue need to go towards settling the debt of a parking structure. Roger M. Carlton stated that approximately 30 years of parking revenue would go to settle the debt of the parking structure. Peter Filiberto asked where the money would come from to cover the cost for the construction of the park at Abbott Street. Roger Carlton stated that financing could come from a variety of options.

Peter Filiberto supports the Abbott Street Alternative #3. Andy Labrada stated that all of the proposed parking structures are great ideas. Jessie Flax stated that any Abbott Street parking structure would add more traffic. She agrees on the parking structure for 94th Street. Sandra Argow stated that a parking structure is worth every penny. Lou Cohen stated the underground parking is the ideal situation. Ken Arnold proposed to move the study forward. Robert Andai stated Surfside has a great future; the greenery next to the businesses would help the businesses. The Abbott Street option is the best choice. Alan Gorme stated that he would like to see a greater return for the investment on any eventual choice. An Abbott Street structure would be ideal as there should be parking at the end of the business district. This would have more of a positive effect on the business district. It would be the best place to put a parking structure. Joe Corderi stated that the Town should look forward to the future and think of the community in the upcoming years – not just the least expensive option. He also stated that the Town needs the spaces now let alone when one considers the approved upcoming projects, downtown improvements and growth in general. Shaun Grenald stated that all three parking structures would be needed within ten years anyway. He stated that the Town should proactively solve this issue vs. coming along years from now and being in the same position it is today: needing more parking spaces.

Next Step

The Committee unanimously approved moving the study forward to the Planning & Zoning Board and the Town Commission.

The study will be discussed at the Planning & Zoning Board on April 3, 2013 and Town Commission on April 9, 2013. DVAC will be provided updates at the regularly scheduled monthly meetings – all are welcome to attend and become full-fledged DVAC members.

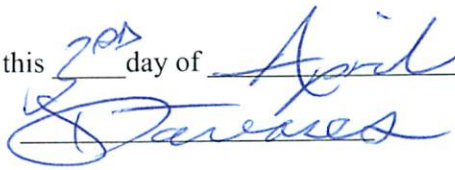
Public Comment

Discussed throughout the meeting –see above.

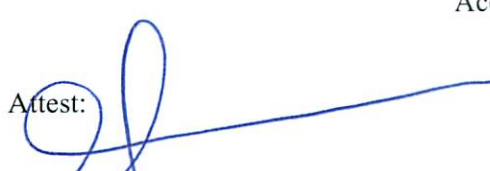
Adjournment

Meeting was adjourned at 8:47pm

Accepted this 20th day of April, 2013



Attest:



Jenorgen Guillen
Recording Clerk



Town of Surfside Commission Communication

Agenda Item #: 4A1

Agenda Date: March 12, 2013

Subject: Outdoor dining

From: Roger M. Carlton, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

Background: Currently, Outdoor dining is classified as a conditional use in the SD-B40 zoning district. Conditional use applications require additional review by Town staff, the Planning and Zoning Board, and Town Commission. This is not consistent with the recently adopted Outdoor Café ordinance, Section 18-81 which sets very detailed rules and requirements for open air cafés (Attachment 1). In order to create a lively Downtown environment and encourage outdoor dining opportunities, an amendment to the zoning code to classify outdoor dining as a permitted use has been proposed.

Analysis: Applications for approval of a conditional use are heard by the Planning and Zoning Board and the Planning and Zoning Board's report may contain recommendations to the Town Commission in approving the conditional use. The Town Commission may establish these and/or additional conditions. The permit dictates hours of activity and other conditions necessary to provide compatibility with the surrounding neighborhood.

The proposed ordinance (Attachment 2) changes outdoor dining from a conditional use to a permitted use in the business district to encourage new outdoor dining opportunities. Language was also added to refer applicants to Chapter 18 which has existing requirements and standards for outdoor dining in Section 18-80 Open air cafés. Outdoor dining facilities relating to multi-family residential and hotels in the H-40 and SD-B40 zoning districts are not included in this ordinance and will continue to be reviewed as conditional uses with ultimate approval by the Town Commission.

Recommendation: Staff recommends that the Town Commission approve the outdoor dining modification on first reading. The ordinance would be presented in March to the Planning and Zoning Board and the Town Commission in April for 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- 1587

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 18 AND SPECIFICALLY DIVISION 3 "SIDEWALK BUSINESSES" AND SPECIFICALLY AMENDING SECTIONS 18-80, 18-81; AND CREATING SECTIONS 18-82, 18-83, 18-84, 18-85, 18-86, 18-87, 18-88, 18-89, 18-90, 18-91, 18-92, AND 18-93 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 of Surfside ("Town") proposes to amend its Code of Ordinances to establish guidelines and regulations for sidewalk businesses.

WHEREAS, The Town Commission held its first public reading on February 14, 2012 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the sidewalk business regulations on February 23, 2012 with due public notice and input; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on May 8, 2012 and further finds the proposed change to the Code necessary and in the best interest of the community.

Ordinance No. 12-1587

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:

DIVISION 3. SIDEWALK BUSINESSES

Sec. 18-80. Open-air cafes, Definitions.

~~As an exception to sections 18-26, 54-62, 54-63 and 54-64 of this Code, a restaurant holding a valid local business tax receipt may serve customers at tables placed on the sidewalks adjacent to the restaurant. The tables may not unnecessarily impede traffic, including pedestrian traffic, or they shall be considered a nuisance and shall be removed. These tables shall be referred to as open air cafes in conjunction with a restaurant or food establishment and shall be considered an accessory use in this district.~~

Town manager means the town manager or the town manager's designee.

Code compliance officer means the code compliance officers, fire inspectors, or any other authorized agent or employee of the Town whose duty it is to assure code compliance.

Menu holder means a board allowing for the posting of a restaurant's complete menu and fabricated in such a manner so as not to constitute a form of general advertising or establishment identification. The location, size, design, materials and color of the menu board shall be approved by the town manager and shown on the sidewalk cafe site plan (as hereinafter defined). Menu boards shall be no larger than one and one half (1 ½) square feet and in conformance with requirements set forth in Article IV Signs of the Code. The menu board shall not be a sandwich or "A" frame sign (as defined herein) provided that for limited special events, the Town may utilize a temporary menu holder.

Permittee means the recipient of a sidewalk cafe permit under the terms and provisions of this division.

Restaurant for purposes of this division only, means a duly licensed food service establishment that is maintained and operated as a place where food and/or beverages are prepared and/or served and sold for consumption within the premises, or a business establishment which has, as an ancillary or secondary use, a part thereof where food and/or beverages are prepared and/or served and sold for consumption within the premises. Sidewalk cafe permits shall be issued to a restaurant whose local business tax receipt or certificate of use licensed for take-out only for certain items and. Such restaurant may have a bench, or similar furniture, only subject to application approval.

Right-of-way means land in which the state, the state department of transportation, the county or

Ordinance No. 12-1587

the town owns the fee or has an easement devoted to or required for use as a transportation facility or street.

Sandwich or "A" frame sign means a freestanding, A-frame structure located on a sidewalk or street which may be placed in position or is collapsible and which contains a sign (as defined in section 90-68).

Sidewalk means that portion of the right-of-way which is located between the curb line or the lateral line of a street and the adjacent property line and which is intended for use by pedestrians.

Sidewalk cafe means a use located on the sidewalk portion of the right-of-way which is associated with a restaurant and is primarily characterized by tables and chairs; may be shaded by awnings, canopies or umbrellas; and may include such other sidewalk cafe furniture (as hereinafter defined) as permitted and/or approved pursuant to this division.

Sidewalk cafe furniture means those nonpermanent items, furnishings and equipment associated with the operation of a sidewalk cafe and approved pursuant to this division including, without limitation, tables, chairs, umbrellas, planters, heaters, fans and menus and/or specials boards.

Sidewalk café signage means a sign located on an umbrella that is used as shelter for sidewalk tables.

Sidewalk cafe site map means a town-approved map detailing the location of the pedestrian pathway as it relates to a sidewalk cafe.

Sign shall have the same meaning as provided for in section 90-68.

Specials board means a board allowing for the posting of a restaurant's daily specials and fabricated in such a manner so as to not constitute a form of advertising or establishment identification. The location, size, design, materials and color of the specials board shall be approved by the town manager and shall be shown on the sidewalk cafe site plan. specials boards shall be no larger than one and one half (1 ½) square feet; and in conformance with requirements set forth in Article IV Signs of the Code. The menu board shall not be a sandwich or "A" frame sign (as defined herein).

Street means that portion of a right-of-way improved, designed or ordinarily used for vehicular traffic and/or parking.

Sec. 18-81. ~~Conditions and restrictions.~~ Declaration of necessity and intent.

~~(a) A site plan, drawn to scale, which shall have been approved by building and planning department staff, shall be submitted and approved by the town manager and his/her designee, as appropriate. Such plan shall include the floor plan of the existing restaurant, including tables, chairs and restrooms, and the proposed open air cafe. The plan shall also show the existing parking, any proposed landscaping, location of refuse containers, proposed lighting, layout of all tables, chairs, benches, and other furniture, and pedestrian ingress and egress. An open air cafe~~

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located on sidewalks must remain at the elevation of the existing sidewalk. All provisions of the South Florida Building Code with respect to handicapped accessibility and restroom fixtures shall apply.

~~(b) The operation of such open air cafe shall not be conducted in such a way as to become a public nuisance and that the operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks. A minimum space of 44 inches shall be allowed for pedestrian circulation.~~

~~(c) The service of patrons of the open air cafe shall be at tables only and no counter service, self service or pass through window shall be permitted.~~

~~(d) The open air cafe shall not occupy an area of more than 30 percent of the total area of the primary restaurant operation in the B-1 district.~~

~~(e) The open air cafe shall be unenclosed and shall be open except that it may be covered with a canvas cover or structural canopy of a building's arcade, loggia or overhang as may be permitted by the Code. In the event such covering or canopy is utilized, the permitting requirements of Section 301.1, South Florida Building Code, shall apply.~~

~~(f) All kitchen equipment used to service the open air cafe shall be located within the kitchen of the primary restaurant.~~

~~(g) The open air cafe shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. After the close of business, all tables and chairs shall be removed from the premises unless they are properly secured.~~

~~(h) No additional signage shall be permitted in the open air cafe area.~~

~~(i) No outdoor speaker, stereo system, live bands, or outdoor entertainment shall be allowed except on occasion when a special permit for an event is issued by the town.~~

~~(j) In reviewing any site plan open air cafe, the department may prescribe appropriate conditions and safeguards in conformity with the provisions of the Code. Violations of such conditions and safeguards, when made a part of the terms under which the open air cafe is approved, shall be deemed grounds for revocation of the accessory use and punishable as a violation of the Town Code~~

~~(k) Seating and tables employed for an open air cafe shall comply with accessibility standards of F.S. §§ 553.501 through 553.513.~~

It is hereby found and declared that:

(1)

There exists the need for outdoor eating establishments (sidewalk cafes) in certain areas of the town to provide a unique environment for relaxation and food and/or beverage consumption.

(2)

The existence of sidewalk cafes encourages additional pedestrian traffic to these areas.

(3)

The presence of sidewalk cafes may however impede the free and safe flow of pedestrian traffic and thus there is a need for regulations and standards for the existence and operation of sidewalk cafes to facilitate and ensure a safe environment in these areas.

(4)

The establishment of permit conditions and safety standards for sidewalk cafes is necessary to protect and promote the general health, safety and

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welfare of the residents of the town and is granted only to the extent the Town enjoys a possessory interest in the sidewalks pursuant to a lease agreement for that purpose by and between the Town and the State of Florida Department of Transportation.

Sec. 18-82. Removal and storage fees; disposition of property.

If, pursuant to this Section 18, the town removes, relocates, and/or stores any sidewalk cafe furniture, the permittee shall be responsible for the reasonable expenses incurred by the town for the removal, relocation, and/or storage of all such sidewalk cafe furniture. The town manager shall promulgate and review, as needed, regulations regarding the storage and disposition of sidewalk cafe furniture under this division. The town and its officers and employees after due notice for non-compliance shall not be responsible for any damage to or loss of any sidewalk cafe furniture, removed, relocated and/or stored pursuant to this division.

Sec. 18-83. Appeals from the decision of the town manager.

Appeals from decisions of the town manager made pursuant to this division shall be to the special master in accordance with the procedures set forth in sections 15-12 and 15-13 hereof. Appeals from the decisions of the special master shall be to a court of competent jurisdiction by petition for writ of certiorari.

Sec. 18-84. Notice of Violation.

1. Code compliance officers shall issue 24-hour warning notices for all non-life safety violations of this division.
2. No warning notices shall be required prior to the issuance of life safety violations and/or sidewalk cafe site plan violations, and such violations shall be corrected immediately. Life safety violations are defined as those conditions which, in the reasonable determination and judgment of the town manager, involve serious danger and/or risk to the public health, safety or welfare (including, without limitation, blocking pedestrian pathways and violations of the state handicapped accessibility code for building construction). Site plan violations are defined to include those instances where the permittee is operating outside of the permitted sidewalk cafe area (as approved herein) and shall include a table or tables set up outside the approved boundaries of the sidewalk cafe site plan, and/or umbrellas, heaters, fans and other sidewalk cafe furniture found to be outside the approved site plan; but shall not be deemed to include instances where a chair or chairs are moved outside the approved boundaries of site plan by a sidewalk cafe patron(s).
3. If a code compliance officer finds a violation of this division, such code compliance officer shall issue a notice of violation to the violator, as follows:
 - a. For non-life-safety violations of this division (where a 24-hour notice has been previously issued within the preceding 60 days for the same violation), a violation will be issued.
 - b. For life safety violations of this division and for site plan violations, no 24-hour

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warning notice is required, and a violation may be issued at any time.

Sec. 18-85. Civil fines and penalties; denial of future permits to repeat violators.

1. The following civil fines and penalties shall be imposed for violations of this division:
 - a. First violation \$100.00
 - b. Second violation within the preceding 12 months \$250.00
 - c. Third violation within the preceding 12 months \$500.00
 - d. Fourth within the preceding 12 months \$750.00
 - e. Fifth violation within the preceding 12 months, suspension of the sidewalk cafe permit for one weekend (Saturday and Sunday) and \$1,000.00
 - f. Sixth violation within the preceding 12 months, revocation of the sidewalk cafe permit for the remaining portion of the permit year and \$1,000.00
 - g. Failure to apply for permit—termination of sidewalk cafe operations.
 - h. Failure to renew permit—suspension of sidewalk cafe operations.

2. A permittee who has been issued more than six violations pursuant to this division within a permit year shall be prohibited from applying for and obtaining a sidewalk cafe permit for a period of two permit years, following the permit year in which the applicant/permittee incurred the aforestated violations.

Sec. 18-86. Rights; payment of fine; right to appeal; failure to pay civil fine or to appeal.

1. A violator who has been served with a notice of violation shall elect either to:
 - a. Pay the civil fine in the manner indicated on the notice; or
 - b. Request an administrative hearing before a special master, to appeal the decision of the code compliance officer which resulted in the issuance of the notice of violation. Warnings may not be appealed.

2. The procedures for appeal shall be as set forth in sections 15-12 and 15-13 hereof.

3. Failure of the named violator to appeal the decision of the code compliance officer within twenty (20) days after the date printed on the notice of violation shall constitute a waiver of the violator's right to administrative hearing. A waiver of the right to administrative hearing shall be treated as an admission of the violation, and penalties shall be assessed accordingly.

4. Any party aggrieved by the decision of a special master may appeal that decision to the circuit court pursuant to section 15-15.

Sec. 18-87. Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.

1. The town may institute proceedings in a court of competent jurisdiction to compel payment of civil fines pursuant to section 15-14.

2. A certified copy of an order imposing a civil fine may be recorded in the public records

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and thereafter shall constitute a lien upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the town may foreclose or otherwise execute on the lien.

Sec. 18-88. Permitted areas; conditional permit; town manager's right to remove sidewalk cafes.

1. Sidewalk cafes shall only be located where permitted by the town's zoning ordinance and land development regulations, as same may be amended from time to time.
2. The approval and issuance of a sidewalk cafe permit is conditional at all times and shall serve as an exception to sections 18-26, 54-62, 54-63, and 54-64.
3. It shall be unlawful for any person to operate a sidewalk cafe without a valid permit as required by this division. No permit shall issue without a Landlord's prior written approval
4. The town manager shall have the right to immediately remove, after 24-hours written and/or verbal notice to the permittee, any sidewalk cafe furniture used in connection with a sidewalk cafe which is operating without a valid permit.
5. The town manager may cause the immediate removal, relocation, and/or storage of all or part of a sidewalk cafe in emergency situations or for public safety considerations.
6. The town manager may require the temporary removal and/or relocation of all or part of a sidewalk cafe when street, sidewalk, or utility repairs, or other public construction, necessitates such action. If such temporary removal exceeds 15 days, the town manager shall pro-rate the remaining permit fee for each additional day the sidewalk cafe (or portion thereof) is removed and apply a credit toward the following year's permit fee or, upon written request by the permittee, refund the remaining fee to the permittee.
7. Upon written and/or verbal notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning by Miami-Dade County, whichever occurs first, the permittee shall, within no more than four hours of same, remove and place indoors all tables, chairs and any other sidewalk cafe furniture located on the right-of-way. The notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning, shall constitute a public emergency situation as referenced in this division. The town manager may remove, relocate, and/or store any sidewalk cafe furniture found on the right-of-way that has otherwise not been removed by the permittee pursuant to this subsection. Any and all costs incurred by the town for removal, relocation and/or storage of sidewalk cafe furniture shall be the responsibility of the permittee. Sidewalk cafes will not re-open for business following a

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hurricane or other major weather event until notified by the town manager. Violation of this subsection (g) shall result in the issuance of an immediate \$1,000.00 fine, and/or suspension, for up to 30 days, of the sidewalk cafe permit.

Sec. 18-89. Application.

1. A sidewalk cafe permit shall be effective for one year, from October 1 until September 30 of the following year. During the first year of implementation of this ordinance and/or permit application, the permit fee shall be pro-rated.
2. Application for a permit to operate a sidewalk cafe shall include, but not be limited to, the following information:
 - a. The name, address and telephone number of the applicant/permittee.
 - b. The name and address of the business establishment seeking a permit to operate the sidewalk cafe (including the name and address of the restaurant).
 - c. A copy of a valid town local business tax receipt to operate the restaurant in front of which the proposed sidewalk cafe will be operating. The total count of chairs to be utilized for the restaurant must include the number of chairs used in conjunction with the sidewalk cafe and the number of chairs inside the restaurant, as authorized by the license.
 - d. A copy of a valid certificate of use for the restaurant in front of which the proposed sidewalk cafe will be operating.
 - e. Copies of current certificates of insurance in the amounts and categories required by section 18-93.
 - f. At the time of the first request for approval, a site plan drafted by the Town Building Official or designee and paid for by the Applicant must be submitted and it shall accurately depict the layout and dimensions of the existing sidewalk area and adjacent private property; proposed location, size and number of tables, chairs, umbrellas, and any other sidewalk cafe furniture; and location of doorways, steps, trees and/or landscaped areas, fountains, parking meters, fire hydrants, bus shelters, directory/kiosks, public benches, trash receptacles, and any other existing public fixtures, furnishings and/or other obstruction(s), within the proposed sidewalk cafe area. The sidewalk cafe site plan must be approved by the town manager prior to the issuance of a sidewalk cafe permit and the permit shall be specifically limited to the subject area shown on the approved site plan. This requirement shall be waived each year thereafter provided there are no modifications to the originally approved site plan. Any changes will require the filing of a new site plan and associated fee.
 - g. Photographs, drawings or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, and any other sidewalk cafe furniture related to the operation of the sidewalk cafe. Tables, chairs, umbrellas, and any and all other sidewalk cafe furniture shall be approved by the town manager prior to the issuance of a sidewalk cafe permit.
 - h. A copy of the approved sidewalk cafe site plan, shall be maintained on the permittee's premises and shall be available for inspection by town personnel at all times.
 - i. The annual leasing permit and initial fees are set forth in Appendix A.
 - j. Applications shall be reviewed for compliance with applicable local, state and

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federal laws, and must be reviewed and approved by the town's public works department; fire department; office of risk management; finance department; planning and zoning department; and building department.

- k. Prior to issuance of a sidewalk cafe permit, the town's Finance Director shall certify that there are no outstanding fines, monies, fees, taxes or other charges owed to the town by the applicant/permittee and/or the business establishment/restaurant. A sidewalk cafe permit will not be issued until all outstanding debts to the Town are paid in full.
 - l. A sidewalk cafe permit may not be transferred and/or otherwise assigned. A new owner and/or operator of a restaurant and/or business establishment with a sidewalk cafe permit will be required to apply for and obtain a new permit.
 - m. The permit covers only the public right-of-way. Tables and chairs on private property will be governed by other applicable regulations. No outdoor seating authorized pursuant to this division shall be used for calculating seating requirements pertaining to location of, applications for, or issuance of, a liquor license; nor shall the outdoor seating be used as the basis for computing required seating for restaurants, or as grounds for claiming exemption from such requirements under the provisions of any applicable town, county, and/or state law.
 - n. Sidewalk cafes shall comply with all applicable accessibility codes including, without limitation, the Americans with Disabilities Act (ADA), and state code provisions addressing accessibility for building construction, as same may be amended from time to time. Any café that would violate the terms of the lease agreement between the Town and Florida Department of Transportation shall be deemed in violation of this ordinance.
3. Renewals. As provided in subsection 82-371(b), a permittee who has been issued more than six violations pursuant to this division within a permit year, shall be prohibited from applying for and obtaining a sidewalk cafe permit for the following two consecutive permit years. Renewals shall be applied for and accompanied by the business tax receipt and certificates of use applications.

Sec. 18-90. Permit fee; penalties for late payments; review of fee.

1. The annual permitting fee for operation of a sidewalk cafe shall be as set forth in Appendix A, and shall be based on a per square foot calculation of permitted sidewalk area (including the area between the tables and chairs).
2. The town manager, in his reasonable discretion and judgment, may suspend or prorate the annual permitting fee in cases of public construction or public emergency situations.
3. The permitting fee shall be paid on or before October 1, and shall cover the time period from October 1 through September 30 of the following calendar year (license year). If the fee exceeds \$2,000.00, the fee may be paid in two semiannual installments, with the first installment due on October 1, and the second due on April 1. No permit shall be issued for any portion of a year, but any person/entity operating a sidewalk cafe for a period beginning after the commencement date of the full permit year (October 1) may obtain a permit for the remaining portion of that permit year upon payment of a pro-rated portion of the permit fee calculated from the first day of the month of issuance of the permit to

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the end of the permit year. Except as expressly provided in this division, no refund of the permitfee shall be granted.

4. Late payments for fees shall accrue at the rate of ten percent per annum for the first 30 days. If the permit fee is not paid within 60 days after it is due, the permit shall terminate automatically. Any continued operation of a sidewalk cafe after termination of a permit shall be construed as operating a sidewalk cafe without a valid license, and the town manager shall have the right to remove, upon 24 hours' written and/or verbal notice to the permittee, any and all sidewalk cafe furniture used in connection with the sidewalk cafe.

Sec. 18-91. Permitted sidewalk café frontage; requests for expansions.

1. Sidewalk cafes are restricted to the sidewalk frontage of the restaurant to which the permit is issued or, if the restaurant is an ancillary and/or secondary use to another type of business establishment, the sidewalk cafe shall be restricted to the sidewalk frontage of the building (or portion thereof) of the "primary" business establishment (within which the restaurant is located).
2. An applicant for a sidewalk cafe permit may be permitted, upon prior written request by the permittee to the town manager, to extend by a maximum total of 50 feet in the right-of-way on one side and/or the other side of the restaurant to which the permit is issued (of the business establishment where the restaurant is located); the permittee shall make written application to the town manager setting forth the reason(s) for the proposed expansion and provide a site plan showing the proposed expansion. All requests for expansions pursuant to this subsection (b) shall be reviewed by the town manager on a case by case basis. In reviewing such requests, the town manager, in making his determination to approve or deny, shall consider the following:
 - a. Pedestrian access.
 - b. Visibility of the front of the adjacent owner's business.
 - c. Obstructions.
 - d. Accessibility to the adjacent owner's business by patrons.
 - e. The town manager, shall solicit input from businesses and property owners on the same block including, without limitation, the immediately adjacent (i.e., next door) business and property owners.
 - f. The property owner of record for the applying shall provide written notice via certified mail to the adjacent business establishment (tenant) and property owner of record on to whose frontage the sidewalk cafe proposes to expand. The notification shall include the following information: the name and address of the permittee/business establishment requesting the expansion; the approximate location and size of the area requested; and the name and address of the town

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official and/or employee to forward comments to, and the time period within which to forward said comments (which time period shall be no less than fourteen (14) days). Said notice shall be sent, as to the adjacent business establishment (tenant), to the name and address on file with the town for the establishment's local business tax receipt and, for the property owner, to the name and address identified in the records of the Miami-Dade County Property Tax Appraiser's Officer. Any objections not submitted and received by the town within the date provided in the notice shall be deemed waived.

- g. The town manager may also consider any history of violations and/or warnings.
3. In the event of approval by the town manager to expand a sidewalk cafe pursuant to this subsection (b), the additional square footage will be computed into the new permit fee.
4. Notwithstanding the town manager's approval of a sidewalk cafe expansion pursuant to this subsection (b), in the event that the adjacent business establishment and/or property owner (on to which a sidewalk cafe has expanded) subsequently elects to apply for a sidewalk cafe permit to operate a cafe in front of its premises, that new applicant/permittee shall provide the town manager with notice of such intent stating the applicant's name; the property address; the name of the business establishment and/or the restaurant (of which the cafe is a part of); and the anticipated opening date. The town will provide the business establishment (tenant) and property owner which is currently expanding into the proposed new applicant/permittee's frontage with a courtesy copy of the notice. Following receipt of said written notice by the town, and provided that the new applicant/permittee obtains a sidewalk cafe permit, as well as any other required permits and/or licenses for operation of the business establishment and/or restaurant associated with the proposed new sidewalk cafe, then the town manager's prior consent for expansion shall terminate, and the town shall provide written notice to the adjacent sidewalk cafe permittee advising it of such termination, and providing a termination date therefore. The town's notice shall provide the adjacent property owner with at least seven calendar days' notice prior to the effective date of termination of the expansion. Upon the termination date of the town's consent to expansion, the sidewalk cafe permit and the permit fee will be adjusted accordingly.

Sec. 18-92. Minimum standards, criteria, and conditions for operation of sidewalk cafes.

1. The permittee shall take any and all actions to assure that its use of the public right-of-way in no way interferes with patrons of other sidewalk cafes, or limits their free, unobstructed passage thereto, or the use of the public right-of way (including sidewalks) by the general public.
2. Sidewalk cafes shall be located in such a manner that a distance of not less than five feet is maintained at all times as a clear and unobstructed five-foot pedestrian path around public amenities and areas such as, by way of example, fountains, landscaped areas (excluding town planters), and seating/shade structures. Notwithstanding the preceding, the town manager, in his reasonable judgment and discretion, and on a case-by-case basis, may approve and allow for a pedestrian path of less than five feet where an applicant/permittee's sidewalk cafe operation would be significantly impacted. In

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considering such cases, and in determining whether an applicant/permittee is "significantly impacted," the town manager may apply the criteria set forth in subsections 82-384 (c)(1)—(4). A five-foot pedestrian path shall also be required and established where the town manager, in his reasonable judgment and discretion, determines that the operation of a sidewalk cafe inhibits pedestrian access to an adjacent business establishment or adversely affects the visibility of an adjacent storefront.

3. No tables, chairs, umbrellas, or other sidewalk cafe furniture shall be permitted within ten feet of a bus bench and/or bus shelter. A distance of five feet shall be maintained from taxi stands, fire hydrants, bike racks, directory signage/kiosks, and/or other similar public street furniture and/or fixtures.
4. No tables, chairs, umbrellas or other sidewalk cafe furniture shall be permitted within five feet of an alley, pedestrian crosswalk, or corner curb cut.
5. No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the public, or which would have the effect of obstructing the pedestrian path or public access.
6. The area covered by a sidewalk cafe permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation, and again at the close of each business day, or as may otherwise be determined by the town manager. The permittee shall be responsible for pressure cleaning the floor surface on which the sidewalk cafe is located at the close of each business day. The town shall pressure wash the right-of-way from time to time in accordance with such schedule as shall be established in the reasonable judgment and discretion of the town manager. In establishing said schedule, the town manager shall use reasonable efforts to assure that the town's pressure cleaning of the public right-of-way occurs at such times as will cause the least disruption to sidewalk cafe operations.
7. Tables, chairs, umbrellas and any other sidewalk cafe furniture shall be maintained in a clean, attractive, and orderly appearance, and shall be maintained and kept in good repair at all times.
8. All sidewalk cafe furniture shall be of high quality, design, materials, and workmanship and shall be maintained in such condition so as to ensure the safety and convenience of the public.
9. Only the sidewalk cafe furniture specifically shown on the approved sidewalk cafe site plan shall be allowed in the permit area.
10. All tables, chairs, umbrellas, and any other sidewalk cafe furniture shall be readily removable, and shall not be physically attached, chained, or in any other manner affixed

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to any public structure, street furniture, signage, and/or other public fixture, or to a curb and/or public right-of-way.

11. The stacking or piling up of chairs shall be prohibited on the right-of-way. Any and all other sidewalk cafe furniture may only be maintained in the permit area during hours of operation provided however, that planters that cannot be readily removed may remain within the permit area subject to the provisions hereof. Notwithstanding anything contained in this subsection, the town manager may require a permittee to store its tables, chairs and/or umbrellas off of the right-of-way if, in his reasonable judgment and discretion, the town manager determines that the sidewalk cafe permit area and immediately adjacent public right-of-way are not being adequately maintained in accordance with this division.
12. No storage of dishes, silverware or other similar sidewalk cafe equipment shall be allowed in the permit area, or in any other portion of the public right-of-way, or outside the structural confines of the building in which the restaurant is located.
13. There shall be no live entertainment or speakers placed in the permit area unless expressly permitted as a special event. Conditions such as hours and days of operation and audio levels will be regulated by the town's special events office, and these may vary during the year.
14. With the prior written approval of the Town Manager or his designee, one menu board and one specials board shall be permitted, per sidewalk cafe, for every 50 feet of frontage.
15. No food preparation, food storage, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way. The use of garbage receptacles is also prohibited.
16. No food displays shall be permitted on the public right-of-way. No advertising signs or business identification signs shall be permitted on the public right-of-way except that the restaurant name and/or its logo may be permitted on umbrellas but such logos and/or lettering may not exceed six inches in height.
17. Umbrellas shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six feet eight inches above the right-of-way. Two or more umbrellas may not be clipped, zipped or otherwise fastened together in order to form a tent like structure. Clear plastics or other materials may not be fastened, rolled or otherwise be attached to umbrella edges in order to create an enclosure. No additional signage shall be permitted on the umbrellas.
18. Permittees may make written request to the town manager to use town electricity for powering floor fans during the summer months. Summer months are defined as the period beginning on May 1, and ending on September 30. The town manager will make electrical outlets operable upon payment of a flat fee, which fee shall be determined, and

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may be adjusted from time to time, in the reasonable judgment and discretion of the town manager, for each of the calendar days during the summer months. Town electrical outlets will be restricted to powering floor fans only. Using the electrical outlets for powering lights, menu board lighting, and any other electrical device is strictly prohibited. Any outside lighting must comply with existing building codes and is subject to approval. Permittees violating this restriction will have the electrical boxes deactivated and forfeit any monies paid for electrical use. Fans must be UL approved for outdoor use and fan blades must be fully encased for the safety of patrons and passersby. Extension cords are not allowed.

19. No permit shall be granted in an area designated in the sidewalk cafe site map as restricted for special and cultural events; provided however, that the town manager may approve temporary use of such area(s), on a case by case basis, and only for a defined, limited time.

Sec. 18-93. Indemnification and insurance.

1. The permittee agrees to indemnify, defend, save and hold harmless the town, its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit or the permittee's activity on the public right-of-way.
2. The permittee agrees to meet and maintain for the entire permit period, at its own expense, the following requirements:
 - a. Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
 - b. For sidewalk cafes which serve alcoholic beverages, liquor liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
 - c. Workers' compensation and employers' liability as required by the state.
3. All policies must be issued by companies authorized to do business in the state and rated B+:VI or better per Best's Key Rating Guide, latest edition.
4. The town must receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.
5. The permittee must provide and have approved by the town an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.
6. Failure to comply with these requirements shall be deemed to be operating without a

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valid permit and shall cause an immediate suspension or revocation of the permit.

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.

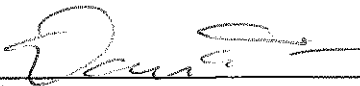
Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

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 14th day of February, 2012.

PASSED and ADOPTED on second reading this 8th day of May, 2012.

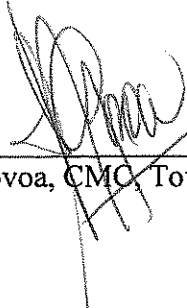


Daniel Dietch, Mayor

Attest:


Ordinance No. D-1587

Attest:



Sandra Novoa, CMC, Town Clerk

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


Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: Comm. Kopelman

On Second Reading Seconded by: Lisbon

VOTE ON ADOPTION:

Commissioner Michelle Klugman	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Sheldon Lisbon	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Marty Olchyk	yes <u>Absent</u>	no <u>Absent</u>
Vice Mayor Michael Karukin	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Mayor Daniel Dietch	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>

Ordinance No. 12-1587

APPENDIX A

Fee Schedule

Initial Sidewalk Café Permit Application (Subsequent annual renewals are part of the Certificate of Use process)	\$80 onetime charge
Initial Town Issued Sidewalk Café Site Plan (Not required as part of an annual renewal if unchanged)	\$250 per plan
Annual Sidewalk Café Permit For Use Of Public Space (Percentage due Florida Department of Transportation per annual agreement)	\$15 per square foot

Ordinance No. 12-587

ORDINANCE NO. 13- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", ARTICLE IV "DISTRICT REGULATIONS" AND SPECIFICALLY AMENDING SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES ADDING OUTDOOR DINING AS A PERMITTED USE IN THE SD-B40 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to classify outdoor dining as a permitted use; and

WHEREAS, Section 90-41(d)(1)(b) "Regulated Uses" provides that uses not specifically authorized are prohibited and in an effort to ensure consistency with the recently adopted Outdoor Café Ordinance the Town has added outdoor dining as a permitted use in the SD-B40 Zoning District; and

WHEREAS, The Town Commission held its first public reading on March 12, 2013 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the regulated uses on April 3, 2013 with due public notice and input; and

Ordinance No. _____

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on April 9, 2013 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. 90-41. - Regulated uses.

Applicability and validity of tables. Nothing shall be used to misconstrue or reinterpret the provisions, limitations and allowances made here in.

(a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within the district in which they are located and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right, subject to the required permits and procedures described in this section. Permitted uses require final site plan review and approval for compliance with the standards applicable to a particular permitted use as provided in this zoning code.

(b) *Permits required.* Except as explicitly provided herein, no use designated as a permitted use in this chapter shall be established until after the person proposing such use has applied for and received all required development permits.

(c) *Table—Regulated uses.*

	H30A	H30B	H30C	H40	H120	SD-B40
Outdoor dining facilities						CUP (24)

(24) Outdoor dining facilities on private property shall be permitted subject to all applicable zoning code requirements. Outdoor dining facilities that are on public right of

Ordinance No. _____

way shall be solely subject to the open air café requirements provided in Chapter 18 of this Code of Ordinances.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

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

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this _____ day of _____, 2013.

PASSED and ADOPTED on second reading this ____ day of _____, 2013.

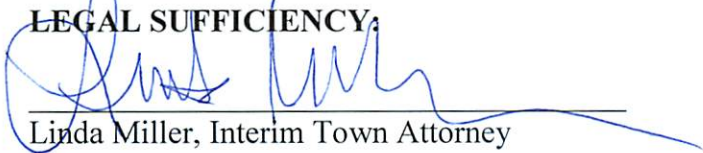
Daniel Dietch, Mayor

Attest:

Sandra Novoa, Town Clerk

Ordinance No. _____

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



Linda Miller, Interim Town Attorney

On First Reading Moved by: _____

On Second Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner Joseph Graubart	yes	_____	no	_____
Commissioner Michelle Kligman	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item #: 4B1
Agenda Date: April 9, 2013
Subject: Required Clearance Clarification
From: Roger M. Carlton, Town Manager
Shelley Eichner, AICP, Town Planner

Background: Section 90-52 of the Code (Attachment 1) requires that all new construction maintain a corner clearance distance of 25 feet along both lot lines and that this corner clearance area remain free of all obstructions greater than 24 inches in height.

Code Section 90-92 (Attachment 2) also requires a 25 feet corner clearance area, but this code provision states that this area shall provide an unobstructed view at a level between 30 inches and eight feet. This code provision is limited to landscaping only.

Graphics: These concepts are demonstrated in Attachment 3 (cross reference Code Section 90-52) and Attachment 4 (cross reference Code Section 90-92)

Analysis: Code Section 90-52 provides for a lower height (24 inches) for obstructions within this corner clearance area, while Code Section 90-92 allows for an additional six inches (30 inches) which is typical within most zoning codes.

Recommendation: Town Commission directed staff to prepare an ordinance that will remove the inconsistency in the limitation on height. Staff is recommends that Code Section 90-92 be stricken in its entirety and merged into Code Section 90-52. Staff recommends that the Town Commission approved this ordinance on first reading, which will then be presented to the Planning and Zoning Board in April and back to the Town Commission in May for second reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A


Shelley Eichner, AICP, Town Planner


Roger M. Carlton, Town Manager

Section 90-52

Attachment 1

Sec. 90-52. - Required clearances.

As an aid to free and safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and for property, for proposed construction hereafter, there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures, construction, and planting on corner lots in all districts where front yards are required as follows:

(a) All corner properties shall provide and maintain unobstructed corner clearance areas measured a distance of 25 feet along both the front and side lot lines, measured from the point of intersection, of the intersecting lot lines.

(b) All objects within any corner areas as previously defined shall be limited to a maximum height of 24 inches above the established elevation of the nearest curb;

(c) Any permanent or semi-permanent structures, including trees or shrubs, with the exception of walls or fences subject to the height limitations stated herein, shall not be allowed or constructed within any part of the corner clearance areas; and

(d) It shall be unlawful for any person to plant or cause to be planted any tree or shrubs or to place any structure in the public right-of-way without a permit from the Town Manager or designee. The elevation grades of the public right-of-way adjacent to private property shall not be altered.

Section 90-92

Attachment 2

Sec. 90-92. - Sight triangles and clearances.

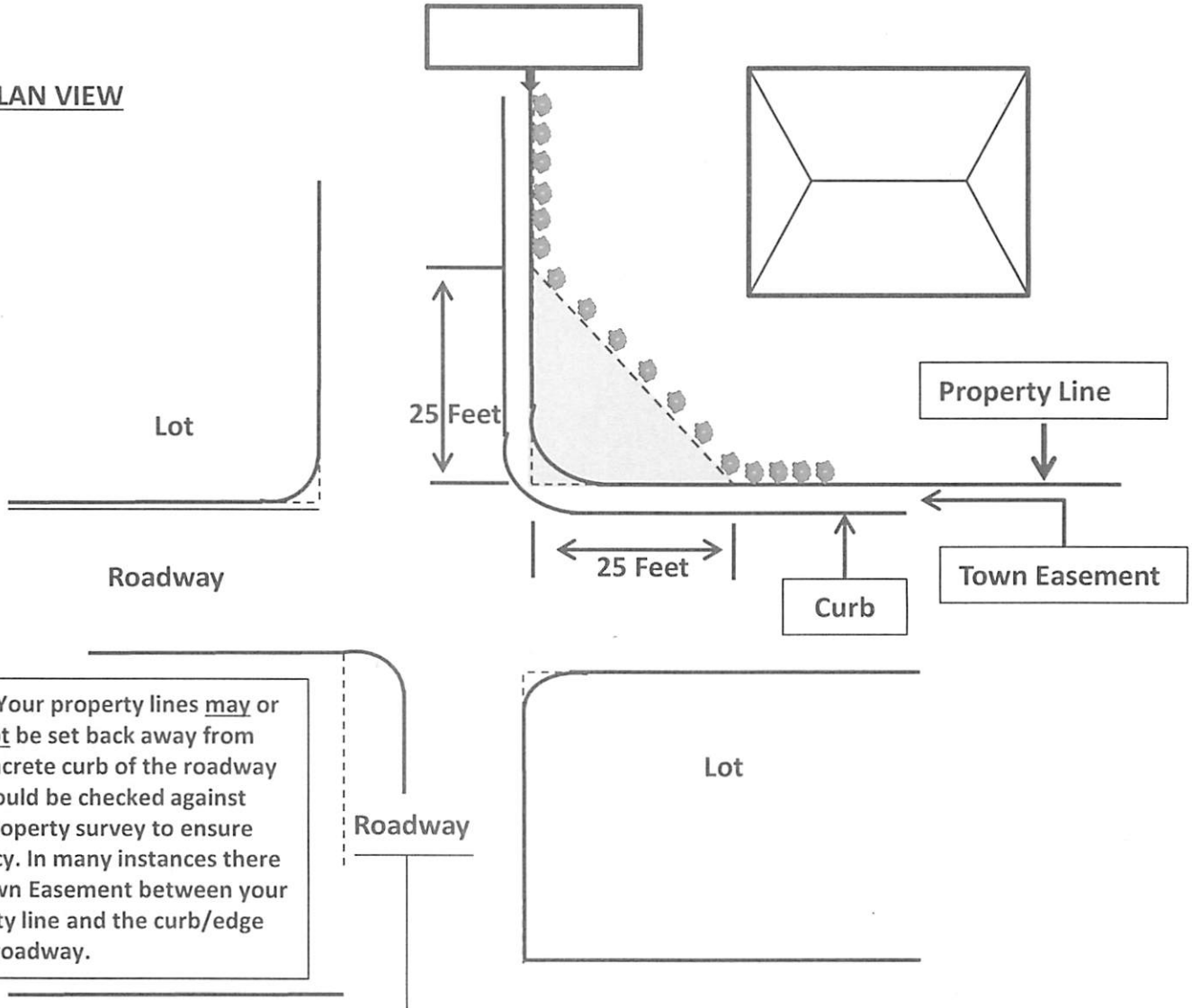
When the subject property abuts the intersection of one or more streets or access ways, all landscaping within the triangular area located within 25 feet of the intersection of the front and side street property lines shall provide unobstructed cross-visibility at a level between 30 inches and eight feet, with the exception of tree trunks that do not create a traffic hazard. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. Landscaping, except required turf and groundcover, shall not be located closer than five feet from the edge of any roadway and three feet from the edge of any alley or pavement. All sight triangles shall be indicated on the landscape plans.

NOTE: The town traffic engineer shall have final approval of the clear sight triangles.

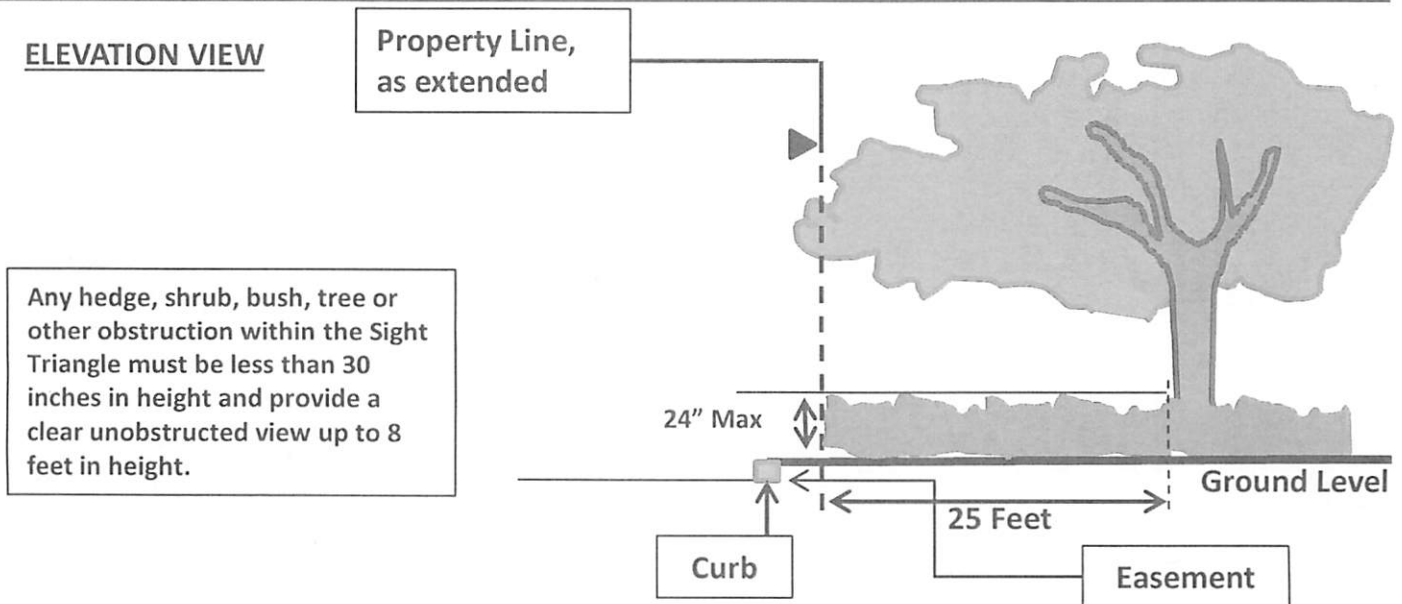
**Section 90-52
Attachment 3**

SIGHT TRIANGLE DIAGRAM

PLAN VIEW



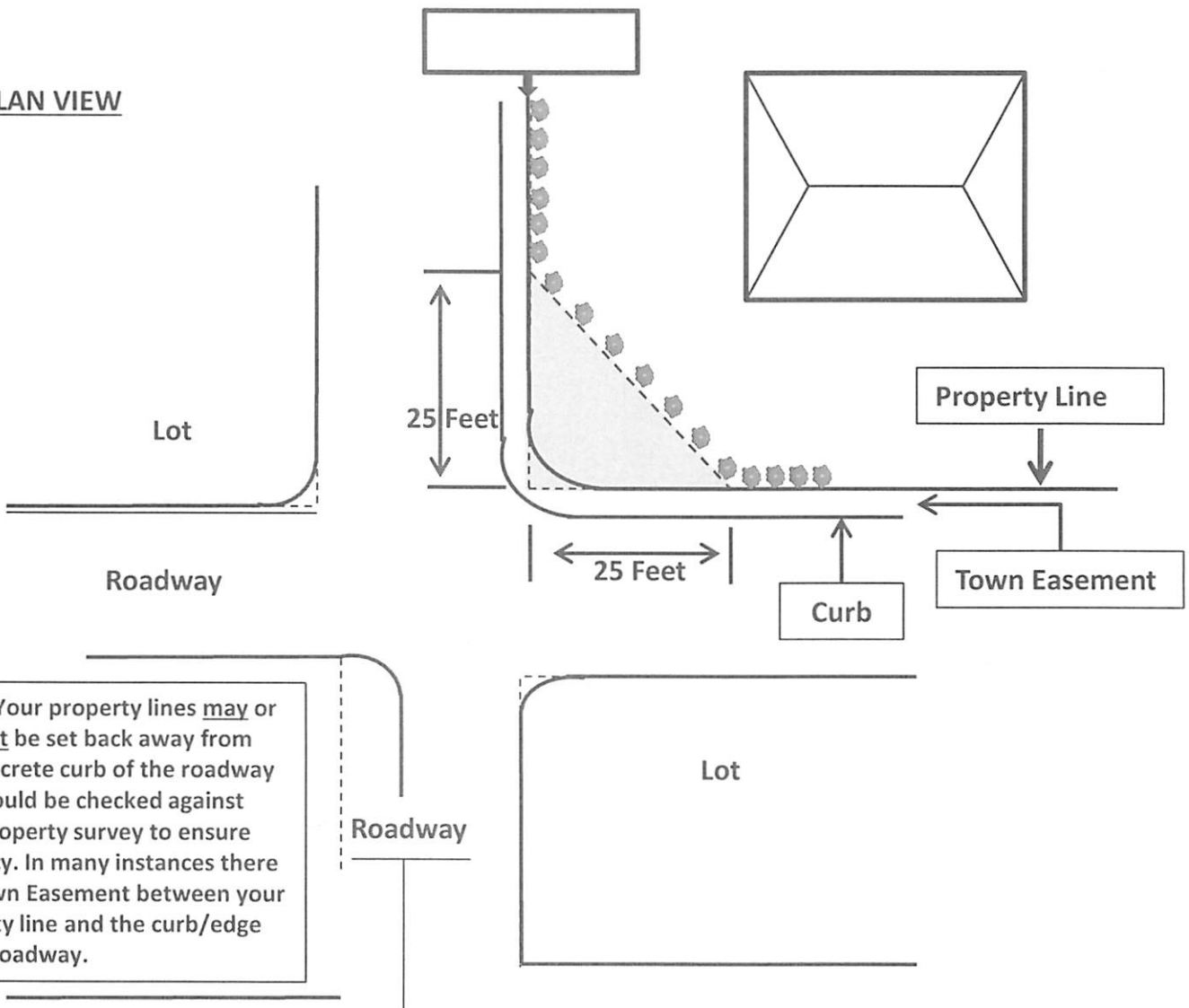
ELEVATION VIEW



**Section 90-92
Attachment 4**

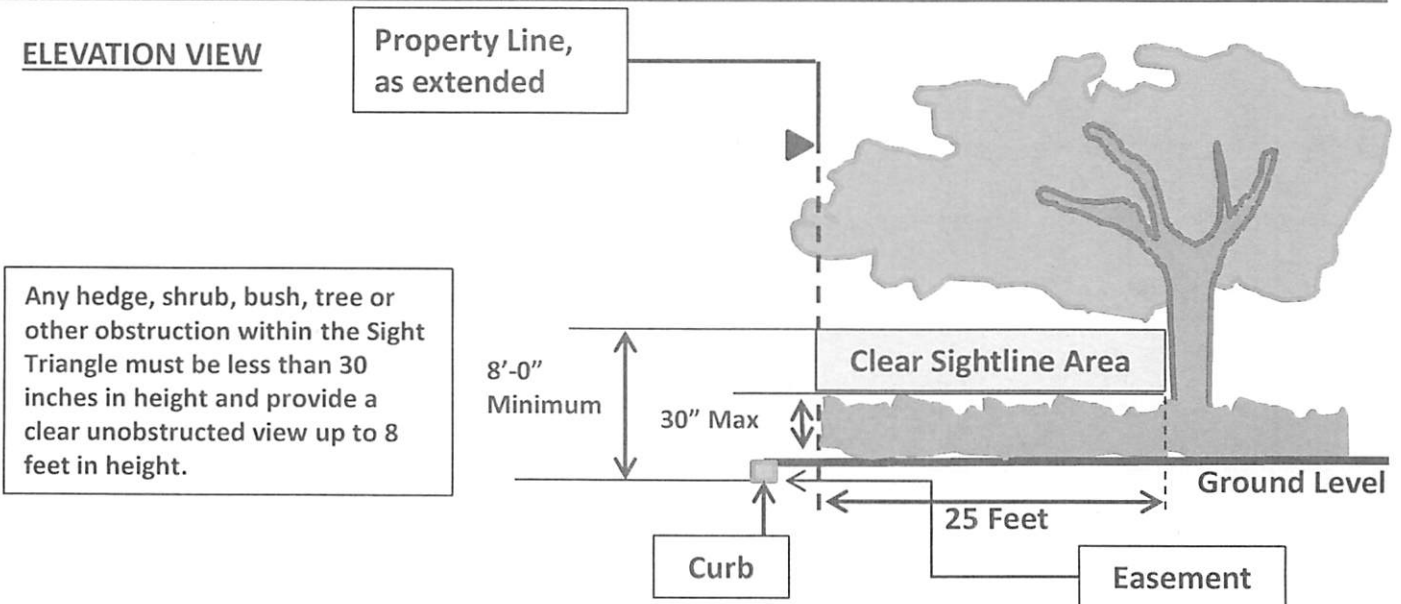
SIGHT TRIANGLE DIAGRAM

PLAN VIEW



NOTE: Your property lines may or may not be set back away from the concrete curb of the roadway and should be checked against your property survey to ensure accuracy. In many instances there is a Town Easement between your property line and the curb/edge of the roadway.

ELEVATION VIEW



Any hedge, shrub, bush, tree or other obstruction within the Sight Triangle must be less than 30 inches in height and provide a clear unobstructed view up to 8 feet in height.

Sec. 90-52. - Required clearances.

As an aid to free and safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and for property, ~~for proposed construction hereafter~~, there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures, construction, and planting on corner lots in all districts where front yards are required as follows:

- (a) All corner properties shall provide and maintain unobstructed corner clearance areas measured a distance of 25 feet along both the front and side lot lines, measured from the point of intersection, of the intersecting lot lines.
- (b) All objects, fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures, construction, and planting within any corner areas as previously defined shall ~~be limited to a maximum height of 24 inches above the established elevation of the nearest curb; provide unobstructed cross-visibility at a level between 30 inches and eight feet, with the exception of tree trunks that do not create a traffic hazard.~~
- (c) ~~Any permanent or semi-permanent structures, including trees or shrubs, with the exception of walls or fences subject to the height limitations stated herein, shall not be allowed or constructed within any part of the corner clearance areas. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle.~~
- (d) Landscaping, except required turf and groundcover, shall not be located closer than five feet from the edge of any roadway and three feet from the edge of any alley or pavement
- (e) The Public Works Director after consultation with the Code Compliance Director shall have final approval of the clear sight triangles.
- (f) It shall be unlawful for any person to plant or cause to be planted any tree or shrubs or to place any structure in the public right-of-way without a permit from the Town Manager or designee. The elevation grades of the public right-of-way adjacent to private property shall not be altered.

Sec. 90-92. ~~Sight triangles and clearances.~~

~~When the subject property abuts the intersection of one or more streets or access ways, all landscaping within the triangular area located within 25 feet of the intersection of the front and side street property lines shall provide unobstructed cross-visibility at a level between 30 inches and eight feet, with the exception of tree trunks that do not create a traffic hazard. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. Landscaping, except required turf and groundcover, shall not be located closer than five feet from the edge of any roadway and three feet from the edge of any alley or pavement. All sight triangles shall be indicated on the landscape plans.~~

~~NOTE: The town traffic engineer shall have final approval of the clear sight triangles.~~

~~Sec. 90-92. Sight triangles and clearances.~~

~~When the subject property abuts the intersection of one or more streets or access ways, all landscaping within the triangular area located within 25 feet of the intersection of the front and side street property lines shall provide unobstructed cross-visibility at a level between 30 inches and eight feet, with the exception of tree trunks that do not create a traffic hazard. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. Landscaping, except required turf and groundcover, shall not be located closer than five feet from the edge of any roadway and three feet from the edge of any alley or pavement. All sight triangles shall be indicated on the landscape plans.~~

~~NOTE: The town traffic engineer shall have final approval of the clear sight triangles.~~

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AMENDING CODE SECTION 90-52 "REQUIRED CLEARANCES" AND STRIKING CODE SECTION 90-92 "SIGHT TRIANGLES AND CLEARANCES"; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-52 of the code requires that all new construction maintain a corner clearance distance of 25 feet along both lot lines and that this corner clearance area remain free of all obstructions greater than 24 inches in height (See Attachment 1); and

WHEREAS, Section 90-92 also requires a 25 foot corner clearance area, but this code provision states that this area shall provide an unobstructed view of 30 inches for eight feet in height and this code provision does not reference if it is for new or existing structures (See Attachment 2); and

WHEREAS, Section 90-52 provides for a lower height for obstructions within this corner clearance area; and

WHEREAS, Section 90-92 allows for an additional six inches in height which is typical within most zoning codes; and

WHEREAS, the additional six inches offers homeowners the ability to plant landscaping groundcover with a maximum height of 30 inches within the corner clearance area; and

WHEREAS, the Town Planner recommends the Town Commission strike Section 90-92 of the Code and amend Section 90-92 for consistency; and

WHEREAS, the Town Commission held its first public hearing on April 9, 2013 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on April 25, 2013 with due public notice and input; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on May 14, 2013.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN
COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:**

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

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

Sec. 90-52. - Required clearances.

As an aid to free and safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and for property, ~~for proposed construction hereafter~~, there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures, construction, and planting on corner lots in all districts where front yards are required as follows:

- (a) All corner properties shall provide and maintain unobstructed corner clearance areas measured a distance of 25 feet along both the front and side lot lines, measured from the point of intersection, of the intersecting lot lines.
- (b) All objects, fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures, construction, and planting within any corner areas as previously defined shall ~~be limited to a maximum height of 24 inches above the established elevation of the nearest curb; provide unobstructed cross-visibility at a level between 30 inches and eight feet, with the exception of tree trunks that do not create a traffic hazard.~~
- (c) ~~Any permanent or semi-permanent structures, including trees or shrubs, with the exception of walls or fences subject to the height limitations stated herein, shall not be allowed or constructed within any part of the corner clearance areas. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle.~~
- (d) Landscaping, except required turf and groundcover, shall not be located closer than five feet from the edge of any roadway and three feet from the edge of any alley or pavement.
- (e) The Public Works Director, after consultation with the Code Compliance Director, shall have the final approval of the clear sight triangles.
- (f) It shall be unlawful for any person to plant or cause to be planted any tree or shrubs or to place any structure in the public right-of-way without a permit

from the Town Manager or designee. The elevation grades of the public right-of-way adjacent to private property shall not be altered.

Sec. 90-92. ~~Sight triangles and clearances.~~

~~When the subject property abuts the intersection of one or more streets or access ways, all landscaping within the triangular area located within 25 feet of the intersection of the front and side street property lines shall provide unobstructed cross-visibility at a level between 30 inches and eight feet, with the exception of tree trunks that do not create a traffic hazard. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. Landscaping, except required turf and groundcover, shall not be located closer than five feet from the edge of any roadway and three feet from the edge of any alley or pavement. All sight triangles shall be indicated on the landscape plans.~~

~~NOTE: The town traffic engineer shall have final approval of the clear sight triangles.~~

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

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

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this _____ day of _____, 2013.

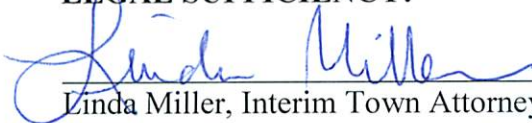
PASSED and ADOPTED on second reading this _____ day of _____, 2013.

Daniel Dietch, Mayor

Attest:

Sandra Novoa
Town Clerk

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



Linda Miller, Interim Town Attorney

On First Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

Commissioner Graubart	yes	_____	no	_____
Commissioner Kligman	yes	_____	no	_____
Commissioner Olchyk	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



Town of Surfside Commission Communication

Agenda Item # 5A

Agenda Date: April 9, 2013

Subject: Town Hall Janitorial Service

Background: Town Hall is approximately 25,400 square feet in size and houses every department except for Parks and Recreation. There are 28 offices, 11 restrooms, two locker rooms, Commission chambers, training room, kitchen/lounge area and the gym all within Town Hall. Approximately 85 employees utilize the facility during business hours.

Residents visit Town Hall frequently to pay bills, apply for permits, attend meetings, pick-up parking permits etc., and occasionally meet with staff to discuss issues or concerns they may have. In addition, vendors, contractors and other government agencies conduct business at Town Hall.

Cleaning and maintaining Town Hall is a huge task that falls upon one staff member. It is unreasonable to expect one person to effectively handle all the janitorial responsibilities of a facility this large. Residents, visitors and staff have commented on the need for upgraded and more frequent attention to public areas including the restrooms.

Analysis: It is clear that the current level of in-house service is insufficient to do the thorough cleaning necessary to properly maintain such a large, high usage facility. Town Hall is in clear need of a janitorial service that will supplement existing staff and operate in the evening hours. This is especially important since the sole employee responsible will retire in the foreseeable future.

Staff sought proposals from three janitorial service companies. They were asked to provide janitorial services three (3) times per week in the evening hours for a one year period. The following is the rank order obtained from submitted proposals:

Kelly Janitorial Systems	\$888 per month
Stockton Maintenance Group	\$1,743 per month
D&P General Maintenance Services	\$2,511 per month

Some of the janitorial service costs will be off-set by the reduction in overtime being paid to the staff member who stays beyond his normal shift hours for events held later in the evening.

Based upon the proposals submitted and references from local municipalities Kelly Janitorial Systems finished first in the rankings.

Budget Impact: The annual cost for the janitorial service is \$10,656. This will be funded from the Public Works Department budget.

Staff Impact: Contracting with a janitorial service will allow the lone staff employee to concentrate on specific maintenance duties during the day. There are also emergency clean-ups that become necessary from time to time.

Recommendation: Staff recommends that the Town Commission approve an agreement with Kelly Janitorial Systems to provide janitorial services three times per week at Town Hall for a one year period in an amount not to exceed \$10,656.



Department Head



Town Manager

RESOLUTION NO. 13- ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH KELLY JANITORIAL SERVICES INC., FOR JANITORIAL SERVICES THROUGHOUT TOWN HALL; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the “Town”) wishes to retain Kelly Janitorial Systems, Inc. (hereinafter “KELLY”) to provide janitorial service three times per week at Town Hall for a one year period for an annual cost of \$10,656; and

WHEREAS, Town Hall is approximately 25,400 square feet, is utilized by more than 85 employees during business hours, consists of 28 offices, 11 restrooms, two locker rooms, Commission Chambers, training room, kitchen/lounge area, and a gym; and

WHEREAS, all of the cleaning and maintaining of Town Hall falls upon one staff member; and

WHEREAS, the current level of in-house service is insufficient to do the necessary cleaning and maintenance of such a large high usage facility; and

WHEREAS, in response to resident comments and an obvious need, Staff has sought three proposals from janitorial service companies and KELLY’s proposal represented the lowest cost to the Town; and

WHEREAS, the cost of the janitorial services will partially be off-set by the reduction in overtime being paid to the staff member and the remaining cost will be funded from the Public Works Department budget; and

WHEREAS, the Town Commission finds that approval of the Agreement between KELLY and the Town is in the best interest of the Town.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval of Agreement. The Agreement between KELLY and the Town of Surfside to provide janitorial services three times per week for a year (Attachment "A"), together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

Section 3. Authorization of Town Officials. The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

Section 4. Authorization of Fund Expenditure. The Town Manager is authorized to expend Public Works funds to implement the terms and conditions of the Agreement.

Section 5. Execution of Agreement. The Town Manager is authorized to execute the Agreement on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Town Attorney.

Section 6. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this ____th day of _____, 2013.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

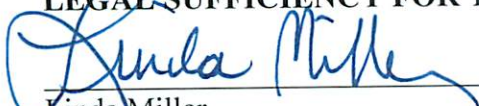
Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller
Interim Town Attorney

ATTACHMENT "A"

ADDENDUM TO AGREEMENT

Between

KELLY JANITORIAL SYSTEMS, INC. AND THE TOWN OF SURFSIDE, FLORIDA.

This ADDENDUM TO THE SERVICE AGREEMENT AND PROPOSAL, (collectively, "AGREEMENT"), is made and entered into this _____ day of _____, 20____, by and between Kelly Janitorial Systems, Inc., his/her HEIRS, SUCCESSORS, DEVISEES, AGENTS, ASSIGNS, REPRESENTATIVES and INTERESTS (hereinafter "KELLY") and the Town of Surfside, including, without limitation, any and all of its agencies, boards, the Town of Surfside and commissions, their insurer(s), officers, directors, employees, representatives, and agents, (hereinafter the "Town").

WHEREAS, KELLY intends to provide janitorial services; and

WHEREAS, the services to be provided are detailed on the KELLY proposal and agreement (attached as exhibit "A").

NOW, THEREFORE, in exchange for the mutual promises contained herein, the parties agree as follows:

Terms and Conditions

1. **Addendum Controlling.** In the event there is a conflict between the terms and conditions of the Addendum and of the Service Agreement, KELLY's proposal, or any attachments, exhibits or amendments thereto and this Addendum, this Addendum shall control.
2. **Hold Harmless and Indemnification.** For other good and valuable consideration the receipt and adequacy of which is hereby acknowledged, KELLY agrees to indemnify, defend and hold harmless, the Town, its officers, agents, and employees from, and against any and all claims, actions, liabilities, losses and expenses including, but not limited to, attorney's fees for personal, economic or bodily injury, wrongful death, loss of or damage to property, at law or in equity, which may arise or may be alleged to have risen from the negligent acts, errors, omissions or other wrongful conduct of the KELLY, agents or other personnel entity acting under KELLY's control in connection with the KELLY's performance of services under this Agreement and to that extent the KELLY shall pay such claims and losses and shall pay all such costs and judgments which may issue from any lawsuit arising from such claims and losses including wrongful termination or allegations of discrimination or harassment, and shall pay all costs and attorneys' fees expended by the Town in defense of such claims and losses including appeals. That the aforesaid hold-harmless agreement by KELLY shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations of KELLY or any agent or employee of KELLY regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.
3. **Entire Agreement.** This Agreement, any Addendum thereto shall constitute the entire agreement and understanding of the parties relating to the subject matter hereof superseding all prior communications between the parties whether oral or written, and this Agreement may not be altered, modified or otherwise changed nor may any of the terms hereof be waived, except by a written instrument executed by both parties and approved by the Town Attorney. Nothing in this Agreement is intended or should be construed as in any way creating or establishing the relationship of partners or joint ventures between the Town and KELLY.
4. **Severability.** The Parties to this Agreement expressly agree that it is not their intention to violate any public policy, statutory or common law rules, regulations, or decisions of any governmental or regulatory body, If any provision of this Agreement is judicially or administratively interpreted or construed as being in violation of any such policy, rule, regulation, or decision, the provision, sections, sentence, word, clause, or combination thereof causing such violation will be inoperative (and in lieu thereof there will be inserted such provision, section, sentence, word, clause, or combination thereof as may be valid and consistent with the intent of the Parties under this Agreement) and the remainder of this Agreement, as amended, will

- remain binding upon the Parties, unless the inoperative provision would cause enforcement of the remainder of this Agreement to be inequitable under the circumstances.
5. **Governing Law.** The validity, construction and effect of this Agreement shall be governed by the laws of the State of Florida. Any claim, objection, or dispute arising out of the terms of this Agreement shall be litigated in Miami-Dade County, Florida.
 6. **Service Charge.** The service charge will remain in effect for one year unless there are SUBSTANTIAL changes in the original specifications for the premises. In the event of such changes, the Town agrees to provide KELLY notice of such changes and KELLY agrees to provide Town with estimated cost of changes within seven (7) days receipt of such notice.
 7. **Sovereign Immunity.** Nothing in this agreement shall be deemed or otherwise interpreted as waiving the Town's sovereign immunity protections existing under the laws of the State of Florida, or as increasing the limits of liability as set forth in Section 768.28, Florida Statutes.
 8. **Termination/Late Fees.** KELLY will provide an invoice for services to the Town not less than thirty (30) days from the billing due date. The Town as a municipal corporation will never pay an early termination charge, or similar penalty or imposition, or a monthly late charge under any circumstances. KELLY's sole remedy for payments it claims are due are to receive simple interest at the rate of twelve (12%) per cent per annum on the unpaid balance in accordance with the applicable provisions of the *Local Government Prompt Payment Act*, Chapter 218, Part VII, Fla. Stat. (2010), as amended.
 9. **Independent Contractor Relationship.** KELLY, including its employees, is an independent Contractor and shall be treated as such for all purposes. Nothing contained in this agreement or any action of the parties shall be construed to constitute or to render KELLY as an employee, partner, agent, shareholder, officer or in any other capacity other than as an independent contractor other than those obligations which have been or shall have been undertaken by the Town. KELLY shall be responsible for any and all of its own expenses in performing its duties as contemplated under this agreement. The Town shall not be responsible for any expense incurred by KELLY. The Town shall have no duty to withhold any Federal income taxes or pay Social Security services and that such obligations shall be that of KELLY other than those set forth in this agreement. KELLY shall furnish its own transportation, office and other supplies as it determines necessary in carrying out its duties under this agreement.
 10. **Most Favored Nation.** KELLY agrees that if, after the Effective Date of this Agreement, it enters into an agreement for the same or substantially similar scope of services with another local government in Florida which contains a term or condition, including fees, charges or costs, that are more favorable than the terms in the Agreement, the Town may provide KELLY with written notice explaining how the new agreement is for the same or substantially similar services and how the new agreement contains terms or conditions that are more favorable than the terms in the Agreement, and requesting to negotiate an amendment to the Agreement (a "New Agreement Notice"). The parties shall act in good faith to negotiate an amendment to the Agreement that addresses, in a manner that is fair and equitable to both parties, the matters raised by the Town in the New Agreement Notice. If the parties fail to reach agreement upon an amendment within ninety (90) days of the New Agreement Notice, then the Town shall have the right to terminate this Agreement without penalty or early termination fee, subject to the terms and conditions herein, by providing thirty (30) days advance written notice to KELLY, such notice to be given no later than one hundred (100) days from the New Agreement Notice.
 11. **Conflict of Interest.** KELLY agrees to adhere to and be governed by the Miami-Dade County Conflict of Interest Ordinance Section 2-11.1, as amended; and by Town of Surfside Ordinance No.07-1474, which are incorporated by reference herein as if fully set forth herein, in connection with the Agreement conditions hereunder. KELLY covenants that it presently has no interest and shall not acquire any interest, direct or indirectly that should conflict in any manner or degree with the performance of the services.
 12. **Public Records.** KELLY agrees that all documents maintained and generated pursuant to this Agreement shall be subject to all provisions of Chapter 119, Florida Statutes. It is further understood that any report, tracing, plan, map or other work product, without limitation, given by Town to KELLY pursuant to this Agreement shall at all times remain the property of Town, shall be returned to Town, and shall not be used by KELLY for any other purpose without the written consent of the Town.
 13. **Notices.** All notices and communications required herein shall be in writing and shall be given by personal delivery, by certified or registered mail, return receipt request, addressed to the respective Party as set forth below or to such other address as may be designated in writing by such Party. Notice shall be deemed given upon receipt.

To KELLY JANITORIAL SYSTEMS, INC:
Kelly Janitorial Systems, Inc
2130 SW 94th Ct.
MIAMI, FL 33165
Attn. Luisa Alonso
Email: Kelly@kellyjanitorial.com

To the Town of Surfside:
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154
Attn: John DiCenso, Interim Public Works Director
Email: jdicenso@townofsurfsidefl.gov

With copy to:
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154
Attn: Linda Miller, Interim Town Attorney
Email: lmiller@townofsurfsidefl.gov

IN WITNESS WHEREOF, the parties, intending to be legally bound, hereby have executed this Agreement as of the date set forth.

TOWN OF SURFSIDE

A Florida Municipal Corporation,

BY: _____
Roger M. Carlton, Town Manager

Date

BY: _____
_____/Authorized Representative
KELLY Janitorial Systems, Inc.

Date

Attest: _____
Sandra Novoa, CMC, Town Clerk

Date

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

BY: _____
Linda Miller, Interim Town Attorney

Date

KELLY JANITORIAL AGREEMENT

The undersigned TOWN OF SURFSIDE (CUSTOMER) hereby accepts the proposal of KELLY JANITORIAL SYSTEMS, Inc., for our premises located at: TOWN OF SURFSIDE 9293 Harding Ave.Surfside, FL 33154 , upon the following terms:

1. KELLY JANITORIAL's service charge will be the amount of: SEE ATTACHMENT "A"
2. KELLY JANITORIAL shall provide general liability insurance and a janitorial bond as specified on the certificate of insurance.
3. The customer account is payable in full ten (10) days of the billing date. Past due amounts will accrue interest at the rate of one 1.5% per month or twelve 18% per annum. In the event of default on payment, CUSTOMER agrees to pay KELLY JANITORIAL attorney's fees and costs for collection.
4. The term of this contract is for one (1) year from the first day of service and will automatically period for an additional one year period upon each anniversary date. If a party to this cleaning Agreement fails to perform according to its obligations hereunder, ("the non-performing pay), the party claiming non-performance (the claiming party") will send the non-performing party written notice by certified mail, specifying the manner of nonperformance. This notice will provide that the non-performing party will have fifteen (15) days from the receipt of the notice to cure or correct the items of nonperformance. If these items have not been corrected or cured within this fifteen (15) days period, the claiming party may then terminate this Agreement by sending the non-performing party a thirty (30) day written notice termination.
5. The CUSTOMER shall provide KELLY JANITORIAL with 2 sets of keys, one to be used for supervisory personnel and one for the cleaning crew.
6. The service charge will remain in effect for one year unless there are changes in the original specifications for the premises. In the event of such changes, CUSTOMER will advise KELLY JANITORIAL accordingly.
7. Upon termination of this Agreement by either party for any reason, it will be understood and agreed that the CUSTOMER shall not hire or use KELLY JANITORIAL personnel or individuals who were engaged by KELLY JANITORIAL for one hundred twenty(120) days after the termination of this Agreement, without KELLY JANITORIAL's written consent.

SIGNED BY: _____

Kelly Janitorial Systems, Inc.

DATE: _____

SIGNED BY: _____

Customer:

GENERAL INFORMATION AND PROCEDURES

High quality service does not come by accident. KELLY JANITORIAL is a distinctive service centered organization that has set high quality as our GOAL. We work continuously and tirelessly toward that goal.

QUALITY INSPECTIONS: Your account executive will perform unannounced inspections at different times of the day. This practice assures KELLY JANITORIAL'S high standards and encourages feedback from our customers.

RULES AND REGULATIONS: It is understood that KELLY JANITORIAL'S personnel shall comply with any building rules and that the aforementioned schedule may vary from time(s) to time(s), according to the needs of CUSTOMER.

EQUIPMENT AND SUPPLIES: As per our contract agreement, KELLY JANITORIAL will furnish equipment and labor.

COMMUNICATIONS: We work when you work. - So we will always be available when you need us. KELLY JANITORIAL is able to assist you with any cleaning matters 24 hours a day.

The following days are statutory holidays in which KELLY JANITORIAL shall not be obligated to perform any service; New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. Upon three(3) days written notice by building KELLY JANITORIAL will perform services on said days at use (2) times the normal daily rate.

ATTACHMENT A

TOWN OF SURFSIDE CLEANING SERVICES

PROPOSAL

PRICES

CITY HALL:

- a. Janitorial services: 3 times per week services will be \$887.86 PER MONTH (\$68.34 per visit).
- b. Janitorial services: 5 times per week services will be \$1387.86 PER MONTH(\$64.10 per visit)

COMMUNITY CENTER:

- a. Janitorial Services: 5 times per week services will be \$587.86 PER MONTH (\$27.15 per visit).
- b. Janitorial services 6 times per week services will be \$687.86.86 PER MONTH (\$26.47)

KELLY JANITORIAL –BEST OPTION for the Town of Surfside:

CITY HALL:

PORTER-(employee of the town): 40 hours per week: To be used for City Hall and Community Center).
Janitorial services 5 times per week services: \$1387.86 PER MONTH

COMMUNITY CENTER:

Janitorial services 6 times per week services \$687.00

Note: NO PORTER SERVICES. Because the porter in the City Hall will have less cleaning duties in the City, he will have time to do the periodic light cleaning in the Community Center during the day and at night the cleaning crew will do the deep cleaning of the Community Center 6 times per week.

TOTAL for CITY HALL & COMMUNITY CENTER: \$2074.86

THE PRICE INCLUDE:

- a. Janitorial services labor- see scope of services.
- b. Equipment
- c. Cleaning supplies
- d. Shampoo carpets twice per year and remove stains as needed
- e. Scrub machine restrooms on quarterly basis.
- f. All insurances including workers Compensation and Liability of KELLY PERSONNEL.

KELLY JANITORIAL'S CLEANING SCHEDULE

For the City Hall and Community Center
3 or 5 or 6 times per week services

ENTRANCE(S), LOBBY. OFFICES, CONFERENCE ROOM, KITCHEN AREA & COMMON AREAS.	Daily D	Weekly W	Monthl y M	Upon Request UR
Dust & clean all fixtures including machines, credenzas, desks, counter tops. Arrange furniture in proper position.	D			
All waste paper receptacles emptied and taken to a designated area in building for removal, replace liners as needed. Plastic bags provided by Client.	D			
All internal glass partitions and entrance doors dusted; smudges and fingerprints removed	D			
Clean desks whenever place available	D			
Spot clean doors, light switches		w		
Sweep & police for litter in the stairs.	D			
Clean & polish elevators.	D			
High dusting in credenzas and places out of reach.			M	
Dust molding and door's wood or frames. Dust pictures frames, Clean window sills			M	
<u>FLOORS, CARPET, TILE, CONCRETE.</u>				
Vacuum all carpeted areas.				
All ceramic and resilient floor area dust mopped, all ceramic tile floor areas damp mopped	D			
Shampoo carpets				Twice per yea
<u>RESTROOMS</u>				
Empty all waste receptacles. Wash as necessary.	D			
Clean and polish all dispensers and fixtures	D			
Clean and disinfect wash basin, toilet bowls and urinals.	D			
Spot clean tile wall and toilet partitions.	D			
All restroom partitions washed and cleaned with a germicidal detergent	D			
Clean all metal and mirrors, doors on both sides.	D			
All paper products restocked (Supplies furnished by CLIENT)	D			
Mop all lavatory floors with disinfectant using clean mop.	D			
<u>WINDOW CLEANING</u>				
Entrance glass doors	D			
Clean windows outside/inside				UR

KELLY JANITORIAL'S REFERENCE LIST

LEGAL SERVICES OF GEATER MIAMI. 3000 Biscayne Blvd. Miami, FL.
4 floors building.
Client since 1995
Mr. Luis Diaz . 305-576-0080

City of Aventura City Hall, Community Center, 2 Charter Schools, 2 Parks
5 floors
Clients since 2000 to 2012
Mr. Julio Garcia 305-525-0896

BAL HARBOUR CITY HALL, POLICE STATION, DISPATCH
Client since 2004
Ms. Andrea 305-866-4633

SUNSET BUILDING
Client since 2008
Mr. Gary Einsenberg 786-486-6666

3 BUILDINGS FROM **FLORIDA TURNPIKE** Milepost 65, 99 & 145, SUNPASS
OPERATION BUILDING
Client since 2010
Turnpike Buildings MILEPOST 65, 99 & 145
Mr. Gordon 954-214-3801

CONCORDE CENTER II 2999 NE 191ST. Street, Aventura, FL.
12 floors building.
Client since 1990
Mr. Joaquin Delgado 305-887-9801

OTHER IMPORTANT CLIENTS:

Florida Turnpike SUNPASS Operation Center in Boca Raton,
City of South Miami
City of Palmetto bay 2008-2012 (in house now)



Town of Surfside Commission Communication

Agenda Item # 5B

Agenda Date: April 9, 2013

Subject: Isaac Singer Boulevard Signage

Background: Isaac Bashevis Singer was a highly respected author and Nobel Prize winner. Mr. Singer often stayed in Surfside and passed away on July 24, 1991 at the age of 88 while here. In his honor the Town named 95th Street "Isaac Singer Boulevard" (Attachment 1). Attachment 1 is the Town Commission Resolution that left out "Bashevis". Unfortunately, the street signs do not adequately reflect Mr. Singer's true name and should be changed to "Isaac Bashevis Singer Boulevard" to properly honor him.

Analysis: In order to change the street signs to "Isaac Bashevis Singer Boulevard" the Town would need to pass a resolution and work with Miami-Dade County Commissioner Sally Heyman to sponsor a resolution which must be approved by the County Commission.

The Miami-Dade Traffic Signals and Signs Division was contacted and provided an estimate of \$1400 to replace the existing signs plus install two (2) ground mounted memorial designation signs at each end of 95th Street which were not part of the original project (Attachment 2).

Budget Impact: The cost to change the signs along 95th Street is approximately \$1400 including the two (2) memorial signs and will be funded from the Public Works Department budget.

Staff Impact: None

Recommendation: Staff recommends that the Town Commission approve changing the signs on 95th Street to "Isaac Bashevis Singer Boulevard" and adding the two (2) memorial signs at a cost of approximately \$1400.

Department Head

Town Manager

RESOLUTION NO. 1064

A RESOLUTION REQUESTING DADE COUNTY
TO DESIGNATE 95TH STREET AS "ISAAC
SINGER BOULEVARD."

WHEREAS, Isaac Singer has been awarded the Nobel Peace
Prize; and

WHEREAS, Isaac Singer is a resident of the Town of
Surfside, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE
TOWN OF SURFSIDE:

Section 1. That the above and foregoing recitals are
true and correct.

Section 2. That the Town Council of the Town of
Surfside hereby requests Dade County to designate 95th
Street as "Isaac Singer Boulevard."

PASSED and ADOPTED this 10 day of April, 1979.


MAYOR

Attest:\


TOWN CLERK

Adopted: 4-10-79

Approved as to form and legal
sufficiency:


TOWN ATTORNEY

From: Aira, Frank (PWWM)
Sent: Thursday, March 21, 2013 10:34 AM
To: Chong, Michelle (PWWM)
Cc: Richardson Clark, Veronica (PWWM)
Subject: RE: ISAAC SINGER BLVD.

Good Morning Michelle,

We had reached out to the Clerk of the Board for them to find the County resolution on this co-designation, however since it is not within their electronic records they would need a resolution number to find the actual resolution. Typically, the County's Resolution would have not been any different than the Town's resolution on the co-designation. Since, the signs installed are consistent with the Town's resolution, we can move forward by obtaining new Town and BCC resolutions to change the signs. The Town should work to pass a resolution for the proposed name change and then work with the District Commissioner, I believe it is Sally Heyman, to sponsor a County resolution. The estimated costs for the replacement signs is approximately \$1,400, this would include two (2) ground mounted Designation signs at each end of 95 Street which were not originally installed. Please let me know if you would need more information.

Thanks,

Frank Aira, P.E., CFM

Acting Chief, Traffic Signals and Signs Division

Miami-Dade County Public Works and Waste Management Department

7100 NW 36 Street • Miami, Florida 33166

Phone 305-592-3580

111 NW 1st Street • Miami, Florida 33128-1970

Phone: 305-375-2930

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All E-mail sent and received is captured by our servers and kept as a public record.

RESOLUTION NO. 13-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AUTHORIZING A CORRECTION TO STREET SIGN NAME FROM "ISAAC SINGER BOULEVARD" TO "ISAAC BASHEVIS SINGER BOULEVARD; AUTHORIZING APPROXIMATELY \$1400 TO REPLACE THE EXISTING SIGNS AND INSTALL TWO (2) GROUND MOUNTED MEMORIAL DESIGNATION SIGNS AT EACH END OF 95TH STREET WHICH WERE NOT PART OF THE ORIGINAL PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Isaac Bashevis Singer was a highly respected author and Nobel Prize winner who often stayed in Surfside; and

WHEREAS, Resolution No. 1064 adopted in 1979 requested that Dade County designate 95th Street as "Isaac Singer Boulevard"; and

WHEREAS, it has come to the Town's attention that the name "Bashevis" was not included in the original signs (See Attachment "1"); and

WHEREAS, the Town Commission believes that the 95th Street signs do not adequately reflect Mr. Singer's true name and should be changed to "Isaac Bashevis Singer Boulevard" to properly honor him; and

WHEREAS, in order to change the signs to "Isaac Bashevis Singer Boulevard" the Town requires adoption of this resolution and coordination with Miami-Dade County Commissioner Sally Heyman to sponsor a resolution which must be approved by the Miami-Dade County Commission; and

WHEREAS, the Town Staff contacted the Miami-Dade Traffic Signals and Signs Division who provided an estimate of approximately \$1400 to replace the existing signs, plus

Resolution No. _____

install two (2) ground mounted memorial designation signs at each end of 95th Street which were not part of the original project (Attachment 2).

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

Section 1. Recitals. That the above and foregoing recitals are true and correct, and are incorporated herein by reference.

Section 2. Approval and Authorization. The Town Commission approves and authorizes the Town Manager and/or his designee to take all actions necessary to implement the terms and conditions of the resolution and appropriate the funds from the Road Materials Account to purchase and install the signs.

Section 3. Effective Date. This Resolution shall be effective immediately from adoption hereof.

PASSED and ADOPTED on this ____ day of April, 2013

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart	_____
Commissioner Michelle Kligman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

Resolution No. _____

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller
Interim Town Attorney

Resolution No. _____



**Town of Surfside
Commission Communication**

MEMO

To: Mayor and Members of the Town Commission

From: Roger M. Carlton, Town Manager

Date: April 9, 2013

Subject: Resolution In Opposition to House Bill 999

The attached Resolution expresses the Town of Surfside is in opposition to the proposed House Bill 999 which essentially limits the ability of a municipality to request information of an applicant for a development permit more than three times. As the Town Commission is aware, the development permitting process is iterative. In Surfside, these meetings are very important (DRG, DIC, P&Z and the Town Commission) and projects evolve and improve over many meetings. The limitation to three requests for additional information is not only a violation of our home rule process, far worse, it is very damaging to our goal of improving the quality of architecture and community planning. There are other elements of this proposed legislation that are offensive... Specifically there is a limitation on the part of government to compete with private companies in recycling collection. Apparently the sponsors of this bill believe competition is not a good thing.

This developer sponsored bill is simply not a good thing for local government. This is why a resolution urging the Governor and Legislature to oppose the bill is in order.

HB 999 –Comments

The most salient planning issue in HB 999 is related to limiting a municipality's (also a county's) ability to request additional information from a development applicant after a pre-application meeting. Here are some highlights of the bill:

Development Permits

If an applicant has participated in a pre-application meeting, a municipality (or county) may not request additional information from the applicant more than three times.

- The first request must be approved in writing by the permit processor's supervisor, department director, or manager.
- The second request must be approved by a department or division director or manager.
- Third request must be approved in writing by municipal (or county) administrator.
- If the applicant believes the request is not based upon any code or legal authority, the municipality (or county) shall process the application at the applicant's request.

Other items of interest to municipalities:

Regional Water Supply Planning

- Language strengthened on requirement for one public workshop on modeling tools (changed must to shall).
- Softened requirements for regional water supply plans (changed shall to must).
- Softened requirements for water supply project options (changed shall to must).

Solid Waste

- Regulates activities of local governments providing commercial recovered material collection in competition with private commercial recovered material collection companies.

Water Allocation and Wells

- Water management district cannot reduce an existing permitted allocation of water based upon existing or planned availability of water from a desalination plant.
- Changes related to the abandonment of water wells.
- Limiting licensure of water wells to the water management district only.

Stormwater/Wetlands

- Defines mean annual flood line.
- No permit shall be required for activities affecting wetlands created by unauthorized flooding or interference with natural flow of surface water by an adjoining landowner except for activities that discharge dredge and fill into US waters and federally regulated wetlands.
- Existing water control districts that have a valid environmental resource permit are exempt from certain statutory wetland or water quality regulations.

Water Suppliers

- Special districts encouraged to create multijurisdictional water supply entities.
- Defines self-suppliers of water.

Water Quality Testing

- Only validated and adopted by rule water quality testing methods may be used in order to reduce variability.

Submerged Lands and Public Mooring Fields

- Changes regarding leases of sovereignty submerged land for boat shows.
- Changes regarding leases of sovereignty submerged land for public marinas.
- Limitation on the number of vessels in a public mooring field.

Other

- Incentivizes electronic submission of forms under Chapters 161, 253, 373, and 376.
- Changes related to air pollution permits.
- Establishes an agricultural water supply planning program.

ISSUES AND IMPACTS

Language erodes a municipality's home rule authority.

Defers to F.S. 163.3164 for definition of "Development Permit" - **DOES NOT** include "Development Order"

F.S. 163.3164 defines "Development Permit" as:

"any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land."

With the exception of building permits, a number of these applications are quasi-judicial in nature staff does not have the authority to approve or deny quasi-judicial applications.

If "3-times rule" is invoked on a building permit, staff has to either approve or deny the application – if denied, a municipality could require the applicant to begin the process all over, causing longer permit processing and additional expense for a new permit.

The "3-times rule" is based on the "belief" of the applicant; should be based upon competent substantial evidence, same basis that staff is held when reviewing these types of applications.

May be in direct conflict with the FBC which includes the NFPA code for building permit review. If the Building Official, Fire Marshall, City Engineer or Zoning Official determines that the code is not met, and the applicant invokes the "3-times rule" based on their "belief" then staff will have no choice but to deny the application, further delaying the review.

Many municipalities have rules if a rezoning application is denied, a new application cannot be submitted for a year. If the "3-times rule" is invoked on a rezoning, even though staff does not have the authority to approve or deny, but rather denies moving

- the applicant forward because repeated request for additional information is not provided, a new application may not be submitted for a year.

The “3-times rule” is only triggered after a “pre-application meeting”; typically, pre-application meetings are held for site plan review (Development Order) applications which are not covered under the definition of “Development Permit”

Provides no definition of “pre-application meeting” nor does it require a municipality to have one; e.g. if a municipality does not have a “pre-application meeting” and only has meetings after the application is submitted, does that mean the “3-times rule” cannot be invoked?

By requiring a series of “higher-up” sign offs for requests will make it almost impossible to permit anything in large municipality.

RESOLUTION NO. 13-____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE HONORABLE GOVERNOR AND THE STATE OF FLORIDA LEGISLATURE TO OPPOSE THE PROPOSED HOUSE BILL 999 “ENVIRONMENTAL REGULATION” LIMITING A MUNICIPALITY’S ABILITY TO REQUEST ADDITIONAL INFORMATION FROM A DEVELOPMENT APPLICANT AFTER A PRE-APPLICATION MEETING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida House of Agriculture and Natural Resources Subcommittee has referred House Bill 999 “Environmental Regulation” (hereinafter “Bill”); and

WHEREAS, the proposed Bill would limit a municipality’s ability to request additional information from a development applicant after a pre-application meeting to not more than three times; and

WHEREAS, a number of development permits are quasi-judicial in nature and staff does not have the authority to approve or deny the application, limiting requests to no more than three times is not basing the review of the applications on substantial competent evidence but rather on the belief of the applicant; and

WHEREAS, the proposed legislation erodes a municipality’s home rule authority and can result in extreme hardship for the applicants; and

WHEREAS, it is in the best interest of the Town of Surfside to urge the Honorable Governor and The State of Florida Legislature to oppose the passing of the Bill.

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

Section 1. Recitals. The above-stated recitals are hereby adopted and confirmed.

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 Town Clerk. The Town Clerk is hereby directed to send a certified copy of this resolution to The Honorable Governor and The State of Florida Legislature.

Section 4. Effective Date. This Resolution shall be effective immediately from adoption hereof.

PASSED and **ADOPTED** on this ____ day of April, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION


Commissioner Joseph Graubart	_____
Commissioner Michelle Kligman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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




Linda Miller, Interim Town Attorney



**Town of Surfside
Commission Communication**

MEMO

To: Mayor and Members of the Town Commission
From: Roger M. Carlton, Town Manager 
Date: April 9, 2013
Subject: Expressing Sympathy to the Family of Susan McGlynn

Susan McGlynn, the long time librarian for the Town of Surfside recently passed away. The attached resolution of sympathy to her family also authorizes the placement of a memorial brick at the Community Center where the library was located for many years.

RESOLUTION NO. 13-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; EXPRESSING SYMPATHY TO THE FAMILY OF SUSAN MCGLYNN, HEAD LIBRARIAN FOR THE TOWN OF SURFSIDE FOR 17 YEARS; AUTHORIZING PLACEMENT OF A MEMORIAL BRICK IN THE SURFSIDE COMMUNITY CENTER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside expresses their sympathy to the family of Susan McGlynn, who was a devoted employee and the Head Librarian for the Town for 17 years; and

WHEREAS, the Town Commission wishes to honor Susan McGlynn by placement of a memorial brick at the Surfside Community Center.

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

Section 1. Recitals. That the above and foregoing recitals are true and correct, and are incorporated herein by reference.

Section 2. Acknowledgement and Authorization. As an expression of acknowledgement of Susan McGlynn's dedication to the Town, the Town Commission offers its collective appreciation and authorizes the Town Manager or his designee to place a memorial brick in the Surfside Community Center.

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

Resolution No. _____

PASSED AND ADOPTED this _____th day of April, 2013.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller
Interim Town Attorney

Resolution No. _____



**Town of Surfside
Town Commission Meeting
March 12, 2013
7 p.m.**

DISCUSSION / COMMUNICATION ITEM MEMORANDUM

Title: "Financing the proposed conversion of overhead utilities to underground"

Objective: To present a communication to Commission and Staff to evaluate/consider.

Consideration: Financing and/or how Town's residents will pay for 'undergrounding' of utilities.

Action: To give *Town Manager(s) and Town Director of Finance to research suggestions / recommendations made based upon our discussion and hand-out(s). *incoming (new)

Approximate Cost: Minimal / None

Amount of Time this Agenda Item should take: 10 minutes

Thank you for your consideration;

Respectfully,

Joe Graubart, Commissioner

Dear Manager Carlton and Finance Director Nelson,

There exist many questions regarding the financing of this project. As you well know, I believe these questions and answers must eventually be answered in public at a Comm. Meeting.

The Town has listed on page 24 (see attached) of the: "Town of Surfside, Florida Adopted Budget 2012 – 2013" the "General Fund Summary FY 12/13" with "Adopted Revenues." Under that heading ("Adopted Revenues") you will note: "Franchise and Utility Taxes" with the associated amount of \$1,309,853 – as collected on invoices/bills/statements sent to residents/consumers/tenants on Harding Ave., etc. at this time. The projected \$12.00 (+/-) per residential household is to be added to their electric bill (we are not sure what will happen to ATT and Atlantic Broadband – or, at least I am not) if/when project proceeds total amount collected will obviously be in addition* to the \$1,309,853 in FY 12/13. * I understand perhaps not added to, but a separate line item?

Page 23 – Table 12 of the TischlerBise report (attached) re: "Customer Consumption Charge Structure" specifies three "Blocks" of use (consumption) Block 1, Block 2 and Block 3 (three tiers) which indicates that Block One pays the least per unit (of water) as they consume the least... while Block Three pays the most per unit as they consume the most. This was done to: "cut back on wasteful water (their) consumption." Do we want to encourage cutting back on wasteful electric power consumption? As we did with water consumption.

Please note (attached) that the Franchise Fee & Utility/Tax/Charge goes up and down or is 'tied' to the amount of electricity used or what FPL calls "Electric Service Amount" (see attached Exhibit A). Simply, the more you use the more you pay – a **progressive tax/charge. This also appears to be the case with AT&T, Atlantic Broadband, fees/charges/taxes etc. Please see attached Exhibit A**

Perhaps I should attend the FPSC (Florida Public Service Commission) meeting Mr. Carlton spoke of regarding addressing these issues I have raised?

Joe Graubart, Commissioner

Attachments

General Fund Summary
FY 12/13

FY 11/12 Estimated **Millage Rate: 5.5000**

Estimated Total Revenues	10,618,606
Estimated Expenditures & Encumbrances	<u>(10,197,251)</u>
Estimated FY 11/12 Year End Difference	<u><u>421,355</u></u>

Projected Unassigned Fund Balance

Audited Unassigned Fund Balance 9/30/2011	1,958,783
Estimated FY 11/12 Year End Difference	421,355
Projected Unassigned Fund Balance 9/30/2012	<u>2,380,138</u>
Use of Fund Balance FY 12/13	<u>0</u>
Projected Unassigned Fund Balance 9/30/2013	<u><u>2,380,138</u></u>

FY 12/13 Budget Summary **Millage Rate: 5.3000**

Adopted Revenues

Projected Unassigned Fund Balance 10/1/2012	2,380,138
Real and Personal Property Taxes	5,348,249
Sales and Use Taxes	476,239
Franchise and Utility Taxes	1,309,853
Permits/Licenses/Inspections	1,349,700
Intergovernmental Revenues	529,380
Services Revenues	269,705
Fines and Forfeitures	546,091
Miscellaneous Revenues	396,010
Total Revenue	<u><u>12,605,365</u></u>

Adopted Expenditures

Personnel Costs	7,119,921
Operating Items	3,088,806
Capital Outlay	15,000
Debt Service	0
Non-Operating Expenses	1,500
Projected Unassigned Fund Balance 9/30/2013	<u>2,380,138</u>
Total Expenditures	<u><u>12,605,365</u></u>

Note: There is an additional \$2 million in assigned reserves for hurricane recovery in the General Fund

From: Tischler Bise
" WATER & SEWER RATE STUDY "
MARCH 28, 2011

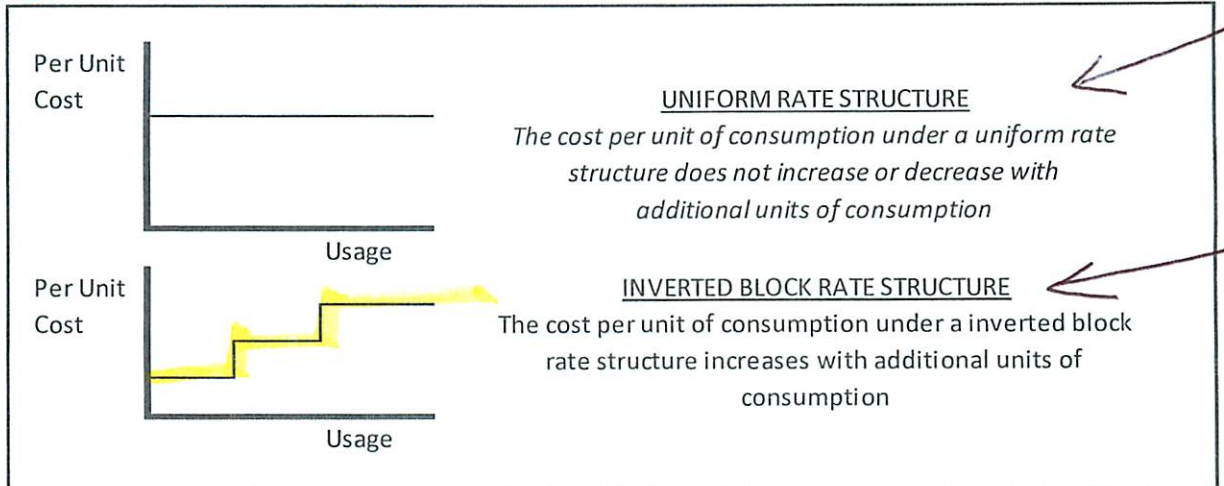
concessions between the various objectives,
leading objectives of the Town.

Overview of Existing Rate Structure

The Town has one water rate structure for its consumption charges: a uniform block rate structure. Regardless of consumption amounts (above a minimum allotment per meter size), the rate per unit of water (1,000 gallons) is consistent. There are some merits to this approach such as some degree of

certainty to a customer bill as well as a moderate incentive to conserve water. However, a more effective conservation pricing structure utilizes an inverted block, or inclining block, approach. This structure increases the marginal price of a unit of water above certain thresholds. Figure 8 provides an overview of the two rate structures.

Figure 8: Consumption Charge Approaches



The former water rate structure included two components: a bi-monthly allotment of water use based on a customer’s meter size and a consumption charge of \$3.54 per 1,000 gallons of water use. As discussed above, the consumption rate is the same rate regardless of customer class and does not increase or decrease with amount of water use. The bi-monthly charge includes minimum water amounts depending on meter size. For example, a customer with a 5/8 inch water meter is allotted 12,000 gallons of water use on a bi-monthly basis. This allotment is included in the fixed base charge. If a 5/8 inch meter customer uses no water up to 12,000 gallons during a billing period, the corresponding base charge is the same amount (currently \$42.48 for a 5/8 inch meter customer). If a customer consumes water above the allotted amount, the water bill is calculated using the consumption charge of \$3.54 per 1,000 gallons times the amount of water.

For this analysis, for this analysis the Town eliminated the minimum allotment approach and adopted a cost-based approach including a fixed meter charge based on a customer’s meter size and a variable rate for water consumed on a 1,000-gallon basis. We have two reasons for this modification:

- **Customer Equity.** We believe the current rate system to be inequitable to a group of customers who use less water than the allotted amounts. The current rate structure penalizes efficient customers and customers that use less water due to being a smaller customer (by way of small family size, small business, etc.). An efficient or small customer will typically use less than 12,000 gallons in a two-month period. In fact, Town billing records for the past year indicate that approximately 34 percent of all water customers use less than 12,000 gallons in a bi-monthly period. Whether they use 1,000 gallons or 11,000 gallons, they are still billed at the 12,000-gallon amount, or \$42.48.

- Revenue Stability and Cost-of Service-Based. Every utility has certain costs that must be funded regardless of water consumption amounts. These costs are fixed and typically do not fluctuate. If a customer does not use any water during a billing period, there are still costs associated for past use and future service availability. These items include but are not limited to capital replacement for past use, maintenance of assets to provide water in the future, debt service, and customer service. A fixed charge system without minimum water allotments ensures the utility's fixed costs will still be met while creating a more equitable billing system.

Table 10 below presents the recently adopted and suggested future fixed base charges by meter size in a monthly format. The fixed charges are calculated using a meter equivalent approach with the 5/8 inch meter as the baseline meter size in the analysis. As a meter size increases, the hydraulic capacity also increases thus allowing the customer to draw greater amounts of water when needed. With this greater ability to draw water, there is a corresponding increase in costs. Therefore, larger meters will have larger fixed charges associated with them. This approach is a standard in the water rate-making industry. Table 11 presents the meter equivalency approach and corresponding meter ratios. To ensure clarification, the base charges for FY 2010/11 through FY 2014/15 do not include minimum water amounts.

Table 10: Fixed Monthly Base Charges by Meter Size (Adopted and Suggested per Prior Analysis)

Meter Size	Adopted 10/11	FY Forecast 11/12	FY Forecast 12/13	FY Forecast 13/14	FY Forecast 14/15
5/8"	\$ 13.90	\$ 14.60	\$ 15.33	\$ 15.94	\$ 16.58
1"	20.22	21.24	22.30	23.19	24.12
1 1/2"	30.76	32.30	33.91	35.27	36.68
2"	43.40	45.57	47.85	49.76	51.75
3"	72.90	76.54	80.37	83.58	86.92
4"	115.03	120.78	126.82	131.90	137.17
6"	220.37	231.39	242.96	252.68	262.79
8"	346.78	364.12	382.33	397.62	413.53

Sources: Town of Surfside; TischlerBise.

Table 11: Meter Equivalency Ratios

Meter Size	GPM	Meter Ratio
5/8"	20	1.00
1"	50	2.50
1 1/2"	100	5.00
2"	160	8.00
3"	300	15.00
4"	500	25.00
6"	1,000	50.00
8"	1,600	80.00

Sources: AWWA M-5 Manual; Town of Surfside; TischlerBise.

For the variable consumption charge analysis, we present two options: 1) maintain the uniform rate approach regardless of customer class and consumption amounts, and 2) an inclining block rate structure for residential customers and a uniform block structure for all other customer classes (apartments, commercial and place of worship).

The inclining block approach is one that sends a price signal to excessive water users to cut back on their wasteful water consumption. Very efficient or low water users would be rewarded with a lower rate per 1,000 gallons compared to the current uniform rate. We applied the inclining block method to the residential customers only for two reasons: 1) there is less variation in residential water use between each customer compared to other customer classes and therefore average use figures easily apply to all residential customers, and 2) industry experience demonstrates that residential properties, particularly single-family detached residential customers, are most able to cut back on excessive use, and even discretionary use. Therefore, we recommend that the Town consider adoption of the inclining block approach to achieve conservation goals. **Table 12** shows the conservation-oriented rate structure for the Single-family Residential (1 to 4 units) customer consumption charge and the uniform block rate for all other customers. For clarification, the FY 10/11 rates were adopted by the Town Commission in October 2010 while the FY 11/12 through FY 14/15 rates are suggested per the prior rate analysis.

Table 12: Customer Consumption Charge Structure

Description	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15
	Rate per 1,000 gal				
Single-Family Residential (1-4 units)					
Block 1 (0 - 6,000 gal/month)	\$ 2.97	\$ 3.12	\$ 3.27	\$ 3.40	\$ 3.54
Block 2 (6,001 - 12,000 gal/month)	\$ 3.56	\$ 3.74	\$ 3.93	\$ 4.09	\$ 4.25
Block 3 (above 12,000 gal/month)	\$ 5.94	\$ 6.24	\$ 6.55	\$ 6.81	\$ 7.08
All Other Customers					
Uniform Rate	\$ 3.67	\$ 3.85	\$ 4.05	\$ 4.21	\$ 4.38

Sources: Town of Surfside; TischlerBise.

Impact of Revenue Increase

In Fiscal Year 2010/11, the approved 18% increase in recommended revenue does not directly correlate to a 18% increase in all water rates. The cost of service analysis and, in Single-family Residential's case, the restructuring of the consumption blocks dictate the actual adjustments to the rates. Figure 9 presents bi-monthly water charges for Single-family Residential customers with a 5/8 inch meter at various consumption levels utilizing the adopted FY 10/11 rates. Because of the inclining block rate structure, customers with low water use will see a decrease in their water bills while high use customers will experience greater monthly water bills.

Figure 9: Customer Billing Analysis: Adopted FY 10/11 Rates

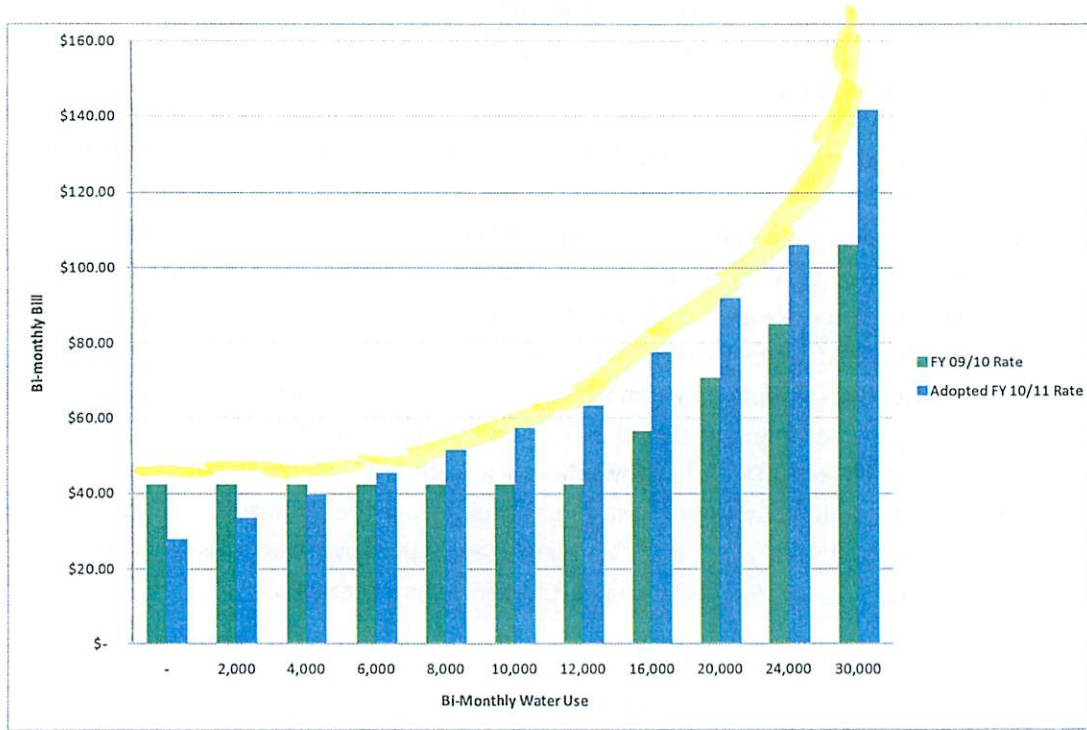
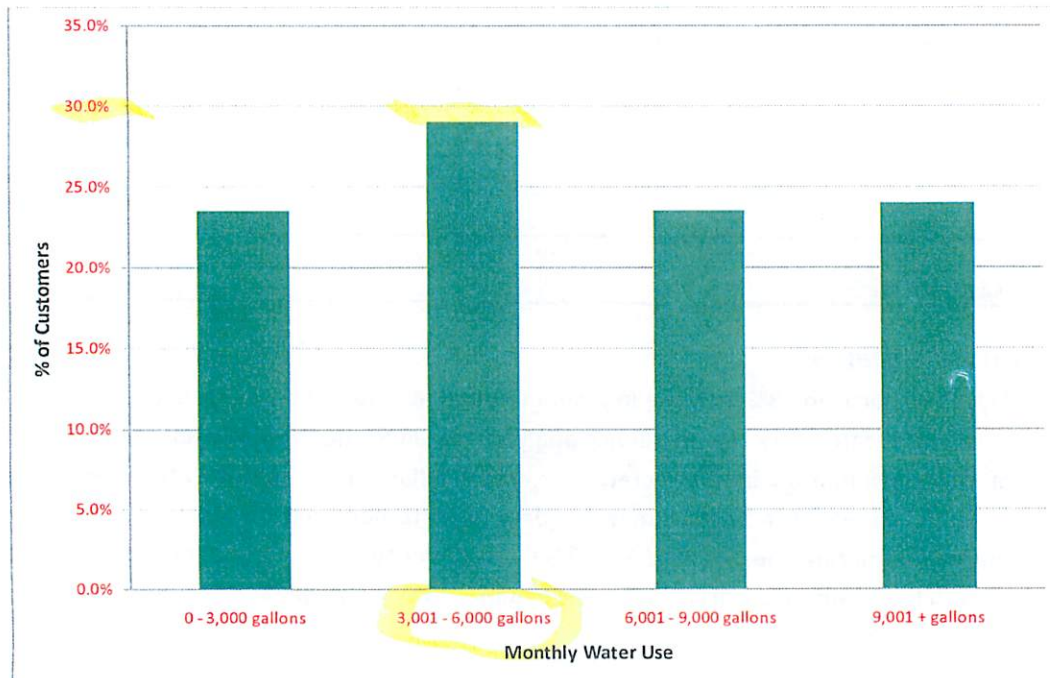


Figure 10 shows a use analysis of Single-family Residential customers at various water use levels.

Figure 10: Customer Monthly Consumption Charge Analysis



*Comm. Graubart's Exhibit "A"

FPL Residential Surfside Customer

<u>Electric Service Amount*</u>	<u>Franchise Charge</u>	<u>Utility Tax</u>	<u>Total Surfside Amount</u>
\$64.70	\$3.82	+ \$5.20	= \$9.02 (<u>Lowest Bill</u>)

*Note: Total Bill Amount: \$75.38

\$245.63	\$14.49	+ \$18.65	= \$33.14 (<u>Highest Bill</u>)
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*Note: Total Bill Amount: \$285.07

Explanation(s) and Additional Info:

- Electric Service Amount + ALL taxes/charges, etc. = Total Amount
- FPL "Fuel and Non-Fuel Charges" are *progressive* as are the Franchise Charge and Utility Tax (See above and below):

FUEL:

"First" 1,000kWh at \$0.027890 (and) "Over" 1,000kWh at \$0.037890

NON-FUEL:

"First" 1,000kWh at \$0.056610 (and) "Over" 1,000kWh at \$0.066610

Other Utilities:

Atlantic Broadband: "Local Cable Communications Service Tax" - \$5.29

AT & T: (wired) "Florida Local Communications Tax" - \$2.62

AT & T: (wireless) "City Local Communications Tax" - \$3.52

Synopsis:

FPL - \$9.02 + \$33.14 = \$42.16 / 2 =	\$21.08 average +/-
AT & T - \$2.62 + \$3.52 =	\$6.14 +/-
Atlantic Broadband -	\$5.29 +/-
Total	\$32.51 monthly +/-

Note: Does not include any fees/taxes/charges for Water/Sewer/Storm Water, Alarm Systems (if any), Satellite TV, etc.

*This all needs to be reviewed, scrutinized – checked for accuracy by our Finance Director.
March 2, 2013



**Town of Surfside
Town Commission Meeting
February 12, 2013
7 p.m.**

DISCUSSION ITEM MEMORANDUM

Title: "Severance / Compensation"

Objective: To determine a fair, just and reasonable severance / compensation policy.

Consideration: Prepare a severance / compensation plan that is more like those found in the private sector.

Action: I am asking the Town Commission to give direction to the Town's Legal Department to research severance / compensation in both the private and public sectors.

Approximate Cost: None/Minimal

Thank you for your consideration;

Respectfully,

Joe Graubart, Commissioner



**Town of Surfside
Town Commission Meeting
February 12, 2013
7 p.m.**

Commission Communication

Title: "Town Calendar"

Objective: To ensure continuity, compliance and completion of certain contracts, agreements, easements, "proffers" etc., with changes of Elected Officials, Town Officials – Town Manager, Town Clerk, Town Attorney, Building Department officials, etc.

Consideration: Consider the Surf Club project alone RE: Conditions, Stipulations and Proffers; the monies from both the 95th street luxury townhouse project and the contract with Indian Creek RE: Surfside Blvd. improvements. One project promised/planned for mechanical underground 'stacked' parking – later it was determined that there isn't enough height to allow for this type of parking – how long did it take for this outrageous error to be brought to the Commission's attention? Or continual follow-up on the costly Maranon mess as it unfolded – not after it was too late?

Action: I am asking the Town Commission to think about this matter for now, and in the near future, be prepared to give direction to the Town's Manager, Legal and Finance Departments to determine the 'best' method to establish a 'Town Calendar' as pertains to compliance with various contracts, agreements, conditions and stipulations, etc.

Approximate Cost: None/Minimal – NO "action" at this time.

Thank you for your consideration;

Respectfully,

Joe Graubart, Commissioner



**Town of Surfside
Town Commission Meeting
February 12, 2013
7 p.m.**

DISCUSSION ITEM MEMORANDUM

Title: "Commission Directive: Town Manager Short Term Priorities"

Objective: To determine, set and direct this Town Manager's Priorities during his waning days as Town Manager.

Consideration: Goals, objectives, and projects, etc., for Town Manager Carlton to move/push forward before retiring from his position here in Surfside.. Does this Commission want to continue to create a long list of projects and items (priorities) for the next (new) Town Manager to inherit? Thereby doing so without her/his input, consideration and evaluation (approval/disapproval of) – yes or no?

Action: I am asking the Town Commission to give direction to the Town Manager as to the attached list. I will suggest a 'short' list of Level One Priorities. Additions/changes only allowed by Commission directive via a vote.

>> Please see attached lists for Level One, Two, and Three Priorities. <<

Thank you for your consideration;

Respectfully,

Joe Graubart, Commissioner

LEVEL ONE PRIORITIES

- 1. Complete the Water/Sewer/Storm/Drainage project**
- 2. Go/No-Go Decision on Undergrounding Power Lines and Related Utilities**
- 3. Go/No-Go Decision on Parking Structures**
- 4. Go/No-Go Decision on Downtown Business Improvement District**
- 5. Go/No-Go Decision on Community Center Second Story and Comprehensive Park Capital Program**
- 6. Upgrade the Website/Content/Options.**
- 7. Complete the Town-wide Signage Program**
- 8. Enhance the Code Enforcement Program**
- 9. Charter Reform Election**
- 10. Reassess the Zoning Code/ Combined Planning and Zoning/ Design Review Board and Town Commission Meeting**
- 11. Protect Town from Bal Harbour Shop Expansion**
- 12. Develop an Effective Beach Management Program in Cooperation with Miami-Dade County and the State of Florida**
- 13. Determine the Appropriate Level of Service and Cost for Solid Waste/Recycling Program**
- 14. Develop a Succession Plan for Town Manager and Key Positions**
- 15. Continue to Elevate the Level of Service and Accountability at Town Hall (platinum-level service for citizen response)**
- 16. Secure County Commitment for the Sewer Force Main North**
- 17. Develop a Tourism and Economic Development Advisory Committee Strategic Plan**
- 18. Restore FEMA Flood Insurance Discount**
- 19. Build General Fund Reserve to \$5 million**
- 20. Build Water /Sewer/Storm Drainage Reserves to Avoid Rate Increases When Possible**
- 21. Continue to Beautify Surfside's Physical Appearance**
- 22. Complete Bus Shelters**
- 23. Sell More Sponsorships for the Turtle Project**
- 24. Update Five Year Financial Plan**
- 25. ALPR (cameras)**
- 26. Complete Imaging of Town Documents**
- 27. Recruit New Building Official**
- 28. Seawall Replacement Program**
- 29. Complete Development Review Process for Chateau, Surf Club and The Shul**

LEVEL TWO PRIORITIES

- 30. Complete 95th Street Hardpack to Collins Avenue Project**
- 31. Update Town Code to Correct Numerical Errors**
- 32. Complete Dog Park Decision Making Process**
- 33. Bring up Automated Bill Paying and Record Access Systems**
- 34. Complete Sidewalk Ordinance Implementation**
- 35. Complete Newsracks and Bus Benches**
- 36. Implement Bullying Program**
- 37. Repair Kiddie Pool**
- 38. Replace Single Meter Heads with Credit Card Accepting Devices**
- 39. Change Federal Road Designation Amendments in Single Family Neighborhood**

LEVEL THREE PRIORITIES

- 40. Electric Vehicle Charging Program**
- 41. PACE Program**



**Town of Surfside
Commission Communication**

MEMO

To: Mayor and Members of the Town Commission

From: Roger M. Carlton, Town Manager

Date: February 12, 2013

Subject: Priorities

Please note that the direction requested by Commissioner Graubart was provided during the December 11, 2012 Town Commissioner meeting. The minutes of that meeting regarding the “what to finish before the Town Manager retires” are attached for your review.

By way of information, Staff is focused on the “what to finish” priorities and addresses the remaining Points of Light as staff resources allow or as circumstances require.

Attachment

Commissioner Kligman made a motion to proceed with five public information meetings and requested the Town Manager to include in the public how the Town will finance the project and how the Town will be obligated. Mayor Daniel Dietch requested that Frequently Asked Questions (FAQ's) be prepared as soon as possible. The motion received a second from Vice Mayor Karukin and all voted in favor.

***G. Setting Priorities to Give Direction to the Town Manager and Town Attorney –
Roger M. Carlton, Town Manager**

Commissioner Olchyk spoke about the special meeting to discuss the priorities setting and was canceled by the Town Manager per the Vice Mayor's request.

Vice Mayor Karukin addressed the Commission and explained that he did not have the time to prepare the documentation necessary for the Special Meeting agenda. He explained that the Town's Code Section 2.203 which establishes the rules for scheduling regular and Special Meetings but the Code is silent when it comes to the cancellation of Special Meetings. He stated that he had taken the Town Attorney's advice to rescind the request and since it was last week and way beyond the 24 hours required to schedule a special meeting he asked for the meeting to be reinstated. After that the last thing he heard was that the meeting was still cancelled. Vice Mayor Karukin stated that this should be clarified in the Town's Code and that he had asked the Town Clerk to make a parliamentary determination about the proper way to cancel a Special Meeting.

Town Manager Roger M. Carlton added that the Town Clerk is not the Town's parliamentarian and that the Town Attorney is. The request placed the Town Clerk in a difficult position and he wanted to clarify her responsibility. He also spoke about the agenda deadline that the Town was under when the documents were requested from Vice Mayor Karukin to complete the special meeting agenda. He said that he made the decision based on the Vice Mayor's request to cancel and that he would take full responsibility for the decision made. He also mentioned that the item had been placed on the Regular Agenda so it was still possible to have this discussion.

Mayor Dietch spoke about the submission of an Agenda item without proper back up and that he did not think it was appropriate to participate in a discussion that was not properly backed up and he did not think it was fair for him or his colleagues. That was why he sent a note to the Town Clerk that was distributed to the rest of the Commissioners.

Vice Mayor Karukin stated that he was shocked and dismayed to see how a simple request to cancel a meeting was met with such a reaction.

Commissioner Kligman stated that there is a bigger problem and that all Commissioners are not treated equally. She expressed concern that the Town Manager does not provide support to all Town Commissioners equally and provides greater support to the Mayor.

Commissioner Kligman stated that she wanted to discuss the priorities because the Town Manager is retiring in four months and they have a lot of items in the works and they have to reach a consensus as a body as to what the priorities should be.

Town Manager Roger M. Carlton spoke about the process to establish the agenda and stated that the Mayor has no involvement in such process.

Commissioner Olchyk mentioned the incident when she was absent from a meeting and requested an item to be deferred and the request was not granted.

Town Manager Roger M. Carlton stated that if the Commission is so dissatisfied with his administration of the Town, they should call for a vote, give him the notice under his contract and “put him out of his misery”. He said that he is not going to finish his four remaining months after killing himself for the Town and all his staff doing the same thing with this type of negative environment.

Commissioner Graubart stated that the Mayor is equal and at times he has felt that the rest of them fly in an economy class and that he feels that as Commissioner Kligman said the agenda is set by the Mayor and the Manager and they move forward on that.

Vice Mayor Karukin stated that no one can deny the effectiveness of the Town Manager. The problem is not so much the leadership style because it is overwhelmingly positive and things get done. The problem is that he has five bosses and the list of priorities reflects that. He stated that he would like to redirect the discussion to setting the priorities and to figure out within the four months that the Manager has left what they wish for him to focus on.

Vice Mayor Karukin made a motion to extend the meeting for an hour. The motion received a second from Commissioner Olchyk and all voted in favor.

Commissioner Kligman’s level one priorities:

- Complete the water/sewer/storm drainage project
- Go/No Go decision on underground power lines and related utilities
- Go/No Go decision on the parking structures
- Decision on the Downtown Business Improvement District
- Decision on the Community Center second story
- Recruitment of new Town Manager
- FEMA flood insurance discount
- Complete bus shelters

Commissioner Graubart’s level one priorities:

- Decision on the Community Center second story
- Reassess the Zoning Code
- Recruitment of new Town Manager
- Slow things down

Vice Mayor Karukin’s level one priorities:

- Complete the water/sewer/storm drainage project
- Recruitment of new Town Manager
- FEMA flood insurance discount
- Beach restoration
- Reassess the Zoning Code – Planning and Zoning Board strategies to limit large massive structures.
- Online bill pay

Commissioner Olchyk’s level one priorities:

- Decision on the Community Center second story
- Recruitment of new Town Manager and she wants to be involved in the recruitment
- FEMA flood insurance discount
- Install bus shelters
- Beach restoration
- Continue to beautify Surfside's physical appearance
- Sewall replacement

Mayor Dietch's level one priorities:

Aside from what everyone else mentioned.

- Update the Five Year Financial Plan
- The sewer main north

Mayor Dietch would like items to be separated by groups/departments.

Vice Mayor Karukin was convinced by the Mayor on the sewer main north and he would like to add it to his list

The Town Manager stated that he would prepare a combined list organized as requested by the Mayor.

***H. Town Attorney Performance Evaluation – Mayor Daniel Dietch (TIME CERTAIN 9:00 P.M.)**

Item deferred

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 12:35 a.m.

Accepted this 15 day of January, 2013



TOWN OF SURFSIDE
COMMISSION COMMUNICATION
DISCUSSION ITEM

TO: Elected Officials

Cc: Roger M. Carlton, Town Manager
Michael P. Crotty, Town Manager Designee
Linda Miller, Interim Town Attorney
Sandra Novoa, Town Clerk

FROM: Commissioner Marta Olchyk

AGENDA DATE: April 9, 2013

SUBJECT: Surfside Walking Path

Discussion: I am the Town Commission Liaison for the Parks and Recreation Committee. During the March 18, 2013 Parks and Recreation Committee meeting, a discussion ensued with Committee members and Town residents about the Surfside Walking Path (which is the area commonly known as the walking path at the top of the dunes and is roped off both to the east and west sides of the path).

Consideration: Currently, there are warning and rules signs at all Surfside Walking Path entrances. The signs include a provision for "No Unauthorized Vehicles/Bikes." The Office of Town Attorney has confirmed there is no current Surfside Code provision which prohibits bicycles on the Walking Path or a Code provision to enforce the prohibition of bicycles on the path. Members of the Parks and Recreation Committee and residents have expressed their concern and dismay because regularly the Walking Path is used by bicyclists, who at times interfere with the walkers. The walkers must move aside and are concerned with their safety.

I propose this Commission direct the Office of Town Attorney and the Town Manager to modify the Code of Ordinances to allow for enforcement of the prohibition of unauthorized vehicles/bikes on the Surfside Walking Path. There should also be a report by the Town Manager regarding the costs and revenue source to fund this effort.

Sandra Novoa

From: Michael Karukin
Sent: Tuesday, April 02, 2013 11:24 AM
To: Sandra Novoa
Subject: please add to April 9 agenda

4/2/2013

Discussion Item for April 9 2013 TC Meeting Agenda

Topic: Performance pay for Town Manager

Shall the TC award performance pay to Roger Carlton in the amount of \$10,000 ?

Justification:

Prior to the appointment of Roger Carlton as TM in 2010, cash reserves were just under 2 million dollars. After appointing Roger Carlton as the TM, The TC approved a 5 year financial plan which included a goal to increase the reserves to 5 million in 5 years ("The 5 in 5 plan"). Within 32 months (2.6 years) that goal was reached, about 2 and a half years ahead of schedule.

The Town Manager should be rewarded for achieving a result that exceeded expectations. There are other reasons to approve performance pay but just from a financial perspective: year after year surpluses in operating and enterprise funds deserve recognition.

Thank you,

Michael Karukin

Commissioner

Town of Surfside

9293 Harding Ave

Surfside, FL 33154

Tel: (305) 861-4863 / Fax: (305) 993-5097 / Cell: (305) 710-5894

Email: mkarukin@townofsurfsidefl.gov

www.townofsurfsidefl.gov



**Town of Surfside
Commission Communication**

Agenda Item #: 9G

Agenda Date: April 9, 2013

Subject: Undergrounding Utility Project Status Report – Seventh Update

The determination to underground utilities in Surfside has been an evolutionary process which started in mid-2011 when the Town Commission determined to include conduit for future undergrounding (\$300,000) in the water/sewer/storm drainage project and to authorize the expenditure of \$59,000 for a MGRUF tariff study with FPL. Since that time the Town Commission and community have been kept aware through the Points of Light, Frequently Asked Questions (FAQ's) mailed to every home, the Gazette, five advertised televised public meetings and a continuum of Town Commission meetings culminating with the February 12, 2013 determination to authorize Staff to move forward with eight (8) directives before a final determination is reached. During the March 12, 2013 Town Commission meeting, the sixth status report informed the Town Commission regarding the progress on the eight (8) directives and further direction was given. This seventh status report continues that monthly process:

1. Commissioner Kligman requested two additional public meetings. The first meeting to be held prior to first reading of the two necessary ordinances to finance the project and the second public meeting to be held before the second reading of both ordinances. Commissioner Kligman also asked for a comprehensive update to be placed in the Gazette (which is now mailed to every address in Surfside). This will be done in the May, 2013 edition. We are not scheduling the first reading ordinances due to circumstances which have arisen during the last month and which will be explained below.
2. Mayor Dietch asked for a map which reflected where the large switching gear would be placed. That request is being prepared in a format that will be easily readable by interested persons.
3. Commissioners Kligman and Graubart asked for the development of a hardship formula and application sample respectively. Based on the holidays this past month and the other matters involved in the transition of Town Managers, we are still working on this request.

4. Commissioner Graubart asked for an analysis by kwh consumption of the impact of the MGRUF surcharge on low consumption customers. The data necessary from FPL to do this analysis was received April 2, 2013 and the work is underway.
5. Vice Mayor Karukin asked for further research on the potential for large change orders from the three utilities to be undergrounded. This request has also been of concern to Staff and we had previously retained an independent cost estimator. The firm HPF had been retained. HPF has completed their preliminary estimates and their recommendation is to adjust the construction cost estimate to approximately \$12 million to allow for all potential contingencies. This is a substantial increase and Staff is working with our financial advisor to rework the numbers to determine if the MGRUF tariff revenues are sufficient to carry the additional cost. This work is not done which is one of the primary reasons that the first reading of the two necessary ordinances is being deferred.
6. A meeting was held on March 5, 2013 in Juno Beach, Florida (FPL headquarters) with Donald Nelson, Roger Carlton, JoLinda Herring and a variety of FPL senior executives including Aletha Player, our local representative. That meeting was very positive with a plan being developed to go to the Public Service Commission (PSC) to amend the MGRUF tariff to meet the needs of Surfside to allow the financing using MGRUF revenues. At that meeting, FPL executives accepted amendatory language proposed by JoLinda Herring. Unfortunately when final approval for the process agreed to at the meeting was sought at the highest FPL executive levels, the FPL original support was amended to include additional tariff amendments desired by higher corporate levels. This has changed the schedule for going to the PSC and is another reason for the deferral of the first reading of the two ordinances.

In turn it is not advisable to approve our required two ordinances on first or second reading until the PSC and FPL's final positions are known. This deferral does have implications. The current MGRUF tariff allows the Town six months to complete the financing and pay the FPL required costs in advance of the work being done. The original date this money would have been due was the end of April, 2013. During a previous Town Commission meeting on this project, Staff was requested to seek an extension of this date. FPL responded on April 2, 2013 that they will extend until the end of May, 2013 if the Town Commission approves a resolution that the Town will go forward with the project during the April 9, 2013 Town Commission meeting. Further, they will lower their normal cost to update their cost estimates to less than \$10,000. The original cost was \$59,000.

Ms. Player was informed that this position was unacceptable because the extra time needed to amend the tariff was now mutual and the extension was required due to our mutual desire to get the adjustments correct. FPL's concern is that an extension to Surfside regardless of the circumstances has systemwide implications. The Town Commission and Surfside citizen advocates for this project should remember that we are the first community to use the

MGRUF tariff since it was enacted nearly ten years ago. Ms. Player will bring our position back to FPL executives who are meeting on April 12, 2013 to determine their strategy on our project specifically and with the PSC in general. The need to clarify the PSC matters is another reason for deferral of the first reading of the two ordinances.

7. Vice Mayor Karukin requested that the FAQ's be updated with all the new information regarding the amount to be placed on the electric bills, secondary revenue pledge(s), interest rates and the type, size and location of the various boxes to be placed at ground level. Based on the above status report, a new FAQ is not ready to be prepared.

Summary: When a community is involved in a complex process such as undergrounding three utilities and when the financing using MGRUF and other revenues is a "first of", the time necessary to do this right or as risk free as possible with full community involvement requires longer lead times than we all desire. Frankly, as your Town Manager, I would have preferred to have all this organizational and financial work done before my retirement. That would have allowed a handoff to incoming Town Manager Michael Crotty to implement the project and get it built timely and within budget which is still a major task. Achieving the handoff goal at the desired level of completion is not going to happen for a variety of reasons. Therefore it is my offer to the Town if desired by Michael Crotty and the Town Commission to be available for whatever help is appropriate pro bono with only travel reimbursement if necessary.

In closing, this process is still well in hand, the variables are known and fully disclosed and the Town Commission is fully aware of Staff, bond counsel and financial advisor collective recommendations. We will continue to move forward with monthly status reports and present legislation when appropriate.



Roger M. Carlton, Town Manager



Donald Nelson, Finance Director

RMC/drh



**Town of Surfside
Town Commission Meeting
April 9, 2013
7 p.m.**

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

DISCUSSION ITEM MEMORANDUM

“GARAGE(S)”

Title: Surfside Ballot question(s) for the March election of 2014; regarding multi-level parking garage(s) - a/k/a parking structures - and their location(s).

Objective: To put the issue of “Garage(s)” before the people to vote on via a ballot referendum question(s) at the next Town of Surfside General Election.

Consideration: Recent Town history regarding the demolition of the ‘old’ Community Center **WITHOUT A VOTE**, quite accurately reflects just how important it is to allow and encourage residents to determine the Town’s destiny... **NOT** the politicians, nor the ‘special interests.’ The ‘best’ and most accurate method is to allow and encourage voters to vote on major issues that the Town will have to live with for decades to come. (1) To prevent a major issue – what I call a ‘game changer’ which may have a deleterious affect on the ‘quality of life’ as regards traffic congestion, pollution, crowding of ‘our’ boutique sized Publix, our beach and abutting residential neighborhood. (2) To prevent a major issue from becoming a nasty and divisive wedge issue. (3) To allow the good people of Surfside to determine and control **THEIR DESTINY**, the direction they want **THEIR TOWN** to move toward **AND** learn from the Marlin Stadium and garage ‘deal’ that purposefully eliminated public participation at the ballot box. Shouldn’t the people’s voice be heard on such a major issue? Shouldn’t we learn from history?

Respectfully,

Joe Graubart

Commissioner



**Town of Surfside
Town Commission Meeting
April 9, 2013
7 p.m.**

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

DISCUSSION ITEM MEMORANDUM

(To be attached/linked to Parking Study / Garage(s) Item)

“Municipal Parking Garage”

Title: “Municipal Parking Garage”

Objective: Offer another perspective

Consideration: Offer a parking solution for: All Town employees, guests, visitors and subcontractors, residents and guests going to Community Center. Consider ‘selling’ parking spaces to adjacent condos that are ‘short’ parking spaces – as we know this problem exists.

On the top floor, a media center on one side and/or possibly a gym and summer camp activities on the other side. This was once a plan to piggyback the new Community Center.

It is my desire to give the Town Manager direction to consider this idea.

Submitted Respectfully,

Joe Graubart, Commissioner



MIAMI-DADE COUNTY OFFICE OF THE PROPERTY APPRAISER

Carlos Lopez-Cantera
PROPERTY APPRAISER



Property Appraiser Home

Exemptions & Other Benefits

Real Estate

Tangible Personal Property

Public Records

Online Tools

Tax Roll Administration

About Us

Contact Us

Search: PARC, CENSUS, PERMITS or ADDRESS
Enter either full, owner name, or address.



The Office of the Property Appraiser and Miami-Dade County are continually editing and updating the tax roll and GIS data to reflect the latest property information and GIS positional accuracy. No warranties, expressed or implied, are provided for data and the positional or thematic accuracy of the data herein, its use, or its interpretation. Although this website is periodically updated, this information may not reflect the data currently on file at Miami-Dade County's systems of record. The Property Appraiser and Miami-Dade County assumes no liability either for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any information provided herein.



**Town of Surfside
Town Commission Meeting
April 9, 2013
7 p.m.**

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

DISCUSSION ITEM MEMORANDUM

“Short Term Parking Meters”

Title: Short Term Parking Meters (Please see attached photo) 15 – 30 minutes?

Objective: To help downtown visitors/patrons have quick and easy access spots available. By doing so, I believe this will benefit the businesses as well.

Consideration: Many ‘shopping trips’ to our downtown business district are for a quick trip or errand: to pickup or drop off a letter/package at the Post Office, a Slice of Pizza or a takeout order from one of our many fine restaurants, a bank deposit / cash a check / ATM transaction to name a few.

I am suggesting to simply return to what existed for many years here by installing ‘short term’ parking meters at two locations: 94th and 95th streets Between Collins Ave and Abbott Avenues. I would estimate that this is about 18 spaces. I sincerely believe (and have observed) some of these spaces ‘taken’ by cars parked for hours, if not all day – some by employees of the business district.

A recent visit to Midtown in Miami provided me with the opportunity to take a picture of this idea/plan in use that I have previously recommended. Patrons would park – feed the meter and pickup takeout orders, etc.

It is my desire to give the Town Manager direction to do this. If the Commission desires, this can done on a trial basis for one year.

Submitted Respectfully,


Joe Graubart, Commissioner





**Town of Surfside
Commission Communication**

MEMO

To: Mayor and Members of the Town Commission
From: Roger M. Carlton, Town Manager 
Date: April 9, 2013
Subject: Donation of \$250 to the Miami Lighthouse in Memory of Frances Estelle Kopelman


Recently former Town Commissioner Ted Kopelman's mother, Frances Estelle Kopelman, passed away at the age of 100 and four months. The memorial contribution requested by the family is the Miami Lighthouse. As we have done in the past the amount of \$250 is recommended. A motion to approve this allocation is requested.



**Town of Surfside
Commission Communication**

MEMO

To: Mayor and Members of the Town Commission

From: Roger M. Carlton, Town Manager 

Date: April 9, 2013

Subject: Miami Dade County Special Election Regarding Sun Life Stadium
Improvements Conflicting with Regularly Schedule Town Commission Meeting
on May 14, 2013.

We have received a notice from the Miami Dade County Elections Department (Attachement1) that the Special Election to improve Sun Life Stadium (Dolphin Stadium) has been scheduled for May 14, 2013 which is our regularly schedule Town Commission meeting date. Since the polling location is the same as the Town Commission meeting location, this creates a conflict.

Please review your calendars prior to the April 9, 2013 Town Commission meeting so that a new day for the May 14, 2013 Town Commission meeting may be set.



ELECTIONS DEPARTMENT
2700 N.W. 87th Avenue
Miami, Florida 33172

009
(305) 499-VOTE (8683)
TDD: (305) 499-8480
WEBSITE: <http://elections.miamidade.gov>

Town of Surfside
ATTENTION: Sandra Novoa, CMC
9293 Harding Ave
Surfside, FL 33154

**POLLING PLACE
AUTHORIZATION**

**Miami-Dade County
Special Election
May 14, 2013**

We would like to remind you of the upcoming election.

We will need access to your facility at **12:00 pm on Monday, May 13, 2013**, to set up and activate the voting equipment and again at **5:30 am on Tuesday, May 14, 2013**, to begin Election Day preparations.

To confirm the availability of your facility on these dates, and to update any pertinent information we currently have on file, please complete, sign and detach the authorization form below. Please return it in the enclosed envelope no later than **Monday, April 1, 2013**. You may also fax it to us at **305-468-2504**. If for any reason your facility is not available on the above listed dates, please call the Polling Places Section at 305-499-8460 as soon as possible.

Thank you for your continued support of the electoral process. The use of your facility as a *precinct polling place* is a great contribution to the success of elections in Miami-Dade.

Sincerely,

John E. Mendez

John E. Mendez
Deputy Supervisor of Elections, Operations

▼ DETACH HERE ▼

**RETURN TO MIAMI-DADE COUNTY ELECTIONS DEPARTMENT
PLEASE USE THE SPACES PROVIDED TO MAKE CORRECTIONS**

AUTHORIZATION ◀ BE SURE TO SIGN AND DATE ▶

I hereby authorize the use of this facility as a polling place for the following election(s):

**MIAMI-DADE COUNTY SPECIAL ELECTION
MAY 14, 2013**

Sandra Novoa, CMC
AUTHORIZING NAME

-- - - 305-345-6082
WORK PHONE HOME PHONE

EMAIL ADDRESS
◀ REQUIRED INFORMATION ▶

X
AUTHORIZING SIGNATURE DATE

POLLING LOCATION

Town of Surfside
9293 Harding Ave
Surfside, FL 33154

HOURS OF OPERATION

Mon - Fri 9AM - 5PM

PRECINCT

010

FACILITY OPENED BY

Police Dispatcher

305-861--4862
WORK PHONE HOME PHONE

EQUIPMENT DELIVERY AREA

Commissin Chambers - under town clerk's
desk (SB with pct.010)

EQUIPMENT LOCATION PHONE

SECURITY TYPE

CONTACT INFORMATION

Priscilla Krutules
CONTACT NAME

- - - 305-993-1073
WORK PHONE HOME PHONE

MAIL ADDRESS



Town of Surfside Commission Communication

Agenda Item # 9L

Agenda Date: April 9, 2013

Subject: 50,000 Guests at the Community Center

Background: The Community Center opened on June 19, 2011. Since that time, the Parks and Recreation Department has been maintaining the attendance of the facility usage. On Saturday March 23, 2013, the attendance reached 50,000 and was marked by the Zaniniri family.

Analysis: The Community Center is open seven days a week and the hours vary by season. The 50,000 attendance mark is inclusive of the patrons utilizing the aquatic facility; the numbers do not reflect the use of the facility by patrons for specific programs which could add another estimate of the actual patrons from programs.

Implementation: The Parks and Recreation Department maintains the attendance records through the recreation software known as Rec Trac. This system requires the participants to check in upon entrance of the facility. By doing so, the Department was able to identify the 50,000th guest. The Zaniniri family will receive a one-time program registration (exclusive of summer camp) along with a gift certificate for the Shaka Jon's Snack Bar.

Final Words: The Community Center continues to serve Surfside residents and their guests and in time will hit the 100,000 guest and so on.

Department Head

Town Manager



Town of Surfside Commission Communication

Agenda Item # 9M

Agenda Date: April 9, 2013

Subject: Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2012

Background: The Fiscal Year 2012 CAFR is the third CAFR prepared since Town Manager Roger Carlton was appointed. During that four year period prior to FY 10/11, only audited financial statements were prepared. While the lesser audited financial statement meets the minimum standard of reporting it does not provide the broad base of financial information and transparency that the Town Commission requires and that the Administration has been directed to provide. Additionally, the independent auditing firm of Marcum, LLP has provided the Commission with a communication letter, dated April 2, 2013, detailing that all procedures were performed in accordance with generally accepted auditing standards and that no material misstatements existed.

Due to the complexity of the CAFR and the limited financial knowledge that many of our citizens may have, the following is a list of the highlights with a brief explanation:

1. Of great importance is the Independent Auditors Report (page 1) which reflects an unqualified ("clean") audit opinion which is the highest assurance given that the overall Town's financial statements are in conformity with generally accepted accounting standards and principles. A clean audit opinion should give comfort to the Town Commission and the citizens of our community that the Town's finances are being handled properly.
2. The first major section of the CAFR (page 3) is the Management Discussion and Analysis which introduces the Town's basic financial statements. The basic elements of this analysis are as follows:
 - a. The Town's net assets exceed liabilities by \$29,930,028 and increased by nearly \$2,031,552 during the fiscal year. This analysis is comparable to a balance sheet in the private sector and we are in substantial surplus. (Table page 7, detail page 17)
 - b. For the Governmental Activities element of the Town operation general government required 23.6% of resources available including offsetting grants

- and revenues, public safety required 47.8%, physical environment 12.5%, leisure services 16.7% and transportation showed a deficit of .07% (due to capital expenditures). (Page 8)
- c. Major proprietary funds showed operating income of \$1,055,048 for water and sewer, \$270,818 for parking \$146,408 for sanitation and \$372,649 for stormwater. (Page 8 and page 21)
 - d. The long term debt reflected in the CAFR is for compensated absences (sick and annual leave) that are convertible upon termination. The total amount of \$370,381 is spread out over the careers of employees as they leave Town service and for the water/sewer/stormwater drainage project of \$11,507,445 (page 13). There is a short term non-interest bearing \$160,000 note due in three years for the balance of the acquisition of the Atkins's parking lot south of Town Hall.
 - e. The business type activities of the Town (non ad valorem programs) transferred \$26,329 to the General Fund (ad valorem tax supported) to fund their cost for administrative activities including legal department costs. (Page 16)
 - f. The Pension Trust Fund included \$12,556,125 as of September 30, 2012 and was 87.0% fully funded. The fund has absorbed most of the losses to its portfolio during the past five years from poor performance of the stock market in 2008 and as of the December 31, 2012 quarterly report has nearly returned to full funding. The Town funded the full actuarial established requirement in all recent years even though the requirement grew substantially to make up for poor investment performance. (Page 24, 48, 58)
 - g. Note 8 (Page 45) analyzes the debt service coverage for the \$11,507,445 water/sewer/storm drainage bond principal balance. The debt service coverage was 1.24 which exceeds the 1.10 requirement by .14. This means that for every dollar of debt service required \$1.24 was generated. The excess funds will go to reserves to offset future Capital needs and reduce the need for rate increases.
 - h. The financial management and accounting policies of the Town are described in detail in pages 26-55 of the CAFR. These descriptions are included in twelve "Notes" which describe financial management processes including how funds are invested cautiously, how we depreciate assets, how we handle receivables (monies owed to the Town), the status of the Pension Plan, the "Other Post Employment Benefits" reporting requirements (state mandated retirees benefits) and our risk management procedures.
 - i. A key analysis appears in Budgetary Comparison Schedule (page 56). If a citizen concerned about the finances of the Town wishes to read only one chart, this is it. Bottom line is that all major General Fund revenue line items for the FY 11/12 budget were exceeded by actual audited performance with the minor exception of communications services and franchise taxes. The full revenue increase for the fiscal year was \$268,084 favorably over budget. Audited expenditures in the same property tax supported fund were under budget by \$986,922 with executive, finance and administration coming in \$515,451, police coming in \$212,016, parks and recreation coming in

\$190,629 and legal coming in \$18,443 favorably under budget. Town Staff performed wonderfully to hold the line on expenses and worked hard to generate non ad valorem revenues. The net of the two numbers is \$1,142,015 described as an “excess” of revenues over expenditures and these funds add to reserves and/or can be used to help balance the budget for the fiscal year 2014 currently being prepared.

- j. In addition to the general government and proprietary funds there are three “non major” governmental funds (Tourism, Transportation Surtax and Police Forfeiture) that are reported on page 61. All of these funds are in surplus and Staff watches expenditures closely.
- k. The Statistical Section of the CAFR describes financial trends, revenue and debt capacity, demographics and operating information. This information covers 7-10 years of available data and is invaluable to anyone who wants to analyze trends, revenue and debt capacity, demographics and operating information over many years. (Page 66-97) Specifically the reader should look at the chart (page 73) which shows the Governmental Revenue are above the 2008 Goal meaning that we are operating very efficiently and improving services with growing revenue sources.
- l. The Independent Auditors Report on Internal Controls over Financial Reporting (page 98) states that there were two deficiencies in our financial controls during fiscal year 2012. The first relates to the speed in which some of the bank reconciliations were completed and the second reflects to the Capital asset tracking process. Management’s response states how these issues will be resolved.
- m. The final section is the “Management Letter” in accordance with the Rules of the Auditor General of the State of Florida” which would disclose any State of Florida deficiencies and make recommendations for improvement. The Management Letter also tracks previous findings to determine if the weaknesses have been resolved. There were no State of Florida weaknesses disclosed in fiscal years 2009, 2010, 2011 and 2012. (page 100) This should be another signal to our citizens that Staff and the Town Commission are managing the finances and implementing effective policies to protect their funds.
- n. It is also a pleasure to report that the Town received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the previous two CAFR covering fiscal year 2010 and 2011. (Page vii)

Recommendation: It is recommended that the Town Commission accept the Comprehensive Annual Financial Report, as audited by Marcum LLP CPA’s for the fiscal year ended September 30, 2012, including the communications letter dated April 2, 2013. It is further recommended that the Town Commission join me in expressing gratitude and congratulations to the Finance Director Donald Nelson and his staff, Mayte Gamiotea, Front Office Manager/Controller, Marisol Rodriguez, Accounting Clerk, Andria Meiri, Budget Officer and Jenorgen Guillen, Customer Service Representative for their diligence and hard work and effort leading up to the production of the CAFR

and the "clean" report. It is also important to acknowledge the hard work of all our Department Directors and employees who finished the year with savings big and small and their continual effort to generate non ad valorem revenues that helped create a significant surplus in all operations of the Town.



Finance Department



Town Manager



MEMORANDUM

TO: Elected Officials
FROM: Roger M. Carlton, Town Manager
CC: Bill Evans, Public Works Director
DATE: December 11, 2012
Subject: Traffic Study

During the May 8, 2012 Town Commission meeting, a Town-wide Traffic Study was awarded to CGA. The purpose of this study was:

1. Provide an independent analysis of existing traffic conditions in Surfside that would incorporate the cumulative impacts of the various projects underway. The study achieves that goal through the year 2017. The Shul expansion, Grand Beach Surfside, Transacta Lanai and Surf Club projects are included. The Chateau is not included as it lessens traffic impacts due to the transition from a hotel to a condominium.
2. Provide a comprehensive document to use for Miami Dade County approval of replacing or upgrading various traffic calming devices that were impacted by the water/sewer/storm drainage project. The process for obtaining such approval is included in the study.
3. Provide the Town Manager with a study that assesses the impact of the expansion of Bal Harbour Shops. The study concludes that the worst traffic impacts through 2017 will be on the east bound movements along 96th Street, not unexpected given current conditions which will be exacerbated by the expansion of the Bal Harbour Shops.
4. The study also provides a model that we can use for future analysis of major developments. This will be very helpful as additional information to that which has been made available only by the developer's traffic study.

The only action recommended for the Town Commission to take at this juncture is to receive the study and authorize a public involvement campaign. This is necessary for obtaining a vote by impacted residents near the traffic calming devices as required under Miami Dade County procedures. While the Town Commission is not requested to make any decisions at this time, Staff welcomes your input.

RMC/drh