



**Town of Surfside
Town Commission Meeting
AGENDA
August 13, 2013
7 p.m.**

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

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch

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 in 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 Commission member. Town Commission members must also do the same.

A. Request of Owner of Property located at 8859 Carlyle Avenue Page 1-12

The applicant at 8859 Carlyle Avenue is requesting a side setback variance.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 8859 CARLYLE AVENUE 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 ADD AN ADDITION TO THE FIRST FLOOR AND ADD A SECOND STORY TO THE EXISTING SINGLE FAMILY HOME; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

A. Minutes – July 16, 2013 Regular Commission Meeting Minutes Page 13-24

**B. Budget to Actual Summary as of May 31, 2013 – Donald Nelson, Finance Director
Page 25-27**

***C. Town Manager’s Report (Points of Light) – Michael P. Crotty, Town Manager
Page 28-60**

***D. Town Attorney’s Report – Linda Miller, Town Attorney Page 61-64**

***E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 65-67**

F. Committee Reports – Michael P. Crotty, Town Manager (Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included) Page 68-87

- June 17, 2013 Parks and Recreation Advisory Committee Minutes

- June 27, 2013 Planning and Zoning Board Meeting Minutes

- July 1, 2013 Tourist Board Meeting Minutes

- July 11, 2013 Tourist Board Workshop Minutes

G. Appointment of Special Masters – Linda Miller, Town Attorney Page 88-95

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), RATIFYING FIRST TIME APPOINTMENTS OF SPECIAL MASTERS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

H. Florida Department of Transportation (FDOT) Sidewalk Café Lease Agreement (Revision) – Duncan Tavares, TEDACS Director Page 96-123

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) GRANT THE TOWN A PUBLIC PURPOSE LEASE ON A1A/HARDING AVENUE FROM 94RD STREET TO 96TH STREET, WHERE THE TOWN PROPOSES TO ISSUE PERMITS FOR SIDEWALK CAFES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

I. Reformation of Current Student Loan System – Commissioner Michelle Kligman Page 124-127

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) AFFIRMING SUPPORT FOR THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS RESOLUTION NO. R-637-13 URGING THE U.S. CONGRESS AND THE U.S. DEPARTMENT OF EDUCATION TO REFORM THE CURRENT STUDENT LOAN SYSTEM; URGING THE U.S. CONGRESS TO RESTORE THE 3.4 PERCENT (3.4%) INTEREST RATE ON SUBSIDIZED FEDERAL STUDENT LOANS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

1. Deferred Retirement Option Plan (“DROP”) – Yamileth Slate-McCloud, Human Resources Director and Michael P. Crotty, Town Manager Page 128-133

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-193 OF THE CODE TO PERMIT ALL MEMBERS ELIGIBLE FOR NORMAL RETIREMENT TO PARTICIPATE IN THE DROP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

2. **Hardpack Easement – Linda Miller, Town Attorney Page 134-140**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 SECTION 90-60 “CONSTRUCTION ADJACENT TO BULKHEAD LINES” SUBSECTION 90-60.1 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REQUIRING NO PERMIT SHALL BE ISSUED FOR THE REPAIR, EXTENSION, ALTERATION OR REPLACEMENT OF ANY HABITABLE, FULLY-ENCLOSED STRUCTURE EAST OF THE OCEAN BULKHEAD LINE; NO PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF ANY HABITABLE, FULLY ENCLOSED STRUCTURE CLOSER THAN 20 FEET TO THE WEST OF THE OCEAN BULKHEAD LINE; ALL PROPERTIES EAST OF THE OCEAN BULKHEAD LINE WILL BE REQUIRED TO PROVIDE AN ACCESS EASEMENT TO THE TOWN GRANTING THE PERPETUAL USE OF THE HARDPACK TO THE PUBLIC; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

3. **Trellises – Sarah Sinatra, Town Planner Page 141-145**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT PROCESS” TO ADD “TRELLISES” LOCATED IN THE REAR OR INTERIOR SIDE YARD TO ITEMS NOT SUBJECT TO PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Required Carport Standards – Sarah Sinatra, Town Planner Page 146-150

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-58 “CARPORT CANOPIES” FOR CONSISTENCY WITH DRIVEWAY REGULATIONS AND CONSTRUCTION STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Metal Roofs – Sarah Sinatra, Town Planner Page 151-154

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO EXCLUDE METAL ROOFS FROM PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

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

B. First Reading Ordinances

5. Resolutions and Proclamations

(Set for approximately N/A p.m.) (Note: Depends upon length of Good and Welfare)

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

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

7. Town Manager and Town Attorney Reports

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

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- A. **Awards, Presentations and Recognition Meetings** – Commissioner Joe Graubart
Page 155
- B. **Veterinary Clinics** – Sara Sinatra, Town Planner [TIME CERTAIN 7:30 PM]
Page 156-163

10. Adjournment

Respectfully submitted,



Michael P. Crotty
Town Manager

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

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

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE

AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

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

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



Town of Surfside Commission Communication

Agenda Item #: 2A
Agenda Date: August 13, 2013
Subject: Watson Side Setback Variance
From: Sarah Sinatra Gould, AICP, Town Planner

Background: The applicant and property owner, James Watson, is requesting a side setback variance from the Town of Surfside Code for the property at 8859 Carlyle Avenue. The owner is proposing an addition to the first floor and adding a second story to his existing single family home. The property is located within the Residential Single Family H30B zoning district.

Analysis: Section 90-45 of the Town of Surfside Code requires the second story side setbacks to be a minimum of five feet, with an average setback of seven and a half feet. The proposed second story meets the side setback of five feet, but it does not provide an average setback of seven and a half feet.

The average setback means that on the second floor of the home, 50% of each side wall is required to have an additional five foot setback. This home is only 15 feet wide, due to the fact that the lot is only 25 feet wide. Requiring the average setback will result in portions of the second floor addition being five feet wide, which is unfeasible.

The lot was initially platted in 1925 and the existing home was constructed in 1936. Therefore, the lot was subdivided somewhere between 1925 and 1936. This lot is 25 feet in width and 2,812.50 square feet in area. The lot is considered non-conforming, however, since the lot is already developed, the addition of a second story will not increase the non-conformity and the only variance required for the addition is for the average side setback.

Existing Home



Location Map



Variance Criteria

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

This property was developed in 1936 and subdivided to a 25 foot lot between 1925 and 1936. There are no other 25 foot single family lots within the Town, which makes this lot unique.

(2) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

The existing single family home, built in 1936, meets the required five foot side setback. It was subdivided and is only a 25 foot lot, resulting in a home that is 15 feet in width. The subdivision of the lot provides a special condition to this property.

(3) Literal interpretation of the provisions of the Town Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Town Code and results in unnecessary and undue hardship on the applicant;

The side setback requirement creates an undue hardship on the property owner. The intention of this setback requirement is to prevent "McMansions" whereby the second floor provides the same square footage as the first floor. In this case, the homeowner is not proposing to develop the second floor over the same footprint as the first floor. The plans indicate that there will be approximately 21 linear feet, or 315 square feet, of the first story that will not be covered by the second story. If the literal interpretation of the code were to be followed, the home would need additional setbacks for a portion of the second floor, which would render the addition impractical.

(4) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Town of Surfside Comprehensive Plan or the Town Code;

The hardship is a result of the lot being subdivided to a substandard size lot, prior to the Town's Comprehensive Plan or Town Code being adopted.

(5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Granting of the variance is not intended to assist the applicant in achieving greater financial return, rather the applicant wishes to expand his home for more livable space. Currently, the home has 741 square feet. He is proposing 1,631 square feet. He has indicated that there are no comparable properties, which has led to difficulty acquiring an appraisal of the property. The granting of the variance may ease his ability to refinance, if he so chooses.

(6) *Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;*

The granting of the variance is specific to the conditions within this lot. This is 25 foot lot that was developed in 1936 and is the only lot in the Town with this condition. The home's first floor setbacks meet today's code requirements, however, the proposed second floor setbacks do not meet the code due to the requirement of a 7.5 foot average side setback.

(7) *The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and*

The requested variance is the minimum needed to build the second story addition.

(8) *The requested variance is in harmony with the general intent and purpose of the Town of Surfside Comprehensive Plan and the Town Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.*

The proposed addition is generally consistent with the intent of the Comprehensive Plan and the Town of Surfside Code. The existing structure, as well as the proposed addition is compatible with the neighborhood. The proposed aesthetics of the home will not diminish or impair property values within the neighborhood.

Recommendation: The Planning and Zoning Board reviewed the application at the July 25, 2013 meeting and unanimously recommended approval to the Town Commission. Staff also recommends the Town Commission approve the variance request.

Budget Impact: The value of the home will be increased, which will increase the property taxes paid to the Town.

Growth Impact: This will allow a second story to be constructed on a single family home.

Staff Impact: Staff's time was funded through cost recovery.



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

RESOLUTION NO. 13-Z-____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 8859 CARLYLE AVENUE 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 ADD AN ADDITION TO THE FIRST FLOOR AND ADD A SECOND STORY TO THE EXISTING SINGLE FAMILY HOME; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property, 8859 Carlyle Avenue is located within the Residential Single Family H30B Zoning District; and

WHEREAS, the Applicant is proposing an addition to the first floor and is proposing to add a second story to the existing single family home; and

WHEREAS, the average setback means that on the second floor of the home, fifty percent (50%) of each side wall is required to have an additional five foot setback; and

WHEREAS, Section 90-45 of the Town of Surfside Code of Ordinances requires the second story setbacks to be a minimum of five (5) feet, with an average setback of seven and a half (7 1/2) feet in the H30B Zoning District; and

WHEREAS, the existing single family home is only fifteen (15) feet wide, due to the fact that the lot is only twenty-five (25) feet wide; and

WHEREAS, the property was developed and subdivided to a twenty-five (25) foot lot between 1925 and 1936; and

WHEREAS, the lot is considered non-conforming, however, since the lot is already developed, the addition of a second story will not increase the degree of non-conformity; and

WHEREAS, these renovations allow for special conditions and circumstances for this peculiar land, structure or building involved, which are not applicable to other lands, structures, or buildings; and Section 90-36 of the Town of Surfside Code of Ordinances provides for variance application and review (See Attachment "A" Memorandum from Town Planner, Sarah Sinatra Gould, AICP, Town Planner); and

WHEREAS, the Town Staff recommends approval of the side setback variance; and

WHEREAS, the Planning and Zoning Board reviewed the application on July 25, 2013 and unanimously recommended approval of the application to the Town Commission and the

Town Planner recommended approval of the side setback Variance. (See Attachment "B" Town of Surfside Planning & Zoning Board Resolution No. 13-Z-03)

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

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

Section 2. Variance. That the Town Commission finds the requested variance from the minimum side setback requirement of Section 90-45 of the Town of Surfside Code of Ordinances meets/does not meet the variance criteria set forth in Section 90-36 of the Town of Ordinances and adopts the Variance with all the conditions as stated in the Planning and Zoning Resolution No. 13-Z-03.

Section 3. Effective Date. This resolution becomes effective upon adoption.

PASSED AND ADOPTED this _____ day of _____, 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, Town Attorney

ATTACHMENT "B"

TOWN OF SURFSIDE PLANNING & ZONING BOARD RESOLUTION NO. 13-Z- 03

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA PLANNING & ZONING BOARD CONSIDERING THE APPLICATION OF 8859 CARLYLE AVENUE 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 ADD A SECOND STORY; PROVIDING FOR RECOMMENDATION OF APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-45 of the Town of Surfside Code of Ordinances requires the second story setbacks to be a minimum of five (5) feet, with an average setback of seven and a half (7 1/2) feet in the H30B Zoning District; and

WHEREAS, the property, 8859 Carlyle Avenue, is located within the Residential Single Family H30B Zoning District; and

WHEREAS, the existing single family home is only fifteen (15) feet wide, due to the fact that the lot is only twenty-five (25) feet wide; and

WHEREAS, the average setback means that on the second floor of the home, fifty (50%) percent of each side wall is required to have an additional five (5) foot setback; and

WHEREAS, Section 90-36 of the Town of Surfside Code of Ordinances provides for variance application and review; and

WHEREAS, the property was developed in 1936 and subdivided to a twenty-five (25) foot lot between 1925 and 1936, these renovations allow for special conditions and circumstances for this peculiar land, structure or building involved, which are not applicable to other lands, structures, or buildings; and

WHEREAS, the Town Staff recommends approval of the side setback variance; and

WHEREAS, the Planning and Zoning Board recommend approval of the side setback variance.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

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

Section 2. Variance. That the Planning and Zoning Board find the requested variance from the minimum side setback requirement of Section 90-45 of the Town of Surfside Code of Ordinances meets the variance criteria set forth in Section 90-36 of the Town of Surfside Code of Ordinances. (See also Attachment "A" Memorandum from Town Planner, Sarah Sinatra Gould, AICP, Town Planner.)

Section 3. Approval. The Planning and Zoning Board recommend approval of this variance.

Section 4. Effective Date. This resolution becomes effective upon adoption.

PASSED AND ADOPTED this 25th day of July, 2013

Motion by Planning and Zoning Board Member Glynn
Second by Planning and Zoning Board Member Castellanos

FINAL VOTE ADOPTION

Member, Armando Castellanos	<u>Yes</u>
Member, Jennifer Dray	<u>Absent</u>
Member, Carli Koshal	<u>Yes</u>
Vice Chair, Peter Glynn	<u>Yes</u>
Chair, Lindsay Lecour	<u>Yes</u>

L. Lecour
Lindsay Lecour, Chair

ATTEST:

[Signature]
Sandra Nova, CMC
Town Clerk

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

[Signature]
Linda Miller, Town Attorney



ATTACHMENT "A"

MEMORANDUM

To: Planning and Zoning Board
Thru: Michael Crotty, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Interim Town Attorney
Date: July 25, 2013
Re: Watson Variance
Project #: 08-1763.16

The applicant and property owner, James Watson, is requesting a side setback variance from the Town of Surfside Code for the property at 8859 Carlyle Avenue. The owner is proposing an addition to the first floor and adding a second story to his existing single family home. The property is located within the Residential Single Family H30B zoning district.

Request

Section 90-45 of the Town of Surfside Code requires the second story side setbacks to be a minimum of five feet, with an average setback of seven and a half feet. The proposed second story meets the side setback of five feet, but it does not provide an average setback of seven and a half feet.

The average setback means that on the second floor of the home, 50% of each side wall is required to have an additional five foot setback. This home is only 15 feet wide, due to the fact that the lot is only 25 feet wide. Requiring the average setback will result in portions of the second floor addition being five feet wide, which is unfeasible.

The lot was initially platted in 1925 and the existing home was constructed in 1936. Therefore, the lot was subdivided somewhere between 1925 and 1936. This lot is 25 feet in width and 2,812.50 square feet in area. The lot is considered non-conforming, however, since the lot is already developed, the addition of a second story will not increase the non-conformity and the only variance required for the addition is for the average side setback.

Existing Home



Location Map



Variance Criteria

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

This property was developed in 1936 and subdivided to a 25 foot lot between 1925 and 1936. There are no other 25 foot single family lots within the Town, which makes this lot unique.

(2) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

The existing single family home, built in 1936, meets the required five foot side setback. It was subdivided and is only a 25 foot lot, resulting in a home that is 15 feet in width. The subdivision of the lot provides a special condition to this property.

(3) Literal interpretation of the provisions of the Town Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Town Code and results in unnecessary and undue hardship on the applicant;

The side setback requirement creates an undue hardship on the property owner. The intention of this setback requirement is to prevent "McMansions" whereby the second floor provides the same square footage as the first floor. In this case, the homeowner is not proposing to develop the second floor over the same footprint as the first floor. The plans indicate that there will be approximately 21 linear feet, or 315 square feet, of the first story that will not be covered by the second story. If the literal interpretation of the code were to be followed, the home would need additional setbacks for a portion of the second floor, which would render the addition impractical.

(4) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Town of Surfside Comprehensive Plan or the Town Code;

The hardship is a result of the lot being subdivided to a substandard size lot, prior to the Town's Comprehensive Plan or Town Code being adopted.

(5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Granting of the variance is not intended to assist the applicant in achieving greater financial return, rather the applicant wishes to expand his home for more livable space. Currently, the home has 741 square feet. He is proposing 1,631 square feet. He has indicated that there are no comparable properties, which has led to difficulty acquiring an appraisal of the property. The granting of the variance may ease his ability to refinance, if he so chooses.

(6) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

The granting of the variance is specific to the conditions within this lot. This is 25 foot lot that was developed in 1936 and is the only lot in the Town with this condition. The home's first floor setbacks meet today's code requirements, however, the proposed second floor setbacks do not meet the code due to the requirement of a 7.5 foot average side setback.

(7) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

The requested variance is the minimum needed to build the second story addition.

(8) The requested variance is in harmony with the general intent and purpose of the Town of Surfside Comprehensive Plan and the Town Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

The proposed addition is generally consistent with the intent of the Comprehensive Plan and the Town of Surfside Code. The existing structure, as well as the proposed addition is compatible with the neighborhood. The proposed aesthetics of the home will not diminish or impair property values within the neighborhood.

Results

Staff recommends approval of the side setback variance.

Exhibits

1. Application
2. Site Plan

1. Opening

A. Call to Order

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

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Olchyk spoke about the amount of presentations on the agenda and stated that she would like to limit the presentation to be one per department.

Commissioner Graubart suggested Commissioner Olchyk to bring it back as a discussion item.

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

Commissioner Kligman made a motion to be allowed to make some remarks about Code Enforcement issues after Good and Welfare. Commissioner Graubart made a motion to approve. The motion received a second from Vice Mayor Karukin and all voted in favor.

Commissioner Kligman also requested to present Item 1N “Recognition of Lifeguards Erik Fernandez and Jose Espinoza”.

Town Manager Michael P. Crotty requested to linked item 4A with item 5A and 5B. He also requested a motion to defer agenda item 4B2. Commissioner Kligman made a motion to defer item 4B2. The motion received a second from Commissioner Graubart and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which are also available on the town website.

Commissioner Graubart announced that he would be unavailable to be present at the ribbon cutting tomorrow.

G. Presentation from State Representative Joe Gibbons - Mayor Daniel Dietch

State Representative Joe Gibbons was unable to attend the meeting.

- H. Presentation from Town’s Lobbyist Fausto Gomez** – Mayor Daniel Dietch
After the presentation awards, Town Lobbyist Fausto Gomez provided the Town Commission with a verbal report on the recently completed session. Some of the highlighted issues included recovery money from communication tax; water projects; Transportation Dept.; pension reform; firearms; property insurance; beach restoration; and next year’s agenda items. Both Mayor Dietch and Vice Mayor Karukin thanked Mr. Gomez for his services.
- I. Outstanding Student Award to Gabriel Coto**– Mayor Daniel Dietch
Commissioner Olchyk presented Gabriel Coto with the Outstanding Student Award Scholarship.
She encouraged everyone in the Community to apply for the scholarship next year.
- J. Exemplary Student Award to Lawrence “Larry” Frishberg** – Commissioner Joe Graubart
Commissioner Graubart presented Lawrence “Larry” Frishberg with the Exemplary Student Award.
- K. Presentation of Employee of the Quarter to Hector Rodriguez, Harold Lacroix and Kenny Chaviano** – Randy Stokes, Capital Improvements Project Manager
- L. Presentation to Priscilla Krutules and Marisol Rodriguez for 10 Years of Service to the Town of Surfside** – Michael P. Crotty, Town Manager
Town Manager Michael P. Crotty presented Priscilla Krutules and Marisol Rodriguez with a Certificate of Appreciation for their 10 Years of Service to the Town of Surfside.
- M. Presentation to Officer Loxeley Arch III for 20 Years of Service to the Town of Surfside** – Michael P. Crotty, Town Manager
Town Manager Michael P. Crotty presented Officer Loxeley Arch III with a Certificate of Appreciation for his 20 Years of Service to the Town of Surfside.
- N. Recognition of Lifeguards Erik Fernandez and Jose Espinoza** – Tim Milian, Parks and Recreation Director
Commissioner Olchyk and Jackie Villagran presented Erik Fernandez and Jose Espinosa with the Recognition of Lifeguards award. Commissioner Olchyk personally thanked Tim Milian and his hands on team for their dedication, professionalism and service to the community and related a life saving incident involving her children at the community pool.
- O. Presentation of the Officer of the Month of April to Officer Alberto Knight** – David Allen, Chief of Police
Chief of Police David Allen presented Officer Alberto Knight with the Officer of the Month of April award.
- P. Presentation of the Civilian of the Month of April to Parking Officer Alain Acosta** – David Allen, Chief of Police
Chief of Police David Allen presented Parking Officer Alain Acosta with the Civilian of the Month of April award.
- Q. Presentation of the Officer of the Month of May to Sgt. Jay Matelis, Officer John Gentile and Officer Alberto Knight** – David Allen, Chief of Police
Chief of Police David Allen presented Sgt. Jay Matelis, Officer John Gentile and Officer Alberto Knight with the Officer of the Month of May award.

R. Presentation of the Officer of the Month of June to Officer Don McGavern and Officer Dianna Hernandez – David Allen, Chief of Police

Chief David Allen presented Officer Don McGavern and Officer Dianna Hernandez with the Officer of the Month of June award.

Commissioner Kligman stated that she is very happy that Sgt. Matelis and Officer Hernandez take the time to really know their Community and congratulated the officers for their services to the Town.

2. Quasi-Judicial Hearings (None)

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

Commissioner Graubart pulled item 4, page 12; item 6, page 31; item 10, page 33; item 3, page 36; item 1, page 38 and item 3E.

Vice Mayor Karukin made a motion to approve the Consent Agenda minus the pulled items. The motion received a second from Commissioner Kligman and all voted in favor

A. Minutes – June 11, 2013 Regular Commission Meeting Minutes

B. Budget to Actual Summary as of April 30, 2013 – Donald Nelson, Finance Director

***C. Town Manager’s Report (Points of Light) – Michael P. Crotty, Town Manager**

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

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

Commissioner Graubart

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

- May 29, 2013 DVAC Meeting Minutes

- June 6, 2013 DVAC Meeting Minutes

G. Expenditure of Forfeiture Funds for the Purchase of Special Equipment –

David Allen, Chief of Police

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2012/2013 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF THREE THOUSAND DOLLARS (\$3,000) FROM THE FORFEITURE FUND TO PURCHASE THREE (3) ADDITIONAL BICYCLES FOR THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent

H. Biscayne Restoration Resolution – Mayor Daniel Dietch

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) SUPPORTING THE BISCAYNE BAY

COALITION OF ITS PROTECTION FOR THE HEALTH AND WELLBEING OF MIAMI-DADE COUNTY RESIDENTS AND THE IMPROVEMENT OF OUR TOURISM ECONOMY; SUPPORTING STATE RULE ADOPTION; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent

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

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

- 1. Reformed Mark Wandall Traffic Safety Act – David Allen, Chief of Police (TIME CERTAIN 8:30 PM)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 74 “TRAFFIC AND VEHICLES”, ARTICLE III “DANGEROUS INTERSECTION SAFETY” AND SPECIFICALLY AMENDING SECTION 74-72 “USE OF IMAGE CAPTURE TECHNOLOGIES”, SECTION 74-76 “IMPLEMENTATION OF GENERAL LAW”, AND SECTION 74-77 “ISSUANCE OF NOTICE; REVIEW OF RECORDED IMAGES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES IMPLEMENTING CHAPTER 2013-__, LAWS OF FLORIDA; PROVIDING FOR LOCAL HEARING OFFICERS CONSISTENT WITH GENERAL LAW; 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.

Chief of Police David Allen presented the item to the Town Commission. Chief Allen gave insight to the advantages of the town having its own Special Magistrate Court to handle traffic violations and said it would be cost efficient. Chief Allen also indicated the use of red cameras would result in a net profit for the town. Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Olchyk.

Mayor Dietch opened the public hearing. No one wishing to speak, Mayor Dietch closed the public hearing.

The motion carried 5-0.

(Set for approximately 9:00 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

- 1. Deferred Retirement Option Plan (“DROP”) – Yamileth Slate-McCloud, Human Resources Director and Michael P. Crotty, Town Manager (TIME CERTAIN 8:00 PM)**

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-193 OF THE CODE TO PERMIT ALL MEMBERS ELIGIBLE FOR NORMAL RETIREMENT TO PARTICIPATE IN THE DROP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Pension Attorney Robert Kelausner presented the item to the Town Commission.

Commissioner Kligman asked for a definition of the Drop Program in laymen terms. Attorney Kelausner explained that a senior employee eligible for retirement will have the option to continue their employment without accruing additional retirement benefits (up to five years). Attorney Kelausner indicated the plan poses to be beneficial to both the employee and the Town. Also, that Surfside has a very healthy pension plan in place. Commissioner Kligman asked if participants in the program are guaranteed a rate of return and Attorney Kelausner indicated that the rate of return is not guaranteed but variable. After some discussion Commissioner Kligman made a motion to accept. Commissioner Graubart seconded the motion. All voted in favor.

- 2. Planning & Zoning Board Member Requirements – Linda Miller, Interim Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS,

EXPENDITURES, INDEBTNESS” BY ADDING TWO VOTING EX-OFFICIO POSITIONS, AND CHANGING THE FLORIDA LICENSURE REQUIREMENTS FOR ARCHITECTS SERVING ON THE PLANNING AND ZONING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Item deferred.

3. **Hardpack Easement** – Linda Miller, Interim Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 SECTION 90-60 “CONSTRUCTION ADJACENT TO BULKHEAD LINES” SUBSECTION 90-60.1 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REQUIRING NO PERMIT SHALL BE ISSUED FOR THE REPAIR, EXTENSION, ALTERATION OR REPLACEMENT OF ANY HABITABLE, FULLY-ENCLOSED STRUCTURE EAST OF THE OCEAN BULKHEAD LINE; NO PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF ANY HABITABLE, FULLY ENCLOSED STRUCTURE CLOSER THAN 20 FEET TO THE WEST OF THE OCEAN BULKHEAD LINE; ALL PROPERTIES EAST OF THE OCEAN BULKHEAD LINE WILL BE REQUIRED TO PROVIDE AN ACCESS EASEMENT TO THE TOWN GRANTING THE PERPETUAL USE OF THE HARDPACK TO THE PUBLIC; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sarah Sinatra presented the item to the Town Commission. There was some discussion and clarification of the ordinance. Commissioner Graubart made a motion to approve. The motion received a second from Vice Mayor Karukin. The motion carried 5-0.

4. **Trellises** – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT PROCESS” TO ADD “TRELLISES” LOCATED IN THE REAR OR INTERIOR SIDE YARD TO ITEMS NOT SUBJECT TO PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR

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

Town Planner Sarah Sinatra presented the item to the Town Commission. She would like to clarify the text on the actual Ordinance under Section 90-19.7 to read “in the rear or interior side yard.” Commissioner Graubart asked if a permit had to be pulled and Building Official Rosendo Prieto indicated that any structural feature installed would need a permit. Commissioner Graubart made a motion to accept. The motion received a second from Commissioner Kligman. The motion carried 5-0.

5. Required Carport Standards – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-58 “CARPORT CANOPIES” FOR CONSISTENCY WITH DRIVEWAY REGULATIONS AND CONSTRUCTION STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sarah Sinatra presented the item to the Town Commission. Vice Mayor Karukin made a motion to accept. The motion received a second from Commissioner Kligman. The motion carried 5-0.

6. Metal Roofs – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO EXCLUDE METAL ROOFS FROM PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

Town Planner Sarah Sinatra presented the item to the Town Commission. Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Graubart. The motion carried 5-0.

5. Resolutions and Proclamations

(Set for approximately 9:30 p.m.) (Note: Depends upon length of Good and Welfare)

A. Second Amendment to American Traffic Solutions, Inc. Agreement – David Allen, Chief of Police

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO A SECOND AMENDMENT TO THE CONTRACT BETWEEN AMERICAN TRAFFIC SOLUTIONS, INC., AND THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) ATTACHED AS EXHIBIT “A” AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Chief David Allen presented the item.

Commissioner Graubar would like make an amendment to section 1 of the Terms and Conditions to read as follows: “ The convenience fee set forth in Section 18 of Exhibit D, is hereby amended as follows: “ATS is authorized to charge, collect and retain a convenience fee up to the actual processing cost for each electronic payment processed. Such fees are paid by the violator.”

Commissioner Graubart made a motion to accept with the new language. The motion received a second from Commissioner Olchyk and all voted in favor.

B. Reformed Mark Wandall Traffic Safety Act Code Enforcement Implementation – David Allen, Chief of Police

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), DESIGNATING THE TOWN OF SURFSIDE’S CODE ENFORCEMENT SPECIAL MASTERS AND CODE COMPLIANCE OFFICER(S) TO SERVE AS LOCAL HEARING OFFICERS PURSUANT TO CHAPTER 2013-160, LAWS OF FLORIDA; AUTHORIZING THE TOWN MANAGER AND TOWN CLERK TO UTILIZE CODE ENFORCEMENT STAFF TO IMPLEMENT CHAPTER 2013-160, LAWS OF FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Chief David Allen presented the item.

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

C. Proposed Ad-Valorem Budget Millage for Fiscal Year 2013/14 – Donald Nelson, Finance Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DETERMINING A PROPOSED OPERATING MILLAGE RATE, DETERMINING THE CURRENT YEAR ROLLED-BACK RATE; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND SECOND PUBLIC BUDGET HEARINGS AS REQUIRED BY LAW; DIRECTING THE TOWN CLERK TO FILE SAID RESOLUTION WITH THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE FOR THE STATE OF FLORIDA; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Donald Nelson presented the item to the Town Commission and recommended to set a cap at 5.3 Mills.

Commissioner Graubart made a motion to accept. The motion received a second from Vice Mayor Karukin.

Commissioner Olchyk made a friendly amendment to set the cap at 5.0 Mills.

The friendly amendment was not accepted by motion maker Commissioner Graubart.

The motion carried 4-1 with Commissioner Olchyk voting in opposition.

D. Abbott and 94th Street Parking Lots – Michael P. Crotty, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING EXECUTION OF LYNX CONSTRUCTION MANAGEMENT, LLC PROPOSAL FOR ADDITIONAL SERVICES TO CONTINUE DESIGN BUILD SERVICES FOR THE RENOVATION OF THE ABBOTT AVENUE AND 94TH STREET PARKING LOTS TO INCLUDE NECESSARY CONCRETE CUTS FOR AN ADDITIONAL COST NOT TO EXCEED \$16,772.55; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Michael P. Crotty presented the item and asked the Town Commission to reconsider this item that was in front of them during the June Town Commission meeting. Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Graubart. Motion carried 3-2 with Commissioner Kligman and Commissioner Olchyk voting in opposition.

AND

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING AN EXPENDITURE NOT TO EXCEED \$80,127.20 FOR THE ABBOTT AVENUE AND 94TH STREET PARKING LOTS TO LUKES' LANDSCAPING, INC. DBA LUKES-SAWGRASS LANDSCAPE FOR A PROPOSAL TO LANDSCAPE THE ABBOTT AVENUE AND 94TH STREET PARKING LOTS; APPROVING AND AUTHORIZING EXPENDITURES FROM THE MUNICIPAL PARKING FUND; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Michael P. Crotty presented the item and asked the Town Commission to reconsider this item that was in front of them during the June Town Commission meeting. There was some discussion regarding landscaping and the costs. Vice Mayor Karukin, Commissioner Graubart and Commissioner Kligman voted in favor of reconsideration of the item.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Graubart. Motion carried 3-2 with Commissioner Kligman and Commissioner Olchyk voting in opposition.

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

Terry Cohen spoke about the situation that she continues to have with her two (2) neighbors.

Commissioner Kligman made a motion to move item 9D up in the agenda since it is related to Ms. Cohen. Commissioner Graubart seconded the motion and all voted in favor.

Town Manager Michael Crotty said he has been following up on the situation involving Ms. Cohen and has been advised by the Code Officer that there has been some progress made.

Joe Damien Code Compliance Director reported on actions that have been taken regarding the properties in code violation and is continuing to monitor and pursue the violations on such properties.

Code Enforcement Compliance Regarding Hedges and Site Triangle

****Item added by Commissioner Kligman****

Gisella Santiago spoke regarding the town code for hedges and indicated that she as well as many residents has never received any education regarding codes for such and was unaware that there was a violation until they were cited. After some discussion Commissioner Kligman made a motion that the Town Staff contact those that are in compliance and give them the opportunity to be included in the July 26, 2013 Special Masters Hearing to request mitigation of their fines. Commissioner Karukin seconded the motion. Mayor Dietch who voted in favor wanted the town to be mindful of the cost

of Special Masters Hearings. The motion carried with Commissioner Olchyk in opposition.

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

Presentations - Commissioner Olchyk

**** Item added by Commissioner****

Commissioner Olchyk requested that presentations be limited to one per department per month. Mayor Dietch suggested there may be options regarding presentations and that the item be deferred and placed on the next agenda for discussion. Commissioner Olchyk was in agreement.

9. Mayor, Commission and Staff Communications

A. Charter Review Committee Process – Vice Mayor Michael Karukin

Vice Mayor Karukin presented the item and asked the members of the Town Commission to appoint one resident to serve on the Charter Review Board.

Commissioner Olchyk appointed Lou Cohen

Vice Mayor Karukin appointed former Mayor Mark Imberman

Mayor Dietch appointed Marty Oppenheimer.

Commissioner Graubart and Commissioner Kligman will appoint someone at a later date.

B. Construction Worker Parking Program – Commissioner Joe Graubart

After some discussion no motion was made.

C. Interim Town Attorney Evaluation – Commissioner Michelle Kligman

Commissioner Kligman presented the item. Commissioner Kligman did not make a recommendation because all evaluations had not been received and suggested a discussion. After some discussion and remarks by the Board, Commissioner Olchyk made a motion for a vote of confidence and Commissioner Kligman was appointed to negotiate a contract with the Labor Attorney for Linda Miller as Town Attorney. The motion was seconded by Vice Mayor Karukin and all voted in favor.

D. Status of Code Compliance Efforts at 1268 and 1292 Biscaya Drive – Joe Damian, Code Compliance Director

***Item discussed after Good and Welfare*

Town Manager Michael P. Crotty presented the item to the Town Commission.

Code Enforcement Joe Damian spoke on the item as well.

E. Communication Re: Undergrounding – Commissioner Joe Graubart

Commissioner Graubart submitted the Commission Communication as informational and would like for everyone to read it.

Town Manager Michael P. Crotty passed an email received from former Town Manager Roger M. Carlton in response to Commissioner Graubart's Communication regarding the independent analysis of the cost estimate and discussions he had with Town Manager Crotty during the interim period.

F. Resilient Communities for America Agreement – Mayor Daniel Dietch

Mayor Dietch presented the item to the Town Commission and encouraged them to sign up for the resilient Communities for America Agreement.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 12:21 a.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
May 31, 2013**

AS OF

67% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: August 13, 2013

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$7,771,299 *	\$10,225,227	76%
EXPENDITURES	7,169,782 A-1	\$10,225,227	70%
Net Change in Fund Balance	601,517		
Fund Balance-September 30, 2012 1(audited)	5,266,374 A		
Fund Balance-May 31, 2013 (Reserves)	<u>\$5,867,891</u>		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$121,748 *	\$230,811	53% B
EXPENDITURES	191,774	\$230,811	83%
Net Change in Fund Balance	(70,026)		
Fund Balance-September 30, 2012 1(audited)	171,496		
Fund Balance-May 31, 2013 (Reserves)	<u>\$101,470</u>		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$13,109	\$162,490	8% C
EXPENDITURES	34,235	\$162,490	21%
Net Change in Fund Balance	(21,126)		
Fund Balance-September 30, 2012 1(audited)	122,272		
Fund Balance-May 31, 2013 (Reserves)	<u>\$101,146</u>		
TRANSPORTATION SURTAX			
REVENUE	\$126,123 *	\$185,830	68% D
EXPENDITURES	163,871	\$185,830	88%
Net Change in Fund Balance	(37,748)		
Fund Balance-September 30, 2012 1(audited)	122,302		
Fund Balance-May 31, 2013 (Reserves)	<u>\$84,554</u>		
CAPITAL PROJECTS			
REVENUE	\$25,264	\$561,000	5%
EXPENDITURES	167,942	\$561,000	30%
Net Change in Fund Balance	(142,677)		
Fund Balance-September 30, 2012 1(audited)	132,783		
Fund Balance-May 31, 2013 (Reserves)	<u>-\$9,894 E</u>		

NOTES:

* Many revenues for May, 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 \$3,266,374 is unassigned fund balance (reserves).
- A-1. Includes Town's annual General Fund pension contribution of \$473,991 & Davis Settlement.
- B. Timing Difference - May Resort Tax revenues are received in June, 2013.
Total Resort Tax Revenues of \$331,466 were received thru April, 2013 (\$111,836 to TEDAC, \$219,630 to the General Fund).
- C. Forfeiture revenue fluctuates widely.
- D. Timing Difference - May, 2013 CITT revenues are received in August, 2013.
- E. Capital Projects fund includes mobilization expense for the 95th Street End project. (awaiting developer's contributions)

ENTERPRISE FUNDS

ACTUAL	ANNUAL BUDGETED	% BUDGET
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WATER & SEWER

REVENUE	\$1,807,396	\$3,022,367	60%
EXPENDITURES	2,094,430	\$3,022,367	69%
Change in Net Assets	(287,034)		
Unrestricted Net Assets-September 30, 2012 (audited)	(2,949,483)		
Loan Proceeds *Subsequent to FY 2012 Close	7,339,928		
Restricted Net Assets-Renewal & Replacement	1,017,776		
Unrestricted Net Assets-May 31, 2013 (Reserves)	<u>\$5,121,187</u> F		
Capital Project Expenses to date for Water & Sewer	\$5,870,224	\$1,967,754	298%

MUNICIPAL PARKING

REVENUE	\$680,275	\$814,599	84%
EXPENDITURES	547,952	\$681,661	80%
Change in Net Assets	20,151		
Unrestricted Net Assets-September 30, 2012 (audited)	1,258,325		
Unrestricted Net Assets-May 31, 2013 (Reserves)	<u>\$1,278,476</u>		
Capital Project Expenses to date for Municipal Parking	\$228,679	\$223,000	103%

SOLID WASTE

REVENUE	\$718,960	\$1,232,457	58%
EXPENDITURES	799,982	\$1,232,457	65%
Change in Net Assets	(81,022)		
Unrestricted Net Assets-September 30, 2012 (audited)	228,437		
Unrestricted Net Assets-May 31, 2013 (Reserves)	<u>\$147,415</u>		

STORMWATER

REVENUE	\$334,882	\$505,000	66%
EXPENDITURES	268,999	\$505,000	53%
Change in Net Assets	65,884		
Unrestricted Net Assets-September 30, 2012 (audited)	(161,489)		
Restricted Net Assets-Renewal & Replacement	266,140		
Unrestricted Net Assets-May 31, 2013 (Reserves)	<u>\$170,535</u>		
FDEP Grant	0	\$512,500	0%
Capital Project Expenses to date for Storm Water	\$636,786	\$668,781	95%

NOTES:(con't)

F. The unrestricted balance of \$5,666,101 is the result of a subsequent receipt of the State Revolving Loan payment #1 of \$4,151,234 on October 4, 2012 after the fiscal year closing of September 30, 2012, State Revolving Loan payment #2 of \$3,188,694 received on April 2, 2013, it also includes \$651,144 for rate stabilization, and \$1,017,776 for renewal and replacement.


Donald G. Nelson, Finance Director

**ATTACHMENT

on behalf of D. Nelson


Michael P. Crotty, Town Manager

Town of Surfside
Fund Balance (Reserves)

May 31, 2013

FUND	9/30/2010	9/30/2011	9/30/2012	5/31/2013
General	\$ 3,163,038	\$ 4,256,315	\$ 5,266,374	\$ 5,867,891
Resort Tax	179,035	184,867	171,496	101,470
Police Forfeiture	71,825	117,889	122,272	101,146
Transportation Surtax	416,500	239,760	122,302	84,554
Capital	4,888,357 *	399,754	132,783	(9,894)
Water & Sewer	2,108,920	2,692,379	(1,931,707)	5,121,187
Parking	2,043,034	1,365,581	1,258,325	1,278,476
Solid Waste	82,210	207,462	228,437	147,415
Stormwater	194,564	342,240	104,651	170,535
Total	\$ 13,147,483	\$ 9,826,247	\$ 5,474,953	\$ 12,862,780

4,201,479 *

\$ 8,946,004

*Committed to Capital Project (Community Center)



**Town of Surfside
Town Commission Meeting
August 13, 2013**

**POINTS OF LIGHT
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**Town of Surfside
Town Commission Meeting
August 13, 2013**

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

POINTS OF LIGHT

A. COMMUNITY PROGRAMS/INITIATIVES/ENHANCEMENTS

1. Dog Park: Mayor Daniel Dietch

Current Status: An opening ceremony was held on July 17 with a ribbon cutting by Mayor Dietch and Ann Findlay. Information on the opening of the Dog Park is featured in the August Gazette. The Park is open daily from 8 am until dusk. Item completed.



Mayor Dietch, Ann Findlay, Comissioner Kligman and MDC Commissioner Heyman at the July 17 dedication ceremony



Four legged friends enjoying their new park!

2. Isaac Bashevis Singer Boulevard: Commissioner Marta Olchyk

Current Status: On April 9, 2013 the Town Commission approved and passed Resolution No. 13-2049 to correct the street sign named “Isaac Singer Boulevard” to “Isaac Bashevis Singer Boulevard” to properly honor him on both ends of 95th Street. The Miami-Dade County Commission approved the change to “Isaac Bashevis Singer Boulevard” (Resolution No. R-406-13) at the June 4, 2013 Board of County Commissioners meeting. The Staff coordinated a ceremony on July 17, 2013, honoring the late Isaac Bashevis Singer on the corner of 95th and Abbott with an unveiling Commissioner Marta Olchyk, with support from County Commissioner Sally Heyman, Staff and residents. Information on the July 17 unveiling is featured in the August Gazette. The overhead sign on Collins Avenue at 95th Street also installed. Item completed.

Randy Stokes, Commissioner Olchyk, residents and Town Manager attending the July 17 ceremony honoring Isaac Bashevis Singer (insert):



3. Electric Car Charging Station: Mayor Daniel Dietch

Current Status: The Parking Division of the Police Department is working with Car Charging on the installation of the station. Arrangements have been made with FPL to install a separate meter at the station's location - an expense to be incurred by Car Charging. The station will be installed at the Town Hall parking lot.

4. Bullying Program: Commissioner Michelle Kligman

Current Status: The bullying program was held on January 16, 2013 in the Community Center. 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. Summer camp staff received the bully training during the summer camp in-service training on June 8, 2013. Staff is currently working with the same agency to provide a workshop on anti-bullying for all part time and full time Parks and Recreation staff. The bully training program is set for September 19, 2013 at 6:00 pm in the Community Center. Staff will also research the possibility of holding a youth anti-bully program. This will be an ongoing process and updates will be provided each month in the Points of Light.

5. Mt. Sinai Bus Route: Commissioner Michelle Kligman

Current Status: Following the Town Manager and TEDACS Director meeting with the Jewish Community Services (JCS) team on May 30, 2013 regarding transportation options and related costs, JCS staff prepared a bus proposal. This information will be presented to the Town Commission in the FY 13/14 budget process. A subsequent meeting on June 24, 2013 explored further partnership options to mutually benefit Town residents and JCS clients. A Program Modification addressing transportation to Mount Sinai in conjunction with JCS has been included in the proposed FY 13/14 budget. In the interim, JCS conducted outreach meetings with all Police Department shifts to inform them of their services available to seniors. Being aware of the benefits of the Surf-Bal-Bay Program, police officers can pass on information to residents/seniors that they interact with during their daily community involvement/activities. The Town will continue to inform Surfside residents of the program through the monthly Gazette. Up to \$12,500 is allocated in the proposed FY 13/14 budget to address this transportation need. Staff continues working toward identifying the level of need and transportation options. Possible partnership with JCS is continuing to be explored. Prior to incurring transportation costs, authorization of the Town Commission will be received.

6. Scholarship Program: Commissioner Marta Olchyk

Current Status: Commissioner Olchyk volunteered to spearhead the selection of the scholarship program committee and select two scholarship award winners to the Parks and Recreation Committee during the February 11, 2013 meeting. The Parks and Recreation Committee 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. The Parks and Recreation Committee on April 29, 2013 reviewed the one and only application submitted by the deadline. The applicant met all the requirements requested in the application process and the Committee voted to award Gabriel Coto the \$1,000 Higher Education Scholarship. Gabriel was awarded the check and recognized at the July, 2013 Commission meeting. Funds have been included in the proposed budget. A \$1000 summer scholarship (for 2014) has been included in the FY 13/14 budget utilizing budgeted funds not spent in FY 12/13. Item completed.

7. Joint Skate Park with City of Miami Beach

Current Status: Initial contact was made with Miami Beach officials on May 31, 2013 regarding a joint skate park project located south of the Tennis Center and discussions have begun with the Town's Parks and Recreation Committee. A meeting with Miami Beach officials and Town Representatives was held on July 11, 2013. The meeting was positive in nature and Miami Beach is on board with the Town researching the possibility of building a skate park as a joint venture between Miami Beach and the Town of Surfside. At this time Miami Beach has a possible \$400,000 for the project along with the 2 lots of land. The project was presented to the Parks and Recreation Committee during the July 15, 2013 meeting and was supported by the Committee. Staff work on the project continues including finalizing a proposal for partnership with Miami Beach; options for park development and operation; and community outreach.

Photos of proposed site of a skate park located south of the Town's tennis facility (87th Terrace):



Approximate 9000 sqft site identified as a possible location for a joint partnership with Miami Beach for developing a skate park



8. MAST Academy – Miami-Dade County Public Schools Maritime and Science Technology Academy (FIU Biscayne Bay Campus)

Current Status: Miami-Dade County Public School District is currently in the process of finalizing the startup of a District operated secondary program in environmental sciences at the FIU Biscayne Bay Campus (3000 NE 151st Street, North Miami) for School Year 13/14.

Mayor Daniel Dietch and the Town Manager received a briefing on June 18, 2013 from County School District officials on the start-up of the Environmental Science Program and longer range plans to fund and permanently establish a facility. Commissioner Michelle Kligman has also received a briefing from the Superintendent's Office on the proposal.

In a number of locations through the County, municipalities partner with the School District to invest in educational opportunities for its residents particularly as it relates to MAST academies. Over the next couple of months, this option will be explored with surrounding municipalities to determine level of interest in further pursuing a partnership with Miami-Dade School District to ensure capacity for Surfside students for the environmental science program at FIU Biscayne Campus.

9. Bus Shelters: Commissioner Marta Olchyk

Current Status: The Town Commission approved the purchase of three additional shelters at a cost of \$75,000 which was reduced to \$64,237 after negotiations. The shelters were ordered on March 27, 2013 and installed July 25, 2013. The concrete walkway was also stained to match the existing sidewalk. Item completed.

New bus shelter in front of former Best Western Hotel:



10. Town-wide Traffic Study Public Outreach

Current Status: The proposal for the outreach/education process on the Town-wide Traffic Study was presented to the Commission at the May 15, 2013 meeting. The first outreach meeting was held June 25, 2013 in the Commission Chambers. Approximately 10 residents attended. Another outreach meeting is planned; however, in order to receive more input, a different approach is necessary. Staff will work with the traffic engineer to hold such a meeting following the budget hearings.

B. DOWNTOWN BUSINESS DISTRICT AND TOURISM

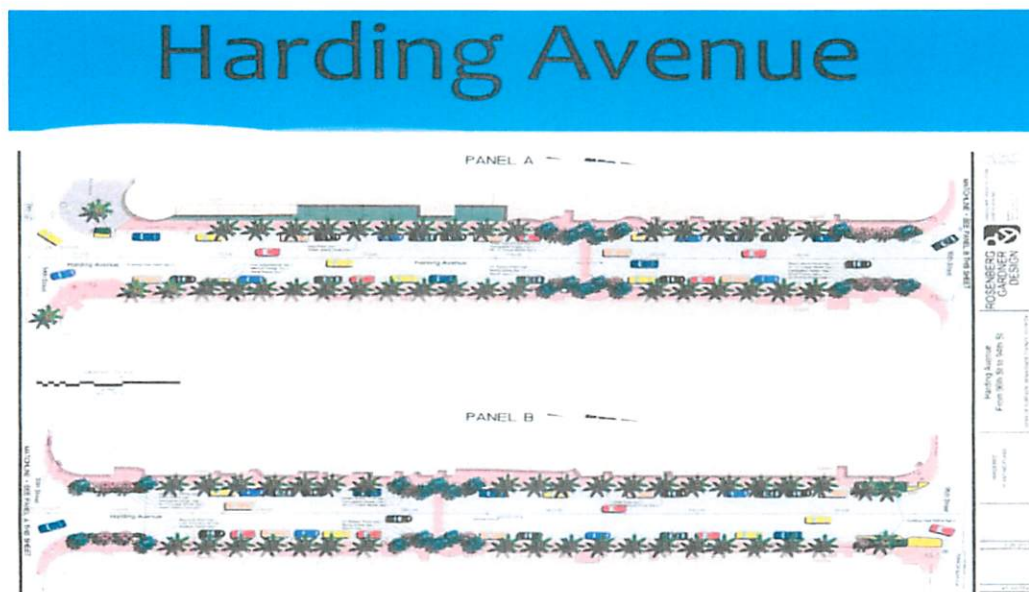
1. Harding Avenue Streetscape Plan

Current Status: On June 11, 2013, the Commission approved the Harding Avenue Streetscape Plan in the amount of \$839,770. The Plan provides for the installation of sixty-nine lighted Medjool palms (existing palms to be relocated to other locations in the Town). Other features of the Plan include the establishment of eight pocket parks complemented by a \$65,000 landscaping budget. The pocket parks will include benches and new trash/recycling cans.

The architects and Staff met with FDOT District Secretary Gus Pego on July 3, 2013 to review plans and discuss FDOT permitting requirements.

Pre-construction meetings were held every two weeks with follow-up meetings to finalize any issues before the start of the project. The last meeting was held on July 25, 2013 to discuss costs and scope of work. The FDOT permit application was submitted July 15, 2013 with an expected 4 to 6 week turn around. The project is anticipated to commence late August or early September, 2013.

Harding Avenue streetscape improvements (94th and 96th Streets):



2. Abbott and 94th Street Lot Improvements

Current Status: In December, 2010, Lynx Construction was awarded a contract for design build services for 222 95th Street (Post Office Lot) for design and construction of the new parking lot. At the June 14, 2011 meeting, the Town Commission approved FTE Engineering Inc. to do a Parking Lot Improvement Study for all six (6) municipal parking lots. The purpose of this study was to analyze each of the Town's parking lots, recommend improvements, prioritize the recommendations and provide an engineering estimate of what the improvements would cost.

A bid proposal was also received under the Lynx contract to renovate the Abbott, 95th Street (Shul) 94th Street, Town Hall (93rd Street) and Town Hall (Collins) lots totaling \$220,000 which was below the \$450,000 estimated figure. Renovation was completed on the two Town Hall lots and the 95th Street (Shul) lot for \$95,000 and the cost of landscaping added \$97,000. The remaining lot improvements were delayed pending the Parking Structure Feasibility Study (information from the August, 2012 Points of Light).

Examples of improvements to date include:

Town Hall Parking Lot (Before Improvements)



Town Hall Parking Lot (After Improvements)



Post Office Parking Lot Improvements



93rd Street Parking Lot (East of Town Hall)



At the May 15, 2013 Commission meeting, maintenance improvements to (Lynx Construction) were approved. However, the landscaping component was not approved. A landscaping plan with reduced costs was presented at the July 16 Commission meeting and approved by the Commission (Luke's Landscaping). The cost of maintenance improvements and landscaping for the two parking lots total \$145,181.18. The landscape material will be of the variety that can be transplanted should one or both of these sites ultimately be the site of a parking structure.

Meetings have been held with the selected contractors, Lynx Construction and Luke's Landscaping, to coordinate the project. Construction on both lots are set to commence on August 5. The Public Works Department will coordinate with the Police Department to schedule assistance with blocking off

spaces and flow of traffic for both lots. The seal coating portion of this project will be done in the late evening on a weekend when use of the parking lots are at a minimum.

Parking lots *prior* to improvements:

Abbott Parking Lot



94th Street Parking Lot



3. Downtown Vision Project: Commissioner Michelle Kligman

Current Status: June 2013 meeting minutes will be provided as part of the Town Commission agenda for the November 2013 meeting as the Committee is now on summer hiatus until October 28, 2013.

4. Sidewalk Ordinance Implementation (Action Item)

Current Status: The amended sidewalk lease agreement with FDOT will be presented to the Town Commission at the August 2013 Commission meeting. The ordinance will be rolled out as part of the Town's business licensing process in the Fall to coincide and complement the Harding Avenue Business District Streetscape Greenway.

5. Starbucks

Current Status: Starbucks is coming to the Condotti Men's Clothing Store location. It was approved by the Planning and Zoning Board during their January 31, 2013 meeting. Thank you to Sergio Castaneda for his long service to Surfside and welcome to our first national tenant in a very long time. The Starbucks plans were submitted for review on April 17, 2013. Starbucks is scheduled to open August 10, 2013.

Final touches being added to Starbucks building prior to their scheduled August 10th opening:



6. 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. 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).

At the April 9, 2013 meeting, the Commission acknowledged receipt of the March, 2013 Parking Structure Feasibility Study. The Commission tasked Staff to develop a public outreach and educational process to move the Study forward in order to ensure all stakeholders have been informed and involved prior to the Commission proceeding with its action on the Study.

Staff began the outreach/education process on the Parking Structure Feasibility Study. At the May, 2013 DVAC meeting, the committee members were asked to be prepared to share their ideas/suggestions on the community outreach/vision process. At the June 24, 2013 DVAC meeting, the committee members provided ideas/suggestions on the community outreach/vision process. The item was also discussed at the two BID Property Owners/Business Operators meetings held on June 26, 2013. Staff will continue to work on formulating the requested outreach strategy and report back to the Commission.

7. Five Year Tourism Strategic Plan

Current Status: The Tourist Board received a comprehensive update from the consultants at the June 3, 2013 and July 1, 2013 meetings. The final review and acceptance of the report by the Tourist Board is set for their meeting on August 5, 2013. This report will be presented to the Town Commission at either the September or October 2013 meeting.

C. INFRASTRUCTURE AND UTILITIES

1. 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 (BMA) (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. Bids were opened on April 19, 2013 and five bids were received. The Commission awarded the bid to Lynx Construction on June 11, 2013 for the 95th Street Improvements Collins Avenue east to the bulkhead. The FDEP permit has been received. Project duration is 138

days. A pre-construction conference was held June 27, 2013 to discuss the project. In attendance: Lynx Construction, Spiaggia Ocean Condo, 95th on the Ocean, Luke's Landscaping, Surfside Police, and Public Works. Items discussed included coordination of the project; input/concerns from abutting property representatives; procedures on notifications to residents; parking and start date. A second pre-construction meeting was held on July 10, 2013 with BMA (engineering firm), FDEP and Lynx Construction.

A meeting was held with Mark Tayton of FDEP to discuss the requirements of the permit. A field meeting was held on site July 31, 2013 with FPL, contractor rep from 9501 building, the Town Building Official and Public Works to finalize drainage and power connections which affect both the road improvement project as well as the 9501 completion. A Notice to Proceed was issued for August 21, 2013 with 138 days to complete the project, which will be January 5th, 2014.

Staff is working with BMA engineering to start on the permit process for the second phase of the project which goes from the bulkhead to the hard-pack. Engineering is already complete. The permit is anticipated to be issued for seven to ten months.

2. 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 will proceed with coordinating 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, anticipated cost is \$14,000.

The Kane Concourse portion stemming from the Surfside Town limits to Collins Avenue and Collins Avenue in Bal Harbour from 97th Street to the Haulover bridge is another phase of the project that FDOT has yet to commence. No further information on when this project will take place.

3. 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 the former 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.

At the May 21, 2013 County Commission meeting, the County adopted a resolution regarding the Federal Consent Decree. Commissioner Heyman again expressed support for recognition of funding efforts of municipal governments in upgrading sanitary facilities. Bob McSweeney, PE of CGA represented the Town at this meeting. However, since the County Commission action on the Consent Decree was a resolution, no public comment was received. The following is a summary of the long established Town talking points on this issue which were to be presented:

1. There should be recognition for communities that have made substantial investment to combat I&I. Rate increases should be discounted for communities which took initiative to reduce the I&I utilizing their own funds. Surfside has expended \$23 million on their utilities with the goal of reducing the I&I by 90%.
2. Lift stations – Surfside has fixed its own, as has Miami Beach. Surfside’s sewage flows through upgraded lift stations with acceptable NAPOT reports. Again, communities which showed initiative should not be punished by these rate increases.
3. Support for Commissioner Heyman’s position: “Any Building Better Communities water and/or sewer project in which a municipality has put forth an innovative financing plan shall not be adjusted as to priority in this analysis and in fact, shall be accelerated if possible. Further, the analysis requested of the Mayor shall include the implication for any recommended adjustments in dollars or timing in the Building Better Communities Bonds as to allocation of water and sewer permits for new or updated construction projects. Said analysis shall be done in a format that clearly demonstrates how the proposed adjustments impact the construction industry and job creation.”
4. There should be recognition for building permits issuance and utilization of County capacity to offset County costs/ burden by developers. This burden should not be placed solely on the wholesale customers such as the Town of Surfside.

On May 29, 2013, the Town Manager discussed with Commissioner Heyman establishing a meeting to follow-up on sanitary sewer issues identified in this POL. The Commission will be provided updates.

On July 11, 2013, Town representatives met with Miami Beach officials regarding the agreement with Miami Beach on sanitary sewer services they provide to the Town. Issues identified during the preparation of the new agreement with Miami Beach may identify additional issues to assist in the Town's discussions with Miami-Dade. Once the negotiations are concluded with Miami Beach, Bob McSweeney, CGA Director of Engineering Construction, will prepare a report outlining the Town's efforts in upgrades/improvements to its sanitary sewer system and issues in support of our talking points listed above which will serve as the basis for discussions with the County.

Finally, a meeting will be held with DERM on August 29th to discuss the Town's successful compliance with the terms of the 2007 Consent Agreement as a result of the Town's \$23.6M Water/Sewer/Storm Drainage Project.

4. Water/Sewer/Storm Drainage Project and Collins Avenue Force Main Project

Current Status: The following report on the Water/Sewer/Storm Drainage Project is a compilation of CGA and Staff input:

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 storm water 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 has completed all available areas (Town is working with FDOT for the required restoration on FDOT roadways). The permanent pavement marking and stripping is occurring as the asphalt has set a minimum of 21 days. The Contractor now only has 4 driveways remaining on the Phase I-III punch list (working on paver matches). Sanitary pump stations are substantially complete and off of the bypass pumps. The electricians have finalized the automated controls on the sanitary pump stations and final inspection and turn over will occur in August. The drainage pump stations have been final inspected and are now operational. The close-out of all pump stations will include full training of Town staff on operation and maintenance (O&M) and the contractor will provide O&M manuals.

Both Surfside and the Village of Bal Harbour are currently utilizing the newly installed Collins Avenue force main with no operational issues. A meeting was held with Bal Harbour representatives on May 16, 2013 to attempt to resolve the issue of the design costs/fees for the project. Staff is continuing its efforts to resolve this issue.

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.

Funding Summary

Funding Status:	Amount	Amount Received
FDEP Grant	\$873,500	\$0**
FDEP Grant	\$125,000	\$125,000 **
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	\$5,804,358

*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.

Sanitary Pump Station Outreach Meetings

Meetings were held on May 20, 2013 with neighbors in the area of the 89th and 93rd Street Pump Stations. Based on input received, the final restoration/landscaping plans have been modified to incorporate suggestions received - primarily landscaping suggestions to provide enhanced buffering. Finally, this was an opportunity to express the Town's appreciation to the residents for their incredible patience as this challenging project draws to conclusion.

Project Closeout Meeting

The community meeting on the closeout of the Water/Sewer/Storm Drainage Project was held on July 8, 2013. The meeting included:

- * Report by the consulting engineers on the scope of the project; benefits to be derived from the improvements including operational, financial and environmental; and what the project will mean long-term for the Town and residents.
- * Response to the inquiries and concerns expressed by residents regarding the functioning of the drainage system following the recent three major rainfalls which occurred prior to the new system pumps being operational and the contributing factor of the limited functioning of the FDOT 's drainage system along Harding Avenue.
- * Opportunity for residents to identify any remedial action or restorations to property/right-of-ways still to be accomplished as the Town closes out the project.

The CGA Projects Report in the Commission agenda packet contains additional information on the water/sewer/storm drainage project.

5. 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 finalized. As a result of Hurricane Sandy, the seawall at Carlyle and 88th Street 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 the FDEP approval, United States Army Corps of Engineers and the preliminary approval from Miami-Dade County, which was a prerequisite to obtain the Surfside Building 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. The remaining seawall repairs were submitted in the grant application package to FIND for grant reimbursement of up to 50% of the construction costs. FIND presentations were made on June 21, 2013 with final grant approvals being made in July, 2013 and funds become available October 1, 2013. The Surfside seawall project received 41.09 points which exceeds the required 35 points for funding. Due to this ranking the recommendation for award and approval of the 50% matching will be voted on by the FIND board.

The Town's lobbyist, Fausto Gomez, successfully worked toward the inclusion of funding in the FY 13/14 State Budget for Surfside's seawall repairs through the Legislature's water project funding. The required paperwork was prepared by CGA and submitted to the Governor (Office of Policy and Budget, Environmental Unit). Unfortunately, Governor Rick Scott vetoed all funding for water projects. More detailed information on seawall repairs is in the monthly report of CGA contained in the Commission agenda packet.

6. Federal Road Designation Removal in Single Family Neighborhood

Current Status: A meeting was held by CGA 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 CGA has provided necessary information to support the change. The downgrade was recommended by FDOT and the designation has been changed by the Federal DOT in the most recent update. 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.

Public Works Director Joseph Kroll has been tasked with other Town/FDOT issues including:

- Work with traffic engineer Jeff Maxwell to process the Town's request to FDOT for signal timing changes at 96th and Collins and 96th and Harding per the traffic study;
- Ask FDOT to evaluate the re-establishment of the pedestrian crosswalk at 96th and Harding; [Note: a meeting was held with FDOT District Secretary Gus Pego on July 3, 2013 regarding permitting for the Harding Avenue Streetscape Project. Initial discussions were held regarding the crosswalk; its history; and potential options. Follow-up discussions will be held].
- Investigate with Police Chief and Traffic Engineer the need and benefits of a pedestrian walk signal at 96th and Byron (for pedestrians crossing Byron). Determine FDOT's position and inquire about FDOT funding of improvement.

Public Works Director, Joseph Kroll, met with the Town's Traffic Consultant, Jeff Maxwell of Calvin, Giordano, and Associates to discuss the aforementioned traffic issues. Based on the findings Mr. Maxwell was able to provide a classification update of the Town's traffic issues.

Street Classifications: Dickens Avenue was previously classified as a Collector according to Federal Functional Classification. It was changed to a local roadway through the efforts of the previous Town Manager. With the exception of Collins Avenue and Harding, it is Mr. Maxwell's understanding that there are no other roads in the Town classified higher than local. This will be verified with FDOT.

Modified Crosswalk at the intersection of 96th Street/Byron Avenue: This intersection currently provides a pedestrian crosswalk with signal features for crossing 96th Street. There are no pedestrian signals or features for crossing Byron Avenue. In order to provide this pedestrian movement, the signalized intersection will need to be modified to provide pedestrian signals and push buttons on both sides of Byron Avenue. On the east side, these features can most likely be attached to the existing signal pole (this will need to be verified and engineered). On the west side, a stand-alone pedestrian pedestal for the pedestrian signals and push buttons could likely be installed, which will also need to be verified and engineered. Item completed.

7. Beach Management

Current Status: Hurricane Sandy and high full moon tides and wind 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 sponsored a Coastal Community Roundtable on April 4, 2013. Governmental representatives from Miami-Dade and Broward Counties heard presentations from U.S. Army Corps of Engineers in Jacksonville, Florida. Of local interest, Corps representatives presented an overview of the sand renourishment project scheduled in Bal Harbour (Contract G: August, 2013 Award and start date at the conclusion of Sea Turtle Season). After this project, compatible sand sources for renourishment will be depleted.

The Corps will begin an outreach through the summer pertaining to their planned sand source study (Contract J: tentative date August, 2014). The study will attempt to locate compatible sand (non-County borrow area) for future projects.

Discussions were held on the long delayed Bypass project at Port Everglades and the legal issues and challenges associated with the use of foreign sand (i.e. Bahamas) for domestic projects. Also, the Town has been approached about possible coordination with Miami Beach on their dune restoration initiative.

A presentation on beach renourishment and the sand source study is re-scheduled for the September 17, 2013 Commission meeting. Initial contact has been made with various professionals in this field (Jackie Keiser, U.S. Army Corps of Engineers; Brian Flynn, Special Projects Administrator, Miami-Dade County DERM (responsible for sand/beach renourishment); and Becky Hope, Port Everglades and Surfside resident. They have all agreed to make themselves available to Town Staff to prepare a more in-depth presentation to the Commission. Also, a meeting was held on July 16, 2013 with Lee Gottlieb (dune renourishment project) and Mark Taynton (FDEP) on beach issues. With the help of Lee Gottlieb, Public Works has identified portions of our dune vegetation that is exotic and must be removed to create a healthy dune growth. We are setting up a program for citizen participation for this project which is slated for April 2014. It will consist of the removal of unwanted vegetation and the replanting of native vegetation in the dune area. It will be both educational and rewarding for all of those who participate in this project.

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

Current Status: All of the trip hazards have been corrected with the exception of two (2) FPL boxes both located directly in front of the Surf Club on 90th and Collins Avenue. FPL has been contacted to make the necessary repairs and they will be correcting these trip hazards. FPL has been working on the utility box repairs and has hired a contractor to address the repairs subject to a FDOT permit. The Public Works Department is coordinating the repairs with FPL and FDOT to ensure proper completion.

9. 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 an issue of concern. 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. A meeting was held with FDOT District Secretary Gus Pego on July 3, 2013 regarding the history of the pedestrian crossing at 96th/Harding.

Public Works Director Joseph Kroll, also met with the Town's Traffic Consultant, Jeff Maxwell of Calvin, Giordano, and Associates to discuss the aforementioned traffic issue. Mr. Maxwell was able to provide his findings for Harding Avenue and 96th Street crosswalk as follows:

Potential Crosswalk at 96th Street/Harding Avenue – South Leg of the Intersection: The intersection of Harding Avenue/96th Street currently provides pedestrian crosswalks on the north, east, and west approaches. The south leg of the intersection does not provide a pedestrian crosswalk. Westbound traffic is prohibited from turning left onto Harding Avenue (southbound) and would therefore not present a conflict with the proposed pedestrian crosswalk. Eastbound traffic allows for dual eastbound to southbound right-turn movements. This will present a conflict with the proposed pedestrian movement on the south side of the intersection during the eastbound through movement green phase. For this reason, it will be necessary to provide a dedicated pedestrian phase for the proposed pedestrian movement on the south side of the intersection. It will very likely result in the deterioration of the intersection traffic Levels of Service since the cycle time will need to be allocated for an exclusive pedestrian phase. This will be the primary disadvantage of the proposed crosswalk facility. If a pedestrian crosswalk is installed on the south leg of the intersection, pedestrians on the south side of 96th Street wishing to cross Harding Avenue will no longer need to crossover to the north side of 96th Street. This will be the primary advantage of the proposed crosswalk facility.

A follow-up meeting with FDOT will be scheduled.

10. Town Hall Parking Lot(s) and Parking Solutions

Current Status: At the April 9, 2013 Commission meeting, issues associated with Town Hall Parking Lot(s) and parking issues/solutions were discussed. It was suggested that this project be added as a Point of Light.

In order to understand the magnitude of improvements to the existing conditions, a design build proposal was requested from Lynx Construction Management for discussion purposes. This proposal included design, surveying, permitting, construction, etc. The cost estimate was based on a design to accommodate existing operations (Town Hall, Public Works and Police needs). The design build proposal was \$425,441.

It is recommended that no action be taken on this design build proposal. The ultimate parking solution for this area needs to be part of the overall analysis going forward as the Town considers the proposed

improvements to the Community Center (second floor option). Also, there has been discussion on relocating all or a portion of the Public Works operation and/or vehicles.

The FY 13/14 budget presented to the Commission will provide a proposal/funding to initiate the planning of Community Center improvements. (Note: voluntary proffers for the Town's Parks and Recreation Capital Infrastructure Program that could be utilized for the Community Center total \$700,000).

Staff will determine appropriate maintenance actions to minimize the impacts of the dirt parking areas in the parking area south of Town Hall until permanent improvements are made.

11. Community Center Expansion: Second Floor Addition: Vice Mayor Karukin

Current Status: 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. The FY 13/14 proposed budget contains \$100,000 funding from voluntary proffers to undertake conceptual planning and design of projects including the second story addition to the Community Center. This funding is subject to the Commission approving a Five Year Capital Parks and Recreation Plan.

12. Tennis Facility

Current Status: At the July 15, 2013 Parks and Recreation Committee meeting, the Committee recommended that the improvements to the tennis facility be ranked as the #2 priority with implementation beginning in FY 13/14, (#1 priority being the second floor addition to the Community Center). The improvements (court surface, lighting and fencing) are estimated to cost \$255,000. The Committee moved up the tennis facility on its priority list due to the deteriorating condition of the court surface and overall condition of the supporting infrastructure including lights.

Existing condition of tennis court surface, light poles and fence/screening to be addressed in FY 13/14:





Following the Commission approval of the Five Year Parks and Recreation Capital Plan, the Town will receive in excess of \$400,000 during FY 13/14 from voluntary proffers. Staff is currently finalizing a report containing a recommendation and funding strategy for the project. The Parks and Recreation Committee could review the proposed project as early as its September meeting.

13. Biscaya Drainage Investigation

Current Status: Around the same time of the completion of the Water/Sewer/Storm Drainage Upgrade Project, Surfside experienced a two week period of high intensity short duration rainstorms in conjunction with spring high tides. A result of the newly sealed sanitary sewer system which did not allow excess rainfall to flow into the sanitary sewer system, the flooding during these high tide-high intensity storms increased the duration of temporary flooding on Biscaya Island.

A neighborhood meeting was held at Town Hall on June 5, 2013 to discuss the drainage issues on Biscaya Island. The meeting began with a discussion regarding the current Water/Sewer/Storm Drainage Project and an explanation that the drainage portion of the project was being funded by FDEP in order to improve water quality entering Biscayne Bay, and was not solely a service/performance project. It was also explained that the added work performed on Biscaya Island with regard to improving the existing drainage conditions was the correction of major deficiencies in curb and driveway elevations, improve the roadway profile, and service and clean the existing storm water catch basins. Also, the drainage system (catch basins and culverts) was again inspected the week of June 5, 2013 to ensure that the system was not damaged during construction. The residents provided input from and discussions regarding potential solutions including the construction of a drainage pump station, outfall upsizing and other alternatives ensued. At the conclusion of the meeting, Staff directed the Town/CGA to schedule meetings with the permitting agencies having jurisdiction to discuss possible modifications which would increase the level of drainage service to the island.

The Town has held one meeting and one teleconference to date with Miami Dade RER (DERM) and SFWMD, respectively. The outcome of the Town's meeting with the County resulted in the County agreeing to be receptive to SFWMD's decision on waiving water quality treatment, and if so the County would most likely recommend a variance to the County's requirement to provide water quality as well. This is promising news should the Town decide to move forward with the design, permitting and construction required to upsize the current drainage outfall(s) on Biscaya Island.

On July 12, correspondence was delivered to Biscaya Drive residents informing them of the status of the Town's efforts/investigation of drainage conditions and solutions. Staff will prepare a report detailing solution alternatives and cost estimates.

14. 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. A final report will be provided to the Commission upon closeout of the project.

D. PLANNING, ZONING AND DEVELOPMENT

1. The Shul Project

Current Status: An application in sufficient form to start the Design Review Group (DRG) 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, former Town Manager and 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). A DRG occurred on July 18, 2013 and additional comments were discussed. A Development Impact Committee (DIC) meeting is expected to be scheduled in October, 2013.

2. Tracking Development Orders

Current Status: Project management tracking will be an integral part of obtaining software for project tracking, departmental interfacing/sharing of critical information (i.e. Code Department and Building Department) and overall management of special/development projects and asset management. On May 30, 2013, a meeting was held to identify and discuss Enterprise Resource Planning (ERP – systems integration of internal and external management of information across the entire Town organization) requirements for upgrades for FY 13/14. This will include a project tracking component. A follow-up meeting was held with Staff on June 7, 2013. Also, four project management tracking schedules have been completed and the remaining tracking schedules will be completed prior to FY 13/14 budget adoption. Thanks to Sarah Sinatra for undertaking this effort. Staff will continue to review and update the status.

3. Massing and Zoning Discussion: Vice Mayor Karukin

Current Status: At its May 15, 2013 meeting, the Town Commission directed the Town Manager to set up a Joint Workshop with the Planning and Zoning Board to discuss zoning issues. Those issues were clarified at the July 25, 2013 Planning and Zoning Board meeting and the Manager announced that the public is encouraged to provide comments regarding the zoning code on a form provided on the website.

Vice Mayor Karukin clarified his concerns in a July meeting with the Town Attorney and Staff and these specific issues will be provided in an ordinance for the August Planning and Zoning Board meeting.

4. 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 for discussion during their January 31, 2013 meeting. This item will be discussed at either the future Joint Workshop or as a discussion item on a future Planning and Zoning Board agenda.

E. TOWN COMMISSION

1. 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 Rep. Gibbons 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. 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).

The Legislative Session ended on May 3, 2013. Fausto Gomez updated the Commission at the July 16, 2013 Commission meeting on the session pertaining to new legislation affecting municipalities and the status of the Town's legislative priorities adopted on January 15, 2013. His written report was submitted to the Commission on June 4, 2013.

In the Fall, the Commission will begin to prepare its list of legislative priorities for 2014.

2. 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.

3. Election Site

Current Status: On April 15, 2013, the Town Clerk notified the Miami-Dade Elections Department that the Town is considering changing the polling location permanently to the Community Center starting with the March 2014 election. Miami-Dade responded that they would look into this issue

after the May 14, 2013 County wide election. The Miami Dade County Elections Department visited the Community Center on May 23, 2013. Staff awaits their findings.

4. Agenda Backup Copies – Options: Commissioner Marta Olchyk

Current Status: Town staff was asked to explore options to reduce the volume of paper that is included in the monthly Commission agenda packets. The Town Clerk and Town Manager will follow-up by attempting to reduce the volume of paper that is included in future agenda packets. While it is difficult to identify specific issues/policy at this time, each individual opportunity where the volume of paper/information is reduced, it will be noted in the agenda package and the information not provided will be emailed to Commission members and a copy on file in the Town Clerk's office. Town specific/critical items will always include all necessary information for the Commission's consideration. As this process is tested over the next several months, Commissioners can provide final direction whether this effort should continue.

5. Commission/Planning and Zoning Board Joint Meetings

Current Status: The Town Clerk will finalize a date for the zoning joint workshop with the Planning and Zoning Board and announce the date at the August 13, 2013 Commission meeting.

F. TOWN DEPARTMENTS

1. Town Attorney

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

Current Status: It has been determined by the Building Official that the Spiaggia Condominium is sixteen (16) usable spaces short from its required number of spaces due to the design of the parking facility which makes certain spaces unusable. The Building Official and the Town Attorney's office are preparing an agreement with the Spiaggia Condominium Board to resolve the situation. This will be a future Town Commission agenda item.

2. Building Department

a. FEMA National Flood Insurance Status

The previously reported three remaining residential properties located at 1220, 1236 and 1355 Biscaya had been submitted for resolution to the FEMA office were returned with further comments. On May 23, 2013, Prasad Inmula, CFM of FEMA Region IV commented on further remedial work required to bring these properties into compliance with the CAV. Building Official Edward Rojas responded affirmatively to the comments on May 25, 2013 and began coordinating efforts thereafter and I continued said efforts upon joining the Town of Surfside on May 29, 2013.

The current status of the required remedial work for 1220, 1236 and 1355 Biscaya has been coordinated and is scheduled to be completed by the middle of August. There was a significant delay in obtaining the engineering drawings for 1355 Biscaya which moved the construction schedule back two weeks. Staff is successfully coordinating the compliance work and certification process of these final three residential properties simultaneously to complete them no later than the end of August.

Staff previously met with Earl King vice-president of CRS Max a consulting firm that specializes in maximizing the potential of a community's application to the CRS program. Their services revolve around identifying the existing conditions of each community and thereby providing programmatic solutions needed to attain the highest possible entry score into the CRS program. CRS Max references have been contacted and the return responses have been overwhelmingly favorable. Specifically, Santa Rosa County was able to obtain a rating of 5, which is the rating currently held by Miami Dade County. In Indian Rocks Beach, Florida a community of just over 4,000 in population inhabiting approximately 1.4 square miles of land mass CRS Max was able to recertify them from a rating of 8 to 7. This recertification improvement has saved the community 5% in insurance premiums which translates to roughly a \$100,000 savings in flood insurance premiums. No later than September 17th, a recommendation to retain the services of CRS Max will be presented to the Commission.

Ross Prieto will be taking the exam for CFM certification test on August 23, 2013 after taking the L-273 course and test the week of August 19 through August 23. This specific course will be taught by Prasad Inmula the CFM for FEMA Region IV. This is the contact person that Ross will be meeting with in Atlanta to review the final submission of documents in order to close out the CAV report and coordinate the final ISO visit to the Town of Surfside. Once these final items are closed, efforts will focus on the CRS program.

b. Imaging Town Documents

The Building Department continues its daily scanning of current documents during the day and at the end of each day. Document files are being reviewed and organized on an ongoing basis and some areas have been identified that will allow multi-tasking on current efforts. All files are being reviewed and reorganized so that sub-files are created that will house the property's elevation certificate and survey. This will provide the Town the opportunity to earn points in the effort to achieve the best possible rating in its CRS submission.

The process of imaging continues to be a priority and multiple outsourcing vendors have been contacted to provide an opinion on previously implemented solutions to this challenge. It is our intention to become as informed as possible on a host of imaging options so that the most efficient and cost-effective solution is implemented that will finally address the imaging question but also take advantage of all available CRS program points. In conclusion, Staff is attempting to optimize imaging efforts to include records access to residents, design professionals, flood managing and reporting agencies ensuring the repeatable performance of the digital system that is chosen.

c. Forty Year Building Certification - Collins and Harding Avenues

Current Status: As of April 30, 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 kept that lists all the properties that have reached the forty year mark and have been sent notices. The log will allow the Building Department to track and monitor progress. A total of fifty-seven buildings on Collins Avenue have been identified as required to obtain the Forty Year Certification, of those 4 are vacant, 1 has been demolished, 2 buildings have completed the process and 6 have requested an extension. The balance of forty-six are still being researched and reviewed for compliance. Building Official Ross Prieto will provide regular updates to the Commission.

The Building Official reports that the previously established program of 40 year building certification continues for Collins and Harding avenues. Tracking logs are updated daily as are the prepared notification letter lists. One slight change has been made to the second notice threshold. First notice letters that are returned undeliverable for verification signatures or other such reasons are being re-mailed to provide the addressee a second opportunity to receive said letter. In some cases this may alleviate the department from preparing a second notice document. Second Notice letters also trigger an initial effort by the Code Department in which they begin the preparation of a Notice of Violation procedure should the subject property not respond.

To date two more buildings have completed the process of certification totaling five and one property has requested an extension. The balance of the properties are being sent notice letters and the established program is being followed as implemented.

3. Code Compliance Department

a. Code Compliance Priorities Workshop

Current Status: A workshop was held on April 17, 2013 with the Mayor and Town Commission. Staff provided a presentation that included historical information on the prior Ad-Hoc Code Enforcement Committee's recommendations, and on commonly occurring or reported violations in the single-family, multi-family residential districts, and the business district. Recommendations were provided on priorities in each district and discussion was held, including public comments. Each elected official was provided a priority worksheet to be submitted to Staff in order to assist in establishing priority and policy direction for code enforcement. Staff analyzed the information submitted by the Commission and provided a report with the June, 2013 Commission meeting agenda package. Due to the number of items on the agenda and the anticipated length of the meeting to discuss code enforcement issues, this item is to be discussed at a separate meeting for this purpose. Staff is available to assist in scheduling the meeting.

b. 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. Staff follow-up report from the April 17, 2013 Code Compliance Workshop was provided to the Town Commission on June 11, 2013, but deferred. Additional discussion, recommendations and options will be provided at the next code compliance workshop, once scheduled.

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

Current Status:

Resort Tax Audit II: Only several businesses have not complied. The Finance Director is working with the businesses to ensure compliance with the Auditors' requests so that the audits could continue. These businesses may go through the Code Compliance process in time for the next Special Master hearing.

Certificate of Use (CU) /Local Business Tax Receipt (LBTR): Only one business has yet to comply. Staff continues to work with them for compliance. Failure to respond will result in this businesses being brought before a Special Master on July 26, 2013. This is the highest level of compliance ever achieved in Surfside history.

Short Term Rentals: Options/recommendations on short term rentals have been included in the Code Compliance Report that was provided, but deferred, at the Town Commission meeting of June 11, 2013, as part of the follow-up to the April 17, 2013 Code Compliance Workshop.

4. Finance Department

a. Five Year Financial Plan: Mayor Daniel Dietch

Current Status: The updating of the 2011 Five Year Financial Plan has been a priority project for staff. Staff is completing a comprehensive update and a significant portion of the update work product is provided in the FY 13/14 Budget message including financial impact of approved development plans; resort tax revenues; building permit fees; fund balance and ad valorem revenue percentages (residential v. commercial). It is anticipated that the update Plan will be finalized prior to the end of the current fiscal year.

b. Online Bill Pay: Vice Mayor Michael Karukin

Current Status: The online payment by credit card of the water, sewer and storm water utility bill by residential and commercial customers was implemented as part of the water bill that was mailed in mid-June, 2013.

The online bill pay went live on the website as of July 1, 2013, and as of August 1, 2013, a total of 75 payments via credit cards have been received online. Notifications are received from SunTrust Bank Merchant Services every morning for accounts that have been paid. Finance Staff is working to implement the e-check payment process with SunTrust to facilitate the process online. Staff is also working with SunGard and SunTrust Bank Merchant Services to implement a credit card machine at the Front Office counter to process credit cards payments at Town Hall for all services.

5. Parks and Recreation

a. 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 were prepared by Miami-Dade County and submitted to the State for approval. On May 15, 2013 the County received correspondence from by the State regarding to the lease agreement. The State informed the County that Florida Statute 161.201 allows the County to police the beach and enter into a management agreement with the Town of Surfside. The Town Manager, Town Attorney and the Parks and Recreation Director met with John Ripple, Beach Operations and Maintenance Supervisor and Kevin Kirwin, Assistant Director for Operations from Miami Dade County on May 20, 2013 to move the process forward. Currently the County attorney's office is completing a review of the statute. Following legal review, Town and County staff will work to prepare an agreement which would provide the Town with the legal authority to regulate beach concessions. The County is anticipating a September, 2013 start date to review a beach management agreement with the town. In the interim, the County will be responsible for beach management issues.

b. 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 Recreation 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. The Parks and Recreation Committee approved its recommended Five Year Parks and Recreation Plan. During the July 15, 2013 Parks and Recreation Committee meeting, it was suggested by the Parks and Recreation Director and approved by the Committee to move the Tennis Center repairs up from item number 3 to item number 2. The FY 13/14 proposed budget includes funding from voluntary proffers to begin the conceptual planning/design of the FY 13/14 projects listed in the Five Year Capital Plan. Voluntary proffer payments will be received once the Commission approves a Five Year Parks and Recreation Capital Plan.

c. Pool Tot Lot Repairs - 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. Naumann Nature Scapes, Inc. has been on site at various times since January 28, 2013 reviewing the water playground operations and reviewing the water playground pool blue prints. Naumann Nature Scapes, Inc. has provided an itemized list of work to be completed on a priority level. This proposal was presented to the Town Commission during the May 15, 2013 meeting and a resolution was passed to have the work completed. Phase I of the work began on May 9, 2013 with the removal of the Sand Dollar play feature for repairs. The Sand Dollar has been reinstalled and Phase II of the repairs has been completed to include hardware replacement, rust removal, clear coat repair and solenoid repairs. Work continues to move forward and the water playground continues to remain open. Progress reports on the work being performed will be updated through the Points of Light.

6. Public Works


a. Sidewalk Staining to Match Colors

Current Status: The project is almost complete with the only item being touch-up work on two driveway entrances along Collins Avenue. All sidewalks on Collins Avenue have been stained to match existing sidewalks. The two driveway approaches that remain undone are under contract by Lynx Construction. Lynx is remobilizing to start on the 94th Street and Abbott parking lot project and the driveways will be completed in conjunction with these projects. Public Works will undertake maintenance work and other Town sidewalks on an as needed basis.



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

TO: Town Commission

FROM: Linda Miller, Town Attorney 

CC: Michael P. Crotty, Town Manager
 Sarah Johnston, Assistant Town Attorney

DATE: August 13, 2013

SUBJECT: Office of the Town Attorney Report for August, 2013

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

July 16, 2013	FOP Executive Session
July 16, 2013	Commission Meeting
July 17, 2013	BID Community Meeting
July 23, 2013	Special Commission Meeting
July 25, 2013	P&Z Board Meeting & Quasi-Judicial Hearing
July 26, 2013	Special Magistrate Hearing
July 30, 2013	American Traffic Services Webex and Teleconference on Hearing
August 5, 2013	Tourist Board Meeting
August 5, 2013	Hedges & Site Triangle Special Meeting

Resolutions prepared and Agreements reviewed and/or revised for the following:

- Quasi-Judicial: – Resolution – Variance for 8859 Carlyle Avenue.
- Memorandum of Understanding for Shared School Nurse.
- E-City Services for Town Website – Agreement Renewal.
- Newly Appointed Special Magistrate for Red Light Hearings.
- Student Loan Rates Reform.
- FDOT Sidewalk Lease – Revision

Town Manager:

- Follow-up issues regarding Special Master Hearing.
- Review and revise Harding Avenue Streetscape Agreement.
- Follow-up issues regarding commercial parking and construction sites.
- Research for resolutions regarding Abbott and 94th Street lot improvements.
- Review final sidewalk FDOT lease agreement for preparation of Resolution.
- On-going review of Shul plans.
- Follow-up for preparation of massing and zoning issues.
- Follow-up with Code Enforcement regarding sight triangles/hedges.
- Review for pending Charter Review Board appointee process.
- Follow-up issues regarding regulating beach concession.
- Follow-up research regarding vacant lot issue.

Town Clerk:

- Opined on Notice requirements.
- Opined on Sunshine Law issues.
- Public Records Requests.

July 25, 2013 Planning and Zoning Board Agenda:

Quasi-Judicial:

- 8859 Carlyle Avenue – Average Site setback Variance – The applicant is requesting to build a second story addition
- 8810 Garland Avenue – The applicant is requesting to build a screen porch.
- 500 94th Street – The applicant is requesting to build a masonry wall.
- 8939 Abbott Avenue – The applicant is requesting to install a shed in their back yard.
- 1356 Biscaya Drive – The applicant is requesting to renovate an existing garage.
- Discussion on Veterinary Clinics.
- Discussion on when to schedule a Continuous Wall Frontage Workshop.

Building Department/Code Enforcement/Planning:

- Followed up with Building Official regarding FEMA for follow-up for CAV response.
- Continued follow-up meetings with Code Enforcement regarding sight triangle hedges violations.
- Assisted with Red Tag Procedure implementation and Town limitations.
- Collaborate on Agenda and topics of discussion.

Human Resources Department:

- Continued Revision of General Employment, Independent Contractor and Volunteer Applications.
- Review of FOP Contract.

Finance Department:

- Continued research and strategy for upcoming FY 2013/14 Budget Workshops and Hearings.

Parks and Recreation:

- Follow-up on review of Parks & Recreation Department policy and procedures.
- Use of ATV and trailers on the beach.

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Follow -up re: post Tourist Board requests.
- Continued assistance with Downtown Vision Project continuing issues including creation of a Business Improvement District; research various municipalities in preparation for revisions to draft ordinance.
- Continued work and meeting attendance for ethics policy clarification and research.

Public Works:

- Assisted with finalizing Lynx and Luke Agreements for Projects.
- Debris contract research.

Police Department:

- Continued collaboration regarding Red Light Camera Municipal Hearings.
- Collaborate on upcoming procedures for Internal Red Light Violations Processing.
- Continued research applicability of Florida Statute and Red Light Camera process.
- Collaborate on attendance of in depth Hearing procedure from ATS.

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 has notified us of a hearing before the Honorable Stanford Blake, one of the judges of the above styled Court, in Chambers in the Miami Dade County Courthouse, Room 243, 73 West Flagler Street, Miami, Florida, on August 16, 2013, at 9:30 A.M.

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

On May 30, 2012, Pieter Bakker filed a complaint against the Town of Surfside. (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") The complaint alleges counts against the Town which 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. Mr. Bakker filed a Motion to Abate which has not been ruled on by the Court. On Friday, July 5, 2013, a hearing was held on the Town's Motion for Preliminary Injunction regarding release of the executive transcripts from the dismissed Young Israel case. The Court ruled that the Final Order of Dismissal entered by Judge Martinez on September 27, 2012 in the Young Israel proceeding in Federal Court Case NO. 1:10-CV-24392- Martinez has concluded. This "State Court Matter" is still pending before Judge Beth Bloom.

On November 8, 2012, Pieter Bakker filed a complaint against the Town of Surfside. (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") Mr. Bakker alleges the Town violated his constitutional rights by entering into a Settlement Stipulation that allowed Young Israel to violate the Town's Charter, Comprehensive Plan, and land development regulations. The Town filed a Motion to Dismiss and Mr. Bakker filed a Response to Surfside's Motion to Dismiss. On June 11, 2013, the Town filed a Reply Memorandum of Law in support of the Town's Motion to Dismiss which argues that no federal claim has been asserted by the Plaintiff and that the Court must dismiss Bakker's claims for lack of federal subject matter jurisdiction. In further support of the Town's Motion to Dismiss, the Town filed a Notice of Supplementary Authority and cited the State Court's Order of July 5, 2013 that the Young Israel proceeding has reached its conclusion. On July 10, 2013, Judge King issued a Final Order of Dismissal with Prejudice in the federal proceeding initiated by Pieter Bakker. Mr. Bakker has 30 days to appeal the ruling which finds that no valid federal claim may be asserted against the Town.

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. Updates on this matter are; a Summary Judgment was filed on July 2, 2013 and a hearing is scheduled for Monday September 9, 2013.

Ongoing FMIT matters:

Michael Henderson vs Town of Surfside Claim #: GC2011073840 D/L 7/11/2011. Florida Municipal Insurance Trust states: they completed their investigation and have confirmed the police officers followed all departmental policies and procedures while investigating and the follow up arrest of Michael Henderson. They have found no negligence or liability on behalf of the officers and the Town of Surfside, and therefore they have denied Mr. Henderson's claim.

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.
 August, 2013

1. **Planning and Community Development** – 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 the applicant resubmitted the plans on January 25, 2013. Staff held Development Review Group meetings on February 13, 2013, March 28, 2013 and July 18, 2013. Once all of the outstanding comments are addressed, a Development Impact Committee meeting will be scheduled, which is anticipated in September. The Planning and Zoning Board has recently directed staff to prepare numerous ordinances to the zoning code, including code changes to trellises and carports. These items will be heard by the Town Commission at the August 13, 2013 meeting on second reading. Also, the Planning department has assisted in the preparation of a hardpack easement ordinance. This ordinance will require properties east of Collins Avenue, as they submit development permits, to grant an easement to the Town for the sand road known as the hardpack for the perpetual use of the public. Planning Staff has also prepared a spreadsheet for each development project to continually track the conditions of approval. This spreadsheet identifies the department responsible for the item and confirmation of completion. Staff continues to answer approximately 80 zoning questions monthly and reviews permit applications.

2. **Information Technology & TV Broadcasts** - The mail server has been up and running without interruption for 379 days. The last downtime was for routine maintenance and occurred on July 11, 2012. IT is working with Municode and SunGard on setting up utility billing online, which is now live on the website. IT has configured the Data Transfer portion for the Finance Department. IT is awaiting delivery for upgrades to the chamber room broadcasting equipment including wireless microphones. Triad Security has installed panic buttons in the chamber room to alert dispatch of emergency situations. IT has provided quotes for surveillance cameras for the Police Department to place around the town. Triad Security installed two new video cameras at the Community Center, per the Chief's request. IT is working with the police department on a software demo for vehicle license plate reading. IT is coordinating with SunGard to order a replacement check printer. 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 has completed all available areas (Town is working with FDOT for the required restoration on FDOT roadways). The permanent pavement marking and stripping is occurring as the asphalt has set a minimum of 21 days. The Contractor has completed all punch list items within private property and is now finalizing the pump station and roadway punch list. Sanitary pump stations are substantially complete and off of the bypass pumps. The electricians have finalized the automated controls on the sanitary pump stations and have requested a startup/inspection. The drainage pump stations have passed all electrical inspections and FPL has provided power. The Contractor has substantially completed all work on the drainage pump stations and passed structural and electrical inspection. The close-out of all pump stations will include completing punch list items, full training of Town staff on operation and maintenance (O&M) and the contractor will provide O&M manuals. A project close out meeting was held on July 8, 2013 at 7:00pm.

Both Surfside and the Village of Bal Harbour are currently utilizing the newly installed Collins Avenue force main with no operational issues. CGA continues to 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.

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 was discussed at the April 9, 2013 meeting. As authorized by the Town Commission, staff held public meetings on June 25, 2013 with an attendance of 10 residents. CGA will work with the Town Manager to schedule the second public meeting.
5. **Emergency Management** - CGA finalized all revisions to the Town’s Emergency Operations Plan (EOP) and submitted it on Friday, March 29, 2013. Onsite training occurred on Friday May 3, 2013. This project is completed.
6. **Emergency Seawall Repair at 88th & Carlyle** - 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 and the FDEP permit was obtained in April 2013. The South Florida Water Management District (SFWMD) and Miami Dade County RER permits are ready to be issued but were waiting on final structural approval from the Town, which was received June 27, 2013. The SFWMD and RER final permits are expected to be completed in early August 2013.
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 submitted our project for funding. CGA presented the project to FIND on June 21, 2013. FIND has published the rankings and the presentation was awarded 41.09 points (required 35 to obtain funding). If the board accepts the staff recommendation, funding for the seawalls will be available October 1, 2013. The environmental survey for benthic resources was performed in May 2013, the plans have been finalized to reflect the findings. Simultaneously, while we are applying for the FIND funding we have been working on obtaining the required USACE, FDEP, Town and Miami Dade County RER permits. These permits will be obtained by September 2013.



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

7:00 pm

Monday June 17, 2013

Community Center

9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

The meeting was called to order by Retta Logan (Vice Chair) at 7:10pm. A quorum was established.

In attendance: Veronica Lupinacci, Eliana Salzhauer, Tim Milian, Parks and Recreation Director, Interim Town Attorney, Linda Miller, Town Manager Michael Crotty, Marta Olychk, Commission Liasion, Jenorgen Guillen, Frantza Duval, Recording Clerk.

2. Approval of minutes from 4/18/13

Veronica Lupinacci made a motion to approve the minutes, Retta Logan seconded the motion. The motion passed unanimously.

3. Higher Education Scholarship Update

Gabriel Cotto was notified that he was the winner of the Higher Education Scholarship. He was unable to attend the last Commission meeting, but he will be present at the July 16, 2013 Commission meeting.

Eliana Salzhauer wanted to know what happens to the additional \$1,000 from the scholarship that isn't used and Tim stated that it could rollover or be split into smaller scholarship, but it will up to the Parks and Recreation committee and the Town Commission.

4. Summer Camp Update

Tim Milian stated that there are currently 130 kids registered and are at maximum capacity. There are 100 kids in the regular camp and 30 in the teen camp. They are averaging 93 kids a day between both camps. There is nine (9) staff on duty with a great ratio to kids.

There are four (4) teachers on staff, plus two (2) staff members that hold Associates Degree in Education, two (2) other staff members that are aftercare providers, and one (1) staff member who is the youngest (18 years old), but has 3 years' experience; one year as an LIT in North Miami and 2 years as a counselor.

Marta Olychk asked if anyone asked about scholarships for summer camps.

Tim advised that Kiwanis usually sponsors 1-5 scholarships, but there are going to honor 1 final scholarship because they are going out of business. He stated that there is one resident who qualifies for the scholarship and was given the scholarship.

Eliana Salzhauer suggested that we take \$1,000 from the Higher Education Fund and put it into the Summer Camp Scholarship.

Eliana Salzhauer made a motion to take the extra \$1,000 from the Higher Education Fund and move it to the Summer Camp Scholarship for a Surfside resident for 2014, Veronica Lupinacci seconded. The motion passed unanimously.

5. Aquatic Programing Update

The Aquatic Programming Update was moved up as the first order of business. Tim Milian took the Committee out to the pool to show the year to date repairs that have been made at the Tot-Lot.

6. 4th of July

Tim Milian advised that the cost for the fireworks is \$12,000 (\$4,000 – Tourist Resort Tax and \$8,000 – Parks & Recreation Operating Budget).

Eliana Salzhauer believes that the Town should hold Fourth of July events, but fireworks shouldn't be included due to the cost.

Tim stated that he gets phone calls from Resident in favor of having a firework show within the Town. The last time they had a show there are about 1,000 plus people who showed up for the firework show through the Community Center.

Marta Olychk agrees with the fireworks as long as it is not expense.

7. Budget Dates

Tim Milian advised that there are two (2) workshops leading up to the budget hearing. The first workshop is on June 27, 2013 at Town Hall from 4:00pm-6:00pm and the second workshop is on July 9, 2013 at the same time.

There will be a regular Commission meeting on July 16, 2013 to make a point of establishing a tentative or proposed mileage for the 2014 fiscal year.

If the Commission should need to discuss it further there will be a second meeting on July 23, 2013.

8. Community Input

Tim Milian wanted to thank everyone for their participation for everything happening within Parks and Recreation.

Marta Olychk wanted to make notice that people were complaining about both the bikes and dogs on the beach, but when brought to the Commission was advised there was nothing said about the dogs only the bikes. There is not enough enforcement on the beach.

Tim Milian advised that the budget for Parks and Recreation is \$1.4 million.

Eliana Salzhauer wanted to know what happens to the excess money from the Parks and Recreation budget that is not spent. Michael Crotty, Town Manager advised that if there is no appropriation at the end of the year to allocate it to a capital project or a future project it goes back into the Town's General Fund balance.

Eliana Salzhauer wants to visit the budget at the August Parks and Recreation meeting to make a suggestion for reserve funds to be used for scholarships in the future.

Veronica Lupinacci wanted to know when we are going to look at renovating the 96th Street Park.

Tim Milian suggested that everyone show up to the upcoming budget meeting and the Commission meeting.

9. Meeting Adjournment

Retta Logan made a motion to adjourn the meeting, Veronica Lupinacci seconded the motion. The motion passed unanimously. The meeting ended at 7:41pm.

There being no further business to come before the Committee, the meeting adjourned at
7:41 p.m.

Accepted this 15 day of July, 2013

Retta Logan
Member (Print)

[Handwritten Signature]
Signature

Attest
[Handwritten Signature]
Frantza Duval
Recording Clerk



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD
MINUTES
JUNE 27, 2013
7:00 PM**

1. CALL TO ORDER

Chair Lecour called the meeting to order at 7:04 pm.

2. ROLL CALL

Town Clerk Sandra Novoa called the roll with the following members present: Board Member Jennifer Dray, Board Member Carli Koshal, Board Member Armando Castellanos, Vice Chair Peter Glynn and Chair Lindsay Lecour. Vice Mayor Michael Karukin attended as the Board liaison.

**3. APPROVAL OF MINUTES: JANUARY 31, 2013 (DEFERRED)
 MAY 30, 2013 (ATTACHED)**

Board Member Dray made a motion to approve with more details to the summary minutes that she will send via email. The motion received a second from Board Member Castellanos and all voted in favor.

4. PLANNING AND ZONING APPLICATIONS:

A. Request of the Owner of Property located at 9281 Carlyle Avenue

The applicant is requesting to replace her roof with a metal roof.

Town Planner Sara Sinatra presented the item. There was some discussion regarding the colors for metal roof. Board Member Castellanos made a motion to approve. The motion received a second from Vice Chair Glynn and all voted in favor.

Board Member Lecour indicated that there have been several requests for replacement to metal roofs. Board Member Koshal suggested that a revision to the Ordinance be written that metal roofs will not require Board review. Town Planner Sarah Sinatra will put this as a future agenda item.

B. Request of the Owner of Property located at 1452 Biscaya Drive

The applicant is requesting to replace their roof with a metal roof.

Town Planner Sarah Sinatra presented the item.

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

**C. Request of the Owner of Property located at 700 95 Street
The applicant is requesting to build a trellis in their backyard.**

Town Planner Sarah Sinatra presented the item. Board Member Lecour asked where the trellis was to be installed and the type of wood being used. Town Planner Sinatra indicated the trellis would be between the house and pool and the material for the trellis would be submitted when the building permit is pulled.

Vice Chair Peter Glynn made a motion to approve. The motion received a second from Board Member Koshal and all voted in favor.

**D. Request of the Owner of Property located at 9473 Bay Drive
The applicant is requesting to build a trellis in their backyard.**

Town Planner Sarah Sinatra presented the item.

Board Member Dray questioned why the photos submitted only showed the side of the house when the trellis is to be installed at the rear. Town Planner Sinatra indicated she would request more photos of the house if the Board needed them for review. No further review was necessary.

Board Member Koshal made a motion to approve. The motion received a second from Board Member Dray and all voted in favor.

**E. Request of the Owner of Property located at 1025 88 Street
The applicant is requesting to build a carport at their single family home.**

Town Planner Sarah Sinatra presented the item. As submitted the design does not meet the zoning code. Board Member Dray said it was a beautiful corner house with a beautiful driveway and these drives need the appropriate size awnings. The style and color of the awning was also discussed. Board Member Lecour in favor of double wide awning but suggested a darker color awning as white would draw too much attention to the canopy. Ted Lintle from Miami Awning presented details of the design and indicated the color white matched the house. Mr. Lintle said he would suggest color options with the owner, perhaps terracotta to match the roof.

Board member Koshal made a motion to approve contingent upon:

1. Town Commission approving a code modification to permit 20 foot carport canopies.
2. Town Commission does not approve the code modification to permit 20 foot wide carport canopies then a reduction in the width of the canopy to 10 feet per code section 90.58(1).

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

**F. Request of the Owner of Property located at 9300 Bay Drive
The applicant is requesting to remodel the façade of their single family home.**

Town Planner Sarah Sinatra presented the item. Mr. Kenneth E. Hubbs represented the applicant and presented some samples of the revised design. Board Member Dray was pleased with the revisions and reverse color made a difference. The landscaping should be part of the design especially removal of the dead bushes on side of the house. Board Member Lecour questioned the white banding around the house and suggested a darker color as white tends to dirty faster. The Board was happy that their suggestions were taken under consideration and with the revised design. Board Member Koshal said approval should be contingent upon detailed landscaping and details of materials for porch.

Board Member Castellanos made a motion to approve with recommendations:

1. Provide landscaping along south side of the home. Details should be provided on plans submitted for permitting.
2. The plans indicate stucco will be utilized for the porch to match the home. Provide greater detail on the building permit package of the proposed materials for the porch.

The motion received a second from Board Member Dray and all voted in favor.

**G. Request of the Owner of Property located at 9116 Byron Avenue
The applicant is requesting to install a sliding gate at the front entrance of their single family home.**

Town Planner Sarah Sinatra presented the item and recommended denial due to the possible obstruction of traffic flow on Byron Avenue when gate was to be opened and modification to the length of driveway would not be in compliance with zoning code which provides for a two off street parking space.

Applicant was represented by Edward Averbach who gave more details about the location and installation of the gate and indicated reason for the request was regarding safety for the children and not security. Board Member Dray indicated her concerns about a very lovely small house having two gates, possible obstruction of traffic flow on a busy street and setting a tone of a gated community. The Board suggested that the applicant look into alternative safety measures for the children such as play gates. Board Member Dray made a motion to deny. The motion received a second from Board Member Castellanos and all voted in favor of denial.

H. Request of the Owner of Property located at 9535, 9538 and 9540 Harding Avenue

The applicant is requesting to remodel the building façade.

Town Planner Sarah Sinatra presented the item and said the recommendations made by the Board at the May 30, 2013 meeting had been met with the exception of the underground utilities and color green facade. Applicant addressed the issue of the color green and said it would blend in with the green color of other retailers. Board Member Dray agreed and was not opposed to the color or design. Board Member Koshal suggested the green color issue be removed from part of the approval condition.

Commissioner Graubart spoke about the budget increase related to undergrounding utilities and stated that the Town will not be moving forward with this project at the moment.

Board Member Castellanos made a motion to approve with condition to

1. Underground the utilities in the alley.

The motion received a second from Board Member Dray and all voted in favor.

Commissioner Graubart expressed his concerns about the green alleys being given away and questioned who is responsible for the upkeep. This item will be brought up in the future.

5. DISCUSSION ITEMS:

A. SHEDS AND TRELLISES

Town Planner Sarah Sinatra indicated that each month there are several requests for trellises. If they meet code requirements and the trellis is in rear or side of property and not visible from street, can the item be exempt from planning and building code review. The Board was in favor of adding rear or side trellises to the list of exemptions. Town Planner Sarah Sinatra will work together with the Legal Department and item will be presented to the Town Commission as an ordinance.

Board Member Peter Glynn had reservations regarding the exemption of sheds as there are many different types and sizes which can be purchased and some may not be pleasing to a neighbors view. After some discussion Board Member Lecour agreed that this issue needed further review. Town Planner Sarah Sinatra will work with the Building Dept. and do some additional research on sheds.

B. CARPORTS

Town Planner Sarah Sinatra will come up with an Ordinance for carports which will be reviewed at the next meeting.

C. SIGNS

The Commission is not moving forward with sign modifications for downtown at this time. Vice Mayor Karukin stated that during the last Commission Meeting there was a debate as to whether doing this work fell under the CGA contract and not be an additional service. The CGA contract will be reviewed and reported back to planning and board commission.

Town Manager Michael P. Crotty indicated that staff have been trying to schedule a workshop on signs and awnings with the Planning and Zoning Board, but have not been able to come up with a date as of yet.

Commissioner Joe Graubart presented the sign codes of neighboring towns which include signs and awnings and distributed the materials as they may be helpful in the forthcoming workshop.

6. FUTURE AGENDA ITEMS:

A. Code change to require easement dedication for the hard pack

B. Capital Improvement Element update

- C. Solar Panels
- D. Dimensions of parking spaces
- E. Veterinary Clinics
- F. Satellite Dish

7. WORKSHOP ITEMS:

- A. Signs/Awnings
- B. Continuous wall frontage
- C. Pyramiding effects of setbacks
- D. Side setbacks as a percentage of lot frontage

8. REPORT OF PERMITS ISSUED/REVENUE REPORT FOR MAY 2013.

9. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:30 p.m.

Accepted this ____ day of _____, 2013

Chair Lindsay Lecour

Attest:

Sandra Novoa
Town Clerk



TOWN OF SURFSIDE
Tourist Board Meeting
Monday, July 1, 2013 – 5:30 p.m.
Town Hall Commission Chambers
9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

Tourist Board Members

Eli Tourgeman (Chair)
Barbara Cohen (Vice Chair)
Ricardo Mualin

Town of Surfside

Duncan Tavares, TEDACS Director
Frantza Duval, Recording Secretary

**** Out of respect for the Board, Town Staff and the Public please turn off your electronic devices****

I. Call to Order and Roll Call

The meeting was called to order by Eli Tourgeman at 5:30pm. A quorum was established.

Also in Attendance: Michael Crotty, Town Manager, Irina Mocanu, Intern, Linda Miller, Interim Town Attorney, Sarah Johnston, Assistant Interim Town Attorney, Donald Nelson, Finance Director, Carolyn Feimster – CJF Marketing International, Terrell Fritz - RMA, June Neville, Resident, Linda Jain, Web and Special Projects Coordinator, Harold Bindeus and Joel Simmons, Grand Beach Hotel.

Commissioner Joseph Graubart and members Barbara McLaughlin and Randi MacBride were absent with regrets.

Barbara Cohen made a motion to move Agenda Item XI to appear after Item III, Ricardo Mualin seconded the motion. Eli Tourgeman voted against. The motion passed 2:1.

II. Approval of Minutes: June 3, 2013

The minutes were not approved pending the review of the recording of the June 3, 2013 meeting regarding the placement of the Turtle located outside of Café Ragazzi and it being moved to the Community Center. The minutes will be re-presented at the next Tourist Board meeting.

III. Accounts Receivable & Accounts Payable

Duncan Tavares advised that under Accounts Receivable the only current issue is the payment of outstanding resort tax. Eli Tourgeman suggested that the Board move to have stricter enforcement on those who have outstanding resort tax payments.

Eli Tourgeman wanted to know the cost of repairing the Turtles. Duncan Tavares advised that each turtle cost about \$750.00 to repair and that insurance covers some of the cost.

Barbara Cohen advised that there are two vacant spots across from the community center where Turtles can be placed. Duncan Tavares advised that the Turtles can be moved, but promotional advertising/collateral were based on the current location. The Turtles were meant for a temporary exhibit and he is not sure if they could survive a longer time placed within the Town.

He also stated that as per the last meeting Florida International University (F.I.U) was interested in purchasing two Turtles but wanted the Turtles right away upon payment to the Town. He advised them that the turtles are a part of an exhibit which would last about 18 months but offered to speak to the Board to see if the Board would agree to sell the turtles with FIU taking them prior to the exhibit being completed.

The former Town Manager negotiated a sale price of \$2500 per Turtle. Duncan Tavares has since renegotiated the sale price at \$3500 per Turtle.

Eli Tourgeman suggested that the Board come up with a policy for the relocation of the Turtles and devise a plan for the Turtles since they are not staying long term.

Ricardo Mualin asked if the money from the sale of the Turtles goes to the Town or to the Tourist Board and it was advised that it would go to the Board. FIU would note that the Turtles came from Surfside.

Ricardo Mualin motioned to sell two turtles to Florida International University (FIU) for \$3500 each and that FIU can have them upon the Board receiving the payment. Eli Tourgeman seconded the motion. The motion passed unanimously.

IV. Tourism Five Year Consultant Update ~ Carolyn Feimster & Terrell Fritz

The Tourism Plan provides The Town of Surfside Tourist Board with a recommendation for the most effective and efficient way to spend future resort tax funds to increase and enhance Tourism for the Town.

The objectives include identifying a brand, identifying marketing efforts to support the new hotels, developing programs to expand top producing inbound markets, building upon Third Thursday, creating regular and signature events, encouraging continuation and expansion of the Turtle program, assisting the Tourist Board on becoming an advocacy group for the Tourism related needs of the community, and setting a benchmark for levels of success.

Marketing strategies:

Pre-arrival tactics target the trade and the consumers and would be organized through owned, earned, paid media.

Owned media is the Town's website and is where the brand lives. It is a critical component of the Town. Duncan Tavares advised that any changes to the website requires money and this needs to be budgeted for the upcoming fiscal year.

Carolyn Feimster suggested that the Board look into social media (Facebook, Twitter, LinkedIn, etc...) as a way to market the Town.

Duncan Tavares advised that currently the Town is not able to use social media due to the direction of the Town Commission, but that could change. Other options include leveraging this through partnerships until permitted to use Social Media.

Eli Tourgeman stated that since Surfside is one of a few towns to have a Tourist Board research should be conducted about what other cities (Miami Beach, Bal Harbour) are doing with social media to promote themselves. The Board should look at social media progressively. Eli Tourgeman suggested that the Board move forward with social media and should meet with the Commission to discuss this matter.

Duncan Tavares advised that the Town's biggest concern regarding social media was the public records aspect.

Earned media is where the consumer helps disseminate the message.

Post arrival tactics focus on the consumer and looks at the traveler once here.

Travel websites are helpful tools. Carolyn Feimster recommends a \$5,100.00 budget for a travel website. It doesn't include the tile and banner advertisements that Expedia/Travelocity etc offer.

Partnerships will help the Town as far as recognition is concerned.

Destination Marketing Organizations include organizations such as the Greater Miami Convention and Visitors Bureau (GMCVB) and Visit Florida. Sunny Isles Beach Tourism Marketing offers some leveraging opportunities.

Destination Management Companies are companies located in Miami that handle ground transportation, attractions, food & beverage for contracted clients.

Carolyn Feimster advised that the plan's appendix will provide a database that lists all Destination Management Companies (DMC).

Carolyn Feimster advised that shuttles are expensive primarily due to insurance. She suggests that the Town form a partnership with a transportation company so that the Town can say that it has a preferred company. If the Town has a preferred transportation, company the Town could package it.

Carolyn Feimster recommends continuing the advertising with Greater Miami Convention and Visitors Bureau for paid media.

Carolyn Feimster suggests that the Board put money into two or three tradeshow. She recommends Florida Huddle and International Pow Wow (IPW).

Eli Tourgeman recommended that the Board meet for a possible workshop about future events.

**V. Randi MacBride Bio for Tourism Website ~ Outstanding Item
*Deferred**

**VI. FY 13/14 Budget / Promotional Activities / Signature Events ~ Possible Workshop Thursday
July 11, 2013**

All Board members present agreed to hold a workshop on Thursday, July 11, 2013.

Joel Simmons lobbied for Harold Bindeus to join the Tourist Board and to assist with the marketing efforts.

Linda Miller advised that according to the Town Ordinance in order to be a member of the Board each member must be a resident or work in the Town, and each Commissioner appoints a member. Eli Tourgeman advised that at the present moment the Board is full but it doesn't mean there isn't room for expansion.

Ricardo Mualin recommended creating an advisory board consisting of members from the upcoming hotels.

**VII. August Joint Meeting With Town Commission on Tourism Five Year Plan ~ Proposed Dates
Monday August 5, Wednesday August 7 or Thursday August 8, 2013
*Deferred**

**VIII. Holiday Lights
*Deferred**

IX. Resort Tax Compliance / Audit II / Special Fund Designation* ~ Don Nelson

Donald Nelson advised that the 34% goes into the Special Revenue Fund. It is a restricted fund. The funds cannot be transferred to any other fund. As the revenue grows it stays there. The 66% that is in the General Fund is designated for the Community Center and also helps relieve Ad Valorem Tax.

Eli Tourgeman advised that the Board wants to see where the expenditures were going under the 66% in the General Fund. He also stated that the Board wants to have knowledge of where that money is spent. Donald Nelson advised that the money can be accounted for but cannot be separated or reserved. Eli Tourgeman wants the Tourist Board to get a report every fiscal year of expenses. Donald Nelson advised that it is possible to generate a report at the end of the fiscal year and will do so going forward.

Eli Tourgeman reiterated to Donald Nelson that the Board wants stronger enforcement of delinquent Resort Tax.

Duncan Tavares stated that the Town Clerk wanted to go on record that she has contacted the Tourist Board on June 5 and 20th about submitting Financial Form 1. The deadline was at 12:00pm on July 1, 2013.

X. Moving September's Meeting from Wednesday September 4 (Rosh Hashanah) to Tuesday September 3, 2013
***Deferred**

XI. Updates:

a. **Ethics (Conflict of Interest) / Policies & Procedures ~ Possible Workshop Tuesday August 20, 2013**

***Deferred**

b. ***Resort Tax Comparison to Miami Beach ~ Awaiting Finance Department to report**

***Deferred**

c. **Resort Tax Penalty Language ~ Awaiting Town Attorney Review**

***Deferred**

d. **Apps & Wayfarers ~ Part of Town review of Software needs for FY 13/14 Budget**

XII. Next Meeting: Regular Monthly Meeting ~ Monday August 5, 2013

XIII. Adjournment

The meeting was adjourned at 7:14pm by Eli Tourgeman due to lack of a quorum.

There being no further business to come before the Committee, the meeting adjourned at
__7:14_ p.m.

Accepted this 5 day of August, 2013

BARBARA COHEN
Member (Print)

Barbara Cohen
Signature

Attest:



Frantza Duval
Recording Clerk



TOWN OF SURFSIDE
Tourist Board Workshop
Thursday, July 11, 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
Ricardo Mualin (5:35pm)

Town of Surfside

Joe Graubart, Commission Liaison (5:35pm)
Duncan Tavares, TEDACS Director
Frantza Duval, Recording Secretary

**** Out of respect for the Board, Town Staff and the Public please turn off your electronic devices****

I. Call to Order and Roll Call

The meeting was called to order by Eli Tourgeman at 5:32pm. A quorum was established.

Also in attendance: Terrell Fritz, Redevelopment Management Associates, Linda Miller, Interim Town Attorney, Sarah Johnston, Assistant Interim Town Attorney, Irina Mocanu, Town Intern, Linda Jain, Web & Special Projects Coordinator, Luciana Saliani of Lynx Corp, Joel Simmons and Harald Bindus of Grand Beach Hotel Surfside.

II. FY 13/14 Budget / Promotional Activities / Signature Events

Name	Promo Activity	Signature Event
Barbara Cohen	Car Show	Antique/Modern Car Show
Ricardo Mualin	Grant Subsidy Program	Third Thursday Type
Barbara McLaughlin	Turtle Program (Monthly)	Turtle Festival
		Ethnic Events (Tied to Third Thursday)
		Petanque
		Holiday Event (Toy for Tots)
		Music on the Beach
Eli Tourgeman		Antique Auto Show
		Grand Weekend Event (International Event)
Luciana Saliani		Gusto Italiano
Linda Jain		Flower Festival
Terrell Fritz		Purim Festival
Duncan Tavares		Art Basel (Leveraging)
Joe Graubart		Sailboat Ragatta

Duncan Tavares advised that throughout the years the Board mentioned having a Bazaar and a signature cigar event.

Harald Bindus advised that money needs to be put into marketing outside of the local area for pre-arrival.

Duncan Tavares suggested that we do something fashion related since we are next to Bal Harbour Shops.

ANTIQUÉ AUTO SHOW IN CONJUNCTION WITH TOYS FOR TOTS:

Venue: - Harding Avenue Parking Lot (Off season)

Time: December

Basic cost: \$2500 (Fee to bring in cars, insurance, music, and sponsors)

Duncan Tavares advised that FDOT may require a permit and it would require months to get a permit.

Duncan Tavares advised that anything in December is possible but would depend on the uncertainty of delays for upcoming streetscape project on Harding.

Ricardo Mualin asked how the company responsible for the cars would market the event and Eli Tourgeman advised that they would market the event on their own, but the \$2500 fee doesn't include other expenses that Town would incur (i.e., police, lighting, restroom facilities) .

Everyone interested in this.

GRANTS:

Harald Bindus advised that there are plenty of Co-op opportunities for grants subsidy program. Ricardo Mualin advised that it should help people who will benefit from Tourism. Ricardo suggests that we invest about \$5,000-\$10,000.

The Board is open to providing grants similar to that of VCA (Visitors Convention Activity).

Luciana Saliana presented on a Gusto Italiano event. She is looking to make the event “a little taste of Italy” but also providing educational courses regarding Italian food. She is looking for the Town to open the Community Center for this event and possibly the Grand Beach. It would be a weekend event. She would like the help of the Town for Police and other items that may be needed. This event would be similar to that of the Food and Wine Festival, but on a smaller scale. She currently doesn't have a dollar amount but the event may run at least \$100,000 in total. Luciana Saliana is looking to host the event in November of 2014. Board is receptive to the idea.

THIRD THURSDAY:

Ricardo Mualin suggest that the Board do something different and preferably with a different name. He would rather see something where people walk the downtown district.

Terrell Fritz advised the Board should have events that are relaxing in nature so that it correlates with the brand, “Relax, you're in Surfside.”

Ricardo Mualin suggested that the Board should focus on bringing people into Surfside.

Ricardo Mualin doesn't see the Return on Investment from this event.

Barbara McLaughlin suggested that the Board try new marketing strategies.

Eli Tourgeman, Barbara Cohen, and Barbara McLaughlin are in favor of Third Thursdays. Ricardo Mualin is opposed to the idea.

Joel Simmons suggests that instead of spending money into this program the Board should offer stipends or promotions to residents to patronize the Downtown area.

Third Thursdays will stay in place until another opportunity for program/signature event comes into play.

TURTLES

Barbara McLaughlin suggested that the Town embrace turtles and do more public relations for the turtles (Tales of the Turtles). The Board could come up with a program that includes watching the turtles as they leave the beach. The Board can invite groups (National Turtle Conservancy) that are interested as well as residents.

The Board agrees with the idea of further promotional initiatives around the Turtles.

MARKETING & PRE-ARRIVAL

Terrell Fritz advised that the Board explore the opportunity of looking into branding under Miami Beach to achieve recognition.

Terrell Fritz advised that the amount for promotional activities is \$153,000.

Duncan Tavares advised that currently we have \$53,000 going into pre-arrival and maybe there should be a switch in funding with activities/events. Harald Bindus advised that the Board's allocation is all wrong and that the Board should shift money into getting people here before anything else is done.

Ricardo Mualin would like to see money go to pre-arrival marketing instead of the Town's local events, such as Third Thursdays.

Ricardo Mualin would like to see the budgets inverted, what is being spent on local events he would like to see go to pre-arrival. Ricardo Mualin would like to see \$87,500 in pre-arrival tactics and \$12,000 in post-arrival.

Eli Tourgeman suggested increasing Tourist Tax Revenue to 50% and suggested that Town Attorney look into the increase.

WEEKEND SIGNATURE EVENT

Eli Tourgeman suggested the following:

Race Track Day (Gulfstream – Surfside Day)
Dance competition
Folklore
Walk/run
Sail boat regatta

BEACH ACTIVITY

The Board suggested not doing anything on the beach this year.

III. Next Meeting: Regular Monthly Meeting ~ Monday August 5, 2013

IV. Adjournment

V. The meeting was adjourned by Eli Tourgeman at 8:10pm.

There being no further business to come before the Committee, the meeting adjourned at
__8:10_ p.m.

Accepted this 5 day of August, 2013

BARBARA COHEN
Member (Print)

Barbara Cohen
Signature

Attest:
Frantza Duyal
Frantza Duyal
Recording Clerk



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

COMMISSION COMMUNICATION MEMORANDUM

TO: Town Commission

FROM: Linda Miller, Town Attorney 

CC: Michael P. Crotty, Town Manager
Sarah Johnston, Assistant Town Attorney

DATE: August 13, 2013

SUBJECT: Appointment of Special Masters

The Town of Surfside enforces its code, in part, through a Special Master system; and pursuant to Section 15-7 of the Town Code of Ordinances appointments are made through the Town Manager for a term of one year subject to ratification of the Town Commission. Resolution No. 13-2167 reappointed Rafael E. Suarez-Rivas, Esq., Aleksander Boksner, Esq., and Bruce Alan Blitman, Esq. as Special Masters. The Town Manager wishes to add Meryl S. Gold-Levy, Esq., and Jon D. Gurney, Esq. as Special Masters and is seeking ratification from the Town Commission

Recommendation: It is recommended that the Commission approve the appointment of Meryl S. Gold-Levy, Esq. and Jon D. Gurney, Esq. as Special Masters for a one year term.

RESOLUTION NO. 13- _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), RATIFYING FIRST TIME APPOINTMENTS OF SPECIAL MASTERS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside enforces its code, in part, through a Special Master system; and

WHEREAS, section 15-7 of the Town Code of Ordinances requires that the Town Commission ratify first time appointments of Special Masters; and

WHEREAS, pursuant to Resolution No. 2013–2167 the Town Commission ratified the renewal of appointment of Rafael E. Suarez-Rivas, Esq., Aleksander Boksner, Esq., and Bruce Alan Blitman, Esq. as Special Masters; and

WHEREAS, the Town Manager desires to add Meryl S. Gold-Levy, Esq. (resume is attached hereto as Attachment “A”), and Jon D. Gurney, Esq. (resume is attached hereto as Attachment “B”) as Special Masters and is seeking ratification from the Town Commission.

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

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

Section 2. Special Masters Appointment Authorized and Ratified. The Town Commission hereby authorizes and ratifies the Town Manager’s appointment of the following Special Masters:

- 1) Meryl S. Gold-Levy, Esq.
- 2) Jon D. Gurney, Esq.

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

PASSED AND ADOPTED this ____ day of _____ 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

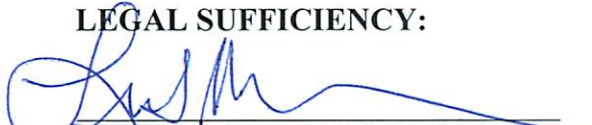
Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC
Town Clerk

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



Linda Miller, Town Attorney

MERYL S. GOLD-LEVY
4229 SW 13th Street
Miami, FL 33134
305-962-8084
mglred@aol.com
Fla. Bar No. 371841

PROFESSIONAL EXPERIENCE

State of Florida
Traffic Magistrate
(1999 to present)

Preside over traffic cases, including pre-trials and trials, involving traffic infractions, moving violations, red light camera violations, toll violations and parking ticket violations; weigh evidence and testimony of police officers, defendants and witnesses; hear arguments on motions; issue rulings and judgments of determination of guilt.

Books & Books
(1998 to 1999)

Bookseller

State of Florida
Department of Children & Families (DCF)
(1989 to 1998)

1989 to 1994: Managing Attorney/Senior Attorney, Dependency Unit

Prosecuted termination of parental rights (TPR) cases; Managing Attorney for Dependency Unit (including Foster Care and TPR); Member, DCF Executive Council

Accomplishments:

Supervised a staff of approximately 20 litigation attorneys and corresponding staff personnel;

Established and coordinated recruitment of, and served as liaison to, *pro bono* attorneys representing DCF in dependency cases;

Developed centralized uniform procedures, tracking procedures and a form file to streamline and monitor social workers' tasks, including diligent searches.

1994 to 1998: Assistant District Legal Counsel

Handled dependency and District 11 issues, including confidentiality matters, lease and contract negotiations and public records requests; wrote appellate briefs.

Stuzin & Camner, Miami, FL
(1988 to 1989) Senior Associate – Commercial real estate finance and civil litigation

Holland & Knight, Miami, FL
(1984 to 1988) Senior Associate – Commercial real estate finance and civil litigation

Broad & Cassel, Miami, FL
(1983 to 1984) Associate – Residential real estate

ACCOMPLISHMENTS & ACTIVITIES

1983 to 1989 – Volunteer Guardian ad Litem for five minor siblings

1998 – Received a/v rating from Martindale Hubbell

EDUCATION

Juris Doctor, *cum laude*, May 1983
University of Miami School of Law
Coral Gables, FL
Admitted to Florida Bar – October, 1983

Bachelor of Arts, May, 1975
Queens College, CUNY
Flushing, New York

HONORS & ACTIVITIES

Law School: Legal Intern for Judge Sidney Aronovitz, S.D. FL (dec.)
Walk-on and write-on member, Lawyer of the Americas
Articles & Comments Editor, Lawyer of the Americas
Member, Moot Court Board

Second Year Moot Court competition:
Winner with partner, Overall competition
Winner with partner, Best Brief
Winner, Society of Wig & Robe Award for Best Oralist
Entrant, Statewide Moot Court competition

ATTACHMENT "B"

Jon D. Gurney, Esquire
Attorney at Law & Qualified Arbitrator
(305) 793-0089 jon@jongurney.com
Admitted to Practice in Florida & Georgia

EDUCATION

Juris Doctor	University of Florida College of Law, Gainesville, FL Law
Master of Arts	University of Florida, Gainesville, FL Criminology, Law & Society
Bachelor of Arts	University of Miami, Coral Gables, FL Political Science & Criminology (Dual Major)

PROFESSIONAL EXPERIENCE

2011-Present	Jon Gurney, P.A. Attorney & Counselor at Law Miami & Ft. Lauderdale, Florida
2010 – 2013	Instructor (Full Time Faculty) Department of Criminal Justice Ancillary Appointment in Liberal Studies Program Florida International University Miami, Florida
2006- 2009	Instructor (Part Time Faculty) Department of Criminal Justice Georgia State University Atlanta, Georgia
2006- 2008	Assistant Solicitor General Trial Division (Misdemeanor, Traffic & Red Light Camera Divisions) Conducted over 2000 bench trials in municipal court City of Atlanta - Office of the Solicitor General (Criminal Prosecutor) Atlanta, Georgia

TEACHING EXPERIENCE

Graduate Courses

Advanced Seminar in Criminal Law & Procedure	Florida International University
Legal Issues in Juvenile Justice	Florida International University
Ethics in Criminal Justice	Florida International University
Criminal Justice Policy Analysis	Florida International University

Undergraduate Courses

Law & Society	Florida International University
The Courts	Florida International University
Law Enforcement	Florida International University
Corrections	Florida International University
Criminal Law	Florida International University
Criminal Evidence	Florida International University
Introduction to Criminal Justice	Florida International University
Ethics in Criminal Justice	Florida International University
American Crime Problem	Georgia State University
Criminal Procedure	Georgia State University
Civil Liability of Justice Personnel	Georgia State University

DEPARTMENT SERVICE

Florida International University Department of Criminal Justice

Graduate Admissions Committee	Chairperson
Adjunct Instructor Review Committee	Member
Instructor Promotional Committee	Member
Curriculum Review Committee	Member

SERVICE TO THE UNIVERSITY

2011-2013 Appeals Hearing Officer
Florida International University Department of Parking & Transportation
Reviewed 500+ campus parking citation appeals

PRESENTATIONS (Given In Courses)

Jon Gurney & Judge Robert W. Lee. The State of Florida Court System. Florida International University Department of Criminal Justice. Miami, Florida. March 2013

Jon Gurney & Judge John M. Hurley. Florida First Appearance Court. Florida International University Department of Criminal Justice. Miami, Florida. March 2013

Jon Gurney & Judge Rodolfo Ruiz. The County Court in Florida. Florida International University Department of Criminal Justice. Miami, Florida. October 2012

Jon Gurney & Judge Victoria Del Pino. Domestic Violence Court in Florida. Florida International University Department of Criminal Justice. Miami, Florida. October 2012

Jon Gurney & Judge Maria Ortiz. The County Court in Florida. Florida International University Department of Criminal Justice. Miami, Florida. April 2012.

Jon Gurney & Judge Robert W. Lee. The Florida Court System. Florida International University Department of Criminal Justice. Miami, Florida. November 2011.

Jon Gurney. *Presentation of the Florida International University Criminal Justice PhD Program Proposal.* Miami Dade County Association of Chiefs of Police. Miami, Florida. November 2011.

Jon Gurney. *Understanding Your Legal Rights- The Criminal Court Process.* Center for Governmental Responsibility, University of Florida College of Law Community Symposium. Gainesville, Florida. March 2004

PROFESSIONAL MEMBERSHIPS

The Florida Bar Traffic Court Rules Committee (2009-2011)

The Florida Bar Committee on Student Education & Admission to the Bar (2012-Present)

The Florida Bar

State Bar of Georgia

LICENSURE

State of Florida Attorney at Law 2008

State of Georgia Attorney at Law 2005

Qualified Arbitrator Supreme Court of Florida 2012- Present



Town of Surfside Commission Communication

Agenda Item # 3H

Agenda Date: August 13, 2013

Subject: Florida Department of Transportation (FDOT) Sidewalk Café Lease Agreement (Revision)

Background: The Town Commission authorized the Administration to enter into a Sidewalk Café Lease agreement with FDOT, for the operation of sidewalk cafés in the Surfside Business District on Harding Avenue, at the January 15, 2013 meeting (Attachment A).

The approved resolution and lease agreement identified the area under consideration as A1A/Harding Avenue from 93rd Street to 96th Street. The revised documents accompanying this memorandum have been amended to identify the area under consideration as A1A/Harding Avenue from 94th Street to 96th Street.

The original submission in January also included a Second Addendum to Lease Agreement that has subsequently been denied by FDOT. This Second Addendum has been removed from the documents presented with this memorandum for ratification. FDOT has their standard lease agreement (as provided) and will not authorize any additions or alterations - including the afore mentioned Second Addendum. This standard lease agreement is the same one presently operating in Miami Beach, Bay Harbor Islands and Sunny Isles. The Second Addendum (see Attachment A), attached by the Town, further clarified the responsibility of the sidewalk and accompanying indemnification. FDOT will not enter into an agreement with the Town that includes this as it is not part of their standard operational procedure on sidewalk café lease agreements.

The delay in having the Town Commission address these revised documents is due to the amount of time FDOT has taken to review the originals and advise Staff of their required alterations for subsequent approval. The new Town Manager and Building Official have also reviewed the associated Ordinance and have been briefed on the entire process and its components.

Analysis: The ratification of this revised five year lease agreement will allow the Town to provide a process to legally permit sidewalk cafes to existing and future restaurants while providing appropriate processes for application, approvals and monitoring of sidewalk café

use as mandated by the FDOT. Once ratified, Town Staff will conduct courtesy/educational visits with each business through the summer and early fall to review the Ordinance and application process. All impacted businesses will be required to file the relevant application. Individual surveys will be produced by the Town, per establishment application, to identify the placement of every item allowed within the applicable sidewalk boundaries. Failure to submit an application will put the continuation of the use of the sidewalk by that business at risk.

Staff is cognizant of the impending implementation of the Harding Avenue Greenway, set to begin within the next month (pending FDOT permit approval), and will work with each establishment to ensure that the application process is completed without requiring any revisions due to the new landscape design.

Budget Impact: While the initiation of this program will result in added revenues to the Town via Sidewalk Café permit fees, the charges are in direct relation to the anticipated administrative processing costs. An eighty dollar (\$80) one-time initial application cost, two hundred and fifty dollar (\$250) one-time charge for the Town to produce a rendering (survey) of the sidewalk use that will include the approved placement of tables and seating etc., and a fifteen dollar (\$15) per square foot annual fee will be required. Twenty percent (20%) of the per square foot annual permit fee will go to the FDOT as part of their lease agreement with the Town. This is the same percentage that FDOT requires from other jurisdictions to review and approve each individual permit and will compensate FDOT for their review. Thus, subsequent annual renewals will be part of the Certificate of Use process and will not incur any additional fees, other than the per square foot rent, if the sidewalk usage remains the same as in the original permit application.

Staff Impact: Existing staff will manage the application and permitting process as well as Ordinance compliance and the FDOT Lease Agreement. The Sidewalk Café Permit process will be blended into the annual Certificate of Use and Local Business Tax Receipt requirements to create a single, seamless application process for the business community.

Recommendation: The Administration recommends that the Town Commission ratify this revised FDOT Sidewalk Café Lease Agreement to bring the Town into compliance with FDOT's regulations.



TEDACS Director
Duncan Tavares



Town Manager
Michael P. Crotty

RESOLUTION NO. 13-2035

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) GRANT THE TOWN A PUBLIC PURPOSE LEASE ON A1A/HARDING AVENUE FROM 93RD STREET TO 96TH STREET, WHERE THE TOWN PROPOSES TO ISSUE PERMITS FOR SIDEWALK CAFES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the "Town") is a waterfront community located in Miami-Dade County; and

WHEREAS, one of the Town's main thoroughfare is Harding Avenue and the Town believes a designated sidewalk café zone will enhance aesthetics and encourage pedestrian activity along a major corridor in the Town; and

WHEREAS, the Florida Department of Transportation ("FDOT") requires the Town and FDOT to enter into a Public Purpose Lease and addendums as described below in order for the Town to issue sidewalk café permits within the FDOT right of way; and

WHEREAS, it is in the best interests of the Town to permit sidewalk cafés so that the public may enjoy Surfside's natural beauty, and to encourage increased pedestrian activity within the downtown business district and to provide to the public the convenience of dining outdoors while using the business areas of the Town.

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

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

Section 2. Approval of Attached Lease Agreement and Addendums. The Town Commission approves the Town entering into a lease agreement with FDOT as detailed in the

attached State of Florida Lease Agreement (Exhibit "A"), State of Florida Addendum to Lease Agreement (Exhibit "B"), and Town of Surfside Second Addendum to Lease Agreement (Exhibit "C").

Section 3. Authorization of Town Officials. The Town Manager and Town Attorney are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion by Vice Mayor Karukin, Second by Commissioner Kligman.

PASSED AND ADOPTED this 15 day of January 2013

FINAL VOTE ON ADOPTION

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

yes
no
yes
yes
yes


Daniel Dietch, Mayor

ATTEST


Sandra Nyvon, CMC
Town Clerk

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


Lynn M. Dannheisser, Town Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LEASE AGREEMENT

675-060-33
RIGHT OF WAY
OGC - 08/09
Page 1 of 6

ITEM/SEGMENT NO.: 2495611
MANAGING DISTRICT: Six
F.A.P. NO.: N/A
STATE ROAD NO.: A1A
COUNTY: Miami-Dade
PARCEL NO.: 4228

THIS AGREEMENT, made this _____ day of _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, (hereinafter called the Lessor), and TOWN OF SURFSIDE at 9293 Harding Avenue, Surfside, Florida 33154 (hereinafter called the Lessee).

WITNESSETH:

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Property and Term.** Lessor does hereby lease unto Lessee the property described in Exhibit "A", attached and made a part hereof, for a term of _____ beginning _____ and ending _____. This lease may be renewed for an additional _____ term at Lessee's option, subject to the rent adjustment as provided in Paragraph 3 below. Lessee shall provide Lessor 120 days advanced written notice of its exercise of the renewal option.

If Lessee holds over and remains in possession of the property after the expiration of the term specified in this Lease, or any renewals of such term, Lessee's tenancy shall be considered a tenancy at sufferance, subject to the same terms and conditions as herein contained in this Lease.

This Lease is subject to all utilities in place and to the maintenance thereof as well as any other covenants, easements, or restrictions of record.

This Lease shall be construed as a lease of only the interest, if any, of Lessor, and no warranty of title shall be deemed to be given herewith.

2. **Use.** The leased property shall be used solely for the purpose of use of sidewalk for sidewalk cafe. If the property is used for any other purpose, Lessor shall have the option of immediately terminating this Lease. Lessee shall not permit any use of the property in any manner that would obstruct or interfere with any transportation facilities.

Lessee will further use and occupy the leased property in a careful and proper manner, and not commit any waste thereon. Lessee will not cause, or allow to be caused, any nuisance or objectionable activity of any nature on the property. Lessee will not use or occupy said property for any unlawful purpose and will, at Lessee's sole cost and expense, conform to and obey any present or future ordinances and/or rules, regulations, requirements, and orders of governmental authorities or agencies respecting the use and occupation of the leased property.

Any activities in any way involving hazardous materials or substances of any kind whatsoever, either as those terms may be defined under any state or federal laws or regulations, or as those terms are understood in common usage, are specifically prohibited. The use of petroleum products, pollutants, and other hazardous materials on the leased property is prohibited. Lessee shall be held responsible for the performance of and payment for any environmental remediation that may be necessary, as determined by the Lessor, within the leased property. If any contamination either spread to or was released onto adjoining property as a result of Lessee's use of the leased property, the Lessee shall be held similarly responsible. The Lessee shall indemnify, defend, and hold harmless the Lessor from any claim, loss, damage, costs, charge, or expense arising out of any such contamination.

3. **Rent.** Lessee shall pay to Lessor as rent, on or before the first day of each rent payment period, the sum of _____ plus applicable tax, for each N/A of the term. If this Lease is terminated prior to the end of any rent payment period, the unearned portion of any rent payment, less any other amounts that may be owed to Lessor, shall be refunded to Lessee. Lessee shall pay any and all state, county, city, and local taxes that may be due during the term hereof, including any real property taxes. Rent payments shall be made payable to the Florida Department of Transportation and shall be sent to Right of Way Administration, 1000 NW 111th Ave, Rm 6105-B, Miami, Florida 33172. Lessor reserves the right to review and adjust the rental fee biennially and at renewal to reflect market conditions. Any installment of rent not received within ten (10) days after the date due shall bear interest at the highest rate allowed by law from the due date thereof, per Section 55.03(1), Florida Statutes. This provision shall not obligate Lessor to accept late rent payments or provide Lessee a grace period.

4. **Improvements.** No structures or improvements of any kind shall be placed upon the property without the prior written approval of the District Secretary for District Six of Lessor. Any such structures or improvements shall be constructed in a good and workmanlike manner at Lessee's sole cost and expense. Subject to any landlord lien, any structures or improvements constructed by Lessee shall be removed by Lessee, at Lessee's sole cost and expense, by midnight on the day of termination of this

Lease and the leased property restored as nearly as practical to its condition at the time this Lease is executed. Portable or temporary advertising signs are prohibited.

Lessee shall perform, at the sole expense of Lessee, all work required in the preparation of the leased property for occupancy by Lessee, in the absence of any special provision herein contained to the contrary; and Lessee does hereby accept the leased property as now being in fit and tenantable condition for all purposes of Lessee.

Lessor reserves the right to inspect the property and to require whatever adjustment to structures or improvements as Lessor, in its sole discretion, deems necessary. Any adjustments shall be done at Lessee's sole cost and expense.

5. Maintenance. Lessee shall keep and maintain the leased property and any building or other structure, now or hereafter erected thereon, in good and safe condition and repair at Lessee's own expense during the existence of this Lease, and shall keep the same free and clear of any and all grass, weeds, brush, and debris of any kind, so as to prevent the same from becoming dangerous, inflammable, or objectionable. Lessor shall have no duty to inspect or maintain any of the leased property or buildings, and other structures thereon, during the term of this Lease; however, Lessor shall have the right, upon twenty-four (24) hours notice to Lessee, to enter the leased property for purposes of inspection, including conducting an environmental assessment. Such assessment may include: surveying; sampling of building materials, soil, and groundwater; monitoring well installations; soil excavation; groundwater remediation; emergency asbestos abatement; operation and maintenance inspections; and, any other actions which may be reasonable and necessary. Lessor's right of entry shall not obligate inspection of the property by Lessor, nor shall it relieve the Lessee of its duty to maintain the leased property. In the event of emergency due to a release or suspected release of hazardous waste on the property, Lessor shall have the right of immediate inspection, and the right, but not the obligation, to engage in remedial action, without notice, the sole cost and expense of which shall be the responsibility of the Lessee.

6. Indemnification. (select applicable paragraph)

Lessee is a Governmental Agency

To the extent provided by law, Lessee shall indemnify, defend, and hold harmless the Lessor and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by Lessee, its agents, or employees, during the performance of the Lease, except that neither Lessee, its officers, agents, or employees will be liable under this paragraph for any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Lessor or any of its officers, agents, or employees during the performance of the Lease.

When the Lessor receives a notice of claim for damages that may have been caused by the Lessee, the Lessor will immediately forward the claim to the Lessee. Lessee and the Lessor will evaluate the claim and report their findings to each other within fourteen (14) working days and will jointly discuss options in defending the claim. After reviewing the claim, the Lessor will determine whether to require the participation of Lessee in the defense of the claim or to require that Lessee defend the Lessor in such claim as described in this section. The Lessor's failure to promptly notify Lessee of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by Lessee. The Lessor and Lessee will each pay its own expenses for the evaluation, settlement negotiations, and trial, if any.

Lessee is not a Governmental Agency

Lessee shall indemnify, defend, save, and hold harmless Lessor, its agent, officers, and employees, from any losses, fines, penalties, costs, damages, claims, demands, suits, and liabilities of any nature, including attorney's fees, (including regulatory and appellate fees), arising out of or because of any acts, action, neglect, or omission by Lessee, or due to any accident, happening, or occurrence on the leased property or arising in any manner from the exercise or attempted exercise of Lessee's rights hereunder whether the same regards person or property of any nature whatsoever, regardless of the apportionment of negligence, unless due to the sole negligence of Lessor.

Lessee's obligation to indemnify, defend and pay for the defenses or at Lessor's option, to participate, and to associate with the Lessor in the defense and trial of any claim and any related settlement negotiations, shall be triggered by the Lessor's notice of claim for indemnification to Lessee. Lessee's inability to evaluate liability or its evaluation of liability shall not excuse Lessee's duty to defend and indemnify within seven days after such notice by the Lessor is given by registered mail. Only an adjudication or judgment after the highest appeal is exhausted specifically finding the Lessor solely negligent shall excuse performance of this provision by Lessee. Lessee shall pay all costs and fees related to this obligation and its enforcement by Lessor. Lessor's failure to notify Lessee of claim shall not release Lessee of the above duty to defend.

7. Insurance. Lessee at its expense, shall maintain at all times during the term of this Lease, public liability insurance protecting Lessor and Lessee against any and all claims for injury and damage to persons and property, and for the loss of life or property occurring in, on, or about the property arising out of the act, negligence, omission, nonfeasance, or malfeasance of Lessee, its employees, agents, contractors, customers, licensees, and invitees. Such insurance shall be carried in a minimum amount of not less than one million dollars (\$ 1,000,000.00) for bodily injury or death to any one person or any number of persons in any one occurrence and not less than one million dollars (\$ 1,000,000.00) for property damage, or a combined coverage of not less than two million dollars (\$ 2,000,000.00). All such policies shall be issued by companies licensed to do business in the State of Florida and all such policies shall contain a provision whereby the same cannot be

canceled or modified unless Lessor is given at least sixty (60) days prior written notice of such cancellation or modification. Lessee shall provide Lessor certificates showing such insurance to be in place and showing Lessor as additional insured under the policies. If self-insured or under a risk management program, Lessee represents that such minimum coverage for liability will be provided for the leased property.

Lessor may require the amount of any public liability insurance to be maintained by Lessee be increased so that the amount thereof adequately protects Lessor's interest. Lessee further agrees that it shall during the full term of this Lease and at its own expense keep the leased property and any improvements thereon fully insured against loss or damage by fire and other casualty. Lessee also agrees that it shall during the full term of this Lease and at its own expense keep the contents and personal property located on the leased property fully insured against loss or damage by fire or other casualty and does hereby release and waive on behalf of itself and its insurer, by subrogation or otherwise, all claims against Lessor arising out of any fire or other casualty whether or not such fire or other casualty shall have resulted in whole or in part from the negligence of the Lessor.

8. Eminent Domain. Lessee acknowledges and agrees that its relationship with Lessor under this Lease is one of landlord and tenant and no other relationship either expressed or implied shall be deemed to apply to the parties under this Lease. Termination of this Lease for any cause shall not be deemed a taking under any eminent domain or other law so as to entitle Lessee to compensation for any interest suffered or lost as a result of termination of this Lease, including any residual interest in the Lease, or any other facts or circumstances arising out of or in connection with this Lease.

Lessee hereby waives and relinquishes any legal rights and monetary claims which it might have for full compensation, or damages of any sort, including special damages, severance damages, removal costs, or loss of business profits, resulting from Lessee's loss of occupancy of the leased property, or any such rights, claims, or damages flowing from adjacent properties owned or leased by Lessee as a result of Lessee's loss of occupancy of the leased property. Lessee also hereby waives and relinquishes any legal rights and monetary claims which it might have for full compensation, or damages of any sort as set out above, as a result of Lessee's loss of occupancy of the leased property, when any or all adjacent properties owned or leased by Lessee are taken by eminent domain proceedings or sold under the threat thereof. This waiver and relinquishment applies whether this Lease is still in existence on the date of taking or sale; or has been terminated prior thereto.

9. Miscellaneous.

a. This Lease may be terminated by Lessor immediately, without prior notice, upon default by Lessee hereunder, and may be terminated by either party, without cause upon thirty (30) days prior written notice to the other party.

b. In addition to, or in lieu of, the terms and conditions contained herein, the provisions of any Addendum of even date herewith which is identified to be a part hereof is hereby incorporated herein and made a part hereof by this reference. In the event of any conflict between the terms and conditions hereof and the provisions of the Addendum(s), the provisions of the Addendum(s) shall control, unless the provisions thereof are prohibited by law.

c. Lessee acknowledges that it has reviewed this Lease, is familiar with its terms, and has had adequate opportunity to review this Lease with legal counsel of Lessee's choosing. Lessee has entered into this Lease freely and voluntarily. This Lease contains the complete understanding of the parties with respect to the subject matter hereof. All prior understandings and agreements, oral or written, heretofore made between the parties and/or between Lessee and the previous owner of the leased property and landlord of Lessee are merged in this Lease, which alone, fully and completely expresses the agreement between Lessee and Lessor with respect to the subject matter hereof. No modification, waiver, or amendment of this Lease or any of its conditions or provisions shall be binding upon Lessor or Lessee unless in writing and signed by both parties.

d. Lessee shall not sublet the property or any part thereof, nor assign this Lease, without the prior consent in writing of the Lessor; this Lease is being executed by Lessor upon the credit and reputation of Lessee. Acceptance by Lessor of rental from a third party shall not be considered as an assignment or sublease, nor shall it be deemed as constituting consent of Lessor to such an assignment or sublease.

e. Lessee shall be solely responsible for all bills for electricity, lighting, power, gas, water, telephone, and telegraph services, or any other utility or service used on the property.

f. This Lease shall be governed by the laws of the State of Florida, and any applicable laws of the United States of America.

g. All notices to Lessor shall be sent to the address for rent payments and all notices to Lessee shall be sent to:
9293 Harding Avenue, Surfside, Florida 33154

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

TOWN OF SURFSIDE
Lessee (Company Name, if applicable)

By: _____
District Secretary

BY: _____

Gus Pego, P.E.
Print Name

Roger M. Carlton
Print Name

Attest: _____

Title: Town Manager

Name/Title: Executive Secretary

Attest: _____ (SEAL)

LEGAL REVIEW:

Print Name

District Counsel

Title: _____

Alicia Trullillo, Esq
Print Name

ADDENDUM

This is an Addendum to that certain Lease Agreement between DO NOT SIGN - SEE ADDENDUM ATTACHED

and the State of Florida Department of Transportation dated the _____ day of _____,
In addition to the provisions contained in said Agreement, the following terms and conditions shall be deemed to be a part thereof
pursuant to Paragraph 9 (b) of said Agreement:

DO NOT SIGN - SEE ADDENDUM ATTACHED

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

Lessee (Company Name, if applicable)

By: _____
District Secretary

BY: _____

Print Name

Print Name

Attest: _____

Title: _____

Name/Title: _____

Attest: _____ (SEAL)

LEGAL REVIEW:

Print Name

District Counsel

Title: _____

Print Name

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ADDENDUM TO LEASE AGREEMENT

Item/Seg No.: 2495611
Sec/Job No. 87060
SR No.: A1A
County: Miami-Dade
Parcels No.: 4228

This Addendum made this _____ day of _____ 2013, is an Addendum to the Lease Agreement dated _____ between the Town of Surfside (Lessee), and the Florida Department of Transportation (Lessor).

In addition to the provisions contained in said Lease Agreement, the following terms, conditions and/or amendments shall be deemed to be a part thereof pursuant to Paragraph 9(b) of said Lease Agreement:

1. Where the provisions of this Addendum conflict with the provisions of the Lease Agreement, this Addendum shall control. Except as otherwise agreed herein all other terms of the Lease Agreement shall remain in full force and effect.
2. The Lessor does hereby lease unto Lessee the FDOT sidewalks for State Road A1A/Harding Avenue from 93rd street to 96th Street located in the Town of Surfside for purposes of the operation of sidewalk cafes.
3. Sidewalk Café Permit approval process:

The Lessor does hereby agree that Lessee shall be permitted to issue permits to portions of the leased property to such third parties for purposes of the operation of a sidewalk café, but only to users who apply for, and are granted, a sidewalk café permit ("Permittees") issued by the Lessee, in accordance and compliance with the Lessee's Ordinance No. _____, guidelines and procedures for sidewalk cafés, FDOT's applicable regulations (as same may be amended from time to time), and any and all administrative regulations.

Upon the issuance of a sidewalk permit by Lessee to a Permittee, the Lessee shall submit a Sidewalk Café Supplement, in the form attached hereto as Exhibit "A-1", for approval by Lessor. Upon approval by Lessor, any such Supplement shall be incorporated to and constitute an addendum to the Lease Agreement ("Supplement Addendum").

In addition, the Lessee shall:

- a) Submit evidence of any sidewalk café permit site plan modification to Lessor within fifteen (15) days from the date that such modification is granted to a Permittee;

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ADDENDUM TO LEASE AGREEMENT

Item/Seg No.: 2495611
Sec/Job No. 87060
SR No.: A1A
County: Miami-Dade
Parcels No.: 4228

- b) Submit a Supplement Addendum to Lessor for each sidewalk café permit renewal by no later than October 15th of each calendar year.

4. Rent:

Paragraph 3 of the Lease Agreement is modified as follows:

Rent calculation. The Lessee and Lessor have agreed to a rent of 20% of the sidewalk café annual permit fee (or permit renewal fee, as the case may be) in accordance with the Lessee's ordinance Sec. 18-90 (1) as set forth in appendix A of said ordinance. The rent payable for the leased property is to be calculated on a per square footage basis, in accordance with the sidewalk café permit area described in each Supplement Addendum and sidewalk café permit granted by the Lessee.

Rent shall be paid annually as follows:

- a) Permits issued subsequent to October 1st of each calendar year shall be due and payable within thirty (30) days from the date the sidewalk café permit is issued by the Lessee to the Permittee and shall be pro-rated accordingly;
- b) Renewal permits shall be due and payable on or before November 1st of each calendar year.

The annual rental for each permit issued shall be based on the Lessee's permit year, to wit: October 1st to September 30th of each calendar year, and any rental pro-rations shall be based on this time period.

For purposes of any Supplement Addendum, the commencement date shall be deemed to be the date of the issuance of the sidewalk café permit by the Lessee.

Late fees or charges of any kind may be classified as additional rent if not paid when demanded, and may be included in any statutory notices served on the Lessee for non-payment of rent.

Lessor reserves the right to review and adjust the rent rate every two (2) years, and at renewal, to reflect market conditions.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ADDENDUM TO LEASE AGREEMENT

Item/Seg No.: 2495611
Sec/Job No. 87060
SR No.: A1A
County: Miami-Dade
Parcels No.: 4228

5. Maintenance:

Paragraph 5 of the Lease Agreement is modified as follows:
Notwithstanding anything contained in Paragraph 5 of the Lease Agreement, Lessor will be responsible for any structural repairs to the leased property not resulting from damage caused by Lessee, Permittee, or their respective employees, agents, guests or invitees. Lessee shall be responsible for maintenance of the leased property, including but not limited to, proper cleaning, upkeep and housekeeping of the leased property at its expense and for restoration repairs resulting from affixing items to the sidewalk surface.

6. Indemnification.

Paragraph 6 of the Lease Agreement is modified as follows:

Notwithstanding anything contained in Paragraph 6 of the Lease Agreement, Lessee shall indemnify Lessor, to the extent provided by law and subject to the limitations as provided in Section 768.28, F.S.

7. Insurance:

In addition to the provisions of paragraph 7 of the Lease Agreement:

Lessee does hereby agree that any sidewalk café permit issued to a Permittee shall include a provision requiring the Permittee, at its expense, to maintain, at all times during the Permit term, public liability insurance protecting Lessor and Lessee against any and all claims for injury and damage to persons and property, and for the loss of life or property occurring in, on, or about the permit area arising out of the act, negligence, omission, nonfeasance, or malfeasance of Permittee, its employees, agents, contractors, customers, licensees, and invitees. Such insurance shall be carried in a minimum than One million dollars (\$1,000,000.00) for bodily injury or death to any one person or any number of persons in any one occurrence and not less than One million dollars (\$1,000,000.00) for property damage, or a combined coverage of not less than two million dollars (\$2,000,000.00).

All such policies shall be issued by companies licensed to do business in the State of Florida and all such policies shall contain a provision whereby the same cannot be canceled or modified unless Lessor is given at least sixty (60) days

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ADDENDUM TO LEASE AGREEMENT

Item/Seg No.: 2495611
Sec/Job No. 87060
SR No.: A1A
County: Miami-Dade
Parcels No.: 4228

prior written notice of such cancellation or modification. Lessee shall provide Lessor certificates showing such insurance to be in place and showing Lessor as additional insured under the policies.

8. Paragraph 9 of the Lease Agreement is modified to include the following provision:

h. Lessee agrees to regularly inspect the premises to ensure compliance with the provisions of the sidewalk permits and Lessee's Ordinance No. 2008-3601; Lessee's administrative guidelines and procedures for sidewalk cafés; and FDOT's applicable regulations.

IN WITNESS WHEREOF, the parties have executed this Addendum to the Lease Agreement as of this _____ day of _____ 2012.

On behalf of Lessee
TOWN OF SURFSIDE

On behalf of Lessor
STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

By: _____
Roger M. Carlton
Town Manager

By: _____
Gus Pego P.E.
District Secretary

Witness: _____

Attest: _____

Name/Title

Executive Secretary

Witness: _____

Name/Title

Attest: _____

LEGAL REVIEW:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ADDENDUM TO LEASE AGREEMENT

Item/Seg No.: 2495611
Sec/Job No. 87060
SR No.: A1A
County: Miami-Dade
Parcels No.: 4228

Alicia Trujillo, Esq.
District Chief Counsel

SECOND ADDENDUM TO LEASE AGREEMENT

Between

THE TOWN OF SURFSIDE, FLORIDA

And

FLORIDA DEPARTMENT OF TRANSPORTATION

For

LEASE OF SIDEWALKS IN SURFSIDE BETWEEN 93rd STREET AND 96th STREET AND
HARDING AVENUE

This Second Addendum to the Lease Agreement, dated _____ (the "Effective Date"), is made by and between the TOWN OF SURFSIDE, Florida, a Florida municipal corporation (hereinafter referred to as the "LESSEE"), and FLORIDA DEPARTMENT OF TRANSPORTATION, AN AGENCY OF THE STATE OF FLORIDA ("LESSOR"). This SECOND ADDENDUM, the Addendum to the Lease Agreement between Lessee and Lessor dated _____, and the Lease Agreement shall collectively be referred to herein as the "Agreement". In the event of any conflict between this second Addendum, the Lease Agreement, and the Addendum to the Lease Agreement, it is agreed that this Second Addendum shall control.

PARAGRAPH 6. INDEMNIFICATION. To the extent allowable by law, Lessee shall indemnify and hold harmless the Lessor and all of its officers, agents, and employees from any claim, loss, cost, charge or expense arising out of any act, error, omission, or negligent act by Lessee, its agents or employees, during the performance of the Lease with regard to the subject of this lease- to wit: the sidewalks only, except that neither Lessee, its officers, agents or employees will be liable under this paragraph for any claim, loss, cost, damage, charge or expense arising out of any act error, omission, or negligent act of any of its officers, agents, or employees during the performance of the Lease. With regard to property that is not the subject of this Lease, and to the extent allowable by law, Lessor shall indemnify and hold harmless the Lessee and all of its officers, agents, and employees from any claim, loss, cost, charge or expense arising out of any act, error, omission, or negligent act by Lessee, its agents or employees, during the performance of the Lease.

IN WITNESS WHEREOF, the parties hereby execute this Agreement on the date first stated above.

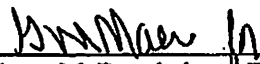
ATTEST:

TOWN OF SURFSIDE, FLORIDA

Sandra Novoa, TOWN Clerk

By: _____
Roger Carlton, Town Manager

APPROVED AS TO FORM AND LEGALITY



Lynn M. Dannheisser, Town Attorney

ATTEST:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

Secretary
Please type name of Secretary

By: _____
Gus Pego, District Secretary

Date: _____

LEGAL REVIEW:

District Counsel

RESOLUTION NO. 13-___

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) GRANT THE TOWN A PUBLIC PURPOSE LEASE ON A1A/HARDING AVENUE FROM 94RD STREET TO 96TH STREET, WHERE THE TOWN PROPOSES TO ISSUE PERMITS FOR SIDEWALK CAFES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the “Town”) is a waterfront community located in Miami-Dade County; and

WHEREAS, one of the Town’s main thoroughfare is Harding Avenue and the Town believes a designated sidewalk café zone will enhance aesthetics and encourage pedestrian activity along a major corridor in the Town; and

WHEREAS, the Florida Department of Transportation (“FDOT”) requires the Town and FDOT to enter into a Public Purpose Lease and addendum as described below in order for the Town to issue sidewalk café permits within the FDOT right of way; and

WHEREAS, it is in the best interests of the Town to permit sidewalk cafés so that the public may enjoy Surfside’s natural beauty, and to encourage increased pedestrian activity within the downtown business district and to provide to the public the convenience of dining outdoors while using the business areas of the Town.

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

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

Section 2. Approval of Attached Lease Agreement and Addendum. The Town Commission approves the Town entering into a lease agreement with FDOT as detailed in the

attached State of Florida Lease Agreement (Exhibit "A") and the State of Florida Addendum to the Lease Agreement (Exhibit "B").

Section 3. Authorization of Town Officials. The Town Manager and Town Attorney are hereby authorized to take all steps necessary to complete the execution of the terms of this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion by _____, Second by _____.

PASSED AND ADOPTED this _____ day of _____, 2013

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

EXHIBIT A

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
LEASE AGREEMENT

575-060-33
RIGHT OF WAY
OGC - 08/09
Page 1 of 5

ITEM/SEGMENT NO.: 2495611
MANAGING DISTRICT: Six
F.A.P. NO.: N/A
STATE ROAD NO.: A1A
COUNTY: Miami-Dade
PARCEL NO.: 4228

THIS AGREEMENT, made this _____ day of _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, (hereinafter called the Lessor), and TOWN OF SURFSIDE at 9293 Harding Avenue, Surfside, Florida 33154 (hereinafter called the Lessee).

WITNESSETH:

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Property and Term.** Lessor does hereby lease unto Lessee the property described in Exhibit "A", attached and made a part hereof, for a term of Five (5) years beginning 10/1/2013 and ending 9/30/2018. This Lease may be renewed for an additional Five (5) years term at Lessee's option, subject to the rent adjustment as provided in Paragraph 3 below. Lessee shall provide Lessor 120 days advanced written notice of its exercise of the renewal option.

If Lessee holds over and remains in possession of the property after the expiration of the term specified in this Lease, or any renewals of such term, Lessee's tenancy shall be considered a tenancy at sufferance, subject to the same terms and conditions as herein contained in this Lease.

This Lease is subject to all utilities in place and to the maintenance thereof as well as any other covenants, easements, or restrictions of record.

This Lease shall be construed as a lease of only the interest, if any, of Lessor, and no warranty of title shall be deemed to be given herewith.

2. **Use.** The leased property shall be used solely for the purpose of use of sidewalk for sidewalk cafe. If the property is used for any other purpose, Lessor shall have the option of immediately terminating this Lease. Lessee shall not permit any use of the property in any manner that would obstruct or interfere with any transportation facilities.

Lessee will further use and occupy the leased property in a careful and proper manner, and not commit any waste thereon. Lessee will not cause, or allow to be caused, any nuisance or objectionable activity of any nature on the property. Lessee will not use or occupy said property for any unlawful purpose and will, at Lessee's sole cost and expense, conform to and obey any present or future ordinances and/or rules, regulations, requirements, and orders of governmental authorities or agencies respecting the use and occupation of the leased property.

Any activities in any way involving hazardous materials or substances of any kind whatsoever, either as those terms may be defined under any state or federal laws or regulations, or as those terms are understood in common usage, are specifically prohibited. The use of petroleum products, pollutants, and other hazardous materials on the leased property is prohibited. Lessee shall be held responsible for the performance of and payment for any environmental remediation that may be necessary, as determined by the Lessor, within the leased property. If any contamination either spread to or was released onto adjoining property as a result of Lessee's use of the leased property, the Lessee shall be held similarly responsible. The Lessee shall indemnify, defend, and hold harmless the Lessor from any claim, loss, damage, costs, charge, or expense arising out of any such contamination.

3. **Rent.** Lessee shall pay to Lessor as rent, on or before the first day of each rent payment period, the sum of _____ plus applicable tax, for each N/A of the term. If this Lease is terminated prior to the end of any rent payment period, the unearned portion of any rent payment, less any other amounts that may be owed to Lessor, shall be refunded to Lessee. Lessee shall pay any and all state, county, city, and local taxes that may be due during the term hereof, including any real property taxes. Rent payments shall be made payable to the Florida Department of Transportation and shall be sent to Right of Way Administration, 1000 NW 111th Ave, Rm 6105-B, Miami, Florida 33172. Lessor reserves the right to review and adjust the rental fee biennially and at renewal to reflect market conditions. Any installment of rent not received within ten (10) days after the date due shall bear interest at the highest rate allowed by law from the due date thereof, per Section 55.03(1), Florida Statutes. This provision shall not obligate Lessor to accept late rent payments or provide Lessee a grace period.

4. **Improvements.** No structures or improvements of any kind shall be placed upon the property without the prior written approval of the District Secretary for District Six of Lessor. Any such structures or improvements shall be constructed in a good and workmanlike manner at Lessee's sole cost and expense. Subject to any landlord lien, any structures or improvements constructed by Lessee shall be removed by Lessee, at Lessee's sole cost and expense, by midnight on the day of termination of this

Lease and the leased property restored as nearly as practical to its condition at the time this Lease is executed. Portable or temporary advertising signs are prohibited.

Lessee shall perform, at the sole expense of Lessee, all work required in the preparation of the leased property for occupancy by Lessee, in the absence of any special provision herein contained to the contrary; and Lessee does hereby accept the leased property as now being in fit and tenable condition for all purposes of Lessee.

Lessor reserves the right to inspect the property and to require whatever adjustment to structures or improvements as Lessor, in its sole discretion, deems necessary. Any adjustments shall be done at Lessee's sole cost and expense.

5. Maintenance. Lessee shall keep and maintain the leased property and any building or other structure, now or hereafter erected thereon, in good and safe condition and repair at Lessee's own expense during the existence of this Lease, and shall keep the same free and clear of any and all grass, weeds, brush, and debris of any kind, so as to prevent the same from becoming dangerous, inflammable, or objectionable. Lessor shall have no duty to inspect or maintain any of the leased property or buildings, and other structures thereon, during the term of this Lease; however, Lessor shall have the right, upon twenty-four (24) hours notice to Lessee, to enter the leased property for purposes of inspection, including conducting an environmental assessment. Such assessment may include: surveying; sampling of building materials, soil, and groundwater; monitoring well installations; soil excavation; groundwater remediation; emergency asbestos abatement; operation and maintenance inspections; and, any other actions which may be reasonable and necessary. Lessor's right of entry shall not obligate inspection of the property by Lessor, nor shall it relieve the Lessee of its duty to maintain the leased property. In the event of emergency due to a release or suspected release of hazardous waste on the property, Lessor shall have the right of immediate inspection, and the right, but not the obligation, to engage in remedial action, without notice, the sole cost and expense of which shall be the responsibility of the Lessee.

6. Indemnification. (select applicable paragraph)

Lessee is a Governmental Agency

To the extent provided by law, Lessee shall indemnify, defend, and hold harmless the Lessor and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by Lessee, its agents, or employees, during the performance of the Lease, except that neither Lessee, its officers, agents, or employees will be liable under this paragraph for any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Lessor or any of its officers, agents, or employees during the performance of the Lease.

When the Lessor receives a notice of claim for damages that may have been caused by the Lessee, the Lessor will immediately forward the claim to the Lessee. Lessee and the Lessor will evaluate the claim and report their findings to each other within fourteen (14) working days and will jointly discuss options in defending the claim. After reviewing the claim, the Lessor will determine whether to require the participation of Lessee in the defense of the claim or to require that Lessee defend the Lessor in such claim as described in this section. The Lessor's failure to promptly notify Lessee of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by Lessee. The Lessor and Lessee will each pay its own expenses for the evaluation, settlement negotiations, and trial, if any.

Lessee is not a Governmental Agency

Lessee shall indemnify, defend, save, and hold harmless Lessor, its agent, officers, and employees, from any losses, fines, penalties, costs, damages, claims, demands, suits, and liabilities of any nature, including attorney's fees, (including regulatory and appellate fees), arising out of or because of any acts, action, neglect, or omission by Lessee, or due to any accident, happening, or occurrence on the leased property or arising in any manner from the exercise or attempted exercise of Lessee's rights hereunder whether the same regards person or property of any nature whatsoever, regardless of the apportionment of negligence, unless due to the sole negligence of Lessor.

Lessee's obligation to indemnify, defend and pay for the defenses or at Lessor's option, to participate, and to associate with the Lessor in the defense and trial of any claim and any related settlement negotiations, shall be triggered by the Lessor's notice of claim for indemnification to Lessee. Lessee's inability to evaluate liability or its evaluation of liability shall not excuse Lessee's duty to defend and indemnify within seven days after such notice by the Lessor is given by registered mail. Only an adjudication or judgment after the highest appeal is exhausted specifically finding the Lessor solely negligent shall excuse performance of this provision by Lessee. Lessee shall pay all costs and fees related to this obligation and its enforcement by Lessor. Lessor's failure to notify Lessee of claim shall not release Lessee of the above duty to defend.

7. Insurance. Lessee at its expense, shall maintain at all times during the term of this Lease, public liability insurance protecting Lessor and Lessee against any and all claims for injury and damage to persons and property, and for the loss of life or property occurring in, on, or about the property arising out of the act, negligence, omission, nonfeasance, or malfeasance of Lessee, its employees, agents, contractors, customers, licensees, and invitees. Such insurance shall be carried in a minimum amount of not less than one million dollars (\$ 1,000,000.00) for bodily injury or death to any one person or any number of persons in any one occurrence and not less than one million dollars (\$ 1,000,000.00) for property damage, or a combined coverage of not less than two million dollars (\$ 2,000,000.00). All such policies shall be issued by companies licensed to do business in the State of Florida and all such policies shall contain a provision whereby the same cannot be

canceled or modified unless Lessor is given at least sixty (60) days prior written notice of such cancellation or modification. Lessee shall provide Lessor certificates showing such insurance to be in place and showing Lessor as additional insured under the policies. If self-insured or under a risk management program, Lessee represents that such minimum coverage for liability will be provided for the leased property.

Lessor may require the amount of any public liability insurance to be maintained by Lessee be increased so that the amount thereof adequately protects Lessor's interest. Lessee further agrees that it shall during the full term of this Lease and at its own expense keep the leased property and any improvements thereon fully insured against loss or damage by fire and other casualty. Lessee also agrees that it shall during the full term of this Lease and at its own expense keep the contents and personal property located on the leased property fully insured against loss or damage by fire or other casualty and does hereby release and waive on behalf of itself and its insurer, by subrogation or otherwise, all claims against Lessor arising out of any fire or other casualty whether or not such fire or other casualty shall have resulted in whole or in part from the negligence of the Lessor.

8. Eminent Domain. Lessee acknowledges and agrees that its relationship with Lessor under this Lease is one of landlord and tenant and no other relationship either expressed or implied shall be deemed to apply to the parties under this Lease. Termination of this Lease for any cause shall not be deemed a taking under any eminent domain or other law so as to entitle Lessee to compensation for any interest suffered or lost as a result of termination of this Lease, including any residual interest in the Lease, or any other facts or circumstances arising out of or in connection with this Lease.

Lessee hereby waives and relinquishes any legal rights and monetary claims which it might have for full compensation, or damages of any sort, including special damages, severance damages, removal costs, or loss of business profits, resulting from Lessee's loss of occupancy of the leased property, or any such rights, claims, or damages flowing from adjacent properties owned or leased by Lessee as a result of Lessee's loss of occupancy of the leased property. Lessee also hereby waives and relinquishes any legal rights and monetary claims which it might have for full compensation, or damages of any sort as set out above, as a result of Lessee's loss of occupancy of the leased property, when any or all adjacent properties owned or leased by Lessee are taken by eminent domain proceedings or sold under the threat thereof. This waiver and relinquishment applies whether this Lease is still in existence on the date of taking or sale; or has been terminated prior thereto.

9. Miscellaneous.

a. This Lease may be terminated by Lessor immediately, without prior notice, upon default by Lessee hereunder, and may be terminated by either party, without cause upon thirty (30) days prior written notice to the other party.

b. In addition to, or in lieu of, the terms and conditions contained herein, the provisions of any Addendum of even date herewith which is identified to be a part hereof is hereby incorporated herein and made a part hereof by this reference. In the event of any conflict between the terms and conditions hereof and the provisions of the Addendum(s), the provisions of the Addendum(s) shall control, unless the provisions thereof are prohibited by law.

c. Lessee acknowledges that it has reviewed this Lease, is familiar with its terms, and has had adequate opportunity to review this Lease with legal counsel of Lessee's choosing. Lessee has entered into this Lease freely and voluntarily. This Lease contains the complete understanding of the parties with respect to the subject matter hereof. All prior understandings and agreements, oral or written, heretofore made between the parties and/or between Lessee and the previous owner of the leased property and landlord of Lessee are merged in this Lease, which alone, fully and completely expresses the agreement between Lessee and Lessor with respect to the subject matter hereof. No modification, waiver, or amendment of this Lease or any of its conditions or provisions shall be binding upon Lessor or Lessee unless in writing and signed by both parties.

d. Lessee shall not sublet the property or any part thereof, nor assign this Lease, without the prior consent in writing of the Lessor; this Lease is being executed by Lessor upon the credit and reputation of Lessee. Acceptance by Lessor of rental from a third party shall not be considered as an assignment or sublease, nor shall it be deemed as constituting consent of Lessor to such an assignment or sublease.

e. Lessee shall be solely responsible for all bills for electricity, lighting, power, gas, water, telephone, and telegraph services, or any other utility or service used on the property.

f. This Lease shall be governed by the laws of the State of Florida, and any applicable laws of the United States of America.

g. All notices to Lessor shall be sent to the address for rent payments and all notices to Lessee shall be sent to:
9293 Harding Avenue, Surfside, Florida 33154

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

TOWN OF SURFSIDE
Lessee (Company Name, if applicable)

By: _____
District Secretary

BY: _____

Gus Pego, P.E.
Print Name

Michael P. Crotty
Print Name

Attest: _____

Title: Town Manager

Name/Title: Executive Secretary

Attest: _____ (SEAL)

LEGAL REVIEW:

Print Name

District Counsel

Title: _____

Alicia Trujillo, Esq
Print Name

ADDENDUM

This is an Addendum to that certain Lease Agreement between DO NOT SIGN - SEE ADDENDUM ATTACHED

and the State of Florida Department of Transportation dated the _____ day of _____, _____.
In addition to the provisions contained in said Agreement, the following terms and conditions shall be deemed to be a part thereof
pursuant to Paragraph 9 (b) of said Agreement:

DO NOT SIGN - SEE ADDENDUM ATTACHED

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
District Secretary

Print Name

Attest: _____

Name/Title: _____

LEGAL REVIEW:

District Counsel

Print Name

Lessee (Company Name, if applicable)

BY: _____

Print Name

Title: _____

Attest: _____ (SEAL)

Print Name

Title: _____

EXHIBIT B

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ADDENDUM TO LEASE AGREEMENT

Item/Seg No.: 2495611
Sec/Job No. 87060
SR No.: A1A
County: Miami-Dade
Parcels No.: 4228

This Addendum made this _____ day of _____ 2013, is an Addendum to the Lease Agreement dated _____ between the Town of Surfside (Lessee), and the Florida Department of Transportation (Lessor).

In addition to the provisions contained in said Lease Agreement, the following terms, conditions and/or amendments shall be deemed to be a part thereof pursuant to Paragraph 9(b) of said Lease Agreement:

1. Where the provisions of this Addendum conflict with the provisions of the Lease Agreement, this Addendum shall control. Except as otherwise agreed herein all other terms of the Lease Agreement shall remain in full force and effect.
2. The Lessor does hereby lease unto Lessee the FDOT sidewalks for State Road A1A/Harding Avenue from 94th street to 96th Street located in the Town of Surfside for purposes of the operation of sidewalk cafes.
3. Sidewalk Café Permit approval process:

The Lessor does hereby agree that Lessee shall be permitted to issue permits to portions of the leased property to such third parties for purposes of the operation of a sidewalk café, but only to users who apply for, and are granted, a sidewalk café permit ("Permittees") issued by the Lessee, in accordance and compliance with the Lessee's Ordinance No. _____, guidelines and procedures for sidewalk cafés, FDOT's applicable regulations (as same may be amended from time to time), and any and all administrative regulations.

Upon the issuance of a sidewalk permit by Lessee to a Permittee, the Lessee shall submit a Sidewalk Café Supplement, in the form attached hereto as Exhibit "A-1", for approval by Lessor. Upon approval by Lessor, any such Supplement shall be incorporated to and constitute an addendum to the Lease Agreement ("Supplement Addendum").

In addition, the Lessee shall:

- a) Submit evidence of any sidewalk café permit site plan modification to Lessor within fifteen (15) days from the date that such modification is granted to a Permittee;

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ADDENDUM TO LEASE AGREEMENT

Item/Seg No.: 2495611
Sec/Job No. 87060
SR No.: A1A
County: Miami-Dade
Parcels No.: 4228

- b) Submit a Supplement Addendum to Lessor for each sidewalk café permit renewal by no later than October 15th of each calendar year.

4. Rent:

Paragraph 3 of the Lease Agreement is modified as follows:

Rent calculation. The Lessee and Lessor have agreed to a rent of 20% of the sidewalk café annual permit fee (or permit renewal fee, as the case may be) in accordance with the Lessee's ordinance Sec. 18-90 (1) as set forth in appendix A of said ordinance. The rent payable for the leased property is to be calculated on a per square footage basis, in accordance with the sidewalk café permit area described in each Supplement Addendum and sidewalk cafe permit granted by the Lessee.

Rent shall be paid annually as follows:

- a) Permits issued subsequent to October 1st of each calendar year shall be due and payable within thirty (30) days from the date the sidewalk café permit is issued by the Lessee to the Permittee and shall be pro-rated accordingly;
- b) Renewal permits shall be due and payable on or before November 1st of each calendar year.

The annual rental for each permit issued shall be based on the Lessee's permit year, to wit: October 1st to September 30th of each calendar year, and any rental pro-rations shall be based on this time period.

For purposes of any Supplement Addendum, the commencement date shall be deemed to be the date of the issuance of the sidewalk café permit by the Lessee.

Late fees or charges of any kind may be classified as additional rent if not paid when demanded, and may be included in any statutory notices served on the Lessee for non-payment of rent.

Lessor reserves the right to review and adjust the rent rate every two (2) years, and at renewal, to reflect market conditions.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ADDENDUM TO LEASE AGREEMENT

Item/Seg No.: 2495611
Sec/Job No. 87060
SR No.: A1A
County: Miami-Dade
Parcels No.: 4228

5. Maintenance:

Paragraph 5 of the Lease Agreement is modified as follows:
Notwithstanding anything contained in Paragraph 5 of the Lease Agreement, Lessor will be responsible for any structural repairs to the leased property not resulting from damage caused by Lessee, Permittee, or their respective employees, agents, guests or invitees. Lessee shall be responsible for maintenance of the leased property, including but not limited to, proper cleaning, upkeep and housekeeping of the leased property at its expense and for restoration repairs resulting from affixing items to the sidewalk surface.

6. Indemnification.

Paragraph 6 of the Lease Agreement is modified as follows:

Notwithstanding anything contained in Paragraph 6 of the Lease Agreement, Lessee shall indemnify Lessor, to the extent provided by law and subject to the limitations as provided in Section 768.28, F.S.

7. Insurance:

In addition to the provisions of paragraph 7 of the Lease Agreement:

Lessee does hereby agree that any sidewalk café permit issued to a Permittee shall include a provision requiring the Permittee, at its expense, to maintain, at all times during the Permit term, public liability insurance protecting Lessor and Lessee against any and all claims for injury and damage to persons and property, and for the loss of life or property occurring in, on, or about the permit area arising out of the act, negligence, omission, nonfeasance, or malfeasance of Permittee, its employees, agents, contractors, customers, licensees, and invitees. Such insurance shall be carried in a minimum than One million dollars (\$1,000,000.00) for bodily injury or death to any one person or any number of persons in any one occurrence and not less than One million dollars (\$1,000,000.00) for property damage, or a combined coverage of not less than two million dollars (\$2,000,000.00).

All such policies shall be issued by companies licensed to do business in the State of Florida and all such policies shall contain a provision whereby the same cannot be canceled or modified unless Lessor is given at least sixty (60) days

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ADDENDUM TO LEASE AGREEMENT

Item/Seg No.: 2495611
Sec/Job No. 87060
SR No.: A1A
County: Miami-Dade
Parcels No.: 4228

prior written notice of such cancellation or modification. Lessee shall provide Lessor certificates showing such insurance to be in place and showing Lessor as additional insured under the policies.

8. Paragraph 9 of the Lease Agreement is modified to include the following provision:

h. Lessee agrees to regularly inspect the premises to ensure compliance with the provisions of the sidewalk permits and Lessee's Ordinance No. 2008-3601; Lessee's administrative guidelines and procedures for sidewalk cafés; and FDOT's applicable regulations.

IN WITNESS WHEREOF, the parties have executed this Addendum to the Lease Agreement as of this _____ day of _____ 2012.

On behalf of Lessee
TOWN OF SURFSIDE

On behalf of Lessor
STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

By: _____
Michael P. Crotty
Town Manager

By: _____
Gus Pego P.E.
District Secretary

Witness: _____

Name/Title

Attest: _____

Executive Secretary

Witness: _____

Name/Title

Attest: _____

LEGAL REVIEW:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
ADDENDUM TO LEASE AGREEMENT

Item/Seg No.: 2495611
Sec/Job No. 87060
SR No.: A1A
County: Miami-Dade
Parcels No.: 4228

Alicia Trujillo, Esq.
District Chief Counsel



**Town of Surfside
Commission Communication**

To: Town Commission

From: Commissioner Michelle Kligman

CC: Town Manager, Michael P. Crotty
Town Attorney, Linda Miller
Assistant Town Attorney, Sarah Johnston
Town Clerk, Sandra Novoa

Agenda Date: August 13, 2013

Subject: Reformation of Current Student Loan System

Background: At the July 16, 2013 Miami-Dade Commission Meeting the Board of County Commissioners adopted Resolution No. R-637-13 urging the U.S. Congress and the U.S Department of Education to reform the current student loan system and to restore the 3.4% interest rate on subsidized Federal Student Loans. In light of the recent interest rate hikes and the rising cost of a college education I would like to urge the federal government to reverse the rate hike, reduce student borrowing rates across the board, and enact other reforms to alleviate the burden of student loan debt through refinancing and better consumer protections.

Recommendation: That the Surfside Town Commission support the Miami-Dade County Commissioners in urging the U.S Congress and the U.S. Department of Education to restore student loan interest rates and enact other reforms that will stem the rising cost of college, reduce the interest rates on all Federal Student Loans, and alleviate the burden of current student loan debt.

RESOLUTION NO. 13 – _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) AFFIRMING SUPPORT FOR THE MIAMI-DADE COUNTY BOARD OF COMMISSIONERS RESOLUTION NO. R-637-13 URGING THE U.S. CONGRESS AND THE U.S. DEPARTMENT OF EDUCATION TO REFORM THE CURRENT STUDENT LOAN SYSTEM; URGING THE U.S. CONGRESS TO RESTORE THE 3.4 PERCENT (3.4%) INTEREST RATE ON SUBSIDIZED FEDERAL STUDENT LOANS; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami-Dade County Board of Commissioners passed on July 16, 2013 Resolution No. R-637-13 (Attachment “A”) urging the U.S. congress and the U.S. department of education to reform the current student loan system; and

WHEREAS, the Town Commission is aware of the strains recent college graduates to pay back student loans with the rising rates; and

WHEREAS, with continued concern regarding the rising costs of higher education, the number of student loan borrowers and their average debt have both increased by over seventy percent (70%) from 2004 to 2012; and

WHEREAS, the amount of outstanding student loan debt has now reached \$1 trillion dollars, making it the largest category of consumer debt in the U.S. aside from home mortgages; and

WHEREAS, the student loan repayment burden continues to worsen, as the interest rate on subsidized Federal student loans—those Federal student loans offered to students with financial need—recently doubled on July 1, 2013 from 3.4 to 6.8 percent ; and

WHEREAS, interest rates on unsubsidized Federal student loans—those federal student loans available to students regardless of financial need—range from 6.8 to 7.9 percent; and

WHEREAS, the long-term consequences of the student loan repayment burden can include a graduate’s choice of jobs, as well as the ability to purchase a home; and

WHEREAS, in reaction to the current student loan system, reformation should be made through stemming the rising the costs of college, reducing the interest rates on all Federal student

loans, as well as alleviating the burden of current student loans debt through refinancing and better consumer protection; and

WHEREAS, the interest rate on subsidized Federal student loans should be restored to its pre-July 1 rate of 3.4 percent to protect the more 7 million undergraduates who are expected to take out one of these loans for the coming school year; and

WHEREAS, it is in the best interest of the Town to support The Miami-Dade County Board of Commissioners to urge the U.S. Congress and the U.S. Department of Education to restore student loan interest rates and enact reforms that will stem the rising cost of college, reduce the interest rate of all Federal Student Loans, and alleviate the burden of current student loan debt.

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

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

Section 2. Approval and Authorization. The Town Commission approves and authorizes the Town Manager and/or his designee to take all actions necessary to implement this Resolution.

Section 3. Directions to Town Clerk. The Town Commission directs the Town Clerk to transmit a certified copy of this Resolution to the members of the Florida Congressional Delegation and the U.S. Secretary of Education.

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

PASSED AND ADOPTED this _____ day of August, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

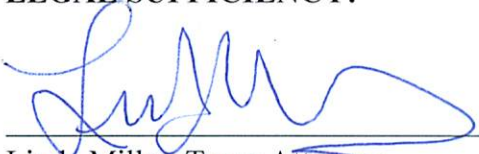
Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney



Commission Communication

Agenda #: 4A1

Date: July 16, 2013

Subject: Deferred Retirement Option Plan ("DROP")

From: Michael P. Crotty, Town Manager

Background: The Town of Surfside sponsors a defined benefit retirement plan for Town employees. There are two sources of contributions for the Plan, the Town and employee contributions. The Town is required to contribute amounts as mandated by State Statute and determined by an actuary. The employee contribution for General employees is 5% if contributing 5% prior to February 1, 2003 or otherwise 6% and for Police Officers 8% of their covered compensation (basic salary or wages paid by the Town for services rendered including regular longevity pay, if any, but excluding any bonuses, overtime or any other non regular payment).

Contributions from all sources are deposited in a special trust fund. The employees select their beneficiaries. The money in this trust fund is set aside to pay benefits and expenses of the plan. The assets of the trust fund are invested by the Pension Board. The plan is 90.1 percent funded as of September 30, 2012.

In order to be an eligible member of the Plan, you must be a police officer or other employee of the Town. Your employment must be full-time, as determined by the Town. Part time, temporary and employees under contract for a defined period or for a particular service are not eligible to participate. Charter Officers (Town Manager and Town Attorney) are permitted to opt out from the plan and receive their retirement contribution to their own defined compensation plans (ICMA, Nationwide Retirement etc).

The plan currently contains a deferred retirement option plan ("DROP") for police officers and dispatchers who reach normal retirement age. A DROP program allows a member to "freeze" his/her service credits and final average salary as of the DROP election date for retirement calculation purposes. The member elects to have the retirement allowance that would have been paid (if the member had retired) credited to a DROP account while he/she continues to work. At the end of a specified period of time (up to 60 months), members withdraw the DROP and terminate their employment. The DROP participant then receives a retirement benefit based on service credit earned at the time of entering the DROP, plus a lump-sum payment equal to the amount that was

deposited into their DROP account during participation in the plan including investment earnings (at the same rate of return as the investment earnings for the plan). The Town and the DROP participant do not contribute to the plan while in the DROP program.

Police officers and dispatchers members may participate in the DROP for a maximum of 60 months from the date the member reaches his or her earliest retirement date. The DROP is currently offered only to police officers and dispatchers.

During the June 4, 2013 regular Pension Board meeting, the board was presented a request signed by three employees to consider adding the DROP to members not currently covered (letter attached). The Pension Board unanimously approved the proposal to be presented to the Town Commission.

Budget Impact: The proposed Ordinance change is cost neutral (no cost) to the Plan or Town under State funding requirements. The attached June 19, 2013 correspondence from Lawrence F. Wilson, A.S.A. (Senior Consultant and Actuary; Gabriel Roeder Smith and Company) states that "based upon the actuarial assumptions and methods employed in the October 1, 2012 Actuarial valuation, the Ordinance is a *no cost* Ordinance under State funding requirements".

Analysis: The proposed amendment extends the DROP to all members (any full time employee of the Town) of the plan as described in Section 2-193.

The amendment change makes available the DROP Plan to all pension plan participants which is currently available only to Police Officers and Dispatchers. The ordinance amendment has been prepared by the Pension Board attorney and is recommended by the Pension Board.

Staff Impact: N/A

Recommendation: It is the Pension Board's recommendation to adopt the Ordinance amendment to extend the DROP to all plan members.


Yamileth Slate-McCloud
Human Resources Director


Michael P. Crotty
Town Manager


Donald Nelson
Finance Director

June 19, 2013

Ms. Mayte Gamiotea
Pension Administrator
Retirement Plan for Employees of the
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154-3009

**Re: Retirement Plan for Employees of the Town of Surfside
Actuarial Impact Statement**

Dear Mayte:

As requested, we have performed an actuarial review of the proposed Ordinance (copy attached).

Based upon our review, the proposed Ordinance:

1. Permits all members eligible for Normal Retirement to participate in the DROP.
2. Repeals all Ordinances in conflict herewith.
3. Provides for severability.
4. Provides for codification.
5. Provides for an effective date.

In our opinion, based upon the actuarial assumptions and methods employed in the October 1, 2012 Actuarial Valuation, the Ordinance is a *no cost* Ordinance under State funding requirements.

If you should have any question concerning the above, please do not hesitate to contact us.

Sincerest regards,



Lawrence F. Wilson, A.S.A.
Senior Consultant and Actuary

Enclosure

cc: Ms. Alyce M. Jones, C.P.A., P.F.S.
Adam Levinson, Esq.

Hector Rodriguez
840 80 Street Apt # 3
Miami Beach, Fl 33141

May 30, 2013

Board Members of Town of Surfside
Town of Surfside
9293 Harding Avenue
Surfside, Fl 33154

To Whom It May Concern:

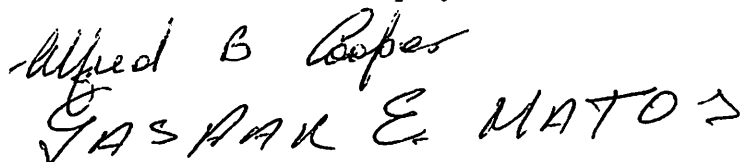
I, Hector Rodriguez, have been employed by the Town of Surfside for 24 years. I am an active supervisor in the Water and Sewer department. This letter serves as a request to add the option for employees to have access to the Deferred Retirement Option Plan (DROP). This plan allows employees that meet eligibility requirements, to freeze their regular monthly retirement benefit and have it deposited into a separate account, while still working and drawing a salary from our company. Most government and city employees are entitled to this offer and benefit from this retirement program. I would be content if this offer is established and become available within our retirement system. This would give me and other employees the long term security of a well-funded retirement. I appreciate you taking the time to read my letter and look forward in hearing good outcomes in admiration to this request.

Sincerely,



Hector Rodriguez
Water & Sewer Supervisor

CC: Town of Surfside Employees



ORDINANCE NO. 13 – _____

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-193 OF THE CODE TO PERMIT ALL MEMBERS ELIGIBLE FOR NORMAL RETIREMENT TO PARTICIPATE IN THE DROP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside established a Retirement Plan for Employees of the Town of Surfside (the “Plan”), a defined benefit retirement plan for Town employees; and

WHEREAS, the Plan currently contains a deferred retirement option plan (“DROP”) for police officers and dispatchers; and

WHEREAS, the Pension Board has recommended extending the DROP as an option for all members; and

WHEREAS, the DROP is cost neutral for the Town, as the DROP does not guarantee an investment rate of return; and

WHEREAS, the Commission of the Town of Surfside believes that the adoption of this amendment is in the best interests of the citizens and taxpayers of the Town.

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

Section 1. SECTION 2-193, Deferred retirement option plan, is hereby amended and to be read as follows:

Sec. 2-193. - Deferred retirement option plan.

A deferred retirement option plan (“DROP”) is hereby created as follows:

(1) *Eligibility.* A ~~police officer or dispatcher~~ member of the plan who reaches normal retirement age shall be eligible to participate in the DROP (“eligible member”). An eligible member may participate in the DROP for a maximum of 60 months from the date the member reaches his or her earliest normal retirement date. Anything herein to the contrary notwithstanding, if an eligible member has reached his or her normal retirement date on or before the date the DROP plan is implemented, then the eligible member shall have 60 days from the date the DROP plan is implemented to elect in writing to participate in the DROP for the maximum DROP participation period of 60 months.

*

*

*

Section 2. All sections or parts of sections of the Town Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflict.

Section 3. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 4. It is the intention of the Commission of the Town of Surfside that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. This ordinance shall become effective upon final passage.

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

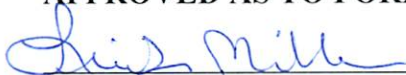
PASSED and ADOPTED on second reading, this ____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Linda Miller
Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Mayor Daniel Dietch	yes__	no__
Vice Mayor Michael Karukin	yes__	no__
Commissioner Marta Olchyk	yes__	no__
Commissioner Joe Graubart	yes__	no__
Commissioner Michelle Kligman	yes__	no__



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

COMMISSION COMMUNICATION MEMORANDUM

TO: Town Commission

FROM: Linda Miller
Interim Town Attorney

CC: Michael P. Crotty, Town Manager
Sarah Johnston, Interim Assistant Town Attorney

DATE: July 16, 2013

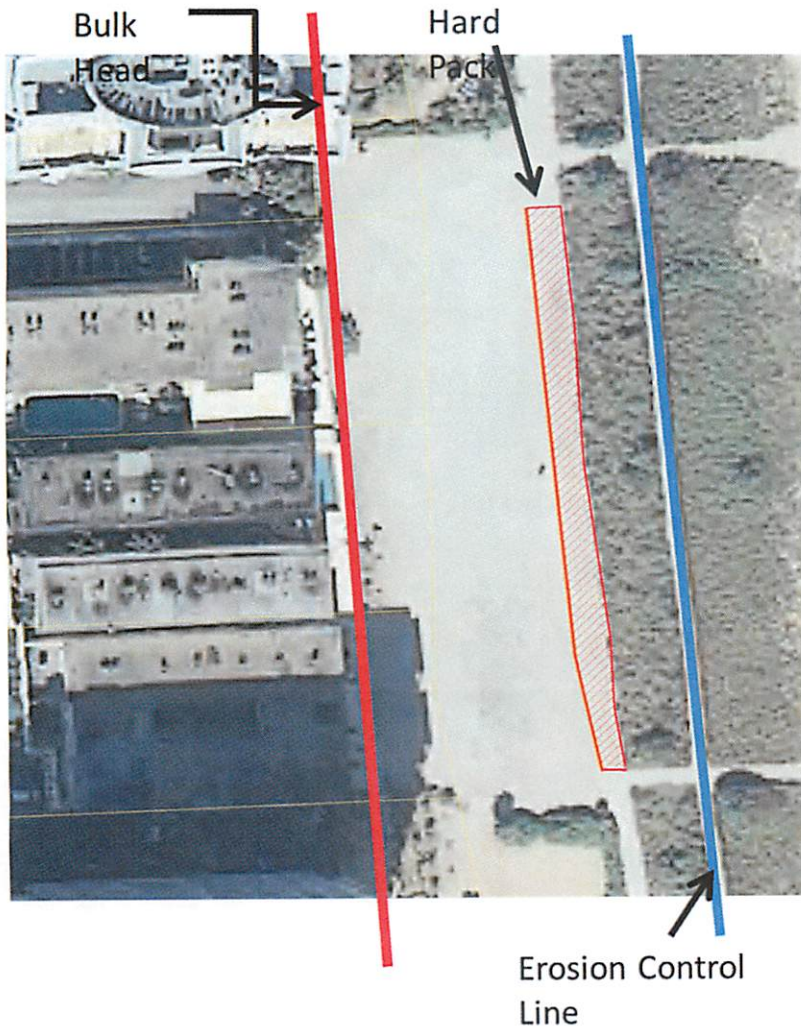
SUBJECT: Hardpack Easement

The Town adopted Resolution No. 13-Z-04 and Resolution No. 13-Z-06 approving site plan applications which included a perpetual, irrevocable easement in favor of the public in the area commonly referred to as the "hardpack" which is defined as the sand road west of the Erosion Control Line and used by public safety vehicles. (See Attachment "1" and Attachment "2") At the May 30, 2013 Planning & Zoning Board meeting, the Board discussed the "hardpack" easement and recommended the Town prepare an ordinance amending the Code with the requirement that before a construction permit is issued, all properties east of the ocean bulkhead line will be required to provide an access easement to the Town granting the perpetual use of the hardpack for the public's use and enjoyment.

Attachment 1 – Hardpack throughout the Town



Attachment 2 – Typical section of Hardpack



ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 SECTION 90-60 “CONSTRUCTION ADJACENT TO BULKHEAD LINES” SUBSECTION 90-60.1 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REQUIRING NO PERMIT SHALL BE ISSUED FOR THE REPAIR, EXTENSION, ALTERATION OR REPLACEMENT OF ANY HABITABLE, FULLY-ENCLOSED STRUCTURE EAST OF THE OCEAN BULKHEAD LINE; NO PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF ANY HABITABLE, FULLY ENCLOSED STRUCTURE CLOSER THAN 20 FEET TO THE WEST OF THE OCEAN BULKHEAD LINE; ALL PROPERTIES EAST OF THE OCEAN BULKHEAD LINE WILL BE REQUIRED TO PROVIDE AN ACCESS EASEMENT TO THE TOWN GRANTING THE PERPETUAL USE OF THE HARDPACK TO THE PUBLIC; 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 address uniformity and updates in the construction adjacent to bulkhead lines; and

WHEREAS, the Town adopted Resolution No. 13-Z-04 and Resolution No. 13-Z-06 approving site plan applications which included a perpetual, irrevocable easement in favor of the public in the area commonly referred to as the “hardpack” to the Erosion Control Line; and

WHEREAS, the “hardpack” is defined as the sand road west of the Erosion Control Line used by public safety vehicles; and

WHEREAS, it is in the best interest of the Town that no permit shall be issued for the construction, repair, extension, alteration or replacement of any habitable, fully-enclosed structure east of the ocean bulkhead line and the properties closer than 20 feet to the west of the ocean bulkhead line; and

WHEREAS, it is in the best interest of the Town that before a permit is issued, all properties east of the ocean bulkhead line will be required to provide an access easement to the Town granting the perpetual use of the hardpack to the public; and

WHEREAS, the Town Commission held its first public reading on July 16, 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, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 13, 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. 90-60. Construction adjacent to bulkhead lines.

90-60.1 Ocean bulkhead lines are established in section 14-86 and the following regulations shall control construction adjacent thereto:

- (1) No permit shall be issued for the construction of any habitable, fully-enclosed structure ~~which shall be closer than 20 feet to~~ east of the ocean bulkhead line.
- (2) No permit shall be issued for the repair, extension, alteration or replacement of any habitable, fully-enclosed structure ~~lying within 20 feet~~ east of the ocean bulkhead line.
- (3) No permit shall be issued for the construction of any habitable, fully enclosed structure closer than 20 feet to the west of the ocean bulkhead line.
- (4) No permit shall be issued for the repair, extension, alteration or replacement of any habitable, fully enclosed structure lying within 20 feet to the west of the ocean bulkhead line.
- (5) All properties east of the ocean bulkhead line shall be required to provide an access easement to the Town granting the perpetual use of the hardpack to the public. The hardpack is defined as the sand road west of the Erosion Control Line used by public safety vehicles. Each beach access easement agreement shall be in a form acceptable to the Town Manager and approved as to legal sufficiency by the Town Attorney and shall contain a signed and sealed boundary survey and legal description of the easement area.

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, CMC
Town Clerk

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



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____
On Final Reading Seconded by: _____

VOTE ON ADOPTION:

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



Town of Surfside Commission Communication

Agenda Item #: 4A3
Agenda Date: August 13, 2013
Subject: Trellises
From: Sarah Sinatra Gould, AICP, Town Planner

Background: Currently, applications for trellises require review by the Planning and Zoning Board. This has become burdensome for property owners who are proposing minor upgrades to their homes. Trellises are required to meet setback requirements and all other zoning requirements, which are confirmed by staff prior to review at the Planning and Zoning Board.

Staff began a discussion with the Board at the June 27, 2013 meeting to permit administrative review of trellises. The board directed staff to prepare an ordinance that excludes trellises located at the rear or interior side yard from Planning and Zoning Board review.

Analysis: A trellis does not have an enclosed roof, and therefore does not add to the impervious area or negatively affect lot coverage. This is unlike gazebos, which have a roofed structure and will continue to be reviewed by Planning and Zoning. Also, the proposed exemption will not apply to trellises located in the front or street side yard.

Graphics: A trellis is demonstrated in Attachment 1.

Recommendation: The Planning and Zoning Board unanimously recommended approval to the Town Commission at the July 25, 2013 meeting. Staff recommends the Town Commission adopt this ordinance on second reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

Attachment 1



ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT PROCESS” TO ADD “TRELLISES” LOCATED IN THE REAR OR INTERIOR SIDE YARD TO ITEMS NOT SUBJECT TO PLANNING & ZONING BOARD REVIEW; 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 add trellises located in the rear or interior side yard to single family and two-family development items that are not subject to Planning & Zoning Board review; and

WHEREAS, applications for trellises are burdensome for property owners proposing minor upgrades to their homes; and

WHEREAS, trellises do not add to the impervious area or negatively affect lot coverage and currently, staff confirms that the trellises meet all setback and zoning requirements; and

WHEREAS, the Town Commission held its first public hearing on July 16, 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, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on August 13, 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:

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

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs
- (7) Trellises

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.

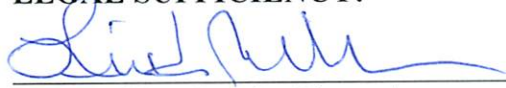
PASSED and ADOPTED on second reading this _____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____

On Final 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 #: 4A4
Agenda Date: August 13, 2013
Subject: Required Carport Standards
From: Sarah Sinatra Gould, AICP, Town Planner

Background: Section 90-58 of the Code permits carport canopies to be constructed in a front, a secondary side or rear yard setback in H30A and H30B districts and requires that carport canopies not exceed 20 feet in length, or ten feet in width. Although the requirement is not to exceed ten feet in width, the code provides construction standards for canopies up to 20 feet in width, which appears to be an inconsistency.

The code also requires that parking spaces for two vehicles be provided on each property. A two car wide driveway is required to be eighteen feet in width to accommodate both vehicles side by side.

Analysis: At this time, if a home with a two car driveway requests a carport canopy, the carport will either need to be cantilevered over the driveway or be installed in the middle of the driveway to provide for the support posts. These concepts are demonstrated in Attachment 1.

Recommendation: The Planning and Zoning Board unanimously recommended approval of this ordinance at the July 25, 2013 meeting. Staff recommends the Town Commission adopt this ordinance on second reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

Attachment 1

Below are images of a proposed double carport and the permitted single carport:



ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-58 “CARPORT CANOPIES” FOR CONSISTENCY WITH DRIVEWAY REGULATIONS AND CONSTRUCTION STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to address uniformity and update carport canopy regulations; and

WHEREAS, the code requires that parking spaces for two vehicles be provided on each property and a two car wide driveway is required to be wider than existing carport canopy regulations; and

WHEREAS, the Town has determined that an inconsistency exists between driveway regulations, construction standards and the existing carport canopy regulations; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission held its first public reading on July 16, 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 Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 13, 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.

Ordinance No. _____

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

Sec. 90-58. - Carport canopies.

Carport canopies may be constructed, in a front, secondary side or rear yard setback in the H30A and H30B districts.

- (1) Such canopy shall not exceed 20 feet in length, ~~nor ten feet in~~ and 20 feet in width.
- (2) The height of such canopy shall not exceed ten feet.
- (3) The height of the side openings shall be at least six feet, three inches.
- (4) Such canopy shall be subject to the following minimum setbacks:
 - a. *Rear*: Five feet.
 - b. *Interior side*: Five feet.
 - c. *Primary (front) and secondary (corner)*: Two feet.
 - d. *Rear of street curb*: Seven feet.
- (5) A canopy shall at all times remain open on all four sides, if free standing, and open on three sides if attached to the main building.
- (6) The area under a canopy must be entirely paved by an approved paving material.

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.

Ordinance No. _____

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, CMC
Town Clerk

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



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

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

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item #: 4A5
Agenda Date: August 13, 2013
Subject: Metal Roofs
From: Sarah Sinatra Gould, AICP, Town Planner

Background: Section 90-50 of the Code limits the type of roof materials permitted for building. Currently, the planning and zoning board must grant approval for metal roofs. There has been an increase of requests for metal roofs in Town due to metal roofs being energy-efficient and sustainable. The Planning and Zoning Board have reviewed a number of requests for metal roofs recently and have asked staff to prepare an ordinance excluding metal roofs from Planning and Zoning Board review.

Analysis: If the ordinance is approved, metal roofs will be reviewed by the building department only. This will treat metal roofs the same as other approved roofing materials in Town.

Recommendation: the Planning and Zoning Board reviewed this ordinance at their July 25, 2013 meeting. The Board unanimously recommended approval and requested that staff modify the ordinance to indicate that staff has the option of requesting Planning and Zoning Board review if the design of the roof does not appear compatible. Staff recommends the Town Commission adopt this ordinance on second reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO EXCLUDE METAL ROOFS FROM PLANNING & ZONING BOARD REVIEW; 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 exclude metal roofs from being subject to Planning and Zoning Board approval; and

WHEREAS, there has been an increase in requests for metal roofs due to their sustainability and energy efficiency; and

WHEREAS, the building department will review applications for metal roofs in the same manner as applications with other approved roofing materials; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission held its first public reading on July 16, 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 Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 13, 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:

Ordinance No. _____

Sec. 90-50. Architecture and roof decks.

9-50.1 Architecture.

(1) The architectural design of proposed main buildings shall create a unique elevation compared to the main buildings of the adjacent two homes on each side of the subject property on the same side of street. If the adjacent lot is vacant then the next adjacent lot shall be utilized. A unique elevation shall be created through the modulation of at least three of the following architectural features:

- a. Length, width and massing of the structure;
- b. Number of stories;
- c. Facade materials;
- d. Porches and other similar articulation of the front facade;
- e. Number and location of doors and windows; and
- f. Roof style and pitch.

(2) All elevations for new structures and multi-story additions (additions greater than 15 feet in height) shall provide for a minimum of ten-percent wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.

(3) All elevations for single story additions to existing structures shall result in a zero percent net loss of wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.

(4) Roof materials are limited as follows:

- a. Clay tile; or
- b. White concrete tile; or
- c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the design review board;
- d. Architecturally embellished metal ~~if granted approval by the design review board~~; or
- e. Other Florida Building Code approved roof material(s) if granted approval by the design review board.

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

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

Ordinance No. _____

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

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

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

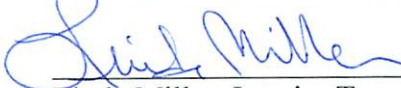
PASSED and ADOPTED on second reading this _____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

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

Ordinance No. _____



**Town of Surfside
Town Commission Meeting
August 13, 2013
7 p.m.**

TOWN COMMISSION MEETING DISCUSSION ITEM MEMORANDUM

Subject: “Awards, Presentations and Recognition Meetings”

Background: The Town has traditionally recognized employees for various reasons; such as longevity, outstanding service and/or performance by presenting those with awards (plaques), certifications or proclamations. The Town does similarly when recognizing residents, students, citizens and organizations that deserve such distinction.

It has come to the attention of the Commission that these ‘ceremonial presentations’ tend to consume a large portion of time; and therefore extend meetings far too long into the night – with many meetings ending very close to midnight. The current situation also puts or pushes important ‘Agenda Items’ to a late hour where they may not get the necessary vetting.

Recommendation: One month following each yearly quarter, the Town Commission Meeting will start at 6:00 PM for these presentations; followed by the Regular Commission Meeting at 7:00 PM as usual. Therefore, special care must be given to scheduling conflicts that may arise, such as: shade or negotiation meetings.

Additional Information: (1) Example: Quarter ending January, February, March – presentations made at the April meeting. (2) Adopting this will allow for family photos, etc.

Approximate Cost: Minimal, same as current; but needs to be ascertained.

Respectfully,

Joe Graubart, Commissioner



Town of Surfside Commission Communication

Agenda Item #: 9B
Agenda Date: August 13, 2013
Subject: Veterinary Clinics
From: Sarah Sinatra Gould, AICP, Town Planner

Background: A resident, who is also a veterinarian, has asked staff to look at Section 90-41 of the Code, which states that business offices, except veterinary offices, are permitted in the business district. This provision specifically prohibits all veterinary offices in Town.

Analysis: Staff has reviewed a number of codes, including Coral Gables, Miami Beach, Bay Harbor Islands and Bal Harbour. Of the codes reviewed, only Coral Gables and Miami Beach specifically permit veterinarian clinics. Typically, municipalities that permit veterinary offices require a conditional use or special exception application, which requires the Commission to analyze the specific location requested for the use, and determine if any special conditions should be applied to the use.

Planning and Zoning Board: The Planning and Zoning Board heard this topic as a discussion item at their July 25, 2013 meeting. The Board indicated that if an ordinance were prepared, they wished to see additional controls added into the text. These controls include distance separation requirements (500 feet) between veterinary clinics, requiring patient access through the rear of the property and provide an area on the private property for the animals to be walked. The Planning and Zoning Board recommended that the Town Commission discuss this item prior to directing the Town Planner to draft an ordinance.

Staff Recommendation: If the Town wishes to permit this use, Staff recommends that the use be a Conditional Use, rather than a permitted use. A Conditional Use will allow the Planning and Zoning Board and Town Commission to analyze the use based on the specific location and propose mitigation for any negative effects of the use. In an application for a veterinary clinic, the Town should consider such factors as sound proofing and determining where the animals will be walked.

Budget Impact: N/A

1

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

Sandra Novoa

From: Daniel Dietch
Sent: Tuesday, August 06, 2013 1:09 PM
To: Sandra Novoa
Subject: FW: Proposed Veterinary Clinic

For the public record (Part 1 of 2).

=====

Daniel E. Dietch
Mayor
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154
Tel: 305 861-4863
Fax: 305 861-1302
Cell: 305 992-7965
E-mail: ddietch@townofsurfsidefl.gov
Web: <http://www.townofsurfsidefl.gov/>

From: Jessica L. Weiss [missjessweiss@gmail.com]
Sent: Sunday, August 04, 2013 9:38 AM
To: Daniel Dietch; Michael Karukin; Joe Graubart; Michelle Kligman; Marta Olchyk
Subject: Proposed Veterinary Clinic

Esteemed Mayor and Commissioners:

It has come to my attention that a resident is proposing to open a veterinary clinic in Surfside. I wanted to express my support for this variance in the Surfside code to permit this use. As a resident and the owner of Serendipity Yogurt Cafe I believe this is a position addition to our business district and this is why:

1. Veterinary clinics typically attract people with disposable income;
- 2.
3. Doctors, due to the nature of their business are less likely to vacate in

Sandra Novoa

From: Daniel Dietch
Sent: Tuesday, August 06, 2013 1:09 PM
To: Sandra Novoa
Subject: FW: Proposed Veterinary Clinic

For the public record (Part 2 of 2).

=====

Daniel E. Dietch
Mayor
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154
Tel: 305 861-4863
Fax: 305 861-1302
Cell: 305 992-7965
E-mail: ddietch@townofsurfsidefl.gov
Web: <http://www.townofsurfsidefl.gov/>

From: Jessica L. Weiss [missjessweiss@gmail.com]
Sent: Sunday, August 04, 2013 9:54 AM
To: Daniel Dietch; Michael Karukin; Joe Graubart; Michelle Kligman; Marta Olchyk
Subject: Re: Proposed Veterinary Clinic

Dear Mayor and Commissioners:

I apologize, I inadvertently (and prematurely) sent the previous email. In continuation, I would like to emphasize the benefits of permitting a veterinary clinic:

1. It would attract individuals with disposable income;
2. A veterinary clinic is a destination, so it would draw individuals to Surfside who might not otherwise visit the business district;
3. Unlike a physician, dentist, podiatrist or optometrist, patrons of a veterinarian are free to spend money while the patient/pet is being treated
4. The proposed use is less likely to turn-over so there would not be repeated vacancies in the space, which has been common with retail tenants. Frequent turn-over and vacant store fronts lower the value and quality of the business district;

I hope that you agree that a push toward variety of use and services in the business district would benefit all.

Best,
Jessica Weiss Levison

On Sun, Aug 4, 2013 at 9:38 AM, Jessica L. Weiss <missjessweiss@gmail.com> wrote:
Esteemed Mayor and Commissioners:

It has come to my attention that a resident is proposing to open a veterinary clinic in Surfside. I wanted to express my support for this variance in the Surfside code to permit this use. As a resident and the owner of Serendipity Yogurt Cafe I believe this is a position addition to our business district and this is why:

1. Veterinary clinics typically attract people with disposable income;
- 2.
3. Doctors, due to the nature of their business are less likely to vacate in

Sandra Novoa

From: Daniel Dietch
Sent: Tuesday, August 06, 2013 1:10 PM
To: Sandra Novoa
Subject: FW: Possible Change of Code???

For the public record.

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Daniel E. Dietch
Mayor
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154
Tel: 305 861-4863
Fax: 305 861-1302
Cell: 305 992-7965
E-mail: ddietch@townofsurfsidefl.gov
Web: <http://www.townofsurfsidefl.gov/>

From: Mike & Sally Kennedy [mikensal@bellsouth.net]
Sent: Saturday, August 03, 2013 7:49 PM
To: Daniel Dietch; Michael Karukin; Joe Graubart; mkiligman@townofsurfsidefl.gov; Marta Olchyk; Michael Crotty; Linda Miller; Sally Kennedy
Subject: Possible Change of Code???

Hello,

Our names are Mike and Sally Kennedy and we have been living here in Surfside for almost 15 years now! We are very proud to call Surfside our home. We have heard that there might be a possibility of changing the business district code to include a "hometown" veterinary office. As dog owners and animal lovers, this thrills us! How we would love to have a close vet to take care of all of our pet's needs. With the new and amazing dog park(thank you!), and wonderful Harding Avenue restaurants and shops, we can't think of a better place to introduce a convenient veterinarian's office. Imagine all of the non-Surfside residents that might not be aware of the fabulous shops and restaurants right here in Surfside that might be searching for a vet? As well as all of us Surfsiders that have pets and need a close and reliable veterinarian. We think this can only be a win-win situation that many of our fellow Surfsiders and friends would love to have. Please do consider allowing for a vet in our wonderful neighborhood! Thanks so much!!

Sally and Mike Kennedy

Sandra Novoa

From: Daniel Dietch
Sent: Tuesday, August 06, 2013 5:34 PM
To: Sandra Novoa
Subject: FW:

For the public record.

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Daniel E. Dietch
Mayor
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From: Freddy Elias [freddyelias1@gmail.com]
Sent: Tuesday, August 06, 2013 5:16 PM
To: Daniel Dietch; Michael Karukin; Joe Graubart; Michelle Kligman; Marta Olchyk
Subject:

Dear Mr Mayor, and esteemed commission members.

It has been brought to my attention recently that there is an effort to amend the code within the business district to allow a veterinary clinic to operate. As a 23 year resident and business owner in Surfside, I find this change an excellent step in the right direction. Veterinary offices are a destination and will therefore bring new patrons to the business district. More importantly, a service of this caliber just increases the value and quality of life in our quaint seaside community. It will be a one stop shop, not just veterinarian work but also with a full selection of animal accessories, I also believe this is the towns vision, meaning on the corner of Byron and 93rd street a new Dog park was built, what better to be able to offer service to all the beautiful animals in town. I personally believe we need this in our town. If you have any questions or would like to listen to some ideas I live at 9372 carlyle Avenue and you may reach me at J and V Event Planners 9577 Harding Avenue.

Cordially,
Freddy Elias
786-489-3015 Cell

Sandra Novoa

From: Duncan Tavares
Sent: Wednesday, August 07, 2013 11:26 AM
To: Sandra Novoa
Cc: Michael Crotty
Subject: FW: Would you like to have a vet in the town of Surfside?

Importance: High

From: Findlay, Ann [<mailto:Ann.Findlay@wolterskluwer.com>]
Sent: Wednesday, August 07, 2013 8:21 AM
To: Findlay, Ann; wanda; CB Gaines; Eytan Namiech; Dorota Trzeciecka; loriparrales@aol.com; crparralles@aol.com; Andrew Feld; Barbara McLaughlin; Barbie; Brian M. Seamone; Gala Santos; Handan Yildiz; Janet Shichman; jmiranda@jfminc.biz; Raypuppydog@aol.com; Daniel Dietch; David Carmona; Marta Amieva; Mia Lamm; Pamela Salem O'Hagan; Sherry Ulsh; Howard Talesnick; Susie Jaffe; Duncan Tavares; Joe Corderi; melissa moonves; hhmoscowitz@atlantcbb.net; Container Services Internationnal
Subject: Would you like to have a vet in the town of Surfside?
Importance: High

Hello Neighbors,

One of our fellow dog owners and pet lover, a fellow steward of the Dog Park and Veterinarian is a Surfside resident who is trying diligently to open a vet's office right here on Harding Avenue! This is so exciting because we all know that there is no service for our pets nearby and his office will contribute directly to the healthcare of our pets as well as invest in our community!

As luck would have it, it appears that there is an old ordinance from 1960 that allows all types of services, retail and restaurants but has one clause... **It bans one service specifically... a vet office!** Crazy as that may seem, David Carmona, a resident of Surfside for 23 years is being restricted by this old zoning code to not be able to open a vet office to care for the pets in his neighborhood!

If you would like to be able to bring your pet to a vet who lives and works in our town, there is a way that we can support our neighbor and someone who wants to contribute to his community. Please come to the next Town Hall Meeting and support David as he presents his situation to the Commission and looks to have conditional changes to the code so that he can open this much needed service.

The meeting begins at 7 PM. There is the Good and Welfare section of the meeting which opens at 8PM and it allows for residents to speak for 3 minutes each on any topic they like. It is a great opportunity to support David and help lift what seems to be an outdated unwarranted ban. If you do not like to speak, just your presence at the meeting makes a huge difference. We all know! Just look at what we accomplished with the Dog Park!

Hopefully we will see you on Tuesday August 13th at 7 PM- the open mike session "Good & Welfare " begins at 8 PM.

All the best,
Ann

Ann Findlay