



**Town of Surfside
Town Commission Meeting
AGENDA**

**February 11, 2014
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
- G. Presentation on Nurse Initiative** – Michael P. Crotty, Town Manager [SET FOR TIME CERTAIN 7:30PM] Page 1-12

2. Quasi-Judicial Hearings (None)

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

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, 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** – January 14, 2014 Regular Town Commission Meeting **Page 13-22**
- B. Budget to Actual Summary as of November 30, 2013** – Donald Nelson, Finance Director **Page 23-25**
- *C. Town Manager’s Report** – Michael P. Crotty, Town Manager **Page 26-50**
- *D. Town Attorney’s Report** – Linda Miller, Town Attorney **Page 51-55**
- *E. Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page 56-58**
- F. Committee Reports** – Michael P. Crotty, Town Manager **Page 59-84**

- November 26, 2013 DVAC Meeting Minutes
- December 16, 2013 Parks and Recreation Committee Minutes
- December 19, 2013 Planning and Zoning Board Meeting Minutes
- January 06, 2014 Charter Review Board Meeting Minutes
- January 06, 2014 Tourist Board Meeting Minutes
- January 21, 2014 Charter Review Board Meeting Minutes

- G. Fraternal Order of Police Collective Bargaining Agreement** – Yamileth Slate-McCloud, Human Resources Director **Page 85-165**

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING AND RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE (FOP) DATED OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2016 ATTACHED HERETO AS ATTACHMENT “B.” DIRECTING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

- 1. Garage Door Modification** – Sarah Sinatra, Town Planner **Page 166-170**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Side Setback Ordinance – Sarah Sinatra, Town Planner Page 171-174

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-45 “SETBACKS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

3. Ordinance prohibiting the sales of live animals in Surfside – Commissioner Michelle Kligman Page 175-182

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 90.41 “REGULATED USES” PROHIBITING THE SALE OF LIVE ANIMALS AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

4. **Ordinance Amending Future Land Use Element of the Comprehensive Plan**
– Nancy E. Stroud, Esq., Special Land Use Counsel [SET FOR TIME
CERTAIN 8:45PM] Page 183-189

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

5. **Business Improvement District Authorization** – Duncan Tavares, TEDACS
Director Page 190-195

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE CREATION OF A SPECIAL OR BUSINESS NEIGHBORHOOD IMPROVEMENT DISTRICT BY THE ENACTMENT OF A SEPARATE ORDINANCE FOR EACH; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

**1. Ordinance Amending Chapter 54 Prohibited and Restricted Noises –
Commissioner Joe Graubart Page 196-205**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY AMENDING SECTIONS 54-78 “PROHIBITED NOISES”, 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; AND DELETING SECTIONS 54-80 “SAME—WHEN CONSIDERED ENCLOSED”, 54-81 “SAME—DIVISION OF YEAR INTO PERIODS FOR PURPOSE OF CONTROL”, 54-82 “SAME—WHEN PROHIBITED”, AND 54-83 “SAME—PROHIBITED NEAR HOTELS AND APARTMENTS DURING PERIOD NO. 1”, BY REVISING THE HOURS FOR CONTROLLING PROHIBITED AND RESTRICTED NOISES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**2. Planning and Zoning Board Membership – Linda Miller, Town Attorney
Page 206-216**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY AMENDING SECTIONS 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS”, 90-16 “MEETINGS: BOARD YEAR; TIMEFRAME; LOCATION”, 90-17 “POWERS AND DUTIES”, 90-18 “DESIGN REVIEW BOARD”, 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS”, 90-20 “DEVELOPMENT REVIEW REQUIREMENTS FOR SUBMITTALS OTHER THAN SINGLE-FAMILY AND TWO-FAMILY”, 90-23 “CONDITIONAL USES”, AND 90-70 “SIGN PERMITS”, ESTABLISHING THE DESIGN REVIEW BOARD AND RESPONSIBILITIES OF SUCH BOARD; CHANGING MEMBERSHIP REQUIREMENTS OF THE PLANNING AND ZONING BOARD; ALLOWING FOR AN APPEAL OF DESIGN REVIEW BOARD DECISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

3. **Electric Vehicle Car Charging Station – Sarah Sinatra, Town Planner Page 217-223**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; SECTION 90-41 “REGULATED USES”; SECTION 90-71.2 “H30C, H40, MU AND H120 DISTRICTS”; AND SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS”; TO ALLOW FOR THE INSTALLATION OF ELECTRIC VEHICLE CAR CHARGING STATIONS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

4. **Amendments to the Chapter 70 Article IV “Resort Tax” Ordinance – Duncan Tavares, TEDACS Director [TIME CERTAIN 7:45PM] Page 224-240**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING SECTIONS 70-109 “IMPOSITION; AMOUNT”, SECTION 70-124 “COMPOSITION; APPOINTMENT; VACANCIES; COMPENSATION; REMOVAL FROM OFFICE, ETC.”, SECTION 70-125 “ORGANIZATION”, SECTION 70-126 “POWER AND DUTIES”, AND CREATING SECTION 70-128 “BUDGET AND EXPENDITURE OF FUNDS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

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

A. Canvassing Board Appointment – Linda Miller, Town Attorney [ITEM WILL BE DELIVERED ON FEBRUARY 11, 2014 AFTER QUALIFYING PERIOD HAS EXPIRED]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING THE CANVASSING BOARD FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD MARCH 18, 2014; DESIGNATING AN ALTERNATE; ESTABLISHING A QUORUM AND PROVIDING AN EFFECTIVE DATE.

- 6. Good and Welfare (*Set for approximately 8:15 p.m.*)**
Public comments for subjects or items not on the agenda. Public comment on agenda items will be allowed when agenda item is discussed by the Commission.
- 7. Town Manager and Town Attorney Reports**
Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.
All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, during item 1E Agenda and Order of Business, that an item be removed from the consent agenda and discussed separately.
- 8. Unfinished Business and New Business**
- 9. Mayor, Commission and Staff Communications**
 - A. “Mini Turtles” – Vice Mayor Karukin Request – Duncan Tavares, TEDACS Director Page 241-252**
 - B. 96TH Street Park Report (VERBAL) – Tim Milian, Parks and Recreation Director**
 - C. Beach Management Agreement – Tim Milian, Park and Recreation Director Page 253-255**
 - D. Stop Signs at Crosswalks/Sidewalks – Commissioner Joe Graubart Page 256-257**
 - E. Dock Projection Discussion – Sarah Sinatra, Town Planner Page 258-260**

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 THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

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

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

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

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



Town of Surfside Commission Communication

Agenda Item #1G

Agenda Date: February 11, 2014

Subject: Presentation on Nurse Initiative

Background: In June 2013, the Commission adopted Resolution No. 13-213 authorizing a \$7,200 allocation for the Nurse Initiative that includes Ruth K. Broad Elementary.

Leslie Rosenfeld, who works for the City of Miami Beach in the capacity of Organization Development Performance Initiatives, has been instrumental in coordinating the support of local governments for the Nurse Initiative.

Ms. Rosenfeld will present a report to the Commission on the implementation and success of the Nurse Initiative for school year 13/14. Attached are reports for period September – November 2013 plus a utilization summary.

Also, Ms. Rosenfeld will again request financial support for the Nurse Initiative for school year 14/15 in the amount of \$3,667 (see attached email dated December 17, 2013). Funding for the local governments is not needed for the Initiative from local governments during the current 13/14 budget year. Therefore, if the Commission desires to again financially participate, the requested allocation of \$3,667 could be budgeted during the preparation of the FY 14/15 budget.

It should be noted that initial funding of \$7,200 was identified in the Town resolution as “kick start funding” and would not be “an annual commitment of the municipalities”. The request for school year 14/15 is approximately 50% of the initial allocation.

During a recent meeting with Ms. Rosenfeld, I indicated that in order for the Town Commission to fully consider this additional funding request, the Nurse Initiative should be prepared to present information on the realistic expectations of the level of annual financial support from the Town of Surfside for the Nurse Initiative going forward beyond FY 14/15.


Town Manager

Attachment: Reports and Utilization Summary
December 17, 2013 Rosenfeld email

Michael Crotty

From: Rosenfeld, Leslie <LeslieRosenfeld@miamibeachfl.gov>
Sent: Tuesday, December 17, 2013 4:35 PM
To: rwasson@bayharborislands.net; Michael Crotty; 'frollason@nbvillage.com'; 'frank.rollason@nbvillage.com'; 'jgonzalez@balharbour.org'
Cc: Morales, Jimmy; Rosenfeld, Leslie; Brooks, Kathie
Subject: Nurse Initiative
Attachments: BMB Hlth Team Service Summary Rpt Oct 2013.pdf; ALL BMB Utlz Rpt Oct 2013.xlsx

Greetings Managers,

As a result of our mutual effort, each of our schools now has a FULL TIME medical assistant and a shared registered nurse for the 2013-14 school year. The utilization of the health suites has exceeded expectations, and our communities are thrilled! Utilization reports will continue to be provided monthly, to ensure you are kept informed of the program's effectiveness (please find October reports attached).

As promised, the South Florida Health Foundation grant through the Miami Beach Chamber Education Foundation matched our municipal contributions, resulting in \$62,000 available for the 2014-15 school year. Additionally, the Children's Trust has committed \$98,000 towards our effort for the 2014-15 school year.

The City of Miami Beach supports the extension of this initiative for the 2014-15 school year, and will fund its proportionate share of the remaining \$33,000 needed for the 2014-15 school year.

The projected municipal contribution for the 2014-15 school year to sustain our Nurse Initiative by municipality are approximately:

- City of Miami Beach \$15,400
- North Bay Village \$6,600
- Bay Harbor \$3,667
- Bal Harbour \$3,667
- Surfside \$3,667

The Children's Trust plans to bring this item to their board in March for discussion and approval. As such, we are reaching out to determine interest and support for this initiative for the 2014-15 school year.

I look forward to speaking with each of you in the next few weeks. Thank you for supporting all of our families.

Happy Holidays!

Leslie

MIAMI BEACH

Dr. Leslie Rosenfeld, *Organizational Development*

ORGANIZATION DEVELOPMENT PERFORMANCE INITIATIVES

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7000 ext 6923 / Fax: 786-394-4676

leslierosenfeld@miamibeachfl.gov

We are committed to provide excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

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TCT Utilization Summary

From 8/19/2013 To 11/30/2013 - No of School Days : 69

SCHOOL NAME	TOTAL SCHOOL ENROLLMENT:	TOTAL UNDUPLICATED STUDENTS SERVED:	AVERAGE HEALTH SUITE VISITS PER SCHOOL DAY:	% OF ENROLLED STUDENTS VISITING HEALTH SUITE:	% OF STUDENTS RETURNED TO CLASS:	TOTAL MEDICATION VISIT COUNT	STUDENT RECEIVED MEDICATION ON COUNT	NUM OF SCHOOL DAYS
NORTH BEACH ELEMENTARY	1036	735	15.45	70.95	68.39	95	3	69
RUTH K BROAD/BAY HARBOR K-8	1311	813	11.12	62.01	53.5	82	2	69
TREASURE ISLAND ELEMENTARY	668	425	7.59	63.62	75.51	23	2	69

HCIOS HEALTH TEAM SERVICE SUMMARY REPORT

Provider: Borinquen Miami Beach

Reporting Period: 9/1/2013 - 9/30/2013

Year-To-Date Summary

Total Unique Students Seen in the Health Suite Year to Date

Unduplicated YTD Students	
Male (unduplicated YTD Students)	299
Female unduplicated YTD Students)	287
YTD TOTAL (1+2)	586
RACE/ETHNICITY for Unduplicated Students	
White (Non-Hispanic)	259
Black (Non-Hispanic)	29
Hispanic	289
Haitian	1
Asian	8
Pacific Islander	0
Multi-Racial	0
Other	0
UNKNOWN	0
(= to unduplicated YTD visits) YTD TOTAL	586

Encounter Summary

Total Visits	
Male (non-medication visits)	285
Female (non-medication visits)	311
Total Non-medication visits(1+2)	596
Male (medication visits)	45
Female (medication visits)	15
Total Medication Visits (4+5)	60
TOTAL VISITS (3+6)	656

Source of Referral	
Administration/Office	0
Family Member/Parent	0
HCIOC	0
Peer	0
School Health Staff	0
Self	106
Student Services Staff	2
Teacher	488
Other	0
(=total non-med visits) TOTAL	596

Reason for Visit: System/Health Problem	
Communicable/ Reportable Diseases (1)	0
Cardiovascular (2)	1
Dental (3)	9
Dermatological (4)	103
Eye/Ears/Nose/Throat (5)	118
Endocrine (6)	0
Gastrointestinal (7)	182
Genitourinary (8)	2
Gynecological/Obstetrical (9)	4
Immune System (allergies) (10)	0
Musculo/ Skeletal (11)	74
Nutrition/Metabolic (12)	1
Neurological (13)	74
Parasites/ Infections (14)	28
Disorder from Physical Agents (15)	0
Psychosocial (16)	0
Respiratory (17)	16
Other/Miscellaneous (18)	0
(= total non-med visits) TOTAL	612

Encounter Summary (Continued)

Combined Primary & Secondary Interventions

Health Aid/ LPN Interventions	
Paraprof. Response to Physical Complaints (4000)	543
LPN Encounter	0
Paraprofessional Encounter (Follow-up) (6500)	0
First Aid (5031)	538
Immunizations Administered	0
Complex Medical Procedure (5032)	0
Consult with Parent/Caregiver (5051+2)	6
TOTAL	1081
Medication Doses Admin. -OTC (5030)	0
Medication Doses Admin. -Rx (5030)	53

Nurse Interventions	
Nursing Assessment and Counseling (5000)	42
First Aid (5031)	53
Immunizations Administered	0
Immunization Follow-up (5033)	0
Complex Medical Procedure (5032)	0
Post Partum Nursing Assess (5024)	0
Pregnancy Test (0590)	0
Consult with Parent/Caregiver (5051+2)	0
TB Test Given	0
Obesity Intervention	0
TOTAL	95
Medication Doses Admin. -OTC (5030)	0
Medication Doses Admin. -Rx (5030)	7

ARNP Interventions	
Nursing Assessment and Counseling (5000)	0
First Aid (5031)	0
Complex Medical Procedure (5032)	0
Immunizations Administered	0
Immunization Follow-up (5033)	0
School Health Exam (5500)	0
Post Partum Nursing Assess (5024)	0
Pregnancy Test (0590)	0
Consult with Parent/Caregiver (5051+2)	0
TB Test Given	0
Prescribing Medications	0
Obesity Intervention	0
TOTAL	0
Medication Doses Admin. -OTC (5030)	0
Medication Doses Admin. -Rx (5030)	0

Social Work Interventions	
Counseling - Student/Individual	0
Counseling - Crisis	0
Consult with Parent/Caregiver (5051+2)	0
TOTAL	0

Injury Classification for First Aid	
Intentional	0
Unintentional	109
Unknown	0
(= to all first aid interventions)TOTAL	109

Injury Location for First Aid	
Athletic Field (1)	51
Auditorium (2)	0
Bus (3)	0
Cafeteria (4)	10
Classroom (5)	21
Corridor/ Stairs (6)	6
Dressing Room/ Shower (7)	0
Gymnasium (8)	0
Home Economic/Shop (9)	0
Laboratory (10)	1
Lockers (11)	0
Off Campus (12)	5
Pool (13)	0
Restroom (14)	3
School Grounds (15)	12
Other (16)	0
(= to all first aid interventions)TOTAL	109

Primary Psychosocial Problem	
Academic Issues	0
Aggression/Violence	0
Alcohol Usage	0
Anger Management	0
Anxiety	0
Attention Issues	0
Bereavement Issues	0
Bullying/Harassment	0
Chronic Medical Problems	0
Crisis Intervention	0
Dating Issues	0
Depression	0
Disruptive Behavior	0
Domestic Violence	0
Eating Disorder	0
Economic Issues/Basic Needs	0
Family Issues	0
Healthy Lifestyle	0
Peer Issues	0
Growth & Development	0
Identity Issues	0
Neglect	0
Personal Hygiene	0
Physical Abuse	0
Safety	0
Self Esteem	0
Sexual Abuse	0
Sexual Activity/ Teen Pregnancy	0
Sleep Disorder	0
Somatic	0
Stress Management	0
Substance Abuse	0
Suicidal Ideation	0
Tobacco	0
(= total SW interventions)TOTAL	0

Outcome Disposition	
Ambulance/ 911/ Emergency Called	1
Emergency Room	0
Returned to Class	410
Sent Home	185
Other	0
(= total non-med visits)TOTAL	596

Referred To	
Abuse Registry (1)	0
Community/Outside Agency (Other)	0
Crisis Stabilization	0
Dental Care (2)	0
Domestic Violence	0
Established Medical Provider	449
Guidance Counselor (3)	0
HCIOC	0
HCIIEY	0
Healthy Start (4)	0
Homlessness Assistance	0
Kidcare (5)	0
M-DCPS/Regional Office	0
Medical Care/ Nursing care (6)	0
Mental Health Counseling (7)	0
New Medical Provider	0
No Referral Needed (8)	147
Nursing Assessment (9)	0
School Psychologist	0
Social Work Services (10)	0
School Speech Pathologist	0
Substance Abuse Counseling (11)	0
TRUST Specialist	0
Other (12)	0
(= total non-med visits) TOTAL	596

Total Non-Visit Activities Summary

Total Non-Visit Activities	
Male	1
Female	0
Total Non-Visit Activities	1

Health Aid/LPN Activities	
Consult with school staff (5051-1)	0
Consult with parent/caregiver(5051-2)	0
TOTAL	0

Total Non-Visit Activities	
White (Non-Hispanic)	0
Black (Non-Hispanic)	0
Hispanic	
Haitian	0
Asian	0
Pacific Islander	0
Multi-Racial	0
Other	0
UNKNOWN	0
Total Non-Visit Activities	1

RN Activities	
ESE Staffing/Screening (5052)	0
Record Review (0598)	0
Care Plan Development (5053)	0
Consult with school staff (5051-1)	1
Consult with Parent/Caregiver (5051-2)	1
Consult with MD/Other Provider (5051-3)	0
Home Visit Attempted/Incomplete	0
Home Visit Completed	0
TOTAL	2

ARNP Activities	
ESE Staffing/Screening (5052)	0
Record Review (0598)	0
Care Plan Development (5053)	0
Consult with school staff (5051-1)	0
Consult with Parent/Caregiver (5051-2)	0
Consult with MD/Other Provider (5051-3)	0
Home Visit Attempted/Incomplete	0
Home Visit Completed	0
TOTAL	0

Social Work Interventions	
KidCare Applications	0
Consult with school staff	0
Consult with parent/caregiver	0
Consult with MD/other provider	0
Consult-external-mental health	0
Home Visit Attempted/Incomplete	0
Home Visit Completed	0
Parent Letter	0
Behavior Assessments	0
Social History	0
Truancy Screening	0
Student Services Intervention Plan	0
TOTAL	0

Total Group/Education Activities Summary

	# of Student Participants	# of Parent Participants	# of Staff Participants	# Facilitated by HA	# Facilitated by RN	# Facilitated by ARNP	# Facilitated by SW	Total Sessions
Alcohol Abuse	0	0	0	0	0	0	0	0
Bullying	0	0	0	0	0	0	0	0
Career Day	0	0	0	0	0	0	0	0
Child Abuse Prevention	0	0	0	0	0	0	0	0
Conflict Resolution	0	0	0	0	0	0	0	0
Date Rape	0	0	0	0	0	0	0	0
Dental	5	0	0	1	0	0	0	1
Drug Abuse	0	0	0	0	0	0	0	0
General Health	18	0	1	1	0	0	0	1
HIV/Aids	0	0	0	0	0	0	0	0
Human Sexuality	0	0	0	0	0	0	0	0
Hygiene	54	0	2	4	1	0	0	5
Injury Prevention	29	0	2	2	1	0	0	3
Medication compliance	0	0	0	0	0	0	0	0
Mental Health	0	0	0	0	0	0	0	0
Nutrition	27	0	0	0	3	0	0	3
Open Airways	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Parent Program	0	0	0	0	0	0	0	0
Physical Activity	14	0	0	0	2	0	0	2
Pregnancy Prevention	0	0	0	0	0	0	0	0
Risk Prevention/Reduction	0	0	0	0	0	0	0	0
Sleep habits	0	0	0	0	0	0	0	0
Staff Inservice Program	0	0	0	0	0	0	0	0
Staff Wellness Program	0	0	0	0	0	0	0	0
Suicide Prevention	0	0	0	0	0	0	0	0
Tobacco Use	0	0	0	0	0	0	0	0
Violence Prevention	0	0	0	0	0	0	0	0
Weight Normalization	0	0	0	0	0	0	0	0
Total Health Education Classes	147	0	5	8	7	0	0	15

Other Group Activities	Total # of Sessions
SW - Family Counseling	0
SW - Group Counseling	0
SW - Class Observation	0
SW - Student Services Team Meeting	0
SW - IEP/Staffing Team Meeting	0
SW - School Support Team Meeting	0
SW - Truancy Child Study Team Meeting	0
Pediculosis Screening	11
RN/ARNP - Child Specific Training	1
Total Group Activities	12

HCIOS HEALTH TEAM SERVICE SUMMARY REPORT

Provider: Borinquen Miami Beach

Reporting Period: 10/1/2013 - 10/31/2013

Year-To-Date Summary

Total Unique Students Seen in the Health Suite Year to Date

Unduplicated YTD Students	
Male (unduplicated YTD Students)	481
Female unduplicated YTD Students)	463
YTD TOTAL (1+2)	944
RACE/ETHNICITY for Unduplicated Students	
White (Non-Hispanic)	397
Black (Non-Hispanic)	42
Hispanic	489
Haitian	1
Asian	14
Pacific Islander	0
Multi-Racial	0
Other	0
UNKNOWN	1
(= to unduplicated YTD visits) YTD TOTAL	944

Encounter Summary

Total Visits	
Male (non-medication visits)	323
Female (non-medication visits)	381
Total Non-medication visits(1+2)	704
Male (medication visits)	54
Female (medication visits)	13
Total Medication Visits (4+5)	67
TOTAL VISITS (3+6)	771

Source of Referral	
Administration/Office	2
Family Member/Parent	1
HCiOC	0
Peer	0
School Health Staff	0
Self	147
Student Services Staff	2
Teacher	552
Other	0
(=total non-med visits) TOTAL	704

Reason for Visit: System/Health Problem	
Communicable/ Reportable Diseases (1)	0
Cardiovascular (2)	0
Dental (3)	9
Dermatological (4)	168
Eye/Ears/Nose/Throat (5)	135
Endocrine (6)	0
Gastrointestinal (7)	158
Genitourinary (8)	3
Gynecological/Obstetrical (9)	2
Immune System (allergies) (10)	0
Musculoskeletal (11)	131
Nutrition/Metabolic (12)	0
Neurological (13)	73
Parasites/ Infections (14)	20
Disorder from Physical Agents (15)	1
Psychosocial (16)	0
Respiratory (17)	13
Other/Miscellaneous (18)	0
(= total non-med visits) TOTAL	704

Encounter Summary (Continued)

Combined Primary & Secondary Interventions

Health Aid Interventions	
Paraprof. Response to Physical Complaints (4000)	621
Paraprofessional Encounter (Follow-up) (6500)	0
First Aid (5031)	621
Immunizations Administered	0
Complex Medical Procedure (5032)	0
Consult with Parent/Caregiver (5051-2)	0
TOTAL	1242
Medication Doses Admin. -OTC (5030)	0
Medication Doses Admin.-Rx (5030)	60

LPN Interventions	
LPN Encounter	0
First Aid (5031)	0
Immunizations Administered	0
Complex Medical Procedure (5032)	0
TOTAL	0
Medication Doses Admin. -OTC (5030)	0
Medication Doses Admin.-Rx (5030)	0

Nurse Interventions	
Nursing Assessment and Counseling (5000)	77
First Aid (5031)	81
Immunizations Administered	0
Immunization Follow-up (5033)	0
Complex Medical Procedure (5032)	0
Post Partum Nursing Assess (5024)	0
Pregnancy Test (0590)	0
Consult with Parent/Caregiver (5051-2)	0
TB Test Given	0
Obesity Intervention	0
TOTAL	158
Medication Doses Admin. -OTC (5030)	0
Medication Doses Admin.-Rx (5030)	6

ARNP Interventions	
Nursing Assessment and Counseling (5000)	0
First Aid (5031)	0
Complex Medical Procedure (5032)	0
Immunizations Administered	0
Immunization Follow-up (5033)	0
School Health Exam (5500)	0
Post Partum Nursing Assess (5024)	0
Pregnancy Test (0590)	0
Consult with Parent/Caregiver (5051-2)	0
TB Test Given	0
Prescribing Medications	0
Obesity Intervention	0
TOTAL	0
Medication Doses Admin. -OTC (5030)	0
Medication Doses Admin.-Rx (5030)	0

Social Work Interventions	
Counseling - Student/Individual	0
Counseling - Crisis	0
Consult with Parent/Caregiver (5051-2)	0
TOTAL	0

Injury Classification for First Aid	
Intentional	1
Unintentional	160
Unknown	0
(= to all first aid interventions)TOTAL	161

Injury Location for First Aid	
Athletic Field (1)	91
Auditorium (2)	2
Bus (3)	0
Cafeteria (4)	11
Classroom (5)	23
Corridor/ Stairs (6)	13
Dressing Room/ Shower (7)	0
Gymnasium (8)	0
Home Economic/Shop (9)	0
Laboratory (10)	0
Lockers (11)	0
Off Campus (12)	9
Pool (13)	0
Restroom (14)	4
School Grounds (15)	8
Other (16)	0
(= to all first aid interventions)TOTAL	161

Primary Psychosocial Problem	
Academic Issues	0
Aggression/Violence	0
Alcohol Usage	0
Anger Management	0
Anxiety	0
Attention Issues	0
Behavioral Issues	0
Bullying/Harrassment	0
Chronic Medical Problems	0
Crisis Intervention	0
Dating Issues	0
Depression	0
Disruptive Behavior	0
Domestic Violence	0
Eating Disorder	0
Economic Issues/Basic Needs	0
Family Issues	0
Healthy Lifestyle	0
Peer Issues	0
Growth & Development	0
Identity Issues	0
Neglect	0
Personal Hygiene	0
Physical Abuse	0
Safety	0
Self Esteem	0
Sexual Abuse	0
Sexual Activity/ Teen Pregnancy	0
Sleep Disorder	0
Somatic	0
Stress Management	0
Substance Abuse	0
Suicidal Ideation	0
Tobacco	0
(= total SW interventions)TOTAL	0

Outcome Disposition	
Ambulance/ 911/ Emergency Called	1
Emergency Room	2
Returned to Class	493
Sent Home	208
Other	0
(= total non-med visits)TOTAL	704

Referred To	
Abuse Registry (1)	0
Community/Outside Agency (Other)	0
Crisis Stabilization	0
Dental Care (2)	0
Domestic Violence	0
Established Medical Provider	599
Guidance Counselor (3)	0
HCiOC	0
HCIEY	0
Healthy Start (4)	0
Homelessness Assistance	0
Kidcare (5)	0
M-DCPS/Regional Office	0
Medical Care/ Nursing care (6)	0
Mental Health Counseling (7)	0
New Medical Provider	26
No Referral Needed (8)	85
Nursing Assessment (9)	0
School Psychologist	0
Social Work Services (10)	0
School Speech Pathologist	0
Substance Abuse Counseling (11)	0
TRUST Specialist	0
Other (12)	1
(= total non-med visits) TOTAL	704

Total Non-Visit Activities Summary

Total Non-Visit Activities	
Male	1
Female	2
Total Non-Visit Activities	3

Health Aid/LPN Activities	
Consult with school staff (5051-1)	0
Consult with parent/caregiver(5051-2)	2
TOTAL	2

Total Non-Visit Activities	
White (Non-Hispanic)	1
Black (Non-Hispanic)	0
Hispanic	0
Haitian	0
Asian	0
Pacific Islander	0
Multi-Racial	0
Other	0
UNKNOWN	0
Total Non-Visit Activities	3

RN Activities	
ESE Staffing/Screening (5052)	0
Record Review (0598)	0
Care Plan Development (5053)	0
Consult with school staff (5051-1)	0
Consult with Parent/Caregiver (5051-2)	0
Consult with MD/Other Provider (5051-3)	0
Home Visit Attempted/incomplete	0
Home Visit Completed	0
TOTAL	0

ARNP Activities	
ESE Staffing/Screening (5052)	0
Record Review (0598)	0
Care Plan Development (5053)	0
Consult with school staff (5051-1)	0
Consult with Parent/Caregiver (5051-2)	0
Consult with MD/Other Provider (5051-3)	0
Home Visit Attempted/incomplete	0
Home Visit Completed	0
TOTAL	0

Social Work Interventions	
KidCare Applications	0
Consult with school staff	0
Consult with parent/caregiver	0
Consult with MD/other provider	0
Consult-external-mental health	0
Home Visit Attempted/incomplete	0
Home Visit Completed	0
Parent Letter	0
Behavior Assessments	0
Social History	0
Truancy Screening	0
Student Services Intervention Plan	0
TOTAL	0

Total Group/Education Activities Summary

	# of Student Participants	# of Parent Participants	# of Staff Participants	# Facilitated by HA	# Facilitated by RN	# Facilitated by ARNP	# Facilitated by SW	Total Sessions
Alcohol Abuse	0	0	0	0	0	0	0	0
Bullying	0	0	0	0	0	0	0	0
Career Day	0	0	0	0	0	0	0	0
Child Abuse Prevention	0	0	0	0	0	0	0	0
Conflict Resolution	0	0	0	0	0	0	0	0
Date Rape	0	0	0	0	0	0	0	0
Dental	15	0	2	0	2	0	0	2
Drug Abuse	0	0	0	0	0	0	0	0
General Health	0	0	0	0	0	0	0	0
HIV/Aids	0	0	0	0	0	0	0	0
Human Sexuality	0	0	0	0	0	0	0	0
Hygiene	34	0	0	3	1	0	0	4
Injury Prevention	0	0	0	0	0	0	0	0
Medication compliance	0	0	0	0	0	0	0	0
Mental Health	0	0	0	0	0	0	0	0
Nutrition	18	0	3	0	1	0	0	1
Open Airways	0	0	0	0	0	0	0	0
Other	7	0	2	1	0	0	0	1
Parent Program	0	0	0	0	0	0	0	0
Physical Activity	12	0	0	0	1	0	0	1
Pregnancy Prevention	0	0	0	0	0	0	0	0
Risk Prevention/Reduction	0	0	0	0	0	0	0	0
Sleep habits	0	0	0	0	0	0	0	0
Staff Inservice Program	0	0	0	0	0	0	0	0
Staff Wellness Program	0	0	0	0	0	0	0	0
Suicide Prevention	0	0	0	0	0	0	0	0
Tobacco Use	0	0	0	0	0	0	0	0
Violence Prevention	0	0	0	0	0	0	0	0
Weight Normalization	0	0	0	0	0	0	0	0
Total Health Education Classes	86	0	7	4	5	0	0	9
Other Group Activities	Total # of Sessions							
SW - Family Counseling	0							
SW - Group Counseling	0							
SW - Class Observation	0							
SW - Student Services Team Meeting	0							
SW - IEP/Staffing Team Meeting	0							
SW - School Support Team Meeting	0							
SW - Truancy Child Study Team Meeting	0							
Pediculosis Screening	16							
RN/ARNP - Child Specific Training	1							
Total Group Activities	17							

HCIQS HEALTH TEAM SERVICE SUMMARY REPORT

Provider: Borinquen Miami Beach

Reporting Period: 11/1/2013 - 11/30/2013

Year-To Date Summary

Total Unique Students Seen in the Health Suite Year to Date

Unduplicated YTD Students	
Male (unduplicated YTD Students)	616
Female unduplicated YTD Students)	576
YTD TOTAL (1+2)	1192
RACE/ETHNICITY for Unduplicated Students	
White (Non-Hispanic)	500
Black (Non-Hispanic)	47
Hispanic	626
Haitian	1
Asian	17
Pacific Islander	0
Mult-Racial	0
Other	0
UNKNOWN	1
(= to unduplicated YTD visits) YTD TOTAL	1192

Encounter Summary

Total Visits	
Male (non-medication visits)	317
Female (non-medication visits)	322
Total Non-medication visits (1+2)	639
Male (medication visits)	42
Female (medication visits)	15
Total Medication Visits (4+5)	57
TOTAL VISITS (3+6)	696

Source of Referral

Administration/Office	0
Family Member/Parent	1
HCIQC	0
Peer	0
School Health Staff	0
Self	75
Student Services Staff	2
Teacher	561
Other	0
(=total non-med visits) TOTAL	639

Reason for Visit: System/Health Problem

Communicable/ Reportable Diseases (1)	0
Cardiovascular (2)	0
Dental (3)	19
Dermatological (4)	120
Eye/Ears/Nose/Throat (5)	104
Endocrine (6)	0
Gastrointestinal (7)	130
Genitourinary (8)	0
Gynecological/Obstetrical (9)	1
Immune System (Allergies) (10)	0
Musculoskeletal (11)	167
Nutrition/Metabolic (12)	0
Neurological (13)	55
Parasites/ Infections (14)	38
Disorder from Physical Agents (15)	0
Psychosocial (16)	0
Respiratory (17)	12
Other/Miscellaneous (18)	0
(= total non-med visits) TOTAL	639

Encounter Summary (Continued)

Combined Primary & Secondary Interventions

Health Aid Interventions	
Paraprof. Response to Physical Complaints (4000)	408
Paraprofessional Encounter (Follow-up) (6500)	0
First Aid (5031)	413
Immunizations Administered	0
Complex Medical Procedure (5032)	0
Consult with Parent/Caregiver (5051-2)	0
TOTAL	821
Medication Doses Admin. -OTC (5030)	0
Medication Doses Admin.-Rx (5030)	30

LPN Interventions	
LPN Encounter	0
First Aid (5031)	0
Immunizations Administered	0
Complex Medical Procedure (5032)	0
TOTAL	0
Medication Doses Admin. -OTC (5030)	0
Medication Doses Admin.-Rx (5030)	0

Nurse Interventions	
Nursing Assessment and Counseling (5000)	186
First Aid (5031)	222
Immunizations Administered	0
Immunization Follow-up (5033)	0
Complex Medical Procedure (5032)	0
Post Partum Nursing Assess (5024)	0
Pregnancy Test (0590)	0
Consult with Parent/Caregiver (5051-2)	0
TB Test Given	0
Obesity Intervention	0
TOTAL	408
Medication Doses Admin. -OTC (5030)	0
Medication Doses Admin.-Rx (5030)	27

ARNP Interventions	
Nursing Assessment and Counseling (5000)	0
First Aid (5031)	0
Complex Medical Procedure (5032)	0
Immunizations Administered	0
Immunization Follow-up (5033)	0
School Health Exam (5500)	0
Post Partum Nursing Assess (5024)	0
Pregnancy Test (0590)	0
Consult with Parent/Caregiver (5051-2)	0
TB Test Given	0
Prescribing Medications	0
Obesity Intervention	0
TOTAL	0
Medication Doses Admin. -OTC (5030)	0
Medication Doses Admin.-Rx (5030)	0

Social Work Interventions	
Counseling - Student/Individual	0
Counseling - Crisis	0
Consult with Parent/Caregiver (5051-2)	0
TOTAL	0

Injury Classification for First Aid	
Intentional	0
Unintentional	208
Unknown	0
(= to all first aid interventions)TOTAL	208

Injury Location for First Aid	
Athletic Field (1)	134
Auditorium (2)	0
Bus (3)	1
Cafeteria (4)	13
Classroom (5)	29
Corridor/ Stairs (6)	14
Dressing Room/ Shower (7)	0
Gymnasium (8)	0
Home Economic/Shop (9)	0
Laboratory (10)	0
Lockers (11)	0
Off Campus (12)	8
Pool (13)	0
Restroom (14)	0
School Grounds (15)	9
Other (16)	0
(= to all first aid interventions)TOTAL	208

Primary Psychosocial Problem	
Academic Issues	0
Aggression/Violence	0
Alcohol Usage	0
Anger Management	0
Anxiety	0
Attendance/Tuancy	0
Attention Issues	0
Bereavement Issues	0
Bullying /Harassment	0
Chronic Medical Problems	0
Crisis Intervention	0
Dating Issues	0
Depression	0
Disruptive Behavior	0
Domestic Violence	0
Eating Disorder	0
Economic Issues/Basic Needs	0
Family Issues	0
Healthy Lifestyle	0
Peer Issues	0
Growth & Development	0
Identity Issues	0
Neglect	0
Personal Hygiene	0
Physical Abuse	0
Safety	0
Self Esteem	0
Sexual Abuse	0
Sexual Activity/ Teen Pregnancy	0
Sleep Disorder	0
Somatic	0
Stress Management	0
Substance Abuse	0
Suicidal Ideation	0
Tobacco	0
(= total SW Interventions)TOTAL	0

Outcome Disposition	
Ambulance/ 911/ Emergency Called	0
Emergency Room	1
Returned to Class	476
Sent Home	162
Other	0
(= total non-med visits)TOTAL	639

Referred To	
Abuse Registry (1)	0
Community/Outside Agency (Other)	0
Crisis Stabilization	0
Dental Care (2)	1
Domestic Violence	0
Established Medical Provider	530
Guidance Counselor (3)	0
HCIQC	0
HCIQY	0
Healthy Start (4)	0
Homelessness Assistance	0
Kidcare (5)	0
M-DCPS/Regional Office	0
Medical Care/ Nursing care (6)	0
Mental Health Counseling (7)	0
New Medical Provider	12
No Referral Needed (8)	96
Nursing Assessment (9)	0
School Psychologist	0
Social Work Services (10)	0
School Speech Pathologist	0
Substance Abuse Counseling (11)	0
TRUST Specialist	0
Vision	0
Other (12)	0
(= total non-med visits) TOTAL	639

Total Non-Visit Activities Summary

Total Non-Visit Activities	
Male	0
Female	0
Total Non-Visit Activities	0

Health Aid/LPN Activities	
Consult with school staff (5051-1)	0
Consult with parent/caregiver(5051-2)	0
TOTAL	0

Total Non-Visit Activities	
White (Non-Hispanic)	0
Black (Non-Hispanic)	0
Hispanic	0
Haitian	0
Asian	0
Pacific Islander	0
Multi-Racial	0
Other	0
UNKNOWN	0
Total Non-Visit Activities	0

RN Activities	
ESE Staffing/Screening (5052)	0
Record Review (0598)	0
Care Plan Development (5053)	0
Consult with school staff (5051-1)	0
Consult with Parent/Caregiver (5051-2)	0
Consult with MD/Other Provider (5051-3)	0
Home Visit Attempted/Incomplete	0
Home Visit Completed	0
TOTAL	0

ARNP Activities	
ESE Staffing/Screening (5052)	0
Record Review (0598)	0
Care Plan Development (5053)	0
Consult with school staff (5051-1)	0
Consult with Parent/Caregiver (5051-2)	0
Consult with MD/Other Provider (5051-3)	0
Home Visit Attempted/Incomplete	0
Home Visit Completed	0
TOTAL	0

Social Work Interventions	
KidCare Applications	0
Consult with school staff	0
Consult with parent/caregiver	0
Consult with MD/other provider	0
Consult-external-mental health	0
Home Visit Attempted/Incomplete	0
Home Visit Completed	0
Parent Letter	0
Behavior Assessments	0
Social History	0
Tuency Screening	0
Student Services Intervention Plan	0
TOTAL	0

Total Group/Education Activities Summary

	# of Student Participants	# of Parent Participants	# of Staff Participants	# Facilitated by HA	# Facilitated by RN	# Facilitated by ARNP	# Facilitated by SW	Total Sessions
Alcohol Abuse	0	0	0	0	0	0	0	0
Bullying	0	0	0	0	0	0	0	0
Career Day	0	0	0	0	0	0	0	0
Child Abuse Prevention	0	0	0	0	0	0	0	0
Conflict Resolution	0	0	0	0	0	0	0	0
Date Rape	0	0	0	0	0	0	0	0
Dental	0	0	0	0	0	0	0	0
Drug Abuse	0	0	0	0	0	0	0	0
General Health	0	0	0	0	0	0	0	0
HIV/Aids	0	0	0	0	0	0	0	0
Human Sexuality	0	0	0	0	0	0	0	0
Hygiene	24	0	3	1	2	0	0	3
Injury Prevention	20	0	4	0	2	0	0	2
Medication compliance	0	0	0	0	0	0	0	0
Mental Health	0	0	0	0	0	0	0	0
Nutrition	0	0	0	0	0	0	0	0
Open Airways	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Parent Program	0	0	0	0	0	0	0	0
Physical Activity	0	0	0	0	0	0	0	0
Pregnancy Prevention	0	0	0	0	0	0	0	0
Risk Prevention/Reduction	18	0	4	0	2	0	0	2
Sleep habits	6	0	1	0	1	0	0	1
Staff Inservice Program	0	0	0	0	0	0	0	0
Staff Wellness Program	0	0	0	0	0	0	0	0
Suicide Prevention	0	0	0	0	0	0	0	0
Tobacco Use	0	0	0	0	0	0	0	0
Violence Prevention	0	0	0	0	0	0	0	0
Weight Normalization	0	0	0	0	0	0	0	0
Total Health Education Classes	68	0	12	1	7	0	0	8
Other Group Activities	Total # of Sessions							
SW - Family Counseling	0							
SW - Group Counseling	0							
SW - Class Observation	0							
SW - Student Services Team Meeting	0							
SW - IEP/Staffing Team Meeting	0							
SW - School Support Team Meeting	0							
SW - Truancy Child Study Team Meeting	0							
Pediculosis Screening	12							
RN/ARNP - Child Specific Training	0							
Total Group Activities	12							



**Town of Surfside
Town Commission Meeting
MINUTES
January 14, 2014
7 p.m.**

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

1. Opening

A. Call to Order

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

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

On behalf of the entire Commission, Commissioner Graubart sends condolences to Town Attorney Linda Miller on the loss of her brother.

Commissioner Graubart expressed his concern over the lack of participation from the community in helping the Commission make some critical decisions. He further stated that it is important for residents to give their input and not just rely on consultants, developers, and the administration.

Mayor Dietch also sends condolences to former Assistant Chief John DiCenso on the loss of his mother.

Mayor Dietch expressed his concern over a dock being built at Point Lake and said the item will be discussed later in the meeting.

The Mayor also spoke about Surfside's donation of "Ruth the Turtle" that was sent to Newton, CT in memory of Sandy Hook. He received a letter from Police Officer Mary Helen McCarthy of Newton indicating how much it meant to have so many people from all over the world helping their community in the healing process.

Letters and expressions of support were published in a book. Officer McCarthy shared her experience with the Town of Surfside and "Ruth the Turtle" and how much it has meant to their community. Officer McCarthy has made a special connection to the Town of Surfside and the Mayor wanted to acknowledge her and said anyone interested can read the book and especially the page on Surfside as it is extremely moving. The book is available to view at the Tourist Director's Office.

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

Vice Mayor Karukin requested that items listed on the General Ledger Budget Code be indicated as being new or already budgeted.

Town Manager Michael P. Crotty requested ordinances 4A1, 4A2 and 4A3 be deferred to the February Town Commission meeting.

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

Town Attorney Linda Miller requested to move Item 4B1 to be heard after the Comp Plan. Vice Mayor Karukin made a motion to approve the change of order as requested. The motion received a second from Commissioner Olchyk and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. The Mayor also gave a quick update on the Harding Avenue Project. Commissioner Graubart gave an update on Tourist Board events.

G. Presentation of Certificate of Achievement for Excellence in Financial Reporting

On behalf of the Government Finance Directors Association along with the Town of Surfside, the Mayor presented to Finance Director Donald Nelson and his staff a Certificate of Achievement for Excellence in Financial Reporting for the fiscal year 2012-2013. Finance Director Nelson thanked the Mayor and his incredible finance staff for all their hard work and indicated that this is the highest governmental reporting award given. The Mayor thanked Director Nelson and his staff for their great work.

H. Presentation of Certificate to Commissioner Graubart for his Participation in the Miami Dade Commission on Ethics and Public Trust Ethical Governance Day 2013 – Mayor Daniel Dietch

Mayor Dietch presented the certificate to Commissioner Graubart. Commissioner Graubart gave a quick overview of his day at the Alonzo and Tracy Mourning High School.

I. Employee of the Quarter – Michael P. Crotty, Town Manager

- *Lasonya Nixon, Customer Service Representative (3rd Quarter)*
- *Randy Stokes, Capital Improvement Project Manager (4th Quarter)*

Public Works Director Joseph Kroll presented the award to Lasonya Nixon for Employee of the Quarter and said she is a great representative for the Town and always greets the citizens with a smile.

Director Kroll presented to Randy Stokes the award for Employee of the Quarter for his dedication and hard work on the Harding Avenue Project.

J. Police Civilian of the Month for November and December – Dina Goldstein – David Allen, Chief of Police

David Allen, Chief of Police presented Dina Goldstein with the Police Civilian of the Month award for November. Chief Allen spoke of Ms. Goldstein's efforts in coordinating the Surfside Crime Prevention Program.

David Allen, Chief of Police presented Dina Goldstein with the Police Civilian of the Month award for the month of December. The Chief thanked Ms. Goldstein for organizing a very successful Holiday Toy Drive.

2. Quasi-Judicial Hearings (None)

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

Items pulled:

Commissioner Graubart pulled Item 3B Budget to Actual, page 19

Town Manager Crotty pulled from Town Manager's Report, Item 3C Sister Cities, page 21; Skate Park, page 22; Item 6 Turtle Project, page 25; Item 2D, Forty Year Certification, page 41; Item 3D Site Triangle, page 42 (Code Compliance

Vice Mayor Karukin pulled from the Town Manager's Report Item 5 Beach

Management, page 31; Item 2.A FEMA, page 39; Item 4.D.5 ERP, page 44

Commissioner Kligman pulled from the Town Manager's Report Item 3D Site Triangle Hedges, page 42

Mayor Dietch pulled from the Town Manager's Report Item A1 Sister Cities, page 21;

Item B3 Sidewalk Ordinance Implementation, page 27

Commissioner Olchyk 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 – November 7, 2013 Special Town Commission Meeting

December 10, 2013 Regular Town Commission Meeting

B. Budget to Actual Summary as of October 31, 2013 – Donald Nelson, Finance Director

Commissioner Graubart pulled Item 3B Budget to Actual – deferred

Finance Director Donald Nelson gave an overview of the report.

***C. Town Manager's Report** – Michael P. Crotty, Town Manager

Pulled Items:

Item 3C Sister Cities – Mayor Dietch asked that the time of joint meeting be changed to 7:00 p.m.

Item A4 Skate Park – Town Manager Crotty gave an update on the upcoming Miami Beach and Surfside meeting

Item 6 Turtle Project - Vice Mayor Karukin suggested mass producing mini turtles with the Surfside logo which can be sold in local businesses

Item 2D, Forty Year Certification – Building Official Prieto gave an update and said we are moving forward

Item 3D Site Triangle – Town Clerk Novoa indicated there was a problem coordinating all parties to schedule the Special Commission Meeting. Mayor Dietch said to schedule it for February 4, 2014

Item 5 Beach Management – discussed earlier

Item 2.A FEMA – Building Official Prieto gave update with positive results to go forward

Item 4.D.5 ERP – Vice Mayor Karukin wanted to make sure that everyone was aware of what ERP will do and what the cost will be

Item 3B Sidewalk Ordinance – Mayor Dietch asked what the town can do to make this move forward. Town Manager Crotty said they will have to follow-up with DOT

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

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

F. Committee Reports – Michael P. Crotty, Town Manager

- October 23, 2013 Planning and Zoning Board Minutes
- November 6, 2013 Tourist Board Minutes
- November 21, 2013 Planning and Zoning Board Minutes
- November 25, 2013 Parks and Recreation Committee Minutes
- December 9, 2013 Tourist Board Minutes
- December 16, 2013 Charter Review Board Minutes

G. National Human Trafficking Awareness Month Proclamation – Mayor Daniel Dietch

4. Ordinances

(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Readings (Ordinances and Public Hearing)

1. **Garage Door Modification** – Sarah Sinatra, Town Planner
{Ordinance has been deferred to the February 11, 2014 Town Commission Meeting}

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance deferred

2. **Side Setback Ordinance** – Sarah Sinatra, Town Planner

{Ordinance has been deferred to the February 11, 2014 Town Commission Meeting}

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-45 “SETBACKS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance deferred

3. **Ordinance prohibiting the sales of live animals in Surfside – Commissioner Michelle Kligman**
{Ordinance has been deferred to the February 11, 2014 Town Commission Meeting}

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 90.41 “REGULATED USES” PROHIBITING THE SALE OF LIVE ANIMALS AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Ordinance deferred

4. **Ordinance Amending Future Land Use Element of the Comprehensive Plan – Nancy E. Stroud, Esq., Special Land Use Counsel [SET FOR TIME CERTAIN 7:30PM]**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; 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.

Commissioner Kligman made a motion to defer the item to February 11, 2014. The motion received a second from Vice Mayor Karukin and all voted in favor.

Pieter Bakker thanked the Commission.

(Set for approximately 7:45 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. Ordinance Amending Section 54-82 to Prohibit Noise Hours in Period No. 2 (April 1 to November 30) – Commissioner Joe Graubart

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY SECTION 54-82 “SAME-WHEN PROHIBITED” BY REVISING THE HOURS FOR CONTROLLING RESTRICTED NOISES FOR PERIOD NO. 2 (APRIL 1 TO NOVEMBER 30); 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.

Building Official Rosendo Prieto presented the item.

Commissioner Graubart made a motion for discussion purposes. The motion received a second from Commissioner Olchyk.

Nancy E. Stroud, Esq and Town Manager Michael Crotty gave some clarification regarding changing the hours of operation. There was discussion regarding enforcement of regulations, hours of operation as well as traffic situations.

Mayor Dietch made a friendly amendment to change the times for both Period 1 and Period 2 (year round) to reflect hours of operation to 8:30 a.m. to 6:00 p.m. A motion to approve with the amendment was made by Commissioner Graubart and received a second from Commissioner Kligman with all voting in favor.

2. Business Improvement District Authorization – Duncan Tavares, TEDACS Director [SET FOR TIME CERTAIN 9:00PM]

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE CREATION OF A SPECIAL OR BUSINESS NEIGHBORHOOD IMPROVEMENT DISTRICT BY THE ENACTMENT OF A SEPARATE ORDINANCE FOR EACH; PROVIDING FOR INCLUSION IN THE CODE;

REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.
Duncan Tavares, TEDACS Director, presented the item.

Commissioner Kligman made a motion to approve and Commissioner Graubart made a motion for discussion.

Commissioner Olchyk and Commissioner Graubart gave their views as to business owners and their lack of interest and them becoming more involved in decision making regarding the business district. Vice Mayor Karukin expressed some of his concerns. Commissioner Kligman gave an in depth account on the issue. Eli Tourgeman from the Surfside Business Association has some reservations but feels we should move ahead. After much discussion the overall feeling was to use this as a first step to move forward.

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

5. Resolutions and Proclamations

(Set for approximately 8:45 p.m.) (Note: Depends upon length of Good and Welfare)

A. 96th Street Park – Playground Equipment – Tim Milian, Parks and Recreation Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO PURCHASE PLAYGROUND EQUIPMENT FROM GAMETIME UTILIZING THE EXISTING U.S. COMMUNITIES GOVERNMENT PUCHASING ALLIANCE CONTRACT NO. 110179; APPROVING AN EXPENDITURE FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-572.6410; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT WITH GAMETIME; AND PROVIDING FOR AN EFFECTIVE DATE.

Tim Milian, Parks and Recreation Director presented the item.

Commissioner Olchyk thanked the Parks and Recreation Department for their concerns and good service to the community. There was some discussion regarding security at the park.

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

B. Awnings and Sign Code Update – Michael P. Crotty, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING CALVIN-GIORDANO & ASSOCIATES, INC. (CGA) WORK AUTHORIZATION NO. 73 (UPDATING AWNINGS AND SIGN CODE, CGA PROPOSAL NO. 13-5932) IN A TOTAL AMOUNT NOT TO EXCEED \$15,000 FROM THE GENERAL FUND, NON-DEPARTMENTAL PROFESSIONAL SERVICES ACCOUNT, 001-7900-590-3110; PROVIDING FOR AUTHORIZATION, PROVIDING FOR AN EFFECTIVE DATE.

Michael P. Crotty, Town Manager, presented the item

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

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

Mayor Dietch opened the meeting to Good and Welfare.

Peter Neville has concerns about the palm trees on the roof at the Grand Beach Hotel. He said they are dangerous as the trees are not properly secured, would not withstand high winds, and would cause terrible damage. Commissioner Graubart said that he was assured that the trees were anchored properly but asked the Town Attorney to look into the liability issue if a tree breaks loose.

Louis Cohen suggested having two types of emails during the Commission Meeting, one specifically for Good and Welfare and one for Agenda comments. The citizens who cannot attend but watch the meeting on live stream would have the opportunity to interact with the Commission.

Martin Gillan spoke about a dock being installed by a neighbor. When completed the dock will extend to almost the center of the canal. The previous owners were denied putting in a dock. Because of the shallowness of the water in the canal this dock will impede navigation and at low tide the water level is extremely low at about 2.5 feet in the middle of the lake. He is asking the Town to look into this permit.

Daryl Wall also spoke about the dock being installed reinforcing what Mr. Gillan said and requested the city look into this project.

Commissioner Graubart suggested that construction cease until the Town looks into this further.

There being no further speakers the Mayor closed Good and Welfare.

7. Town Manager and Town Attorney Reports

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

Item 3.

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- A. **Legislative Priorities [SET FOR TIME CERTAIN 8:30PM]** – Fausto Gomez, Town’s Lobbyist
Town Lobbyist Fausto Gomez presented an update on the legislative priorities. Mr. Gomez addressed some questions from the Commission. The Mayor thanked Mr. Gomez for all his efforts on behalf of the city.
- B. **Code Compliance Priorities** – Joe Damian, Code Compliance Director
The Commission requested that a table be presented which shows the current policy and the changes being proposed. Commissioner Olchyk made a motion to accept as presented and the motion received a second by Mayor Dietch. The item was deferred as Commissioner Olchyk and Mayor Dietch voted in favor and Commissioner Kligman and Vice Mayor Karukin voted in opposition with Commissioner Graubart absent from the dais.
- C. **Construction Impact - Hotel, Condo, Etc.**– Commissioner Joe Graubart
Town Manager Michael Crotty gave additional input on the subject.
- D. **Seawall Project Update and Schedule** – Michael P. Crotty, Town Manager
The Commission asked that the project be completed as soon as possible.
- E. **Planning & Zoning Membership** – Linda Miller, Town Attorney
Vice Mayor Karukin made a motion to go back to the way it used to be. Commissioner Kligman made a motion for discussion. After some discussion with Town Planner Sarah Sinatra clarifying some issues, Commissioner Kligman seconded the motion to approve and all voted in favor.
- F. **Request for Proposals (Grant Writing Services) and Request for Qualifications (Architectural and Engineering)** – Michael P. Crotty, Town Manager
Commissioner Kligman made a motion to approve and the motion received a second from Commissioner Olchyk with all voting in favor with Mayor Dietch absent from the dais.
- G. **Report on Charter Review (Verbal)** – Vice Mayor Michael Karukin
Vice Mayor Karukin gave an updated report and also thanked the members of the Charter Review Board for their work. Commissioner Kligman also thanked the board members for their efforts.
- H. **Miami Dade County League of Cities Director Designation** – Mayor Daniel Dietch
Commissioner Kligman was appointed Director and Commissioner Graubart was appointed Alternate Director.
- I. **Citizens Survey** – Michael P. Crotty, Town Manager

Town Manager Crotty asked for direction from the Commission as to what type of questions they would like to have answered in the survey. The Mayor suggested that Town Manager Crotty speak to some survey firms and bring back more information on the subject.

Commissioner Graubart left the meeting at 10:54 p.m.

Mayor Dietch asked to extend the meeting. Vice Mayor Karukin made a motion to extend the meeting an additional 30 minutes. The motion received a second from Commissioner Kligman with Mayor Dietch voting for and Commissioner Olchyk voting in opposition.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 11.23 p.m.

Accepted this ____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2013/2014

AS OF

November 30, 2013

17% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date:

February 11, 2014

GOVERNMENTAL FUNDS

ACTUAL

ANNUAL BUDGETED	% BUDGET
----------------------------	---------------------

GENERAL FUND

REVENUE	\$ 1,255,449	\$12,197,616	10%
EXPENDITURES	2,314,873	\$12,197,616	19%
Net Change in Fund Balance	(1,059,424)		
Fund Balance-September 30, 2013 (unaudited)	5,240,418 ^A		
Fund Balance-November 30, 2013 (Reserves)	\$ 4,180,994		

RESORT TAX (TEDAC SHARE)

REVENUE	\$ 14,788 ^B	\$287,471	5%
EXPENDITURES	44,528	\$287,471	15%
Net Change in Fund Balance	(29,740)		
Fund Balance-September 30, 2013 (unaudited)	94,493		
Fund Balance-November 30, 2013 (Reserves)	\$ 64,753		

POLICE FORFEITURE/CONFISCATION

REVENUE	\$ -	\$46,000	0%
EXPENDITURES	7,800	\$46,000	17%
Net Change in Fund Balance	(7,800)		
Fund Balance-September 30, 2013 (unaudited)	137,325		
Fund Balance-November 30, 2013 (Reserves)	\$ 129,525		

TRANSPORTATION SURTAX

REVENUE	\$ 18,889	\$196,916	10%
EXPENDITURES	8,632	\$196,916	4%
Net Change in Fund Balance	10,257		
Fund Balance-September 30, 2013 (unaudited)	131,475		
Fund Balance-November 30, 2013 (Reserves)	\$ 141,732		

CAPITAL PROJECTS

REVENUE	\$ -	\$1,054,770	0%
EXPENDITURES	769,641	\$1,054,770	73%
Net Change in Fund Balance	(769,641)		
Fund Balance-September 30, 2013 (unaudited)	76,257		
Fund Balance-November 30, 2013 (Reserves)	\$ (693,384)		

NOTES:

* Many revenues for November 2013 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received. November 2013 revenue accounts include the reversal of revenues that are for the prior fiscal year.

A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$3,240,418 is unassigned fund balance (reserves).

B. Resort Tax Revenues for November 2013 are received in December 2013, the (Total collected through October 2013 is \$36,475 (\$14,788 is for TEDAC and \$22,287 is the General Fund).

ENTERPRISE FUNDS

ACTUAL	ANNUAL BUDGETED	% BUDGET
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WATER & SEWER

REVENUE	\$ 404,276	\$3,190,000	13%
EXPENDITURES	299,693	\$3,190,000	9%
Change in Net Assets	104,583		
Unrestricted Net Assets-September 30, 2013 (unaudited)	(1,196,010)		
Restricted Net Assets-Renewal & Replacement	1,017,776		
Capital Project Expenses to date for Water & Sewer	98,693	\$0	
Unrestricted Net Assets-November 30, 2013 (Reserves)	<u>\$ 25,042</u> C		

MUNICIPAL PARKING

REVENUE	\$ 150,808	\$1,052,185	14%
EXPENDITURES	64,862	\$972,185	7%
Change in Net Assets	85,946		
Unrestricted Net Assets-September 30, 2013 (unaudited)	1,068,996		
Capital Project Expenses to date for Municipal Parking	-	\$80,000	94%
Unrestricted Net Assets-November 30, 2013 (Reserves)	<u>\$ 1,154,942</u>		

SOLID WASTE

REVENUE	\$ 200,109	\$1,336,241	15%
EXPENDITURES	209,236	\$1,336,241	16%
Change in Net Assets	(9,127)		
Unrestricted Net Assets-September 30, 2013 (unaudited)	248,586		
Unrestricted Net Assets-November 30, 2013 (Reserves)	<u>\$ 239,459</u>		

STORMWATER

REVENUE	\$ 81,691	\$505,000	16%
EXPENDITURES	24,394	\$505,000	5%
Change in Net Assets	57,297		
Unrestricted Net Assets-September 30, 2013 (unaudited)	498,417		
Capital Project Expenses to date for Storm Water	17,964	\$0	
Restricted Net Assets-Renewal & Replacement	266,140		
Unrestricted Net Assets-November 30, 2013 (Reserves)	<u>\$ 839,818</u>		

NOTES:(con't)

C. The reserves balance of \$25,042 is the result of a change in current net assets as of November, 2013 of \$104,583, net assets as of September, 2013 of (\$1,196,010), \$1,017,776 for renewal and replacement, less the Capital Project expense of \$98,693 paid through November, 2013 on the Utility Project.

The Unrestricted Net Assets as of November 2013 of \$25,042, includes funds of \$651,144 for rate stabilization.


Donald G. Nelson, Finance Director


Michael P. Crotty, Town Manager

**ATTACHMENT

Town of Surfside
Fund Balance (Reserves)
November 30, 2013

FUND	9/30/2011	9/30/2012	9/30/2013	11/30/2013
General	\$ 4,256,315	\$ 5,266,374	\$ 5,240,418	\$ 4,180,994
Resort Tax	184,867	171,496	94,493	64,753
Police Forfeiture	117,889	122,272	137,325	129,525
Transportation Surtax	239,760	122,302	131,475	141,732
Capital	399,754	132,783	76,257	(693,384)
Water & Sewer	2,692,379	(1,931,707)	(1,196,010)	25,042
Parking	1,385,581	1,258,325	1,068,996	1,154,942
Solid Waste	207,462	228,437	248,586	239,459
Stormwater	342,240	104,651	498,417	839,818
Total	\$ 15,301,180	\$ 11,774,890	\$ 6,299,957	\$ 6,082,881



Town of Surfside

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

TOWN MANAGER'S REPORT February 2014

COMMUNITY PROGRAMS/INITIATIVES/ENHANCEMENTS

Current Status: The concept of Surfside entering into Sister City relationships with other towns/cities was first discussed within the Administration due to the success of such programs in Surfside's neighboring communities of Miami Beach and Sunny Isles Beach. The idea was recently proposed at the August, 2013 Town Commission meeting by resident Peter Neville as an initiative the Tourist Board might consider given the advent of the revitalization of the Town's tourism economy. Becoming a Sister City (or Town Twinning) creates a broad-based relationship and partnership between two communities nationally or internationally. Traditionally this relationship requires a cooperative agreement between the two towns that often promotes cultural and commercial ties. Possible programs could be established with communities such as Newtown, CT, given the established relationship created by the gift of Ruth the Turtle, with those that have an historical tourism connection (i.e. Canada), as well as with towns based on the heritage of Surfside's population (e.g. those in Israel, Latin and South America) or with those communities that are vested in turtle conservation. The Tourist Board endorsed the idea at their October 7, 2013 meeting but feels that it should be a collaborative effort with the Town Commission. At the January 6, 2014 Tourist Board meeting, the Board unanimously endorsed recommending Newtown, CT as the first Surfside sister city to the Town Commission. The Tourist Board met with members of the Town Commission at the regular monthly Tourist Board meeting on Monday February 3, 2014. A recommendation on proceeding with this initiative will be provided to the Town Commission at the March 11, 2014 meeting. Find more information at: <http://sister-cities.org>.

2. Bullying Program

Current Status: Following up on the successful 2013 anti-bullying initiative, a second anti bully program was held by the Parks and Recreation Department on January 29, 2014. The program was a success. The program was an interactive session between the presenters and patrons. Anti-bully events along with staff and community training will be an ongoing process per the Town Resolution adopted in February, 2013.

3. Mt. Sinai Bus Route

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 was 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 was included in the proposed FY 13/14 budget. Following budget adoption, the Town Manager met with JCS on a proposal that would address the request for a Mount Sinai route and also provide additional services to the Town's seniors through the Surf/Bal/Bay Club. In late November, the Town was notified that JCS has made a financial decision to close the Surf/Bal/Bay Club. Other options to be explored include discussions with neighboring barrier island communities including Bal Harbour; Bay Harbor; Sunny Isles and Miami Beach.

4. Joint Skate Park with City of Miami Beach

Current Status: The proposal of a skate park located between 86th and 87th streets through a partnership between the Town of Surfside and Miami Beach was presented by Miami Beach Parks and Recreation Department to the Miami Beach Commission on January 15, 2014. The Miami Beach Commission requested staff to prepare a comprehensive Master Plan for the considerable amount of land in the very extreme north area of Miami Beach owned by the City. The City Commissioners indicated that this area should be developed as part of an overall plan. Regular updates will be provided as Miami Beach staff works toward addressing a Master Plan for this area.

5. 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 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. On September 9th, Surfside and Miami-Dade County School District hosted an information meeting at Town Hall regarding the Environmental Sciences at Florida International University (FIU), located at 3000 NE 151 Street in North Miami. The meeting took place in the Commission Chambers. The agenda and meeting information was posted on the Town's website under Town News. Elected Officials and staff from Bal Harbour and Bay Harbor Islands were invited to attend the September 9th meeting to hear about this opportunity to expand educational opportunities for local students. The Commission was provided with a written report on the September 9th Community meeting. An open house tour of the MAST Academy at FIU was held on October 17. There were approximately 25 attendees at the open house and the Town was represented by Linda Jain, Web and Special Projects Coordinator.

A conference call was held on December 12 with Assistant Superintendent Iraida Mendez-Cartaya, CPA to follow-up on Fausto Gomez's suggestions on possible funding options. The following is a summary of our discussions:

- Student stations that would be eligible for Surfside students would cost \$20,000 per student station. These student stations would be on-going and not just assigned to initial students. Surfside students would have to meet eligibility requirements and the number of seats purchased for Surfside students would be assigned and if the number of eligible Surfside students exceeded the number of student stations, then a lottery would be used.
- Initial estimates for finalizing an agreement on student stations would need to be in place prior to the school year 17/18.
- A number of municipalities have entered into agreements with the County for similar endeavors where direct educational benefit is provided to students in that municipality. Ms. Mendez-Cartaya has provided us agreements between the School District and: 1. Key Biscayne, 2. Cutler Bay; and 3. Sunny Isles.

An added benefit for students from Surfside to attend the MAST@FIU would be for the student to have the ability to complete up to an AA degree at the time of graduation from high school with the cost funded by the School District.

Ms. Mendez-Cartaya will initiate an analysis of student numbers and projected growth to provide input to the Town regarding a recommended number of student stations for the Town to consider.

The Town Manager will follow-up with area Managers regarding their jurisdiction's position on the MAST@FIU. Also, Town Staff is scheduled to meet on February 10 with School District officials to further the dialogue on a possible partnership on the MAST@FIU.

As the Commission addresses the allocation of resources from development activities (see Five Year Financial Forecast), a modest, annual educational investment presents a unique opportunity that would benefit current and future generations of Surfside students and have a positive impact on the desirability of raising a family in Surfside and enhance property values.

6. Turtles Project – Art in Public Places

Current Status: The Tourist Bureau continues to leverage the icon Turtles in promoting Surfside. With the Tourist Board's decision to keep the remaining Turtles and leave them on 93rd Street ("Turtle Walk"), the department can now focus on including them in marketing initiatives. An item requested by the Vice Mayor regarding small turtle statues is on the February 11, 2014 Town Commission agenda. **Action Item**

7. Newcomers Packet

Current Status: By March, a "newcomers packet" will be available to be presented to new residents of the Town.

The theme of the packet is "Welcome to the Neighborhood" and will provide a variety of information to new residents acclimatizing them to Surfside and inform them of the many and varied services and amenities available to them in their new town.

This new initiative will be rolled out at the same time another new initiative begins. This month the FY 13/14 funded Neighborhood Resource Officer program will begin. Neighborhood Resource Officer (NRO) will personally deliver a newcomer packet to the new residents. They will be identified through a number of sources: opening new utility account; acquiring a Town ID/parking sticker; word of mouth, etc.

The newcomer packet will be focused on identifying web based Town information. When the NRO delivers the packet, an assessment will be made if the new resident has the availability to successfully obtain the necessary resident information via web or if Staff needs to follow-up with hard copy information.

Thanks to Dawn Hunziker for spearheading this effort.

DOWNTOWN BUSINESS DISTRICT AND TOURISM

8. Harding Avenue Streetscape Plan

Current Status: The project is nearing completion. Benches have been ordered and are awaiting delivery (4-6 weeks). Public works is installing the wiring, up-lighting and receptacles starting at 95th and Harding and working north and south. Once the lights are installed, the plantings in the tree wells will be completed. A ribbon cutting ceremony is planned to coincide with the Tourist Bureau's Third Thursday event: Thursday, February 20, 2014 at 7pm on Harding Avenue at 95th Street.



9. Downtown Vision Project: Commissioner Michelle Kligman

Current Status: DVAC met on January 27, 2014. Topics discussed included an update on the parking structure April 1 report, the results of the BID Straw Poll with the next steps in the BID process and a tentative schedule to address the sign code:

BID Timeline:

- Nov 12 Town Commission (TC) Mtg: Conduct a Straw Vote.
- Jan 14 TC Mtg: Straw Vote Results: 21 in favor (24 votes needed); First reading of an enabling ordinance.
- Jan 30 Planning & Zoning Mtg: Vet the enabling ordinance.
- Feb 11 TC Mtg: Second reading of enabling ordinance and First reading of a downtown BID creation ordinance.
- Mar 11 TC Mtg: Second reading of the downtown BID creation ordinance and the intent to assess a special assessment and prepare the preliminary assessment roll resolution.
- A referendum of property owners to be conducted within 120 days.
- 5 days to present vote results to TC.
- 30 days for the TC to appoint a BID Board.
- Setting a time and place for the special assessment to be heard resolution.
- The BID is then created upon affirming the majority vote.

The 2nd reading of the enabling ordinance and the 1st reading of a downtown BID creation ordinance are on the February 11, 2014 Town Commission Agenda. **Action Item**

Tentative Sign Code Review Timeline

March: DVAC
May: P&Z/Commission Joint Meeting
July: DVAC
October: Commission
October: P&Z
December: Commission

Next month DVAC will have a discussion item on a possible color palette for downtown as suggested by the Planning and Zoning Board.

10. Sidewalk Ordinance Implementation

Current Status: The Town has received the signed copies of the Sidewalk Café Agreement with FDOT. The Building Department will oversee the roll out and management of this with the assistance of Code Compliance and TEDACS. Door to door outreach is set to begin the week of February 3, 2014.

11. 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 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.

At its October meeting, the Commission provided direction to move this process forward including:

- Acknowledging the parking deficiencies in the business district; (shortage of parking spaces presents unacceptable conditions for business and customers and needs a comprehensive solution).
- Supporting the outreach effort to develop a final report to be prepared no later than April 1, 2014 containing: detailed recommendations on parking facility improvements to address deficiencies including location; financing options and construction timeframes.
- Recognition that the Commission retains the ultimate decision making authority in how the recommendations of the report are implemented, including method of approval.

On December 18, a Community Dialogue was held as part of the outreach. This meeting was posted on the Town's website Meetings and Community calendars, was mentioned as part of the Mayor's Community Notes at the televised Town Commission meeting on December 10, was the main focus of the Town Manager's message in the December Gazette, sent out as a website eblast and went to all committee/board members asking them to disseminate the information to their community networks. There were over 35 in attendance.

The Town Manager discussed the study and various proposals to address the parking shortage. The majority in attendance expressed their support of the Town proceeding in the most expeditious manner to build a structure. One person in attendance advocated for a referendum on the issue. There was a favorable response to a possible solution at the Town Hall/Community

Center Municipal complex and there was support for more than one structure. As many felt that a private, public partnership for the 94th Street lot was a viable idea, there was equal support for something at the Abbott lot as well as the Post Office lot. There were a few residents who expressed their opinion that there is not a need to address the parking situation as they feel the need does not exist. The Town Manager is meeting individually with these residents to further the dialogue and address their concerns. Concerns/input received related to beach parking, no additional resident taxation, traffic flow and impact to the homes on Abbott Avenue.

The report will be presented by the April 1 due date.

12. Five Year Tourism Strategic Plan

Current Status: Staff is working on implementing the first year identified in the plan (FY 13/14). The Tourist Board finalized the ethics, conflict of interest, policies and procedures as well as governance policies. Along with suggested changes to the Town's Resort Tax Ordinance, these items are on the February 11, 2014 Town Commission agenda. **Action Item**

INFRASTRUCTURE AND UTILITIES

13. 95th Street End Project

Current Status: The project is about 95% complete. Pavers were cleaned and sealed. Plantings and mulch were installed around the medjools. The remaining work involves the installation of the street lights and bollards which is scheduled for February 14. A meeting on site for the Phase 2 (east of the bulkhead) is scheduled with DEP for the third week of February to finalize the permit requirements needed to proceed forward with Phase 2.

95th Street looking east from Collins Avenue:



14. 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, Mayor Daniel Dietch, Donald Nelson and the former Town Manager 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 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, Town Manager Michael Crotty discussed with Commissioner Heyman establishing a meeting to follow-up on sanitary sewer issues. 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. Miami Beach will be encouraged to partner with the Town and our adjoining communities as we approach Miami-Dade regarding the possibility of a north force main. This enhancement would be a significant “back-up” for Miami Beach. 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 was held with DERM on August 29 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. Town staff discussed with DERM representatives the contemplated north force main project; benefits to be derived and possible approaches to achieve this objective. Miami Beach officials have been initially approached to discuss the north force main project and determine their interest in participating with the County in this dialogue. Additional dialogue will occur with the Manager's Office, Utilities and Economic Development staff.

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

Current Status: See CGA monthly report in the Commission agenda packet for the status of the Water/Sewer/Storm Drainage Project.

16. Seawall Project

Current Status: Miami-Dade County Regulatory and Economic Resources (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 US Army Corps of Engineers (USACE) permit was obtained in late February 2013 and the FDEP permit was obtained in April 2013. The SFWMD and RER final permits have been received. The Town received final authorization from Florida Inland Navigation District (FIND) and the Commission approved a resolution to allocate the Town's matching funds at the December 2013 Commission meeting.

At the January, 2014 meeting, the Commission again stated its support of the original implementation schedule and its desire to replenish the reserves during the FY 14/15 budget process to replace the amount of the reserves utilized on the seawall project as the source of the Town's local match (\$494,445). CGA anticipates being out to bid in early March. CGA has been requested to include in the specifications that it is the preference of the Town for the selected contractor to make available to residents the "unit prices" of the contract in order to provide residents an opportunity to undertake private seawall replacement at what should be reduced unit prices as the contractor will already be mobilized in the area. Finally, Staff met with PACE Program staff regarding financing opportunities for residents.

17. Beach Renourishment

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 re-nourishment program. A meeting was held with Miami-Dade County staff on December 20, 2012 and the County accepted responsibility for coordinating the re-nourishment. Town Staff will be kept updated as Miami-Dade County moves forward with any re-nourishment 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 re-nourishment 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 re-nourishment will be depleted.

The Corps began an outreach pertaining to their planned sand source study (Contract J: tentative date August, 2014). The study attempted to locate compatible sand (non-County borrow area) for future projects and the initial findings indicate that the sources of compatible sand is located north of Miami-Dade as far north as Martin/St. Lucie counties.

Brian Flynn, Special Projects Administrator, Miami-Dade DERM is confirmed for the March, 2014 Commission meeting to present an update on the Sand Source Study and for the next County's beach renourishment project coordinated by Miami-Dade which is Surfside in 2015!

18. Surfside Community Center Dune Renourishment Project

Current Status: Public Works in conjunction with the Youth Environmental Alliance Group have partnered for a Dune Restoration Project to be held on March 15, 2013 from 9 am to 12 pm just southeast of the Community center. The purpose of the project is to create an awareness of the importance of preserving and restoring our dunes. Renourished beaches protect sea turtle

nesting areas and counteract beach erosion negative impacts. Lee Gottlieb has been a tremendous wealth of knowledge and help with putting this together and we look forward to similar yearly projects like this initial effort.



The following notice was included in the February Gazette:

The Town of Surfside and Youth Environmental Alliance
Invite you to participate in

Re-nourish the Beach

Surfside Community Center Dune Restoration Project
On the beach at the Community Center • **Saturday March 15, 2014** • 9 a.m. to 1 p.m.
Volunteers Needed for Sea Oat Planting and Dune Clean Up

Help restore and preserve our precious beaches and protect nesting areas for sea turtles!
Bring water, gloves and sea oats will be provided.
Wear closed-toe shoes, comfortable, breathable clothing, sun block and hat.
Bright Futures community service credit available for volunteering.
For more information contact Tim Milian, 305-866-3635
For more details, please contact: lee@yeafrog.org or call 954-684-0609

Thanks to Lee Gottlieb and Public Works Director Joe Kroll for coordinating this event.

19. 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 was held with FDOT District Engineer Gus Pego and he 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 Mr. 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.

In November, correspondence was sent to FDOT District Secretary Gus Pego requesting FDOT undertaking a study re-establishing this crosswalk and the resulting pedestrian, traffic and safety impacts.

The Town received a response from Omar Meitin, PE, District Traffic Operations Engineer for FDOT in response to our November correspondence as follows:

“Regarding your request to re-establish a pedestrian crosswalk at the south side of Harding Avenue intersection, our office has evaluated this proposal several times recently. In 2005, FDOT removed the crosswalk to avoid conflicts with a second eastbound right turn lane, which was implemented at this intersection to ease traffic congestion.

Our studies have shown that there continues to be heavy demand for eastbound right turns at this location and that re-establishing the crosswalk on the south side of the intersection will require removing the second right turn lane as well. Essentially, this proposal will revert to conditions prior to 2005 modifications, which caused undesirable congestion and neighborhood intrusion. Therefore, we do not favor this option.

As part of our studies, we analyzed crash data. Our analysis indicated that there were 2 pedestrian/bicycle accidents between 2009 and 2011 at this intersection, but neither was attributable

to the absence of a crosswalk on the south side of the intersection. No conflicts between pedestrians and vehicles were observed during our studies either."

In reviewing this issue with the Police Chief, the Chief indicated that he also does not favor re-establishing this intersection.

As part of the Harding Avenue Streetscape project, we are having fabricated an architectural feature to be included in the planting enhancements at this location (on both sides of Harding adjacent to the two bank locations) which will serve as a barrier to prevent pedestrians from crossing at this unauthorized/unsafe location and at the same time protect the landscaping enhancements in this area.

Staff considers this item complete and will be removed from the Manager's Report following this month's report.

20. 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. The Resolution adopting the Five Year Capital Parks and Recreation Plan was approved at the September 17 Commission meeting. Also, the resolutions authorizing engineering and architectural services have sunset and will need to be reviewed.

Finally, since this project contains varied components (structural analysis of an existing facility to determine expansion capability; public outreach to determine features to be included; design and permitting, bidding and construction services) the option of competitively selecting a firm which would be retained for "design build" or "best value". Based on demands of existing projects, Staff has identified an initial report to the Commission in the May timeframe following the completion of the Parking Structure Report/Recommendation due April 1.

21. Tennis Facility

Current Status: The renovation of the courts and lights was completed as of January 27, 2014. The final walk thru was held on January 31, 2014 with only minor punch list items. A soft opening will be the week of February 3, 2014. Staff is working on the overall programming of the Tennis Courts to include court fees along with tennis lessons. This process has included input from the Parks and Recreation Committee and will be completed by March. With the opening of the Tennis Center this project was completed on time and on budget. A formal grand opening / dedication will be done when landscaping around the Center is completed. An estimated time frame will be late February. Thanks to Parks and Recreation Director Tim Milian and Stacie Barrett, Parks and Recreation Supervisor for making this project flow smoothly and professionally. Also thanks to the Parks and Recreation

Committee for their time and commitment and for moving this up as a priority on the Five Year Capital Improvement Plan.



22. Biscaya Drainage

Current Status: At the November 2013 meeting, the Commission approved the Biscaya Drainage Project in the total amount of \$230,858.81 with a substantial portion of the project being completed by Public Works thus reducing the cost of the project by approximately \$90,000. The “in-house” capability to undertake this project is due to the acquisition of the front loader/back hoe funded in the FY 13/14 budget. The savings to the Town by using Public Works to undertake the project exceeds the purchase cost of the front loader/back hoe.

The project will increase the outfall culvert size (pipe diameter) through replacing the existing outfall running north-south which discharges into the northern canal opening.

This design option will serve to provide increased storm water run-off conveyance and an increased level of service for the affected / identified portion of road Right-of-Way. It is anticipated that using 18” and 24” diameter piping for replacing the existing longitudinal drainage culverts in this area will increase the outfall capacity to meet the 10 year – 1 day rainfall event (meeting Miami-Dade County standards) for the contributing Right-of-Way area and crown of roadway protection. The hydraulic capacity of the pipe size increases shall be verified for the 3 year - 1 hour storm event. Additional elements to be incorporated into the project include adding manatee grates on the islands three outfalls, and installing backflow prevention devices on the three outfalls.

The proposed design will include backflow prevention devices to be installed on the island’s three outfalls. These devices are intended prevent tidal water from backing up into the roadway drainage system and subsequently onto the roadway surface through the existing drainage catch basins during extreme high tide events. The current proposal would utilize a single backflow prevention device (in-line or sea wall mounted check valves including but not limited to a duck bill/Red Valve, Tide Flex or flap gate) on each of the three outfalls.

Based on additional input received, consideration of a second (redundant) in-line check valve or manually operated secondary devices such as sluice gates or control valves will be investigated for inclusion in the system design, and will be cost analyzed.

When the Commission approved the project, Staff was requested to meet with Biscaya residents to ensure on-going communication throughout the project.

A meeting was held on November 26 with residents of Biscaya to discuss the project. The following was discussed:

1. Town's approach in planning and addressing the drainage issues including options considered; cost considerations; permitting requirements/variance for upsizing pipe; and safeguards included in the project to address water rise from high tides.
2. Estimated timeframes for the project.
3. Question/Answer session with residents. Resident concerns centered primarily with the impact of water rise/tidal action and the importance of regular maintenance to help offset this impact.
4. Future communications and meetings regarding the project including sending an invitation to residents to attend the pre-construction meeting--estimated to be during May.

The meeting was attended by 5 Biscaya residents and attending from the Town were the Mayor; Town Manager; Public Works Director; and representatives from CGA (Chris Giordano and Bob McSweeney, P.E.).

The plans have passed the 30% QC review (which are now under review by the utilities) and the team is now completing the 60% drawings.

The second neighborhood meeting will be held in the Commission Chambers on Thursday, February 6 at 7:00 pm.

23. 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.

24. Town Hall and Tennis Hut Improvements

Current Status: Recently, the Police Department floors in certain areas were replaced and during this process mold was discovered under the old tile. Prior to the floor replacement, the Chief reported complaints from personnel about excessive coughing and watery eyes. In response to the personnel

input and the identification of apparent mold during the floor replacement, an environmental company was retained to perform an indoor air quality test in Town Hall and at the tennis hut (which also previously had substantial water intrusion).

The testing was performed in early December 2013. A report by CIH Environmental Solutions Inc., has been submitted detailing several locations in Town Hall and tennis hut that were infected with mold and bacterial spores that needed to be removed.

As background information, Town Hall has been experiencing water intrusion from the roof and/or A/C units for several years and this leakage is the main contributor for the presence of mold. The Town has made numerous attempts to rectify these problems with patching areas of the roof and most recently recoating the roof last year and relining the A/C pans which are located on the Town Hall roof. With all these repairs being done we are still experiencing leaks during rain events. These efforts over the past years have proven to be relatively unsuccessful. Prior to the installation of the new roof, the tennis hut experienced similar prolonged exposure to water intrusion.

The following is a summary of the findings/recommendations from CIH Environmental Solutions report:

1. Correct the water intrusion areas affecting the areas of concern in Town Hall, Police Station and tennis hut.
2. Room 129 (Police Chief) remove west wall gypsum board below the window and replace.
3. Replace water damaged ceiling tiles on the second floor hallway.
4. Room 226 (Code Enforcement) replace water damaged tile, replace affected carpet and replace damaged A/C insulation.
5. Training room replace water damaged tile and A/C insulation.
6. Treat and remove mold infested areas at appropriate stages during repairs.

Tennis hut:

1. Remove all baseboards and gypsum board at least the bottom 2 feet on the east and north walls and replace.
2. Clean and sanitize the wall mounted A/C unit.
3. Replace carpeting.
4. Remove the south and west gypsum board below the windows.
5. Remove the ceiling gypsum board.
6. Treat and remove mold infested areas at appropriate stages during repairs.
7. Remove and replace windows to impact glass.

[Note: This option will harden the building and improve its ability to better withstand storm events.]

Following review, Staff is proceeding with a proposal for the Commission's consideration including:

1. The Town Hall roof is flat and drains to the middle with down spouts that drain thru the middle of the building which leak. To fix this Staff is recommending to re-roof that section with a

built up roof system that will drain the water off to one side which will eliminate any standing water and give Town Hall some insulation.

2. The A/C units are scheduled for replacement 2014 (2 units) and 2015 (3 units). The existing units are experiencing excessive deterioration in all areas of the units. Water intrusion is continuing through the bottom of the pans despite applying an epoxy coating on them on at least three occasions. A proposal is being prepared to eliminate the five (5) independent units and replace with a chiller system. This type of system will be more efficient and economical than the current units and will serve Town Hall's 18,000 sqft much more efficiently. The savings on energy to operate this type of system will be substantial. This system should pay for itself in several years as a result of energy savings. Also, this system will eliminate five (5) roof mounted A/C units which are currently exposed to the elements of a corrosive ocean environment.

[Note: To move forward on #1 (roof) and #2 (chiller), professional assistance (architectural/mechanical and engineering) will need to be obtained to analyze this recommendation; prepare roof design; and engineering of chiller unit. A cost study will be included to illustrate pay-back on the cost of a proposed chiller system].

3. The tennis hut roof was replaced several years ago and the water intrusion has stopped. The solution to remove the mold in the hut will involve replacing the walls and ceiling areas infected. Proposals/quotes are being solicited from HEPA certified contractors for the tennis hut remedial work.

Staff will provide regular updates.

PLANNING, ZONING AND DEVELOPMENT

25. 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, Town Attorney Linda Miller and former Town Manager on March 1, 2013 to further refine the voluntary proffers. A DRG meeting occurred on July 18, 2013 and additional comments were discussed. A meeting was held on September 12, 2013 between the Shul and Town representatives to continue the dialogue.

A Development Impact Committee meeting was held on October 17, 2013. Initial conditions were discussed, but no items were brought to closure. A main topic of discussion was the alley between 96th Street and 95th Street. The Town expressed concerns relating to pavement quality, drainage, undergrounding the utilities, potentially moving and/or upgrading the water/gas lines in the alley, requiring easement (if necessary) for the transformers and providing lighting. The applicant will need to prepare a study describing the improvements needed in this alley and fund the cost of the

improvements. Also discussed in length are the parking concerns. The applicant's proposed site plan is deficient by approximately 100 parking spaces on site. The Code permits both off-site parking, if there is adequate parking within 300 feet of the property, as well as contributions to the Downtown Parking Trust Fund. The applicant indicated at the DIC meeting that they would be proposing to park in a portion of the required parking in the Bal Harbour Shops and a portion of the required parking would be a payment into the Parking Trust Fund. They also indicated a desire to park in Bay Harbor for special events. Staff requested a full operations plan to review the full scope of the applicants request.

Bal Harbour has completed an analysis of the available parking in the Bal Harbour Shops, which indicates there is not adequate capacity at the Shops to accommodate 100% of the Shul's off-site required parking needs. Another follow up meeting occurred on December 11, 2013, where the applicant concluded they will not request off-site parking and instead request a payment into the parking fund for 100% of their parking deficiency. The second Development Impact Committee meeting occurred on January 9, 2014 to confirm all proffers.

The application is scheduled for the February 27, 2014 Planning and Zoning Board Meeting.

26. Massing and Zoning Discussion

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 have been discussed at the August Planning and Zoning Board meeting. The Planning and Zoning Board has asked staff to look at side setbacks as a percentage of the lot width to increase the current setbacks, removing the side setback requirement, require parking below grade, requiring building lengths to be no greater than 150 with 30 feet of separation, explore breezeways and consider building platforms no greater than 30 or 40 feet in height without a break similar to the conditions at the Surf Club.

A presentation with follow-up discussion was made at the October, 2013 Planning and Zoning meeting. Staff prepared rendering for the December 19, 2013 Planning and Zoning Board meeting demonstrating three options for building length modification. The renderings demonstrated that the building separations were not adequate for meeting the intent of the board, therefore staff is working on revisions to the renderings and language for the ordinance, which will be presented at the February Planning and Zoning Board meeting.

TOWN COMMISSION

27. Legislative Priorities

Current Status: The Commission adopted its 2014 Legislative Priorities at the January Commission meeting. Top priorities included securing a reduction in the interest of the State Revolving Loan for the Water/Sewer/Storm Drainage Project and to again secure funding for seawalls in the amount of \$75,000 which had been included in the legislatively approved budget but vetoed by the Governor.

28. Charter Review Board

Current Status: The Charter Review Board scheduled a televised Public Meeting in the Town Hall Chambers for February 18, 2014 at 7:00 p.m. to provide the Public with an opportunity for comments on Phase One – Election Issues for the Charter Review process. An additional meeting is scheduled for February 24, 2014 at 5 p.m. in the Manny Crawford Conference Room.

TOWN DEPARTMENTS

Town Attorney

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

Current Status: On January 30, 2014, the Town Attorney and Building Official conferenced with Counsel for Spiaggia, Howard Weinberg, Esq. and the Town's Building Official confirmed the number of units and bedrooms in the building has been verified. The calculated number of parking spaces stands at 178 required spaces and, as per the telephone conversation with Mr. Weinberg, the plans from designer Kobe Karp should be submitted to the Town in approximately three weeks.

Building Department

30. FEMA National Flood Insurance Program (NFIP)

Current Status: The commentary provided to the Town of Surfside CAV 5.27. has been addressed and re-submitted to Dr. Prasad Inmula, DHS FEMA Region IV, Atlanta. We are cautiously optimistic that having responded specifically to each comment that the CAV will be closed and the Town of Surfside be fully re-instated in to the National Flood Insurance Program.

31. Community Rating System (CRS)

The second and final meeting of the Program for Public Information is scheduled for February 15, 2014 in which staff and volunteer committee members will define the Community Rating System program for the Town of Surfside. Current information has been obtained in a communication with Heidi Liles, CFM, ISO/CRS Specialist in regard to present workloads and scheduling at ISO for the year 2014. Staff has been working with Mr. Earl King, Vice-President of CRS Max Consultants, Inc. to complete the Town's application and file by May 1, 2014 submitted to the ISO office. ISO will then review and complete their inquiries by August 1, 2014 and submit the file for ranking by the CRS committee. The ranking results are expected by May 1, 2015. This schedule is due to the recent adoption of a new CRS manual which requires all participants to provide information and re-submit their applications for ranking.

32. Forty Year Building Certification - Collins and Harding Avenues

The current status of the 40 Year Building Certification Program is making steady progress toward completion as follows:

Reported certifications: 111 in present case file

Completed certifications: 33

Time extensions granted: 6

Exempt from Certification: 2

Vacant commercial properties: 11

Sent to Code Enforcement for non-compliance: 4

Code Compliance Department

33. Code Compliance Priorities

Current Status: A Town Commission Special Meeting was held November 7, 2013, and a total of 35 priorities were established for Code Compliance. A summary of the results from that meeting was prepared for the December 10, 2013 Commission meeting, along with recommendations for compliance periods prior to imposition of civil penalties, and fine amounts, but the item was deferred. A summarized report was presented at the January 14, 2014, Commission meeting, and the Administration was asked to bring the compliance periods and fine schedule back in the form of a resolution. The resolution will be presented at the March Commission meeting as extensive review/research is necessary as the current code contains an extensive fine structure and it is necessary that the proposed resolution eliminates any conflicts or inconsistencies.

34. 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. A 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 were originally to be provided at the November 7, 2013 Town Commission Special Meeting on Code Compliance Priorities, but due to time constraints was not pursued at that time.

35. Short Term Rentals

Current Status: Options/recommendations on short term rentals were provided in the Code Compliance Report at the June 11, 2013, Town Commission meeting. This item was also incorporated in the Code Compliance priorities discussion at the November 7, 2013 Town Commission Special Meeting and addressed, and also included in the Commission Communication Report submitted on December 10, 2013.

36. Sight Triangle (Hedges) and Corner Visibility

Current Status: On August 20, 2013, Staff met with Miami-Dade County Traffic Engineer and looked at several intersections in the single family residential neighborhood. After much discussion, the County's position was that the Florida Green Book was the required minimum standard for all municipalities. The County recommended adoption of same into Town Code. Based on the discussions, it appears that compliance with Green Book requirements may not be easily attainable Town-wide, as many corner properties (due to limited width of easements and lack of sidewalks) may not be able to meet the minimum standards. These minimum standards include multiple "sight triangle" scenarios, some that address minimum sight clearances immediately after stop signs, as well as others that address visibility clearances that are related to cross traffic which are based on speed limits. It was also confirmed that many property owners have planted hedges and shrubs in the easement (in many cases, right up to the curb) that also hinder visibility. It was recommended that the most easily achievable resolution to compliance was to cut the hedges and shrubs back. Additional issues were also identified by County staff, such as the traffic circle at 95th & Byron, 4-way stop signs, stop sign locations, and speed limit signs, some of which may have been placed without County review or authorization. A follow-up report will be presented at the October 8 Commission meeting. With regard to the existing cases, as directed, lien releases were provided in all cases where compliance had been attained. A lien release was also provided to one non-compliant case after the administratively mitigated hearing and administrative fees were paid. Only one non-compliant case remains unresolved, as the resident has yet to pay the reduced fees. A Town Commission Special Meeting to discuss future policy and available alternatives to the corner visibility issues had been scheduled for December 12, 2013, but was subsequently cancelled due to lack of a quorum. The Special Commission Meeting was rescheduled to February 4, 2014; however, this Special Meeting had to be cancelled due to a lack of quorum.

Finance Department

37. Online Bill Pay

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 July 1, 2013. SunTrust Bank provides daily notifications to the Town on customer accounts that have been paid by credit card.

The online payment of water, sewer and storm water bills by electronic check (e-check or transfer of bank funds) will be operational in February 2014 by SunTrust Bank, Municode (utility bill preparer) and CBoss (credit card processor who will also be the processor for e-checks).

38. Certificate of Use (CU) /Local Business Tax Receipt (LBTR)

Current Status: All businesses have renewed their Certificates of Use & Local Business Tax Receipts for the current year -- a collection rate of 100%! Great job by Gisella Sanchez and the entire staff of the Finance Department.

39. Certificate of Achievement for Excellence in Financial Reporting for Comprehensive Annual Financial Report (CAFR)

Current Status: The Town of Surfside has been awarded the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2012. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting. The Certificate of Achievement is awarded by the Government Finance Officers Association and is presented to only 3,908 of the 36,010 total governmental units nationwide. This is the third year that the Town has submitted and received this prestigious award. The preparation of the annual CAFR would not have been possible without the dedicated staff in the Finance Department. Mayor Dietch presented the certificate to Finance Director Donald Nelson and Controller Mayte Gamiotea at the January Commission meeting. Item complete.

40. IT/Channel 77 (SCALA)/Video Streaming/Communication/Mobile Application/ERP/Online Agenda Packets (Bookmarks)

Current Status:

1. Bookmarks and file size of Agenda Packets
 - a. Bookmarks were enabled for all future Agenda Packets uploaded to the internet.
 - b. Training provided on how Agenda Packets can now be saved as a reduced file size. This will increase the download time when trying to open Agenda Packets over the internet.

2. Agenda / video integration – indexing Agenda Packet Items with video. This will enable residents to fast-forward video to a specific Agenda item in a pre-recorded meeting from the internet.
 - a. The Town currently has the software in place to index the video with specific Agenda items through E-Cities.
 - b. The Town Clerk will begin the indexing process manually by jotting down the time the Agenda item was discussed during the next meeting. The Clerk would then index the video after the meeting is adjourned.
 - c. Representatives from E-Cities will provide training on the how to use the video indexing software.
3. SCALA – Channel 77 content
 - a. Ideas were discussed on how to create uniform, branding style templates to be used specifically by Town departments when new content is posted on Channel 77.
 - b. Graphic templates are being prepared for a meeting in January to review the design to be used for different event types and the new graphics will be in use March 1.
 - c. SCALA will be operational in January, 2014.
4. SeeClickFix and CitySourced Application DEMOs (mobile apps)
 - a. DEMOs on the following were conducted on November 25:
 - SeeClickFix
 - CitySourced
 - b. For determination of successful integration of ERP systems with specific mobile app. IT Staff and Town Staff have seen the DEMO for each product and has recommended SeeClickFix
 - c. Last action item: The SeeClickFix contract signed and staff training in process. SeeClickFix to be up and running by mid-February.
5. ERP – project goals are to find a qualified Vendor that will meet the Town's enterprise-wide operational needs for all departments
 - a. Item discussed - Conversion of existing data is a priority. Department Heads will be again provided with functional requirements.
 - b. April 1st RFP deadline. [Note: \$13,190 was budgeted in FY 13/14 for ERP. This represents the cost of the planning analysis and preparation of specifications for systems upgrade. The cost of system upgrades has not yet been determined but the costs will be significant. Implementation of the ERP will be submitted as a Program Modification for the FY 14/15 budget].

41. Tourist/Resort Tax Audit

Current Status: There are currently three businesses that are behind in their monthly payment of Tourist/Resort Tax, two businesses are making payments and the other is in the process of complying through Code Enforcement. The Finance Director and Staff are working with the businesses to ensure compliance. If payment is not received, these businesses will go through the Code Enforcement process and the Special Master hearing if necessary.

Parks and Recreation

42. Beach Management Agreement

Current Status: Over the past 18 months, Staff has been working with representatives of Miami-Dade County to enter into an agreement allowing the Town to undertake beach management issues pursuant to Section 161.201 Florida Statutes which provides the policing authority to the County. FDEP reported on April 23, 2013 that the Joint Coastal Permits which are issued to the County "allow additional influence over the management of this area".

Following receipt of the FDEP letter, Town Staff (Town Attorney, Parks and Recreation Director and Town Manager) met with John Ripple of Miami-Dade Parks, Recreation and Open Spaces Department to outline the framework/conditions of a beach management agreement. Mr. Ripple forwarded this to the County legal department.

Since mid-2013, any progress on implementing a management agreement has been stalled as the agreement has not moved forward from the County legal department. On February 3, 2014, we were informed by Miami-Dade County that their legal department has reviewed the letter from FDEP. After legal review the County has stated they are not in agreement with the FDEP interpretation of Florida Statutes Section 161.201. The County is now requesting clarification from the State on Statute 161.201 to move forward with entering into a beach management agreement with local cities and towns. The County does not feel that the statute clearly gives the County policing authority of the beach and is contesting this. Any type of beach management agreement between the Town and the County will not move forward until this item is resolved.

Having just received the response from the County on February 3, Staff will discuss the appropriate strategy going forward and present a follow-up verbal report at the meeting.

43. 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 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 has started on Phase III of the repairs and continues to move forward

and the water playground continues to remain open. Completion of Phase III and the project will be done by the end of February 2014.

44. 96th Street Park Parking Review

Current Status: A proposal was requested by the Vice Mayor to review the possibility of providing head in parking along Bay Drive in front of the 96th Street Park. This would include the addition of 7 to 9 more parking spots. This would also require moving the park fence back (west) 10 feet along the front end of the park. Staff including the P&R Director, Police Chief, Town Manager and Public Works Director met to review the proposal. It was discussed that this would eliminate approximately 900 -1,200 sqft of green space at the Park. It was also noted that Miami-Dade County Road and Traffic possibly would not approve any type of head in parking that would require backing into oncoming traffic. Staff noted that the 96th Street Park Master Plan will be presented as a Program Modification for the FY 14/15 Budget, which might be the appropriate time to consider the proposal as all aspects of the Park will be considered during the development of a Master Plan. This item will be presented to the Parks and Recreation Committee during its February 10, 2014 meeting.

45. 96th Street Park Conduct Issues

Current Status: A request was made by the Town Commission to review with the Parks and Recreation Committee the concern or the perception of ongoing behavioral issues at the park. Police Department and Parks and Recreation Staff met to review the issue. This will be an agenda item for the February Parks and Recreation Committee meeting.

OTHER DEPARTMENTAL PROJECTS/ISSUES

46. Architectural; Engineering and Grant Writing Services

Current Status: The Commission authorized the advertisement for RFQ/RFP for engineering, architectural and grant writing services at the January meeting. The Pre-Submittal conference is scheduled for March 14 and proposals must be received by April 4. The current schedule is to present the Staff's rankings to the Commission in May.


Respectfully submitted

by: 
Michael P. Crotty, Town Manager



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

TO: Town Commission

FROM: Linda Miller, Town Attorney 

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

DATE: February 11, 2014

SUBJECT: Office of the Town Attorney Report for February 2014

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

January 13, 2014	Parks and Recreation Meeting
January 14, 2014	Town Commission Meeting
January 21, 2014	Charter Review Board Meeting
January 22, 2014	Special Master Hearing
January 27, 2014	DVAC Meeting
January 30, 2014	Planning and Zoning Board Meeting
February 3, 2014	Tourist Board Meeting
February 3, 2014	Charter Review Board Meeting
February 10, 2014	Parks and Recreation Meeting
February 11, 2014	Town Commission Meeting

Ordinances prepared and reviewed for Second Reading:

- Amending Future Land Use Element of the Comprehensive Plan
- Garage Door Modification
- Setbacks in H120
- Prohibiting Live Animal Sales
- Business Improvement District Authorization

Ordinances prepared and reviewed for First Reading:

- Amending Chapter 54 Prohibited and Restricted Noises
- Allowing installation of electric vehicle car charging stations
- Amending Resort Tax Board
- Amending Planning & Zoning Board Membership to Reinstitute the Design Review Board and allow for an appeal process of any DRB decision

Resolutions prepared and reviewed:

- Approving FOP Agreement

Town Manager:

- Finalized RFQ Architectural, Landscape and Engineering Services and RFP Grant Writing
- Attended “Triad Meetings” with Town Manager, Public Works Director, Building Official and Code Enforcement Director
- Review of conditions of approval on all ongoing projects
- On-going review of Shul plans/conditions
- Review conditions for Grand Beach compliance
- Continued follow-up for preparation of massing and zoning issues
- Continued follow-up with Code Enforcement regarding code compliance issues
- Continued follow-up Spiaggia parking space requirements
- Continued follow-up issues regarding parking issues
- Ongoing review of 9200 Collins Avenue hotel project
- Ongoing research for dock issue and revisions to Code.

Town Clerk:

- Review and opine on Charter issues
- Research election issues
- Research Florida Statute for election laws
- Opined on Notice requirements
- Review updated ethics law requirements
- Review election/ballot notice requirements
- Review and follow up for public records requests
- Follow-up research for Sunshine Law issues
- Research issues related to Canvassing Board membership

Charter Review Board:

- November 14, 2013 - Prepared Agenda and documents for initial orientation meeting.
- December 2, 2013 - Prepared and discussed: Phase I and Phase II Charter Review.
- December 16, 2013 – Prepared and discussed: Election related Charter provisions.
- January 6, 2014 – Prepared and discussed: Qualifications for Office, Vacancy on Commission, Induction into Office, Vacancy in Candidacy, Qualifying for Elected Office, and Canvassing Board.
- January 21, 2014 – Prepared and discussed: Vacancy in Candidacy, Staggered Terms; Run-off Election.
- February 3, 2014 – Prepared and discussed: Vacancy in Candidacy; Vacancy on Commission; Qualifying issues: 1) Fee and Petition methods, and 2) Alternative: Retain/amend existing Petition method only; Four Year/Staggered Terms: 1) Term increase/staggering applicable to Mayor and Town Commissioners and 2) Increase in term applicable only to Town Commissioners; also, selection of Vice-Mayor by Commission; Run-off Election and Initiative and Referendum Petitions.
- Tuesday, February 18, 2014 - next CRB meeting will be a televised Public Meeting scheduled at 7:00 p.m. in the Town Hall Chambers. The purpose of this meeting is to provide the Public with an opportunity for comments on Phase One – Election Issues for the Charter Review process.
- Monday, February 24, 2014 at 5 p.m. in the Manny Crawford Conference Room at Town Hall - final CRB meeting for Phase I.
- Tuesday, March 11, 2014 – Presentation to Town Commission of CRB Final Report on Phase I.

December 19, 2013 Planning and Zoning Board:

- A. Request of the Owner of Property located at 9308 Harding Avenue to build a new single family residence
- B. Request of the Owner of Property located at 9530 Harding Avenue to remodel an existing storefront
- C. Request of the Owner of Property located at 9472 Harding Avenue to install a new canvas awning
- D. Request of the Owner of Property located at 9445 Harding Avenue to install a new canvas awning
- E. Request of the Owner of Property located at 9380 Collins Avenue to renovate a sales center

Discussion items:

- A. Dock located in channel
- B. Planning and Zoning membership
- C. Update on turtle lighting
- D. Future Agenda Items
- E. Update on Noise Ordinance

Building Department/Code Enforcement/Planning:

- Follow-up preparation of construction noise ordinance
- Continued followed up with Building Official regarding FEMA for follow-up for CAV response
- Continued follow-up meetings with Town Administration regarding code compliance issues and sight triangle hedge violations
- Collaboration on parking alleys updates and information
- Research and review development permit language
- Research and review lien law

Parks and Recreation:

- Preparation and review for drafting of Interlocal Agreement regarding Skate Park
- Review Independent Contractor Agreement for Sports Program

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Research for preparation of BID Resolution that will establish a special assessment district area to be known as the Surfside Business Improvement District (“BID”) and authorizing the levy and collection of a special assessment for a period of five (5) years
- Preparation of Resort Tax Ordinance
- Follow up and research for Ethics operation and policy and procedures and revision to Resort Tax Board ordinance
- Continued follow-up re: post Tourist Board requests
- Continued assistance with Downtown Vision Project continuing issues
- Continued research on parking issues
- Review website issues

Public Works:

- Follow-up and research request for garbage disposal and placement of garbage container
- Review for revisions to the stormwater utility fees ordinance
- Follow up for Biscaya drainage project
- Follow up on the delinquent utility bills on 9300 Collins Avenue

Police Department:

- Follow up regarding Alfonso v Surfside Police investigation
- Follow up regarding Subpoena for records for Officer Edward Carrasquillo
- Follow up regarding Subpoena for records for Officer David Yuzuk

Florida Municipal Insurance Trust (“FMIT”) investigates claims and provides legal representation for the Town on the following matters:

1. Surfside Police Incident Report dated September 1, 2013 states that a resident was walking on the north most sidewalk in the 200 block of 93rd Street when she tripped on a raised portion of the sidewalk and fell to the ground. The Report indicates the resident sustained a contusion on her right elbow and abrasions to her chin and both knees. FMIT is investigating this matter and provided an update that the resident has almost completed physical therapy, which has been put a hold because the resident is traveling.
2. Surfside Police Incident Report dated August 28, 2013 states a resident fell in the rear of CVS (9578 Harding Avenue). The resident claims she tripped on an uneven section of the sidewalk behind the store and hurt her right knee and right hand. FMIT is investigating this matter.
3. A Notice of Intent to file suit (Alfonso v. Surfside Police) regarding an incident on November 3, 2013 with the police and Mr. Alfonso. FMIT is in the process of investigating to determine liability.

Litigation:

Legal representation is provided by the (“FMIT”) in the following matter:

Pieter Bakker vs. Town Of Surfside, a municipal corporation of the State of Florida and Young Israel of Bal Harbour, Inc. On May 30, 2012, Pieter Bakker filed a complaint in State Court against the Town which alleges counts against the Town including contract zoning, charter violations, and a request for a writ of certiorari to quash Resolution 12-Z-2078 approving a Site Plan Application to permit Young Israel to build a synagogue on 9580 Abbott Avenue. On September 30, 2013, the Court ordered this matter to be transferred to the Appellate Division. Petitioner, Mr. Bakker filed an Amended Petition for Writ of Certiorari and De Novo Complaint and a Motion for Summary Judgment. The Appellate Division issued an order for the Town and Young Israel to show cause why the Petition for Writ should not be granted. The Town filed a Motion to Dismiss the Amended Petition for Writ of Certiorari and De Novo Complaint. The Court issued an order for Respondents (the Town and Young Israel) to address various jurisdictional issues. The Town filed a jurisdictional brief and responded that Mr. Bakker failed to invoke the Circuit Court’s Appellate jurisdiction in a proper fashion with respect to the claim for certiorari relief and that the Appellate Division of the Circuit Court is entirely without jurisdiction to consider evidence and adjudicate the claims.

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.
 February, 2014

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. A Development Impact Committee meeting was held October 17, 2013. Due to the amount of outstanding items, a second DIC meeting was held on January 9, 2014. The application is scheduled to be heard at the February 27, 2014 Planning and Zoning Board meeting. The Planning Department has prepared graphics and text relating to the length of buildings which were discussed at the August Planning and Zoning Board meeting. The Board provided feedback and the item was placed back on the October 2, 2013 and October 23, 2013 Planning and Zoning Board meetings. Staff was directed by the Town Commission to prepare additional graphics to explain the concept. These graphics were discussed at the December 19, 2013 Planning and Zoning Board meeting and additional feedback was provided. A revised graphic will be provided at the February Planning and Zoning Board meeting. Planning Department Staff prepared a timeline for the items discussed at the joint Town Commission and Planning and Zoning Board meeting starting in November through April. 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. A number of ordinances have already been discussed at Planning and Zoning and will be heard by the Town Commission in the upcoming months. 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 567 days. The last downtime was for routine maintenance and occurred on July 11, 2012. IT has provided 3 quotes for surveillance cameras for the Police Department to place around the Town and is awaiting approval. The upgraded SCALA system has been installed, and IT staff has been trained as of January 3rd & 7th 2014. The Police Department has requested quotes to upgrade the ID badge card readers and software and IT is currently gathering additional quotes. Onsite IT staff will be undergoing the certification process for FCIC/NCIC in order to allow access to work on Police laptops and servers. IT is working with Public Works, the Finance Department, and SunGard on integrating the water meter reading system with billing and that should be completed by mid-February. The Finance Department and IT are working in integration between the RecTrac software for Parks and Recreation and Sungard. An upgrade of the Town's internet circuit to 50MB has been approved by the Finance Director to alleviate speed issues with Town software, VPN, video streaming, and e-mail. The IT Department will be replacing the battery

backups used in the server room, which will require after hours downtime during the replacement. A new desktop computer and printer has been provided to the Code Enforcement Department. The desktop computer for the red light camera software was installed on January 31st. The live streaming of Channel 77 on the website and mobile devices has been running since October 7, 2013. After demos and internal discussions, the Town chose SeeClickFix as the vendor for a public service request platform, and the contract has been signed and training and an initial launch should be completed by February 11th. The IT Department is moving forward on a new proposal for wired table microphones. IT has ordered a desktop computer to be used in the lobby for resident access. The IT Staff continues to receive approximately 300 support requests monthly via phone and email.

3. **Public Utilities / Engineering** – **Public Utilities / Engineering** – The status of the remaining items are as follows:

Sanitary Sewer Pump Stations - Currently functioning as designed without Town operation. Town has negotiated to have outside Contractor complete the only remaining items which are control panel/electronic reporting functions.

Sanitary Sewer Lining – Final review of all sanitary sewer mains and laterals that were either lined or replaced have been made. Contractor is grout repairing 15 areas per the engineers report review.

Funding Summary –

<u>Funding Status:</u>	<u>Amount</u>	<u>Amount Received</u>
FDEP Grant	\$873,500	\$873,500
FDEP Grant	\$125,000	\$125,000
FDEP Grant	\$100,000	\$100,000
FDEP State Revolving Fund Loan*	\$9,312,881	\$7,339,928 ***
BBC Bond	\$859,000	\$817,500 *
TOTAL	\$11,270,381	\$9,225,928

***As built have been received, which will allow Town to request final portion.**

*****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. **Town-Owned Seawall Repair** - 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 US Army Corps of Engineers (USACE), FDEP, SFWMD and RER permits were obtained. The Town received final authorization from Florida Inland Navigation District (FIND) and are presenting a funding resolution for the Town to approve matching funds at the December 2013 meeting. CGA received a response from FPL regarding the modified seawall design to accommodate the submerged crossing. CGA is now finalizing the revised plan and specs to accompany the bid package.



**TOWN OF SURFSIDE
DVAC**

**Monday November 25, 2013 – 7:00 p.m.
Commission Chambers**

Town Hall 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

I. Call to Order and Roll Call

The meeting was called to order by the Town Manager, Michael Crotty at 7:00pm

Also in attendance: Ken Arnold, Sarah Johnston, Assistant Town Attorney, Joseph Kroll, Public Works Director, Sarah Sinatra, Town Planner, Sandra Argow, Lou Cohen, Elinor Joseph, Parking Operations Manager, Chief David Allen, Daniel Dietch, Mayor, Michael Karukin, Vice-Mayor, Kevin Crowder & Chris Brown, Re-development Management Associates, Bernie Oberlender, Oberle Opticians, Henry Stevens, Downtown Property Owner, Frantza Duval, Clerk

**II. Introduction by Town Manager Michael Crotty
N/A**

III. Approval Meeting Minutes: October 28, 2013 & November 4, 2013 (Sub-Committee)

Lou Cohen made a motion to approve both the October 28, 2013 & November 4, 2013 minutes; Sandra Argow seconded the motion. The motion passed unanimously. The minutes were approved.

IV. Downtown Streetscape Update

Joseph Kroll, Public Works Director, provided an update regarding the Streetscape. The old trees were removed and relocated throughout town. All of the medjools are planted and will be untied within a week. Additional trees were planted within the pocket parks and small plantings will be installed.

95th Street Update – The drainage and curbing have been installed. The pavers are being put in and should be done by the end of next week. The trees are planted and are now complete. The Town is awaiting the light poles to complete the project. The completion date for the project is January 5, 2014.

Lou Cohen inquired if there was any work being planned in the alley behind the Grand Beach. Michael Crotty advised that there are plans for the alley, but they will not be addressed until closer to March of 2014.

V. BID Process Update

The Bid plan is complete and was presented to the Town Commission.

The next formal step is the vote of property owner to approve the BID if the Town Commission approves moving forward.

The Town Commission directed the administration to conduct a straw ballot to gauge the downtown property owner support of the BID. Kevin Crowder will provide an update on this vote at the January 2014 Commission meeting. After the Town Commission meeting, the BID could move to be ratified by the property owners.

The straw vote campaign will be done via email, door to door soliciting, and by phone calls. The information will be collected via fax, email and door to door collection.

Kevin Crowder asked the DVAC Committee to encourage business owners to engage their property owners to support the BID.

According to Florida State Statutes the BID must be approved by the property owner and not the business the owner.

Bernie Oberlender was not sure of the pros and cons of the BID.

VI. Sign Code Process Update

Ken Arnold narrowed it down to getting rid of the “cabinet signs” – rectangular signs. He advised that the signs should be lit (either with front or back lighting). Signage at the pedestrian level is needed. He also suggested having businesses add signage on the back of buildings like Starbucks.

Sarah Sinatra advised that back signage is permitted in the code.

Michael Crotty suggested having consistent markers on the pavers to locate each business.

Vice-Mayor Michael Karukin is in favor of the hanging, perpendicular pedestrian signs.

Sarah Sinatra advised that hanging signs are prohibited in some cases.

Vice-Mayor Michael Karukin advised that this should be addressed as these types of signs are currently depicted in the comprehensive plan.

Sarah Sinatra will discuss the issue further with the Town Manager.

VII. PARKING: Parking Structure Feasibility Study Stakeholder Roundtable

Chief David Allen advised that since August the Police Department, in conjunction with the Parking Department, has taken measures to prohibit construction parking in the lots. The lots are closed 6:00-9:00am to construction workers. The time limit on the parking has changed from 4hrs to 2 hrs. Car tires are being chalked and citations are being issued. Police personnel are removed from residential areas and put into the commercial district just to man the parking issue. The new measures are not necessarily deterring the workers and are not an effective use of manpower.

Bernie Oberlender advised that by 10am the commercial vehicles are back parking in the lot. There are at least 30 trucks in the lot daily. The Town should ban commercial vehicles all together.

Chief David Allen advised that he has been reviewing the idea with the Town Attorney however it may not be legal to ban specific types of vehicles.

Sandra Argow suggested that the Town provides a shuttle service for Downtown patrons from the 94th street parking lot to downtown Harding.

Chief David Allen advised that there is no space on 94th as it designated as parking to employees of the business district. There are no spaces open within the Town to host parking.

New construction projects are required to provide off-site parking for their employees/construction workers. If parking is not enforced, as per the agreement, the Town could possible stop construction from continuing.

A plan is needed in order to make it work. The business owners are frustrated with the lack of follow through of certain items - that's why there is lack of business owner presence and participation.

Ken Arnold advised that a more comprehensive plan is needed for the lots.

Bernie Oberlender suggested having a small (3 people max) Ad-Hoc Sub Committee for parking. The committee should include a business owner, a landlord, and Town Staff (possibly a Commissioner).

Mayor Daniel Dietch supports the idea of an Ad-Hoc Committee and suggests that the idea moves ahead prior to the April elections.

Vice-Mayor Michael Karukin wants feedback from the Town Attorney on prohibiting commercial vehicles in the parking lots.

The Town manager will schedule a meeting with business owners about their possible involvement in an Ad-Hoc Committee.

There will be a meeting held December 18, 2013 for residents to discuss parking.

Ken Arnold agreed to be involved in the Ad-Hoc Committee.

Bernie Oberlender inquired if it is feasible to find funding for a parking structure while the committee is being planned.

Vice-Mayor Michael Karukin advised that information regarding funding can be found within the parking study.

VIII. Action Item ~ TBD
N/A

IX. Public Comment
N/A

X. Next meeting: Monday December 23, 2013 (?)

The December 2013 meeting was canceled due to the holidays. DVAC will reconvene on January 27, 2014.

XI. Adjournment

The meeting was adjourned by the Town Manager, Michael Crotty, at 8:23pm.

Accepted this 27 day of January, 2014

Ken Arnold
Member (Print)

[Signature]
Signature

Attest:
[Signature]
Frantza Duval
Recording Clerk



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

7:00 pm

Monday December 16, 2013

Community Center
9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

The meeting was called to order by Chair, Retta Logan at 7:03pm.

Also in attendance: Arnie Notkin, Louis Agresti, Veronica Lupinacci, Tim Milian, Parks and Recreation Director, Michael Crotty, Town Manager, Eliana Salzhauer (Entered at 7:20pm), Frantza Duval, Recording Clerk, Pablo Montes, Cristian Garcia, Perry Goodman, Margaret Buchignani, Mauricio Rodriguez, Ileana Cortes

Marta Olchyk is absent with regrets.

2. Approval of minutes from 11/25/13

Arnie Notkin made a motion to approve the minutes; Louisa Agresti seconded the motion. The motion passed unanimously. The minutes were approved.

3. January & February Meeting Dates (Martin Luther King , Jr Day & Presidents Day)

Tim advised that the upcoming holidays conflict with the regularly scheduled Parks and Recreation meeting.

January's meeting has been moved to January 13, 2014

February's meeting has been moved to the February 10, 2014

4. Tennis Courts Renovation Update

Tim advised that the lights are up and ready to go, but the fence and court are not complete as of yet.

Phase 1 of the renovation is complete.

Lights are automatic and will be set by parks and recreation staff, but will be determined by the time.

Tim Milian wants to monitor the usage (by residents) of the courts after the renovations are complete between the first 2-3 months of opening.

Tim Milian also wants to expand on the youth programming on the courts.

Pablo & Cristian (Certified tennis coach) wants to work with the Town with regards to tennis programming. He wanted to know if any arrangements can be made with the Town to rent courts for a period of time to teach tennis.

Tim Milian advised that courts will be open in February and gauging the usage will be very critical to future programs and/or outside sources.

Most adult residents start playing between 9-9:30pm. The winter season is the most crowded.

Original Fee Schedule:

Three tiers of court fees:

Surfside resident 2.00 per person/per hour

Non-resident 2.50 (Dade County)

Guest \$3.00

As time progressed with storms and wear and tear of the courts residents have been playing for free within the past few years.

The money generated from the courts has gone back into the Town's General Revenue Fund.

Ileana Cortes is in favor of the tennis program.

Louisa Agresti wants to see scheduled children programming with regards to tennis.

Tim Milian advised that they would like to plan to renovate the building, but it may be done in-house by Town Staff.

Eliana Salzhauer wanted to make sure that the prices are reasonable.

The residents want to continue to use the courts for free. Is there balance that can be made for the courts?

Margarette Buchignani advised that welcome packets were originally sent out but were stop due to security concerns. She would like to bring the welcome packets back for new residents.

Adult programming is also desired.

5. Miami Beach Skate Park Update

Tim Milian and Michael Crotty have met with the Miami Beach Parks and Recreation Director. The skate park will be put on the January 15, 2014 agenda.

At least \$400,000 has been earmarked for the skate park.

87th terrace is the possible sight for the park, which is approximately 9,000sqft.

The fees will be negotiated.

The process of the skate park is a long one and will be discussed further in January.

There are plans to have bathroom facilities available at the skate park.

The Town originally approached Miami Beach Town about the lot and was then advised about the skate park.

Aside from Miami Beach fronting the land and the additional \$400,000 for the skate park, the Town is looking to contribute a community policing initiative.

The voluntary proffers are eligible to be used for anything under the five 5year strategic plan.

A strategy for operating the park was developed but jurisdiction issues come into play.

Eliana Salzhauer inquired that if sex offenders are living in an area and a park is built are they allowed to stay. Tim Milian advised that he would speak to the Town Attorney.

6. 96th street park playground equipment

Tim Milian had a company, which is on the governmental contract for pricing, come look at playground space at 96th street park.

The new equipment doesn't have a monkey bar, but the old one can be relocated near basketball court.

Retta Logan wanted to know if there were other options for the mulch. Tim advised that right now it can't be changed, but under the 5 year strategic plan will be discussed further.

Tim Milian advised that the cost would about \$19,000 with the government deal.

Eliana Salzhauer wants to Tim Milian to look at other options because she feels it look a little juvenile. She wants to know the dimension of the equipment.

Veronica Lupinacci suggested doing the rubber underneath the monkey bar under the 5 year plan.

Tim Milian advised that equipment would be in by the end of January.

Tim Milian will go back to the company and ask if other options for other equipment can be made.

Veronica Lupinacci made a motion to go with the equipment that Tim presented, Louisa Agresti seconded the motion. The motion passed unanimously.

7. Community Input

Eliana Salzhauer wanted to know if lights can be used at the pool when turtle nesting season is over.

Tim Milian advised that the option can be looked into when the second story to the community center is done/discussed.

Eliana Salzhauer wants the Town Attorney to look into the lighting at the pool.

Michael Crotty advised that there is turtle lighting available. He will report back to the Committee with additional information.

8. Meeting Adjournment

Eliana Salzhauer made a motion to adjourn the meeting; Veronica Lupinacci seconded the motion. The motion passed unanimously. The meeting ended at 8:19pm.

Accepted this 13 day of Jan, 2014

Retta Logan
Member (Print)

Retta Logan
Signature

Attest:

Frantza Duval
Frantza Duval
Recording Clerk



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD
MINUTES
DECEMBER 19, 2013
7:00 PM**

1. CALL TO ORDER

Vice Chair Peter Glynn called the meeting to order at 7:03 pm.

2. ROLL CALL

Recording Clerk Jenorgen Guillen called the roll with the following members present: Board Member Carli Koshal, Board Member Jennifer Dray, Vice Chair Peter Glynn. Chair Lindsay Lecour was absent. Board Member Armando Castellanos arrived at 7:05 p.m.

3. APPROVAL OF MINUTES: OCTOBER 23, 2013 & NOVEMBER 21, 2013

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

4. PLANNING AND ZONING APPLICATIONS:

**A. Request of the Owner of Property located at 9432 Carlyle Avenue
The applicant is requesting an addition to the property.**

Town Planner Sarah Sinatra presented the item. Applicant spoke in favor of the item.

A motion for approval was made by Board Member Dray with the following condition:

1. Overall site pervious area shall be a minimum of 35%.

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

**B. Request of the Owner of Property located at 8874 Carlyle Avenue
The applicant is requesting to install a carport and fence.**

Town Planner Sarah Sinatra presented the item.

A motion for approval was made by Board Member Dray with the following condition:

1. Reduce the height of the canopy to no more than 20 feet.

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

C. Request of the Owner of Property located at 9560 Harding Avenue

The applicant is requesting to install a sign underneath the canopy.

Town Planner Sarah Sinatra presented the item.

A motion for approval was made by Board Member Koshal with the following condition:

1. Sign shall provide at least an eight-foot clearance.

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

D. Request of the Owner of Property located at 9427 Harding Avenue

The applicant is requesting to install a permanent sign.

Town Planner Sarah Sinatra presented the item.

A motion for approval was made by Board Member Castellanos with the following conditions:

1. The sign area shall be reduced to 25 square feet.
2. No raceway, sign letters directly installed in wall face with small offset to allow for water runoff.

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

E. Request of the Owner of Property located at 9489 Harding Avenue

The applicant is requesting to install a permanent sign.

Town Planner Sarah Sinatra presented the item.

Vice Chair Glynn thought the graphics were somewhat out of proportion.

A motion for approval was made by Board Member Dray with the following condition:

1. Sign switches conduits and panel boxes shall be concealed from view.

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

F. Request of the Owner of Property located at 9513 Harding Avenue

The applicant is requesting to install a permanent sign.

Town Planner Sarah Sinatra presented the item. Applicant spoke in favor of the item.

A motion for approval was made by Board Member Dray with the following condition:

1. "Miami Forever Realty" wall sign only is approved. The additional signage is not approved.

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

5. Discussion items:

A. Frontage of buildings in the H120

Town Planner Sarah Sinatra presented some preliminary graphic designs and indicated at the next meeting she will have more detailed graphics. The Board thanked Sarah for a well done presentation as seeing graphics are a big help.

B. Dock Projections

Town Planner Sarah Sinatra presented the item and the problem writing ordinances to be consistent with State regulations. Docks are required to clear the seaweed but seaweed keeps growing and the town has previously changed code requirements to 35 feet. Staff is asking the Board to consider modifying the ordinance to 40 feet. The Board discussed the item and the Dept. of Environmental Resources Management (DERM) and Regulatory and Economics Resources (RER) requirements. Public Speaker Terry Cohen spoke on the issue.

C. Dumpster Enclosures

Town Planner Sarah Sinatra presented the item and would like to prepare an ordinance for dumpsters to be enclosed by standard masonry walls with gate. The Board discussed sizes as well as some type of embellishment to the walls so they are not just a large mass of masonry wall. Building Official, Ross Prieto spoke and answered questions from the Board.

D. Downtown Color Palette

Town Planner Sarah Sinatra presented the item and explained that it is difficult to come up with a color palette because of all the various architectural building designs in the downtown area. The Board discussed the item and agreed there has to be some guidelines and said it was a difficult task. Board Member Koshal suggested putting a limit within a color spectrum and Vice Chair Glynn said the downtown area looks worn. They discussed the possibility of requiring buildings in the downtown area to be repainted after certain intervals (3 -5 years). Public Speaker Terry Cohen spoke about keeping uniformity as well as giving business owners freedom of expression.

E. Electric Car Charging Stations

Town Planner Sarah Sinatra presented the item. The Board discussed requiring an electric car charging station in all new parking lots and new buildings as well as existing lots installing 220 volt access for electric cars. The levels of charging stations was also discussed.

6. PERMITS ISSUED AND REVENUE REPORT FOR OCTOBER 2013.

[The month of November will be delivered separately]

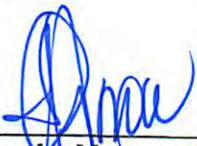
Building Official, Ross Prieto gave an updated report. Town Manager Michael Crotty said the Monthly Report has been revised and at the next meeting the Board will see a more detailed accounting.

7. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:18 p.m.

Accepted this 30th day of January, 2014

Attest:



Sandra Novoa
Town Clerk



Chair Lindsay Lecour



CHARTER REVIEW BOARD MEETING

Town Hall - Manny Crawford Conference Room

9293 Harding Avenue
Surfside, FL 33154

Monday January 6, 2014
7:00 p.m.

Town Commission Liaison: Vice Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)
Vice Chairman Marc Imberman (Vice Mayor Karukin)
Anthony Blate (Commissioner Graubart)
Terry Cohen (Commissioner Kligman)
Marty Oppenheimer (Mayor Dietch)

MINUTES

1. CALL TO ORDER

Chairman, Lou Cohen, called the meeting to order at 7:00 pm.

2. ROLL CALL OF MEMBERS

The Town Clerk, Sandra Novoa, called the roll with the following members present: Lou Cohen, Marty Oppenheimer, Terry Cohen, Anthony Blate (Entered at 7:02pm). Marc Imberman was absent.

Also in attendance Linda Miller, Town Attorney, Sandra Novoa, Town Clerk, Michael Karukin, Commission Liaison, Jean Olin, Special Outside Counsel, Michael Crotty, Town Manager, Daniel Dietch, Mayor, Randi MacBride.

3. APPROVAL OF MINUTES

Marty Oppenheimer made a motion to approve the December 16, 2013 minutes; Terry Cohen seconded the motion. The motion passed unanimously. The minutes were approved.

Marty Oppenheimer thanked the staff for sending electronic copies of the agenda.

Vice-Mayor, Michael Karukin advised that the Town Commission requested he provide the Commission at its next meeting with a status report of CRB actions to date, and requested staff to prepare it.

4. ELECTION ISSUES (JEAN OLIN, ESQ.)

Attorney Jean Olin suggested that in the future, the Town prepare a voter's guide for the residents, which would include explanations of ballot questions in order to assist the residents to understand any Charter amendments presented on the Town's ballot.

A. Qualifications for Office

The Board reviewed the proposed text and ballot question and requested that it be amended to include a specific reference clarifying that the existing Charter language, requiring members of the Commission be "qualified voters" requires such members be at least 18 years of age.

Marty Oppenheimer made a motion to amend Section 6 of charter text to include that the "the registered voter age minimum should be at least 18 years of age." Anthony Blate seconded the motion. The motion passed unanimously.

Board gave final approval of proposed amendments and ballot language, for inclusion in CRB's final report to Commission.

Board directed Attorney Olin to finalize language consistent with discussion, with no need to bring revised text or ballot language back to the Board.

B. Vacancy on Commission

Marty Oppenheimer recommended changing proposed text of Section 10 to substitute the words "Commission" for "Council", and to substitute "vice-mayor" for "assistant mayor".

Anthony Blate made a motion to accept all Charter text amendments and ballot question presented on the agenda, including incorporation of Mr. Oppenheimer's changes; Terry Cohen seconded the motion. The motion passed unanimously. Proposed text amendments and ballot question to be included in CRB's final report to Commission.

Board reiterated its direction to Ms. Olin direction regarding no need to bring revised text or ballot language back to the Board, which direction applies to all subsequent final approvals granted by CRB of Charter text changes/ballot language, said language to be included in CRB's final report to Commission.

C. Induction into Office

Attorney Olin discussed the two proposed alternative Charter text/ballot questions regarding this issue, and explained the differences. The first proposal reflects the CRB's request from its last meeting, which proposal would allow for less than the entire 5 member Commission body to serve as the Commission in the event a majority is elected at the General Election and remaining members were to be elected at the Run-Off Election; Ms. Olin restated her advice from the last CRB meeting against adoption of this proposal, explaining legal basis and further advising the Board that she has found that no other local charter which similarly allows for only the newly-elected majority of a Commission to sit pending Run-Off Election results. She advised that such language can lead to confusion, unintended consequences (including adoption of legislation by only 2 members of the commission) and recommends instead that the alternative language proposed by Ms. Olin at the last meeting and on the present agenda, be adopted, providing that all elected officials from both the

general election and run-off be sworn in at the same time, with incumbent members of the commission retaining office until all newly-elected officials are inducted. The lame duck incumbent officials will, as drafted, only have emergency powers during this hold-over period. Brief discussion was had as to the meaning of “emergency powers”, consistent with existing Charter section 25, Town Code and relevant case law.

Anthony Blate made a motion to accept the alternative Charter text amendments and ballot language as presented on the agenda and as recommended by Counsel; Terry Cohen seconded the motion. The motion passed unanimously.

D. Vacancy in Candidacy

Attorney Olin explained the proposed text, and applicability of Florida Statute 166.031(6) governing “Vacancy in Candidacy”. Consistent with CRB’s direction from last meeting, Ms. Olin deleted existing Charter language providing for postponed election in event of supplemental qualifying--further detailed explanation of draft amendments provided by Ms. Olin, including recommended alternative language providing for 5 day supplemental qualifying period, with no further qualifying if within “X” days from election, due to ballot printing deadlines established by County Department of Elections (said deadline to be determined and inserted into Charter text via Town Attorney and Town Clerk’s consultation with DOE). Chairman Cohen expressed his concern that the “X” number of day provision be consistent, which Ms. Olin confirmed would be the case.

The Board expressed its concern with the supplemental qualifying period, to which Ms. Olin responded that the existing Charter provides for such, that the former CRB recommended retaining provision for supplemental qualifying, and that such period is required per the Florida Statute but only in instances of a candidate’s death, withdrawal or removal after the original qualifying period has ended.

Public discussion ensued, and Mayor Dietch expressed that if sufficient number of candidates qualify, there should be no need for supplemental qualifying as set forth in statute. Ms. Olin discussed applicability of Statute and reaffirmed that it was limited to instances in which amount of candidates are reduced due to death, withdrawal or removal.

Marty Oppenheimer made a motion to accept the alternative Charter text/ballot question as presented with an amendment to Section 105 to provide that at the end of the regular qualifying period, if there is one candidate for mayor and the number of candidates for commission is equal or less than number of seats to be filled, they are elected without need for supplemental qualifying period; Anthony Blate seconded the motion. The motion passed unanimously.

Ms. Olin to revise the language as discussed, and to present same at the next meeting for Committee review, along with a related draft ballot question.

Olin made additional brief recommendations that the committee have a general discussion at the next meeting regarding its Phase I issue of “staggered terms/increasing terms” -- after the Board vets issue, subsequent changes to Charter sections previously addressed by Board may require additional review and amendments.

E. Qualifying for Elected Office

Attorney Olin explained proposed Charter text and ballot language, explaining that there is no constitutional right to qualify by nominating petition, and that the manner of qualifying is within the Town’s discretion as

established in the Town Charter. Ms. Olin explained that the former CRB proposed deleting the existing provision for qualifying by nominating petitions, and provided instead for qualifying by paying a fee of \$100.

Ms. Olin advised that her proposal completely deletes the language of Section 101 and presents new text - which is a hybrid - proposing two ways to qualify for office: 1) via a fee of \$100 or 2) through a nominating petition signed by a percentage of the voters. If the percentage of votes is reached, the qualifying candidate does not have to pay a fee.

RECORDING BECAME UNAVAILABLE AT THIS POINT AND MINUTES HEREAFTER ARE BASED ON NOTES TAKEN BY TOWN CLERK

Discussion ensued among the Board regarding the two suggested methods of qualifying; the Board agreed that both the petition and paying the fee methods of qualifying were appropriate; Terry Cohen made a motion that the qualifying fee be set at \$100 and the amount of signatures for the nominating petition be set at 25, consistent with the existing Charter provision. Anthony Blate seconded the motion. The motion passed unanimously, CRB approved Charter text/ballot question as presented, subject to incorporation of "25 signatures" for nominating petition.

F. Canvassing Board

Attorney Olin explained the proposed text/ballot question, and applicability of the Florida Statute governing the Canvassing Board with explanation of its statutory duties; Ms. Olin suggested due to administrative nature of Board's duties, said provisions be incorporated into the Town Code Chapter on "Elections" and that any future amendments to language to be made upon incorporation into Town Code.

Marty Oppenheimer made a motion to approve the presented Charter text/ballot question regarding transfer of Charter Section 108 to the Town code; Terry Cohen seconded the motion. The motion passed unanimously.

5. SELECTION OF FUTURE MEETING DATES/TIMES

Town Attorney Miller reminded CRB that its next meeting is scheduled for January 21, 2014.

6. PUBLIC COMMENTS

Mayor Dietch commented on agenda item "D", as reflected above.

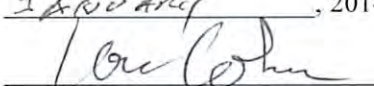
7. ADJOURNMENT

Marty Oppenheimer made a motion to adjourn the meeting; Terry Cohen seconded the motion. The motion passed unanimously. The meeting adjourned at 9:25pm.

Accepted this 21 day of January, 2014

Attest:


Recording Clerk


Lou Cohen, Chair



TOWN OF SURFSIDE
Tourist Board Meeting
Monday January 6, 2014 – 6:00 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)
Randi MacBride (Entered the meeting at 6:08pm)
Barbara McLaughlin
Ricardo Mualin (Entered the meeting at 6:12pm)

Town of Surfside

Joe Graubart, Commission Liaison
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 6:03pm. A quorum was established.

Also in attendance: Luciana Saliani, Gusto Italiano, Michael Crotty, Town Manager, Sarah Johnston, Assistant Town Attorney, Linda Jain, Web Coordinator, Peter Filiberto, resident, Mayor Daniel Dietch.

II. Approval of Minutes: December 9, 2013

Barbara Cohen made a motion to approve the minutes; Barbara McLaughlin seconded the motion. The motion passed unanimously. The minutes were approved.

III. Accounts Receivable & Accounts Payable

Barbara Cohen reiterated her concern about the non-payment of resort tax.

The Finance Department and Front Office are continuously working on compliance and are confident of compliance in the near future for those that have outstanding payments.

Town Manager will speak to Code Compliance with regard to enforcement of the resort tax.

The Town should be able to stop merchants from renewing Town licenses if there are outstanding taxes.

IV. Gusto Italiano Sponsorship ~ Luciana Saliani

Luciana Saliani advised that the exact date has not yet been determined. Due to last year's weather in November, this may be a major factor in deciding when the event will be held. She wants to host a kick-off party that would be offered to the residents of Surfside but doesn't want the event restricted to one location within Town. It should be similar to the South Beach Food and Wine Festival. The following are some of the associated events:

- to host the event in November or March of 2015
- host seminars that will be held at the Community Center
- An interactive kid's kitchen held on Sunday
- Italian folkloric and fashion shows

She has coordinated other events that are not food related.

The Board's main concern is that there is nothing yet confirmed and the request for monetary support is high.

Luciana Saliani advised that hosting such an event will be a promotional opportunity for the Town.

Barbara McLaughlin doesn't think anyone would want to come to this specific event.

Direction from the Board is needed on whether or not this event has the support to continue.

Randi MacBride stated that March 2015 is fairly open for an event. She also wanted to know what other festivals it can be compared to. She also stated that if the Grand Beach Hotel doesn't support the festival, then this may go outside of the Town. This would essentially nullify the whole event.

What would the Board like to see as far as measurable timelines and ROIs? (i.e. If Grand Beach isn't on board by a certain date then the Tourist Board does not support the event?).

Ricardo Mualin advised that the first step should be to get the hotel to commit. He would like to see a line item in the budget that would be covered by the Board.

Barbara McLaughlin would like to see more thought go into the arrangement of events during the festival. She isn't sold on the whole idea of seminars/cooking demonstrations.

The direction of the Board is that the budget needs to be more fine-tuned and should include itemized items.

Barbara McLaughlin suggested hosting the gala on a Friday and the family event should be on a Saturday.

V. Third Thursdays

Duncan Tavares reminded the Board that on January 16, 2014 the Board will host its first Third Thursday event of the year with a Latin theme.

Barbara Cohen reminded everyone that shirts and other items will be on sale at the Third Thursday event.

Duncan Tavares presented a video of Beefree who promoted the Turtles during Art Basel.

Ricardo Mualin inquired if the Town captured any emails from the event and Duncan Tavares advised that Beefree captured all Instagram addresses that the Town has access to.

The Board commended Duncan Tavares on a job well done for promoting the turtles through this program.

VI. Updates:

- a. **Aerial Photography / Videos**
- b. **Sister Cities** ~ Please visit www.sister-cities.org / Pending Town Commission collaboration/direction

Barbara McLaughlin is waiting for a list of cities that have a turtle association with the Turtle Conservancy.

Mayor Daniel Dietch wants the Board to consider Newtown, Connecticut as a sister city given the special bond existing due to the gift of Ruth the Turtle.

Barbara Cohen made a motion to have Newtown, Connecticut as one of the appropriate Sister Cities to partner with upon approval of the Town Commission; Ricardo Mualin seconded the motion. The motion passed unanimously.

- c. **Resort Tax Compliance / Audit II / Special Fund Designation*** ~ Finance Department Review
- d. ***Resort Tax Comparison to Miami Beach** ~ Request to Finance Department
- e. **Resort Tax Penalty Language** ~ Town Attorney review as part of overall ordinance review scheduled for Town Commission review February 11, 2014
- f. **Apps & Wayfarers** ~ Part of Town review of Software needs as part of the FY 13/14 Budget.

VII. Next Meeting: Monday February 3, 2014 at 6:00pm

VIII. Adjournment

Ricardo Mualin made a motion to adjourn the meeting; Randi MacBride seconded the motion. The motion passed unanimously. The meeting ended at 7:20 pm.

Accepted this 3 day of February, 2014

BARBARA COHEN
Member (Print)

[Handwritten Signature]
Signature

Attest:

[Handwritten Signature]
Frantza Duval
Recording Clerk



CHARTER REVIEW BOARD MEETING

Town Hall Manny Crawford Conference Room

9293 Harding Avenue
Surfside, FL 33154

Tuesday, January 21, 2014
7:00 p.m.

Town Commission Liaison: Vice-Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)
Vice Chairman Marc Imberman (Vice-Mayor Karukin)
Anthony Blate (Commissioner Graubart)
Terry Cohen (Commissioner Kligman)
Marty Oppenheimer (Mayor Dietch)

MINUTES

1. CALL TO ORDER

Chairman, Lou Cohen, called the meeting to order at 7:01pm.

2. ROLL CALL OF MEMBERS

The Town Clerk, Sandra Novoa, called the roll with the following members present: Lou Cohen, Terry Cohen, Marty Oppenheimer, Anthony Blate (Entered at 7:08pm). Marc Imberman was absent.

Also in attendance: Sandra Novoa, Town Clerk, Michael Karukin, Commission Liaison, Jean Olin, Special Outside Counsel, Irina Mocanu

3. APPROVAL OF MINUTES

Marty Oppenheimer made a motion to approve the January 6, 2014 minutes; Terry Cohen seconded the motion. The motion passed unanimously. The minutes were approved.

4. ELECTION ISSUES (JEAN OLIN, ESQ.)

Brief discussion was had as to the CRB's final report, which will be presented to the Town Commission at its March 11, 2014 meeting.

A. VACANCY IN CANDIDACY

Pursuant to the CRB's discussion of this issue at its last meeting, Attorney Olin further discussed the draft text, including the designation of "30 days" in the "X", representing the amount of time designated by the Miami Dade elections department required for finalization of Qualifying for Elected office (to allow for timely mailing of absentee ballots, etc), pursuant to outreach by Ms. Olin and the Town Clerk.

Attorney Olin also suggested the following revised language regarding "Vacancy in Candidacy" Charter Section 105 (8), for purposes of clarifying the text:

--subsection B (c) : "Any remaining unfilled commission seats existing within 30 days prior to the election shall be deemed a vacancy on the commission, which shall be filled, by the commission in which the vacancy exist in accordance with the procedures set forth in Section 16".

--subsection C: "The terms of all newly elected commissioners from the general or run-off election shall commence"...

The Board approved this revised language, and requested that Olin place the revised draft on the 2/3/14 agenda for final review.

--subsection B: "If more than one candidate has qualified for Mayor and/or the number of qualified candidates for Town Commissioner are greater than the number of seats to be filled, then the election shall be held for purposes of electing said officials. If however, following the qualifying period a qualified candidate withdraws, dies, or is removed from the ballot, leaving not more than one qualified candidate for Mayor and/or a number of qualified candidates for Town Commissioner which are equal to or less than the number of seats to be filled, then a vacancy in candidacy shall have occurred, and there shall be one supplemental qualifying period of five (5) days beginning on the first business day immediately following the vacancy, with candidates qualifying via method(s) provided in Section 101 of the Town Charter".

Terry Cohen made a motion to approve the all of the aforementioned language under Vacancy in Candidacy as discussed by Jean Olin; Marty Oppenheimer seconded the motion. The motion passed unanimously.

In light of the DOE's stated 30 day deadline date by which the Town must have completed its qualifying period, Attorney Olin explained its impact upon the qualifying period previously approved by CRB via amendment to Charter section 101, and suggested the Board reconsider its January 6, 2014 approval of charter text language concerning the method of qualification,. Sandra Novoa suggested a motion to reconsider the January 6, 2014 motion in order for this issue to be brought back to next month's meeting for discussion.

The Board discussed its previously-approved amendments to Charter section 101, and further evaluated its process. Attorney Olin advised that the Board might wish to consider further discussion of whether a change to the present qualifying process is needed.

Attorney Jean Olin advised that she did further research and found that other municipalities, comparable to Surfside, have only one method of qualifying, either fee or petition. Since the CRB had previously approved qualifying by both the fee and petition method, Ms. Olin felt

the Board might be interested in further evaluating the options for qualifying, and the periods for qualifying.

Marty Oppenheimer made a motion to re-consider the motion of the January 6, 2014 meeting concerning Section 101 Qualifying for Elected Official; Terry Cohen seconded the motion. The motion died with vote of 2-2.

Attorney Olin went on to suggest the following additional language to section 16 of the Charter regarding "Vacancy on the Commission": "... However; in the event the election has not been held due to said commission member having been elected by operation of law pursuant to this charter such official's term shall commence on the third business day immediately following said election by operation of law or at any meeting of the commission immediately following the election by operation of law; whichever occurs first, upon where said official shall be administered the oath of office".

Marty Oppenheimer made a motion to approve this revised language of "Vacancy on the Commission", subject to the final language being presented to the Board at next CRB meeting; Terry Cohen seconded the motion. The motion passed unanimously.

Further discussion ensued regarding CRB's prior approved language regarding Charter Section 101 amendments governing "Qualifying"; Marty Oppenheimer made a motion to reconsider Section 101 Qualifying for Elected Official; Terry Cohen seconded the motion. The motion passed unanimously. Attorney Olin to place on next CRB agenda draft language, with Administration to have an easel for the Board's use in order to evaluate existing and proposed amended qualifying dates.

B. STAGGERED TERMS

Vice-Mayor Michael Karukin, introduced the idea of staggered terms. He advised that under his proposal for staggered terms, the Mayor will serve two years and the remaining Commissioners will serve 4 years staggered terms, with the first order of business after each general election being the selection of the Vice-Mayor from among the four Town Commissioners.

Ms. Olin explained the differences between the two proposed Charter amendments governing "Staggered Terms". The first proposal reflects the amendment proposed in 2007 in which the Mayor and Town Commissioners would receive an increase in term from two to four years, all terms staggered subject to the process set forth in the draft text. The second proposal reflects the Vice-Mayor's proposal, as stated above. Under the Vice-Mayor's proposal, the Mayor and 2 Town Commissioners would be elected at each general election every two years. Under the original proposal from 2007, the Mayor and 2 Town Commissioners would be elected at the general election occurring every four years, with the remaining two Town Commissioners being elected at each intervening general election, causing a majority of the Commission to be elected every four years (which could affect timing of candidate's decision to run, etc).

Vice-Mayor Karukin advised that there might be a high probability of the staggered terms ballot measure passing on the election ballot for the two (2) years for the Mayor and four (4) year staggered term for the rest of the Commission. Surfside is the one of the few municipalities in the state of Florida that doesn't run under the staggered term policy. Attorney Olin will place on the next CRB agenda both of the subjects proposed drafts re: staggered terms, for further discussion by the Board.

C. RUNOFF ELECTION

Due to the length of tonight's meeting, the Board decided to table this issue for the next meeting.

5. SELECTION OF FUTURE MEETING DATES/TIMES

February 3, 2014 – The meeting will be held at 5:00pm in order to allow time for the Board to complete its analysis of Phase I issues.

February 18, 2014 – The meeting seeking public comment of the CRB's work product for this Phase I of the Town's charter review will be televised in the Commission Chambers.

6. PUBLIC COMMENTS

N/A

7. ADJOURNMENT

Marty Oppenheimer made a motion to adjourn; Terry Cohen seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:16pm.

Accepted this 3 day of February, 2014



Lou Cohen, Chair

Attest


Recording Clerk



Commission Communication

Agenda #: 3G

Date: February 11, 2014

Subject: Fraternal Order of Police Collective Bargaining Agreement

Background: The Fraternal Order of Police Local 135 has been representing the Town of Surfside bargaining unit members for over 10 years. Currently there are 30 members including police officers, sergeants and communication operators (dispatchers). The process which governs Collective Bargaining is established under Florida Statute 447.

The Town entered into negotiations with the FOP on August 23, 2013. Town's bargaining team included: Town Manager, Michael Crotty, Chief David Allen and Human Resources Director Yamileth Slate-McCloud. The FOP's bargaining team included: Officer Tammy Campbell, Officer Antonio Mesa, Officer Joseph Matthews, Officer Bryant Luke, Sergeant Julio Torres and Regional FOP Representative John Puleo. Three (3) bargaining sessions were held. In addition, staff held two (2) Executive Sessions with the Town Commission.

The collective bargaining agreement includes:

- Three year contract with no re-opener (October 1, 2013 - September 30, 2016)
- 2% Cost of Living Adjustment added each year of the contract and for the current year retroactive to October 1, 2013
- The Town will provide up to \$750 for the purchase of body armor vest once every five (5) years (unless special circumstances occur)
- Sergeants will receive an annual step (subject to performance) in order to advance each year
- The Neighborhood Resource Officer (NRO) to receive 5% specialized unit pay
- Sergeants promoted to Lieutenant shall have one year from promotional date to return to the rank of Sergeant. If this is to occur, the Sergeant will go back to the seniority earned as Sergeant.
- Members called in to work reference a hurricane, storm related event or any other emergency as determined by the Chief of Police, shall be paid 1 additional hour for travel time (from to work)

The above listed items to be included in the proposed three (3) year FOP contract incorporates the direction provided by the Commission at its December 10, 2013 Executive Session on FOP negotiations.

On Tuesday, January 21, 2014 members of the FOP ratified the Collective Bargaining Agreement. See Attachment A.

Budget Impact: The approved FY 13/14 Budget provides sufficient funds to cover the cost of the adjustments for the FOP members retroactive to October 1, 2013.

Analysis: The collective bargaining process was very respectful. While neither side emerged with all they wanted, both sides achieved sufficient outcomes to support bringing the agreement to their membership and to the Town Commission. We would like to thank the members of the FOP collective bargaining team for their cooperation in achieving this fair resolution to the collective bargaining process.

Staff Impact: N/A

Recommendation: It is recommended that the Town Commission adopt the resolution approving the Collective Bargaining Agreement with the Fraternal Order of Police Local 135.


Michael P. Crotty
Town Manager


David Allen
Chief of Police


Yamileth Slate-McCloud
Human Resources Director

RESOLUTION NO. _____

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING AND RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE (FOP) DATED OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2016 ATTACHED HERETO AS ATTACHMENT "B". DIRECTING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town and FOP bargaining teams have been actively engaged in negotiating the Fraternal Order of Police Collective Bargaining Agreement (the "Agreement") between the Town and the Florida State Lodge Fraternal Order of Police ("FOP") Local 135 dated October 1, 2013 through September 30, 2016; and

WHEREAS, the membership of the FOP has now ratified the Agreement; and

WHEREAS, the Town Commission has now reviewed and desires to approve and ratify the Agreement as it establishes an orderly and efficient procedure to compensate FOP members concerning rates of pay, wages, hours of work, performance evaluations and appeals and other conditions of employment and is therefore determined to be in the best interest of the Town; and

WHEREAS, the implementation date for the agreement is retroactive to October 1, 2013.

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. Approval and Ratification of Fraternal Order of Police Agreement. The Town Commission hereby approves and ratifies and authorizes the Town Manager on behalf of the Town of Surfside, Florida to execute the Agreement between the Town and the FOP hereto as Attachment "B".

Section 3. Town Manager. The Town Manager is hereby directed to execute the Agreement on behalf of the Town and to take all actions necessary to implement the Agreement.

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

PASSED and ADOPTED on this ____ day of _____, 2014.

Motion by Commissioner _____, Second by Commissioner _____.

FINAL VOTE ON ADOPTION

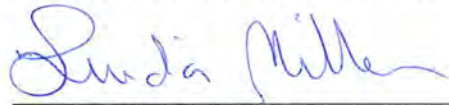
Commissioner Michelle Kligman _____
Commissioner Joe Graubart _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney



Fraternal Order of Police
FLORIDA STATE LODGE
Florida Labor Council Committee



January 22, 2014

Sent Via U.S. Mail
&
EMAIL

Town of Surfside
Michael Crotty, Town Manager
9293 Harding Avenue
Surfside, FL 33154

Reference: 2013-2016 Contract Proposal Ratification

Dear Mr. Crotty,

I am please to advise you that the Bargaining Unit for Police Officers, Sergeants, and Dispatchers have ratified the Town's 2013 -2016 Contract Proposals. Under these hard economic times I would like to thank you for working with us as a partner to resolve issues that are important to your organization and your employees. I look forward to be working with you again in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Puleo".

John Puleo, FOP Staff Representative

21124 White Oak Avenue, Boca Raton, Florida 33428
Office Phone: (561) 883-3552 - Cell Phone: (954) 444-4483
Fax: (561) 883-3538
Email: JohnFOP@AOL.COM

AGREEMENT
BETWEEN
THE TOWN OF SURFSIDE, FLORIDA
AND THE
FLORIDA STATE LODGE
FRATERNAL ORDER OF POLICE
October 1, 2013 through September 30, 2016

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PREAMBLE

THIS AGREEMENT is entered into by the Town of Surfside, Florida, hereinafter referred to as the "Employer" or "Town", and the Florida State Lodge Fraternal Order of Police, hereinafter referred to as the "FOP" or "Union", for the purpose of promoting harmonious relations between the Town and the Union, to establish an orderly and peaceful procedure to settle differences which might arise and to set forth the basic and full agreement between the parties concerning rates of pay, wages, hours of work and other conditions of employment.

ARTICLE 1.

RECOGNITION, STRIKES AND LOCKOUTS

1.1 The Town hereby recognizes the FOP as the sole and exclusive collective bargaining agent as to wages, hours and all other terms and conditions of employment for the following bargaining unit as certified by the Public Employees Relations Commission (PERC), Certification No. 1180, and Order No. RC-97-032:

INCLUDED: All employees in the classifications of Sergeant, Police Officer, and Police Dispatcher.

During the April 10, 2012, the Town Commission approved a Classification and Compensation Study which included a position classification study. The result of this phase of the study included recommendations to change some titles to describe essential functions and/or to adhere to federal regulations concerning gender issues. As a result, it was recommended to change the title of Dispatcher to Communications Operator.

EXCLUDED: Chief of Police, Assistant Chief, Lieutenant, and all other employees of the Town of Surfside.

1.1.1. Any changes in the bargaining unit shall only be made upon proper application to PERC and/or an appropriate court of competent jurisdiction.

1.2 There will be no strikes, work stoppages, slowdowns, boycotts, concerted failure, or refusal to perform assigned work or other actions contained within the definition of a strike under Section 447.203(6), Florida Statutes, by the employees covered under this Agreement, and there will be no lockout by the Town for the duration of this Agreement. The FOP supports the Town fully in maintaining efficient operations. For the purposes of this clause, claimed illness by one-third (1/3) or more of the bargaining unit employees eligible for duty followed by claimed illness on the part of one-third (1/3) or more of those contacted as

replacement personnel shall constitute prima facie evidence of concerted failure or refusal to perform.

1.2.1 Any employee who participates in or promotes a strike, work stoppage, slowdown, boycott, concerted failure or refusal to perform assigned work or any other actions contained within the definition of a strike under Section 447.203(6), Florida Statutes may be disciplined or discharged by the Town, and the sole and exclusive jurisdiction to review such discipline or discharge shall be determined by the Town Manager.

1.2.2 The parties agree that the Town is responsible for and engaged in activities which are the basis of the health, safety and welfare of the citizens of the Town and the public at large. In the event of any violation of this Article by either a Town employee or a Union employee, official or representative, the Town shall be entitled to seek and obtain immediate injunctive relief in a court of competent jurisdiction and utilize any other legal remedies provided for in Section 447.507, Florida Statutes.

1.2.3 The Union, its officers and representatives agree that it is their continuing obligation and responsibility to maintain compliance with this Article and the strike prohibitions contained in Section 447.505, Florida Statutes and the Constitution of the State of Florida, Article I, Section 6, including the responsibility to remain at work and to publicly disavow the strike during any interruption which may be initiated by other employees covered by this Agreement, and to encourage and direct other employees that are violating this Article to return to work.

ARTICLE 2.

MANAGEMENT RIGHTS

2.1 The Town has and will continue to retain, whether exercised or not, the right to operate, manage and direct its operations and all, powers and authority, not officially relinquished, abridged or limited by the express provisions of this Agreement. The Town shall have the sole, unilateral and unquestioned right, responsibility and prerogative to manage the affairs of the Town and direct the work forces, including, but not limited to, the following:

2.1.1 To determine the acquisition, care, maintenance and operation of equipment and property used for and on behalf of the purposes of the Town;

2.1.2 To establish or continue the mission, purpose, objectives, policies, practices and procedure for the conduct of the Town business, operation of the Police Department and other departments, and, from time to time, to change or abolish such policies, practices or procedures;

2.1.3 To discontinue processes or operations or to discontinue their performance by employees;

2.1.4 To select, determine and assign the number and types of employees required to perform the Town's operations, to meet the needs of the Town and the Department;

2.1.5 To employ, transfer, promote, demote, layoff, discipline, terminate, or otherwise relieve employees from duty for lack of work or for any legitimate reason when it shall be in the best interest of the Town or the Department;

2.1.6 To prescribe and enforce reasonable rules and regulations for the maintenance of ethical and professional standards, and for the performance of work, services to be offered to the public, control and discretion over the operation of the Police Department and its employees, the regulation of off-duty law enforcement duties for non-municipal employers and outside employment which could cause real or perceived conflicts of interest, or conduct which brings the Department real or perceived harm in accordance with the requirements of the Town, provided such rules and regulations are made known in a reasonable manner to the employees affected by them;

2.1.7 To insure that the incidental police duties connected with departmental operations, whether enumerated in job descriptions or not, shall be performed by employees;

2.1.8 To establish contracts or subcontracts for municipal operations, or Mutual Aid Agreements provided that this right shall not be used for the purpose or intention of undermining the union or of discriminating against its members. All law enforcement work customarily performed by the employees of the bargaining unit shall be continued , except for exigent circumstances, to be so performed unless in the sole judgment of the Town it can be done more economically or expeditiously otherwise. The above rights, responsibilities and prerogatives are inherent in the Town Commission and the Town Manager, by virtue of Statutory and Charter provisions and are not subject to delegations in whole or in part. Such rights may not be subject to review or determination in any grievance or arbitration proceedings, but the manner of exercise of such rights may be subject to the grievance procedure in this Agreement;

2.2 The Union and the Town jointly recognizing the need to perform maximum municipal services at minimum cost, and the difficult problems facing the Town, hereby agree that the interest of both employee and the Town will best be served by attaining maximum efficiency and productivity. Therefore, the parties shall use their best efforts to create and maintain an atmosphere in which every employee can give a days work for a days pay. The FOP agrees that the efforts of all employees are required to achieve these objectives and will cooperate to this end.

2.3 The Town shall provide the Union written notice of its intent to subcontract law enforcement services. In the event that law enforcement services are subcontracted by the Town, the Town shall use its best efforts to have the subcontractor employ existing bargaining unit employees.

ARTICLE 3.

NON-DISCRIMINATION

3.1 The Town agrees not to interfere with the rights of employees to become members of the FOP, and there shall be no discrimination, interference, restraint or coercion by the Employer because of Union membership or non-membership, or because of race, creed, color, sex, religion, national origin or marital status; provided that applicable anti-nepotism laws shall remain supreme.

ARTICLE 4.

DUES DEDUCTIONS

4.1 Upon receipt of a voluntary written individual notice from any of its employees, on a form provided by the Union, the Town will deduct from the pay due such employee those dues and assessments required to retain FOP membership.

4.2 The Union agrees to indemnify, defend and hold the Town harmless against any and all claims, suits, orders or judgments, brought or issued against the Town as a result of any action taken or not taken by the Town under the provisions of this Article.

ARTICLE 5.

UNION REPRESENTATIVES

5.1 Two (2) members of the Union shall be granted time off without loss of pay up to as much time that is needed to attend the negotiating sessions, mutually set, to renegotiate this Agreement.

5.2 The Town agrees to allow the Union and its representatives reasonable access to the Town Hall for the conduct of Union business provided that a room is available and the Union provides the Town Manager with reasonable written notice prior to such use.

5.3 The Town will permit accredited representatives of the Union, whether state, regional or national, to have reasonable access to the premises of the Town at any time during working hours to conduct Union business with individual members, with prior approval of the Chief of Police, if such visits will not disrupt normal work production. No Union related activity, meeting, solicitation of other employees, distribution of literature or business shall be discussed with on-duty personnel, or within Town facilities without prior written approval of the Chief of Police or his/her designee on a case by case basis so long as such business does not disrupt the work place.

ARTICLE 6.

SERVICES TO THE UNION

6.1 The Town agrees to furnish the Union's primary representative copies of all current police department rules and regulations and all memoranda pertaining thereto. The Town will make a copy of this contract available to the Union via a link on the Town's website. The Union agrees to provide a copy of this Agreement to all employees who are members of the bargaining unit.

6.2 The Town will furnish the Union with sufficient bulletin board space for Union notices in the mailroom. The bulletin board shall be provided primarily for employee information and internal communications and not for the primary purpose of communicating with the general public. The Union shall only post written material or any material that is in good taste on such bulletin board. All routine notices of meetings, social events and other official Union business shall be sent to the Chief of Police or his/her designee at the same time the Union posts such materials.

6.3 Subject to the prior written approval of each member and as not otherwise prohibited by Chapter 119, Florida Statutes, the Town will provide the Union, on an annual basis, a complete roster of the bargaining unit including name, rank, address, telephone number, present assignment and current pay scale.

ARTICLE 7.

CONFIDENTIAL RECORDS/PERSONNEL FILES/LOCKER INSPECTION

7.1 Except as otherwise required by law, or pursuant to Court order or the request of an appropriate governmental agency, the home address, telephone number and any photographs of a law enforcement officer or his/her Police Department personnel file shall be kept confidential and shall not be released to anyone without the consent of the employee, except where a photo identification of employee(s) may be required for a formal complaint or Internal Affairs investigation. If, however, the Town believes it is following the state law in good faith, or is acting on advice of the Town Attorney, the actions taken by the Town in connection with this section shall not be subject to arbitration.

7.2 It shall be the right of any employee to inspect and copy his/her Police Department personnel record, and such shall be available for their inspection during normal office hours.

7.3 Portions of personnel records which are exempt from inspection by state or federal law shall be kept confidential and only appropriate Town employees having an official need to know shall be granted access to such records.

7.4 The Town agrees to allow an employee, within thirty (30) days of the date that a document is placed in his/her personnel file, to have included in their personnel file a written and signed refutation, based upon facts, (including signed eyewitness statements) of any material the member considers to be detrimental. Unless exempted under Chapter 119, Florida Statutes, the refutation is a public record subject to the Public Records Act.

7.5 All complaints, reprimands, other records of disciplinary actions, and all other disparaging items against each employee shall not be placed in an employee's personnel file until the employee has received a copy in advance. Failure by the Town to comply with this shall be grievable.

7.6 The Town retains the right to inspect and search issued property and equipment and all Town property. Whenever possible, the employee should be present when a personal locker is entered. If the employee is not present, the locker should be entered by a person with proper authority and be witnessed by another employee. The person entering the locker will complete a simple form in duplicate which states the date, time, name of persons entering locker, name of person assigned locker, and reason for such action. One copy shall be left in the locker and the other shall go to the departmental files, after review by the Chief of Police, who shall initial the form.

ARTICLE 8.

SENIORITY AND LAYOFF

8.1 Seniority shall consist of full-time active continuous accumulated paid service with the Department. Department Seniority shall be computed from the date of appointment. However, Seniority in rank shall always supersede seniority in service for purposes of benefits or entitlements under this contract. Seniority shall accumulate during absences because of vacation, military leave or other authorized leave. Seniority will not accrue for time an employee is relieved of duty without pay, suspended, and on unpaid leave of absence. Such seniority shall govern the following:

8.1.1 In the event of a layoff for budgetary reasons, employees shall be laid off in the inverse order of their seniority in their rank. Any employee to be laid off who has advanced to a rank above police officer shall be given a position in a lower rank according to his/her total seniority with the Department. The Town Manager has the right to deviate from this procedure to retain employees with special skills or capabilities essential to the Town.

8.1.2 Employees shall be called back from layoffs according to the seniority in the classification from which the employee was laid off. No new employees shall be hired in any classification until all employees on layoff status on the callback list in that classification have had an opportunity to return to work. Employees will be notified by certified mail with delivery confirmation to their home address of record and shall be given twenty-one (21) calendar days to return to work, or be stricken from the list. An employee who has not been stricken from the list will be kept on the callback list for one (1) year. After this period, the Town will no longer be obligated to request that this employee be returned to Town employment.

8.2 Selection of days off shall be by seniority provided the Town's operational needs have been satisfied. Within ten (10) business days of an employee's request to change or modify the employee's selected days off, the Town shall provide the employee with a written response to the employee's request.

8.3 The Chief of Police shall determine how many employee(s) the Town needs for each shift assignment. Selection of shift assignments shall be by seniority only for those officers with full duty status at the time of shift bid provided the Town's operational needs have been satisfied. Officers not on full duty status must wait until next shift bid for seniority to be considered. Within ten (10) business days of an employee's request to change or modify the employee's shift assignment, the Town shall provide the employee with a written response to the employee's request.

ARTICLE 9.

RIGHTS OF EMPLOYEES IN INTERNAL INVESTIGATIONS

9.1 The following are the rights of employees subject to an internal investigation:

9.1.1 The Internal Affairs investigator will keep employees informed as to the nature of the investigation when they are questioned or interviewed concerning a complaint or allegation and to inform them if they are the subject of the investigation or a witness prior to any interview. Employees who are the subject of an investigation will be informed before being required to answer questions orally in a formal Internal Affairs investigation that they have the right to have legal counsel and/or a FOP representative present.

9.1.2 Prior to any sworn statement being taken from a law enforcement officer, the officer under investigation shall be informed in writing of the nature of the investigation and the name of the complainants immediately prior to the commencement of the proceedings.

9.1.3 Any disciplinary action initiated against an officer must be specific and clearly drawn and state a violation of law, Town rules and regulations, and/or Departmental rules, regulations and orders.

9.1.4 The Town agrees to promptly furnish any employee with two (2) copies of any disciplinary action report against him/her prior to disciplinary action being taken against him/her.

9.1.5 The employee may, if he/she so requests, receive a copy of his/her written or recorded statement.

9.1.6 The employee who is the subject of a complaint or allegation shall be notified in writing of the disposition upon the conclusion of the investigation, and final decision by the Chief of Police within ten (10) working days of the date on which the investigation is concluded and the final decision is made.

9.1.7 The written Internal Affairs Investigation shall include a finding of facts, and a conclusion, a copy of which shall be provided to the employee concerned prior to any disciplinary action; or if none, then within thirty (30) days.

9.1.8 In cases where management chooses to suspend or relieve an employee from duty, who has not been charged criminally pending an investigation or other administrative action, the employee will remain on full salary allowance and shall not lose any benefits during this period of time.

9.1.9 The Chief of Police upon review by the Town Manager, may immediately suspend an employee without pay and benefits who has been indicted by any grand jury or upon criminal charges being filed against him/her by any prosecuting official.

9.1.10 Except when an employee has been arrested or indicted or charged by a prosecuting official, the Department, on its own initiative, shall not release a photograph or home address of an employee under investigation without the employee's written permission and the approval of the Town Manager.

9.1.11 No employee shall be required to submit to any device designed to measure the truthfulness of his/her responses during questioning.

9.1.12 Nothing in this Article shall apply to situations where an employee is requested to submit and/or clarify a written incident or activity report as part of his/her routine duties.

ARTICLE 10.

SHIFT EXCHANGE, SUBSTITUTIONS AND MINIMUM STAFFING REQUIREMENTS

10.1 Whenever possible, the Town will notify the employee at least ten (10) days in advance of any contemplated change in an employee's status, i.e. transfer, reassignment or normal change in shift, except in cases of manpower shortage or other exigent circumstances in the Department.

10.2 Upon application to the Chief of Police, shift exchanges will be arranged provided:

1. the shift exchange does not interfere with the regular and efficient operation of the department; and
2. a fellow employee, satisfactory to the Chief of Police, like rank and experience volunteers for the exchange; and
3. it is requested and approved sufficiently in advance so as not to work a hardship on either the employee or the Town; and
4. the shift exchange will not impact the Department's overtime budget; and
5. the reciprocal shift exchange shall occur within thirty (30) days.

10.3 With the exception of specialized units all shifts shall have a minimum staffing requirement of one (1) Supervisor two (2) Police Officers, and one (1) Dispatcher. In the event that staffing does not meet the above requirements, the supervisor shall make a reasonable effort to contact personnel to meet the minimum staffing requirements. No grievance shall be filed under Article 15 of this agreement if the supervisor is unable to attain the minimum staffing requirements.

ARTICLE 11.

VEHICLES, EQUIPMENT AND SAFETY STANDARDS

11.1 The Town and members of the bargaining unit will work together to make a reasonable efforts to insure that the Department's equipment, working conditions and the job environment will not jeopardize the health or safety of employees. Nothing in this Article limits the management rights expressed in Article 2. Employees will make a conscientious effort to maintain a safe working environment. It is recognized that law enforcement is a hazardous occupation with inherent risks which can be minimized, to an extent, but not eliminated entirely.

11.2 Within the limits imposed by the performance of duty, employees will make a conscientious effort to operate vehicles and maintain equipment in a safe and efficient manner in accordance with Departmental Rules and Regulations.

11.3 Whenever an employee is authorized in advance, to use his/her own vehicle in the performance of his/her official duties, he/she will be compensated at the current Internal Revenue Service mileage rate.

11.4 Normally before any marked patrol pursuit equipped vehicle goes onto the street, it must have the following equipment in working order: rotating emergency lights, siren, loud speaker, two-way mobile radio, first aid kit, and cages, all to be checked by the law enforcement officer assigned to the car.

11.5 All non-probationary sworn bargaining unit Police Officers and Sergeants who reside in Dade or Broward Counties shall be issued a take home vehicle as such vehicles become available in order of seniority.

11.5.1 Police Officers and Sergeants Detective Sergeants who are issued a take home vehicle will be required to pay a per pay period maintenance fee of \$35.00 if they reside in Dade County and \$40.00 if they reside in Broward County. Detectives and Detective Sergeants who are issued a take home vehicle will not be required to pay a pay period maintenance fee.

11.5.2 The take home vehicles shall only be used to and from work or any function within the scope of an employee's official duties and is considered ordinary and necessary for Town business purposes pursuant to Internal Revenue Service regulations (refer to Employer's Taxable Guide to Fringe Benefits 2013).

11.5.3 Any non-probationary sworn bargaining unit Police Officer or Sergeant who lives in the Town's limits may use the take home vehicle for minimus purposes within the Town's geographic boundaries. Family members are prohibited from riding in the vehicle unless authorized by the Chief of Police or his/her designee.

11.5.4 Any non-probationary sworn bargaining unit Police Officer or Sergeant whose take home vehicle is unavailable due to maintenance, repairs or damage shall receive a replacement vehicle until the maintenance and/or repairs are completed.

11.5.5 The parties acknowledge that the Internal Revenue Service (the IRS) is auditing the Town and reviewing the Town's take home vehicle taxation policy. If the IRS determines that the take home vehicle policy has any negative tax implication with the Town or that it is not in compliance with IRS rules and regulations, the parties agree that this Article may be re-opened specifically to address any negative tax implications upon the request of the Town no later than 30 days after the Internal Revenue Service's determination.

11.6 Vehicles determined by the Town to be unsafe to drive will be taken out of service.

ARTICLE 12.

TRAINING

12.1 The Town agrees that bargaining unit employees should be fully informed on any material which falls within the enforcement responsibility of the Employer. Therefore, the Department shall be responsible to convey information it receives regarding Town and County ordinances and State Statutes to the employees.

12.2 The Town shall attempt to provide a total of a minimum of forty (40) equivalent hours training per year (e.g., commission approved continuing training or education, video tapes, computer-based-training, periodicals) for the purpose of improving the performance of bargaining unit employees, aiding bargaining unit employees to equip them for advancement to higher positions and greater responsibilities, and performing service rendered to the public.

12.3 Where the Department requires an employee to attend weapons training or qualify with his/her firearm, the Town will make reasonable efforts to facilitate the employee attending the firearms range during his/her normal working hours. In the event the Department is unable to schedule the employee to attend the firing range during his/her normal working hours, the employee shall be required to attend the firing range during his/her off-duty hours; provided, however, that the actual time spent by the employee in acquiring such training during his/her off-duty hours shall be compensated in accordance with Article 21, "Hours and Overtime." Every Sworn member of the Department will maintain their proficiency with assigned firearms as set forth by the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission (FDLE-CJSTC). Each employee shall take an annual firearms proficiency test as scheduled by the Department. An employee whose test does not meet the FDLE-CJSTC

standard shall receive remedial firearms training and be allowed to retest within thirty (30) days from the date of the original test.

Any employee who does not maintain such proficiency after the second test may be terminated by the Town. The decision by the Town to terminate an employee under this Section shall be grievable to the Town Manager.

12.4 Where the department requires any employee to attend supervisory training and/or training in specialized police techniques, the department will make reasonable efforts to facilitate the employee attending such training during his/her normal working hours. In the event the department is unable to schedule the employee to attend such training during his/her normal working hours, the employee shall be required to attend such training during his/her off-duty hours; provided, however, that the time spent by the employee in such training during his/her off-duty hours shall be compensated in accordance with Article 21 "Hours and Overtime."

12.5 In the event that an employee requests to be sent to a job-related training program with the approval of the Chief of Police or his designee, on his/her own time, the Town agrees to reimburse the employee for the full tuition of such training program upon presentation of proof of successful completion. The Town will make a reasonable effort to adjust an employee's shift to accommodate the training program schedule; provided, however, that not more than one such adjustment shall be in effect at any one time.

12.6 The Employer shall send out emails of notices of training that the Employer deems appropriate for the Department. The Town will make a good faith effort to provide the Union's primary representative with a copy of all notices relative to training.

ARTICLE 13.

PROMOTIONS

13.1 Whenever the Town Manager determines that a promotional vacancy exists in a sergeant classification, the Town shall, within thirty (30) working days of the date on which the Town Manager determines that such promotional vacancy exists, fill such vacancy from an existing eligibility list with more than one (1) name. Any promotional testing for such vacancy shall be completed within one hundred and twenty (120) days from the date on which the Town Manager determines that such promotional vacancy exists.

13.2 The Town will announce sergeant examinations at least thirty (30) days in advance of said examinations. The Town will list the areas which the examination will cover and the sources from which the examination is drawn. The Town will provide a list of reference material that is available commercially.

13.3 The sergeant examination shall be restricted to present non-probationary employees, with not less than three (3) years sworn full-time service in this Department. Notwithstanding the above-referenced provision, if an employee has served in another law enforcement department as a sworn officer for at least two (2) years, the Chief of Police may waive up to twelve (12) months of required employment with this Department. In addition, if an employee has at least a Bachelor's degree from an accredited university or college, an advanced degree in an area approved by the Florida Department of Law Enforcement Criminal Justice Standards and Training Commission from a recognized institute of higher learning or has served in the United States military for a minimum of two (2) years with an honorable discharge, the Chief of Police may waive up to one (1) year of the required employment with this Department. Promotional candidates shall only be awarded one of the above listed waivers.

13.4 At the time a new sergeant examination is given, all eligible employees who wish to be on the new list must take the examination. No employee will be placed on the new list as a result of previous test scores.

13.5 The Town shall give a sergeant's examination when the Chief of Police deems necessary.

13.6 The sergeant's examination will consist of an assessment center evaluation worth ninety-five percentage points (95%); and seniority worth five percentage points (5%). Employees must have a minimum passing score of seventy five (75%) percent including seniority points in order to be placed on the eligibility list.

13.7 A list of eligible candidates will be compiled in the order of their final cumulative score. All employees will be notified of their score

13.8 Promotions shall be made from the top three (3) names on the list. The eligibility list will remain active for a three (3) year period from the date the list was published.

13.9 The assignment of an acting sergeant shall be at the discretion of the Chief of Police.

13.10 Sergeants promoted to Lieutenant shall have one year from promotional date to return to the rank of Sergeant. If this occurs, the Sergeant will go back to the seniority earned as Sergeant.

ARTICLE 14.

LABOR MANAGEMENT COMMITTEE

14.1 The Union may request the formation of a Labor Management Committee which will consist of members of the Union and management. (The number to be decided by mutual consent.) The function of the committee shall be to meet as needed, to confer and recommend resolutions of problems related to employee relations in the administration of the Agreement; to explore ideas for the improvement in systems, schedules, procedures, and equipment; and to seek methods for improvement of personnel training, development, selection, promotions or reassignment. Time used for this purpose shall be considered as duty time and shall not be charged to regular leave, time provided that adequate and necessary protection to the Town is also being furnished. Only those employees who are on regular duty at the time of the meeting will be compensated. The meeting will be informal in nature. Any issue requiring the attendance of attorneys, public hearings or recorded minutes will not be considered under this Article.

ARTICLE 15.

GRIEVANCE AND ARBITRATION PROCEDURE

15.1 In a mutual effort to promote harmonious working relations between the parties of this Agreement, it is agreed to and understood by both parties that there shall be a procedure for the resolution of grievances or misunderstandings between the parties arising from the application and interpretation of this Agreement, as well as to address all disciplinary matters.

15.2 To simplify the grievance procedure, the number of "working days" in presenting a grievance and receiving a reply from different levels or steps shall be based on a forty (40) hour, five (5) day work week, Monday through Friday, excluding the holidays listed in Article 18.

15.3 A grievance shall be defined as an alleged violation or disagreement involving interpretation and/or application of specific terms of this Agreement. In accordance with Section 447.401, Florida Statutes, covered employees shall have the option of either utilizing this grievance procedure or utilizing an unfair labor practice procedure, but not both. Eligible employees may file a grievance whether or not they are dues-paying members of the Union.

15.4 A written reprimand shall be accompanied by copies of any supporting documents, memos, tape recordings and/or complaints, if any, which form the foundation for the issuance of the written reprimand.

15.5 No employee shall be disciplined without just cause.

15.6 Effective upon the execution of this Agreement, grievances shall be processed in accordance with the following procedures set forth below.

Failure of the Town to respond to the grievance within the time limits set forth below shall entitle the employee or union to proceed to the next step in the grievance process. The time limits may be extended by mutual written agreement.

Step 1: The aggrieved employee shall discuss the grievance with the Chief of Police or his designee within ten (10) working days of the occurrence which gave rise to this grievance. The Union representative may be present to represent the employee. The Chief of Police or his designee shall attempt to adjust the matter and/or respond to the employee within ten (10) working days.

Step 2: If, after a thorough discussion with the Chief of Police or his designee, the grievance has not been satisfactorily resolved, the aggrieved employee and/or the Union representative shall reduce the grievance to writing and present such written grievance to the Town Manager within ten (10) working days from the time the Chief of Police or his designee's response was due in Step 1. The Town Manager shall meet with the employee and/or the Union representative within ten (10) working days. The Town Manager shall respond in writing ten (10) working days from the date of the meeting.

Step 3: For grievances concerning interpretations of this Agreement, terminations, suspensions, and employee demotions, the Union may appeal the Town Manager's decision at Step 2 by submitting a written demand for arbitration to the Town Manager no later than ten (10) working days after the rendering of the Town Manager's decision. It is the Union's responsibility to request an arbitration panel under Section 15.7.2 below, within ten (10) days

thereafter. The time limits in Steps 1 through 3 may be waived or extended only by mutual agreement between the parties.

15.7 At the arbitration hearing, the aggrieved employee may be accompanied by his/her Union representative. The arbitrator shall have access to all written documents and audio statements pertaining to the grievance. The arbitrator shall render his/her decision within ninety (90) days unless there has been a mutual agreement otherwise between the parties. Copies of the findings of the arbitrator, made in accordance with the jurisdictional authority under this Agreement, shall be furnished to both parties and shall be final and binding on both parties.

15.7.1 Arbitration. An individual employee may only proceed to arbitration with the consent of the union.

15.7.2 Appointment of Arbitrator: The arbitrator may be an impartial person mutually agreed upon by the parties. In the event the parties are unable to agree upon said impartial arbitrator within ten (10) calendar days after the union request for arbitration; the union shall request a list of seven (7) potential arbitrators from the Federal Mediation and Conciliation Service (hereinafter, "FMCS"). Within ten (10) calendar days of receipt of the list the parties shall alternatively strike a name with the Town striking first. The remaining name on the FMCS list will be the mutually selected arbitrator.

15.7.3 Powers of the Arbitrator: The arbitrator's decision shall be in writing and shall set forth the arbitrator's opinion and conclusion on the issues submitted. The arbitrator shall limit his/her decisions to the application and interpretation of the disputed provisions of the

Agreement, and shall not be such as to directly or indirectly cause modifications, amendments, additions to or subtractions from the Agreement.

15.7.4 Cost of Arbitration: The costs for the list, service, travel and accommodations of the arbitrator shall be equally shared by both parties to this Agreement.

ARTICLE 16.

LEGAL SERVICES

16.1 The Town will undertake the defense of employees against any civil action, arising from a complaint for damages or injuries suffered as a result of any act or omission of action of any of said members of the bargaining unit for an act or omission arising out of and in the scope of the bargaining unit member's employment or function, unless, in the case of a tort action, the employee acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety or property and shall file proper and appropriate counter suits, providing that such suit arose out of actions by the employee in the line of duty.

16.2 The defense of such civil actions shall include, but is not limited to, any civil rights law suit seeking relief personally against the bargaining unit member for an act or omission under color of State Law, custom, or usage wherein it is alleged that such bargaining unit member deprived another person of his/her rights secured under the Federal Constitution or Laws.

16.3 Any attorney's fees paid from Town funds for any employee who is found to be personally liable by virtue of acting outside the scope of his/her employment, or was acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, may be recovered by the Town in a civil action against the employee.

ARTICLE 17.

EDUCATIONAL ASSISTANCE AND INCENTIVE

17.1 The Town, in its efforts to encourage its police personnel (excluding dispatchers) to acquire a greater knowledge of the more complex areas of the social system today, agrees to reimburse one-half (1/2) the cost of tuition (not to exceed two courses per term) not otherwise reimbursed by the L.E.A.A. for educational courses in which the employee receives a grade of "C" or better or a satisfactory completion if no grade is given.

17.2 The course must be from an accredited public or private institution and must equip the officers for the performance of the particular job and/or position in which they are employed. Reimbursement for a course at a private institution shall be limited to the rate that the course would cost at a public institution.

17.3 Subject to budgetary provisions the Town Manager shall have the authority to approve those employees who are to participate in such courses and to approve the institution.

17.4 Courses must be taken for academic credit toward a degree. Any employee who receives a tuition reimbursement under this Article shall remain employed by the Town for a minimum of twenty four (24) months from the date of completion of any course for which the Town has provided the employee a reimbursement. If the employee voluntarily leaves the employment of the Town prior to expiration of this time period, the employee shall repay the Town all tuition reimbursements received in the prior twenty four (24) months.

ARTICLE 18.

HOLIDAYS

18.1 The Town recognizes the following paid holidays for bargaining unit employees:

New Year's Day
Martin Luther King's Birthday
President's Day
Memorial Day
Independence Day (July Fourth)
Labor Day
Veterans Day
Thanksgiving Day
Friday after Thanksgiving Day
Christmas Day

18.2 Full-time employees whose day off coincides with such holidays shall receive eight (8) or twelve (12) hours of compensatory time depending upon assignment, subject to the limitations and requirements in Article 21.

18.3 Full-time employees who are required to work on a holiday shall have the option of receiving an additional eight (8) or twelve (12) hours of compensatory time or pay depending upon assignment, subject to the limitations and requirements in Article 21.

18.4 In addition to the holidays listed in Section 18.1, the employee shall be entitled to take one personal day off. The employee must use his/her personal day before the end of the calendar year in which it was earned. There shall be no carryover or payout of this personal day from one calendar year to the next. If, due to operational necessity, the Town prevents an employee from taking the personal day off before the end of the calendar year the unused personal day will be carried over to the new year. The unused personal day must be used within 30 days or be forfeited.

ARTICLE 19.

WAGES

19.1 . Effective October 1, 2013, October 1, 2014, and October 1, 2015 police officers, sergeants and police dispatchers will receive a two percent (2%) cost of living adjustment.

19.2 Effective October 1, 2013, police officers, police sergeants and police dispatchers shall be paid in accordance with the pay plans attached as Addendum B to this Agreement. Police officers, police sergeants and police dispatchers whose salaries on September 30, 2013 are higher than what the new pay plans provide for their same step, shall remain at their current pay.

19.3 Effective October 1, 2013, police officers and police dispatchers who are not topped out, will continue to advance in their respective pay plans on their respective anniversary date.

19.4 The starting salary for a police officer promoted to the rank of sergeant shall be \$80,550.04

19.5 A police officer assigned to work as an acting sergeant will receive out of class pay equal to an additional 10% of the Police Officer's base salary during the police officer's assignment as an acting sergeant.

19.6 An employee assigned to work as a detective, Neighborhood Resource Officer (NRO), motorcycle officer, K-9 officer or Field Training Officer (FTO) will receive pay equal to an additional 5% of the employee's base salary during the employee's actual assignment as a detective, motorcycle officer, K-9 officer or Field Training Officer (FTO). However, an

employee is only permitted to receive one 5% additional pay at any given time regardless of how many different assignments that employee has at such time.

19.7 Any member assigned to the Second Platoon, afternoon shift, or night shift shall receive a shift differential of 3% of the employee's base salary. If an employee works a twelve (12) hour shift, that employee is only entitled to one shift differential for that shift.

19.8 Employees will be eligible to receive longevity. An employee will receive a non-cumulative longevity stipend during the month of their anniversary of each year they are eligible providing the employee has uninterrupted employment with the Town as follows:

<u>YEARS OF SERVICE</u>	<u>ANNUAL STIPEND</u>
Beginning of 7th year	\$1,000.00
Beginning of 11th year	\$1,500.00
Beginning of 15th year	\$1,750.00
Beginning of 20th year	\$2,000.00

ARTICLE 20.

SPECIAL WAGE PROVISIONS

20.1 Back Pay - An employee shall be entitled to recover, as soon as possible, without penalty to the Town of Surfside, funds due him/her by reason of errors in the implementation or administration of the Town's pay plan and other applicable regulations affecting pay.

20.2 Insofar as it is practical to do so, except for final vacation or sick leave pay out, if any, all wages, overtime and supplemental payments due to employee will be furnished in one (1) paycheck.

20.3 The Town will continue to offer the Internal Revenue Service Section 125 (Pre-tax) payroll deduction program to include health insurance, dental insurance, and disability insurance premiums, the payments of which will be deducted from an employee's paycheck at his/her discretion.

20.4 The following items are exclusions from pensionable wages:

- Sick Retirement Pay
- Clothing Allowance
- Overtime Pay (includes all overtime)
- Compensatory Time (includes all compensatory time except comp spent overtime & comp spent holiday).
- Employee of the Month/ Quarter/Year
- Vacation Termination
- Workers Compensation Pay
- Third Party Sick/Exempt
- Dental Insurance
- Vision Insurance
- Flexible Deductions: Medical and Dependent Care
- All Health (Medical) Insurance
- All AFLAC Supplemental Insurance
- ICMA/Nationwide Voluntary Retirement
- K-9 Allowance
- Extra Duty Pay

ARTICLE 21.

HOURS AND OVERTIME

21.1 The regular work week for each full-time employee shall consist of forty (40) hours per week. A work week is defined as 12:01 am Monday thru midnight Sunday. Employees exceeding forty (40) "hours worked" in any week shall be paid overtime in accordance with the provisions of the Fair Labor Standards Act ("FLSA") or the employee shall have the option of receiving compensatory time at time and one-half. For the purpose of this Article "hours worked" shall have the meaning as defined by the FLSA.

21.1.1 Employees may earn up to a total of two hundred and sixty-eight (268) hours of compensatory time, but may replenish the bank throughout the year. Subject to operational needs as determined by the Chief of Police or his designee, each employee may choose the option of being paid the remaining compensation bank balance on each October 1st at the existing pay rate or continue the current balance of the compensation bank to the next fiscal year. Compensatory time off shall not be unduly denied.

21.1.2 Employees will have the option of utilizing up to forty (40) hours of accrued compensatory time for the purpose of extending annual leave subject to the Chief of Police approval.

21.2 Shift rotation will be by seniority in rank and shall occur every six (6) months and will take effect on each October 1st and April 1st. When shift rotation occurs, no employee shall be forced to work a continuous shift beyond a normal eight or twelve hours except during a declared emergency.

21.3 Shift assignments will be based upon operational needs, in accordance with Article 10, and shall not be punitive in nature.

21.4 When it is necessary for the Employer to require the employee to return to work, not on his/her assigned shift or not contiguous with his/her scheduled workday, the Employer agrees to compensate the employee for a minimum of three (3) hours pay at one and one-half times the employee's regular hourly rate of pay. When it is necessary for the department to require an employee to report to work directly before his/her scheduled workday or to work beyond the scheduled end of the employee's workday, the employee shall be compensated in accordance with the provisions of the FLSA.

21.5 For mandatory court appearances during off-duty hours related to an employee's employment with the Town, employees shall be provided with pay at the rate of one and one-half times the employee's regular hourly rate for such court appearances, with the following minimum hourly guarantees:

21.5.1 During an employee's off-duty hours, a minimum of four (4) hours per day shall be guaranteed. However, if the employee's first court appearance begins within one (1) hour of the start of the employee's shift or within one (1) hour of the end of the employee's shift, a minimum of two (2) hours per day shall be guaranteed.

21.5.2 For the employee's second off-duty appearance in the same day which does not occur within the time period for which the minimum guaranty under 21.5.1 above applies, an additional two (2) hour minimum shall apply.

21.5.3 For the employee's third off-duty appearance in the same day which does not occur within the time period for which the minimum guaranty under 21.5.1 or 21.5.2 above applies, an additional one (1) hour minimum shall apply.

21.6 Any employee who is called in to work reference a hurricane, storm related event or any other emergency as determined by the Chief of Police, shall be paid one (1) additional hour for travel time (from home to work).

21.7 Any employee who is either under department or internal affairs investigation or who is required to appear as a witness to such investigation, who is required to appear on his/her normal off-duty hours, will be compensated at the overtime rate established in Paragraph 21.1 for the actual time spent in attendance at such investigation.

21.8 Notwithstanding the provisions of subsection 21.1, the Chief of Police may institute a work schedule for those bargaining unit members that work uniform patrol consisting of two (2) twelve (12) hour shifts per day. This schedule, if implemented, shall be designed, instituted and discontinued at the sole and absolute discretion of the Chief of Police. The Chief's decisions with respect to this schedule shall not be grievable or arbitrable.

21.8.1 In the event that the alternate schedule specified in subsection 21.8 is instituted, the following provisions shall govern hours of work and overtime for those bargaining unit members assigned to the twelve (12) hour shift: Eighty-four (84) hours in a fourteen (14) day cycle shall constitute the normal work period. Such hours shall be compensated at straight time. Nothing herein shall guarantee a minimum number of hours per day, per week or per month.

Employees who work in excess of eighty-four (84) hours in a fourteen (14) day cycle shall be paid overtime in accordance with the provisions of the Fair Labor Standards Act (FLSA). "Hours worked" shall be determined in accordance with and as defined in the FLSA.

ARTICLE 22.

FRINGE BENEFITS

22.1 Permanent full-time employees will be provided, at no cost to the Employee, with full medical, surgical and hospitalization benefits equivalent to those paid to other Town employees. For those permanent full-time employees who request dependent medical coverage under the Town's plan, the Town shall pay 60% of the cost of such coverage.

22.2 Sick leave shall be earned at the rate of one (1) day per month based on a forty (40) hour work week and added to the employee's sick leave bank. The remaining days of sick leave may be accumulated up to a maximum of 960 hours. Sick leave may be used for the following reasons:

22.2.1 Personal illness or physical incapacity to such an extent as to be rendered thereby unable to perform the duties contained in the employee's job description or assigned by the Town Manager or that he/she may be assigned by the Town Manager pursuant to Town ordinance. 22.2.2 Enforced quarantine when established by the Department of Health for the period of such quarantine.

22.3 Employees who terminate their employment after completion of ten (10) years of service will be paid 35% of their accumulated sick time. Employees who retire under regular retirement will be paid for 60% of their accumulated sick time. Employees who are killed in the line of duty will have 100% of their accumulated sick time paid to their survivors or heirs. Employees who die of natural causes will have 75% of their accumulated sick time paid to their survivors or heirs.

Accumulated sick leave shall be paid at the rate being earned at the time of termination, resignation or death. Employees who are terminated by the Town as a result of disciplinary action shall not be paid for any unused sick time. 22.4 Bereavement Leave: When there is a death in the immediate family of an employee, that employee shall be granted three (3) days off without loss of pay or benefits. If the funeral is out of state, an additional two (2) days shall be allowed. Employees may be asked to demonstrate that they actually attended the services or to the needs of the family to be eligible for the additional out of state leave time.

22.4.1 Immediate family is described as father, mother, father-in-law, mother-in-law, spouse, children, grandchildren, grandparents, brother or sister, brother-in-law, or sister-in-law.

22.4.2 Bereavement leave will not be charged against sick leave, vacation or holiday time, or accumulated overtime.

22.5 Vacation leave is granted to full-time employees and is accrued as follows:

YEARS OF SERVICE

VACATION LEAVE

0 through 2 years

Ten (10) days. Eligibility for use of accrued vacation time begins only after successful completion of initial six (6) months of employment.

3 through 15 years

Fifteen (15) days.

Beginning at 16 years

Twenty (20) days.

22.5.1 The maximum amount of vacation leave that may be carried from one calendar year to the next is 240 hours. If, due to operational necessity, the Town prevents an employee who is at 240 hours from taking vacation leave before the end of the calendar year the unused

vacation will be carried over to the new year. The unused vacation must be used within 90 days or be forfeited.

22.5.2 Seniority within each rank or classification shall be determinative in the scheduling of vacations.

ARTICLE 23.

UNIFORMS, SAFETY AND EQUIPMENT

23.1 All employees shall be furnished by the Town, at no cost to the employee a uniform. The uniform issued for law enforcement officers shall consist of four (4) pairs of trousers, one (1) hat, five (5) blue shirts, two (2) badges, cloth sewn-on name tag, a gun belt and accessories to include handcuffs and case, cartridge case and authorized ammunition, appropriate service weapon and holster, and one (1) winter jacket. A pair of shoes shall be provided each employee upon request. If shoes are requested, the employee shall wear the shoes with the uniform. All torn, worn, or damaged equipment shall be replaced, as needed by the employee, subject to approval of the Chief of Police. Each law enforcement officer shall be provided with surgical masks, gloves and resuscitation devices.

23.2 Any employee who shall incur any breakage, loss or damage to his/her uniform or personal equipment in the line of duty, and not through his/her own negligence, shall have it replaced by the Employer at no cost to the employee. Personal equipment only includes prescription glasses, contact lenses, non-prescription sunglasses, watches and wedding bands. The Employer shall provide the replacement/repair cost of personal equipment lost or damaged in the line of duty in accordance with the following schedule:

Prescription glasses/contacts	Full amount
Watches	\$ 75.00
Wedding Ring	\$ 75.00
Non-prescription sunglasses	\$ 20.00

23.3 The Employer shall provide for cleaning of uniforms at no cost to the employee.

23.4 Employees who are assigned to perform detective duties and required to wear non-issue clothing in the course of their job shall receive a clothing allowance of one hundred (\$100.00) dollars per month.

23.5 Upon the request of a sworn employee and once every five (5) years unless special circumstances the Town will provide up to \$750 for the purchase of a body armor vest. The employee must remain with the Town for one (1) year from the time of purchase of such equipment, or said monies must be repaid to the Town (may be deducted from final paycheck).

23.5.1 Body armor vests will be replaced upon expiration of warranty, and in accordance with the same conditions set forth in section number 23.5.

23.6 To protect employees while they are away from their patrol cars, or when working off-duty jobs while in the Town of Surfside, the Employer will provide each employee with a two-way hand-held portable radio, if available. On-duty personnel shall have priority over employees on approved off-duty jobs.

ARTICLE 24.

WAIVER AND ZIPPER CLAUSE

24.1 The parties acknowledge that during the negotiations which resulted in this Agreement each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining and that the understanding and agreement arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Therefore, unless otherwise specified in this Agreement, the Town and the Union, for the life of this Agreement, each voluntarily and unqualifiedly waive the right, and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter referred to or covered by this Agreement and with respect to any subject or matter not specifically referred to or covered in this Agreement, even though such subject or matter may not have been within the knowledge and contemplation of either or both of the parties at the time they negotiated or signed this Agreement.

24.2 This Agreement contains the entire contract, understanding, undertaking and agreement of the parties hereto and finally determines and settles all matters of collective bargaining for and during its terms, except as may be otherwise provided herein.

24.3 The parties to this Agreement jointly agree that all matters of past practice and custom prior to the execution of this Agreement and not specifically included herein shall not be asserted by the Parties and shall not be considered to bind the parties, or have any cause or effect. No prevailing rights shall be acknowledged or asserted by either party during the life of this Agreement.

ARTICLE 25.

WORKERS' COMPENSATION / LIGHT DUTY

25.1 The Town agrees that in the event of an on-the-job disabling injury to an employee covered by this Agreement, that employee shall be entitled to supplemental pay from the Town in an amount in addition to their workers' compensation payment to so equal their normal weekly pay for the first ninety (90) working days of the period in which he/she is receiving workers' compensation. When an employee suffers an injury in the line of duty that is the direct result of responding to an emergency call for police assistance that involves felonious conduct, that employee shall be entitled to supplemental pay from the Town in an amount in addition to their workers' compensation payment to so equal their normal weekly pay for one-hundred eighty (180) working days of the period in which he/she is receiving workers' compensation. After the first ninety (90) working days of supplemental pay, or the first one hundred eighty (180) working days of supplemental pay based on employee eligibility, the employee may request additional supplemental pay from the Town Commission by making a request in writing to the Town Manager. The Town Commission shall determine eligibility pursuant to the Town Code. A representative of his/her own choosing may represent the employee at the eligibility hearing. Payments under this section will begin immediately with no interruption to the employee's regular pay.

25.2 All employees who suffer any injury or who are exposed to toxic or hazardous substances during on-duty time or off-duty details shall immediately notify the dispatcher and on-duty supervisor, then follow-up reporting in accordance with Town procedures. Failure to do so may result in a loss of benefits and incursion of penalties. All employees suffering on-the-job injuries as contemplated under Chapter 440, Florida Statutes, shall be entitled to select their own physician for medical care from a list of practitioners approved by the Employer or its insurance

carrier pursuant to Section 440.211, Florida Statutes. This does not preclude the Town and/or its insurance carrier from requiring certain medical examinations from doctors of their choice.

25.3 Any employee injured on the job shall be paid a full day's wages for the day of the accident if his/her treating physician advises that he/she could not or should not return to work that day.

25.4 Any employee who is returning to full time work from sick leave/Worker's Compensation leave may return to work in his/her assigned position upon the recommendation of his/her physician if he/she is able to perform the essential functions of their position. If the employee cannot perform the essential functions of his/her assigned position upon the recommendation of his/her physician, the employee may be allowed to return to work on light duty status if a light duty position is available. This placement of the employee in a position which does not require him/her to perform the essential functions of the job (light duty) will be made through a recommendation by a physician and may be approved by the Town Manager or the Chief of Police or his/her designee only if there is a reasonable expectation that the employee can perform the essential duties of the position within ninety (90) working days and maintain his/her current pay grade. The Town Manager or the Chief of Police or their designee, has discretion to approve light duty status based upon the recommendation of competent medical authority. The decision of the Chief of Police, Town Manager or his/her designee to assign or not assign light duty shall not be grievable.

25.5 Fitness for duty assessments are to be performed by the employee's physician and, if deemed necessary, by the Town's physician at the Town's expense.

If a conflict exists between both Doctors' assessments, a third party medical professional shall be chosen by both sides for a final analysis as to the employee's fitness for duty, which will be binding on the parties.

25.6 An employee who does not return to work after remaining on medical leave for one (1) consecutive year or on family medical leave for twelve weeks will be terminated, notwithstanding the use of leave entitlements. In each situation, an individual assessment will be conducted by the Town to determine the employee's fitness for duty capabilities and, insofar as is practicable, if some reasonable form of accommodations can be made for a return to work without causing an undue hardship to the Town.

25.7 Employees who are on sick time, or who are on disability leave or workers' compensation who are observed engaging in activities inconsistent with claimed injuries or illnesses have demonstrated *prima facie* evidence of malingering and/or falsification of medical claims and may be disciplined, suspended, demoted or terminated. Additionally, any employee who receives compensation from the Town or its insurance carrier based upon a fraudulent claim shall reimburse the Town or the insurance carrier all funds received by the employee as a result of such fraudulent claim.

ARTICLE 26.

EMPLOYEE WELLNESS PROGRAM

26.1 Each member may voluntarily submit to a wellness physical examination at a Wellness Center selected by the Town and at the Town's expense. Each Party recognizes that maintaining the health and fitness of the member can be a matter of life or death. Results of said wellness physical examination are confidential between the Wellness Center and the employee only and will not, under any circumstances, be furnished to the Town.

26.2 This wellness examination shall be yearly for all employees over the age of forty and every two years for employees under the age of forty.

ARTICLE 27.

DRUG TESTING

27.1 Whenever the Town, or any of its managerial or supervisory employees, has a reasonable suspicion that an employee in the bargaining unit represented by the FOP has reported for duty under the influence of alcohol or illegal drugs, been involved in an on-duty accident or assigned off-duty job incident where there is a reasonable suspicion that the employee has used controlled substances or alcohol is suspected, or has used alcohol or illegal drugs while on duty, or has used illegal drugs off duty, the Town may require the employee to furnish a urine, hair or blood specimen, for chemical analysis to determine the presence of illegal drugs or determine the presence of alcohol.

27.2 Reasonable suspicion testing shall be limited to circumstances where two (2) Police Department supervisory or Police Department managerial employees have reasonable grounds to suspect that the employee has recently used or is under the influence of alcohol on duty or illegal drugs on or off duty.

27.3 The Chief of Police or his/her designee shall approve any mandatory test for the presence of alcohol or illegal drugs pursuant to this paragraph.

27.4 An employee required to submit to a mandatory test for the presence of alcohol or illegal drugs shall be entitled to have an FOP or other employee representative present when the blood is drawn or when the urine specimen is obtained. However, under no circumstances will the taking of blood or taking of a urine specimen be delayed for more than one (1) hour to allow for the presence of a FOP or other employee representative. The collection will be conducted with as much privacy as possible to maintain assurance of a reliable chain of evidence.

If the laboratory is closed, the sample may be drawn at a hospital. The employee shall view the sealing and packaging of the sample and initial the same.

27.5 In addition to the "reasonable suspicion" testing provided for above, the Town may institute a program of random drug testing utilizing a computer based program that will randomly select employees from the bargaining unit with no greater frequency than on a monthly basis. No employee shall be randomly tested in excess of three (3) times in any calendar year. The Town shall notify the supervisor of each employee selected for random testing. The supervisor shall be responsible for ensuring that the employee is immediately taken to the testing site.

27.6 The parties agree to be bound by the Drug-Free Workplace Act as set forth in Chapter 440 and Chapter 112 of the Florida Statutes, and the Drug-Free Workplace Standards promulgated by the Agency for Health Care Administration.

27.7 All tests for the presence of illegal drugs shall be conducted using recognized technologies. In the event an employee's initial test results are positive (i.e., indicate the presence of an illegal drug), a second test will be conducted utilizing a different procedure, the Gas Chromatography/mass Spectrometry (G.C.M.S.) except that alcohol will be confirmed using Gas Chromatography testing method. A certified Medical Review Officer (MRO) who will be a medical professional chosen by the Town will review all negative and confirmed positive laboratory results. The MRO for the Town will be designated by Mt. Sinai Medical Center Occupational Health Department or an alternate as may be determined by the Town. Confirmed positive results will only be communicated to the Town's Human Resources Director after the MRO has ascertained that personal prescriptions or other legal substances do not account for the

laboratory findings. Investigations may include, as appropriate, telephone contact with the employee and any prescribing physician. Employees may consult the Town appointed MRO concerning drugs and/or drug groups that may be tested for under this procedure.

Employees may contact the Town's MRO to ask questions concerning prescribed medications they are taking for clarification purposes involving fitness for duty assessments. The standards to be used for employee drug testing are as established by Florida Administrative Code Rules 59A-24 and 11B-27.

An employee will be considered to test positive for alcohol at the level equal to or exceeding 0.04g%. Other drugs and substances listed in Schedule I through V the Controlled Substance Act, 21 U.S.C. 812 may be tested for on behalf of the Town. In any event, they will be tested at levels according to generally accepted toxicology standards.

Copies of the test results shall be made available to the employee, upon the employee's request, at the Town Police Station within twelve (12) hours after the Town has received the test results. Additionally, if the employee so requests, within twelve (12) hours after the test results have been made available, he/she shall be given a sample of the specimen tested.

27.8 It is understood and agreed that the employees in the bargaining unit represented by the FOP are prohibited from using illegal drugs on or off duty. "Illegal drugs" means any controlled substance as defined in the Drug-Free Workplace Standards Act and, not used in accordance with a lawful prescription.

27.9 The results of such tests shall be handled as if part of an internal affairs investigation. The taking of a blood, hair or urine specimen from an employee does not constitute an interrogation within the meaning of Section 112.532, etc., Florida Statutes, unless questions are asked at the time the blood alcohol test or urine specimen is taken.

ARTICLE 28.

JOB DESCRIPTION AND APPEAL

28.1 No employee covered by this Agreement shall be required to do work outside his/her classification, except under emergency conditions as declared by the Town Manager or authorized representative.

28.2 Whenever there is a proposed change in the job description or title of a class within this Bargaining Unit, the Town of Surfside shall discuss with the Union the proposed change in job description. The Union shall receive a copy of the current job description and the proposed job description. Proposed changes shall be publicized among employees.

28.3 If the Union is not satisfied with the proposed change, it may in writing, within five (5) days of the conclusion of the discussion stated in Section 28.2 above, request a meeting with the Town Manager. The meeting shall be held at a mutually agreeable time, within thirty (30) days.

28.4 It is understood by the parties that the duties enumerated in job descriptions are not always specifically described and are to be construed liberally within present job descriptions. The Town of Surfside may assign tasks and duties which involve minor and occasional variations from the job descriptions to employees, so long as the tasks and duties assigned fall within skills and other factors common to the classification.

ARTICLE 29.

FLORIDA LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

29.1 To the extent not contractually modified in Article 9 of this Agreement, Sections 112.531, 112.532, 112.533 and 112.534, Florida Statutes, known as the "Florida Law Enforcement Officer's Bill of Rights," as may be amended from time to time, are applicable to this Agreement. Any violation of the above-referenced Florida Statutes shall be redressed through applicable judicial proceedings and shall not be subject to the grievance or arbitration provisions of the Agreement.

ARTICLE 30.

SEVERABILITY CLAUSE

30.1 If any provision, section, subsection, service, clause, or phrase of this Agreement is held to be invalid by a court of competent jurisdiction, the remainder of this Agreement shall not be affected by such invalidity and shall remain in full force and effect with it being presumed that the intent of the parties herein was to enter into Agreement without such invalid portion or portions.

ARTICLE 31.

RETIREMENT PLAN

31.1 Except as provided for below, the Town shall maintain the existing pension ordinance provisions regarding benefits and contributions for police officers for the duration of this Agreement.

31.1.1 Employees will vest in the pension plan after five (5) years of credited service.

31.1.2 Police officers and Sergeants agree to contribute eight percent (8%) of earnable compensation to the plan.

31.1.3 The Town agrees to implement a five-year Deferred Retirement Option Plan for employees. See Addendum A.

31.1.4 The pension multiplier for sworn employees for creditable service rendered on or after October 1, 2005, shall be equal to three percent (3%) of the final average monthly compensation multiplied by the number of years of creditable service rendered on or after October 1, 2005. The pension multiplier for creditable service rendered on or after October 1, 2006, shall be equal to three and one-half percent (3.5%) of the final average monthly compensation multiplied by the number of years of creditable service rendered on or after October 1, 2006.

31.1.5 At a three percent (3%) multiplier, the maximum total annuity payable to a police officer shall be seventy-five percent (75%) of the employee's highest average annual compensation for any three years within the last ten years. At a three and one-half percent

(3.5%) multiplier, the maximum total annuity payable to a police officer will be ninety percent (90%) of the employee's highest average annual compensation for any three years within the last ten years.

31.1.6 Normal retirement for police officers is the earliest of the date when:

- Reach age 52 and complete 20 years of Creditable Service

or

- Complete 25 years of Creditable Service

or

- Reach age 62 and 5 years of Creditable Service

or

- The completion of 15 years of service if hired on a full time basis in March, 2003

31.1.7 An employee's average final compensation shall be computed using the employee's highest three years of base salary.

31.1.8 For disability retirements only, the Town agrees not to offset the employee's disability retirement by any social security or workers' compensation benefits received by the employee for the same disability.

31.1.9 The Town recognizes the Police Officers Heart / Lung Bill codified in Section 112.18 of the Florida Statutes.

31.1.10 The Town will allow eligible members to buy-back applicable service to the pension system for sworn employees up to a maximum of six (6) years combined prior law enforcement service for a municipal agency within the United States and the U.S. Military

Service. Should an employee opt to buy-back applicable service time, all costs associated with such a buy-back option shall be borne solely by the employee as determined by the actuary for the Town's pension plan.

ARTICLE 32.

PROBATIONARY EMPLOYEES

32.1 New Employees:

32.1.1 All new full-time employees of the Department shall be deemed in a probationary status for twelve (12) months, beginning with the first day of employment with the Town as a State Certified Police Officer or dispatcher.

32.1.2 An employee's probationary period shall be tolled and extended during any time period that the employee is not at work performing his/her regular, normal duties for more than thirty (30) consecutive calendar days (e.g., sick leave, light duty, and workers' compensation leave). The probationary period will commence running only when the employee returns to his/her normal duties.

32.1.3 The Town shall notify, in writing, the probationary employee of his/her completion of the probationary period. Failure to notify the employee shall not extend the probationary period. The probationary period may be extended by the Chief of Police at his/her sole discretion up to a maximum of six (6) months.

32.1.4 During an employee's probationary period, he/she serves at the will and pleasure of the Town. Accordingly, no probationary employee may grieve, or otherwise challenge, any decision involving assignment, layoff or discipline, including discharge (for whatever reason). Probationary employees may otherwise utilize the grievance/arbitration procedure contained in this Agreement.

32.2 Promotions

32.2.1 In the event an employee receives a promotion from a lower to a higher bargaining unit position, that employee shall serve a probationary period of nine (9) months of continuous employment from the effective date of the promotion.

32.2.2 An employee's promotional probationary year shall be tolled and extended during any time period that the employee is not at work performing his/her regular, normal duties for more than thirty (30) consecutive calendar days (e.g. sick leave, light duty, and workers' compensation leave). The promotional probationary period will commence running only when the employee returns to his/her normal duties.

32.2.3 Upon completion of the promotional probationary period, the Chief of Police or his/her designee shall make a determination as to whether the employee shall become permanent in the position to which he/she was promoted. In the event the Chief of Police or his/her designee fails to make a positive recommendation, the employee shall automatically revert to his/her former classification from which he/she has been promoted. Such reversion shall be final with no rights of appeal to any authority including the grievance procedure contained in this Agreement.

ARTICLE 33.

TERM OF AGREEMENT

33.1 Except as specifically provided otherwise in Article 19, this Agreement shall take effect upon ratification by both parties and shall continue in full force and effect through September 30, 2016 unless amended in writing by mutual agreement of the parties.

ARTICLE 34.

SIGNING OF AGREEMENT

AGREED TO this _____ day of _____, 2014, by and between the respective parties through an authorized representative or representatives of the Union and by the Town Manager, as directed by the Town Council.

FOR THE FLORIDA STATE LODGE
FRATERNAL ORDER OF POLICE

FOR THE TOWN OF SURFSIDE,
FLORIDA

John Puleo
FOP Staff Representative

Michael P. Crotty
Town Manager

Tammy Campbell
Local Representative

Linda Miller
Town Attorney

ADDENDUM "A"

DEFERRED RETIREMENT OPTION PROGRAM

The Town agrees to establish a Deferred Retirement Option Program ("DROP") for members of the Town's pension plan who are either sworn law enforcement officers or dispatchers as follows:

A. A sworn law enforcement 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 sixty (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 sixty (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 sixty (60) months.

B. An Eligible Member may elect to become a participant in the DROP ("Participant") with thirty (30) days advance written notice to the City during the applicable DROP period; however, in no event shall the DROP period be extended beyond the sixty (60) months from the date the sworn law enforcement or dispatcher member is first eligible to participate in the DROP. As a condition of participating in the DROP, the Eligible Member must agree to terminate Town employment at the conclusion of the DROP period and must submit a letter of resignation to the Town, which letter shall be coupled with an interest and shall be irrevocable, prior to entering the DROP.

C. An Eligible Member may participate in the DROP only once and, after commencement of DROP participation, he or she shall never have the right to be a member of the Plan again.

D. A Participant may elect to terminate DROP participation and Town employment earlier than the maximum DROP participation period by providing thirty (30) days advance written notice to the Town and the Pension Board.

E. Participants will be subject to the same employment standards and policies that are applicable to Town employees who are not DROP participants. Participation in the DROP is not a guarantee of employment with the Town. Participation in the DROP will end if the Town terminates the Participant for any reason.

F. Upon the effective date of the Eligible Member's entry into the DROP, the Participant will be considered retired for purposes of the Plan and membership in the Plan shall be terminated. No further member contributions shall be required after the Participant enters the DROP. Compensation and creditable service shall remain as they existed on the effective date of the Eligible Member's commencement of participation in the DROP. The monthly service retirement allowance that would have been payable had the Eligible Member instead elected to cease Town employment and receive retirement benefits shall be paid into the Participant's DROP account.

G. During the DROP participation period, the Participant's monthly service retirement allowance will be paid into the Participant's DROP account. After each fiscal quarter,

the average daily balance of the Participant's DROP account shall be credited or debited at a rate equal to the actual net investment return realized by the Plan for that quarter. "Net investment return" for purposes of this paragraph is the total return on the assets in which the participant's DROP account is invested by the Pension Board net of brokerage commissions, transaction costs, investment management fees and other investment-related charges.

H. If a Participant does not terminate Town employment at the end of the maximum DROP participation period, no benefit payments will be made either to the Participant's DROP account or to the Participant until the Participant terminates his or her employment with the Town. In addition, for the duration of employment beyond the end of the maximum DROP participation period, the Participant's DROP account shall be debited with any negative net investment returns but shall not be credited with any positive net investment returns.

I. Within thirty (30) days following the Participant's termination of the employment or death, the Participant's entire DROP account balance shall be distributed to the Participant (or in the event of the death, to the Participant's designated beneficiary or estate) in a cash lump sum, unless the Participant elects to have all or any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the Participant. Regardless of the option selected by the Participant, the Pension Board has the right to accelerate or defer payments to comply with the Internal Revenue Code. The DROP is intended to comply with the Internal Revenue Code and the Pension Board shall take no action which would jeopardize the tax qualification of the Plan.

J. DROP payments to a beneficiary shall be in addition to retirement benefits payable under any optional form of retirement benefit elected by the Participant.

K. All benefits payable under the DROP shall be paid only from the assets of the DROP, and neither the Town nor the Pension Board shall have duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by applicable law.

L. The Pension Board is authorized to adopt any additional rules necessary for proper administration of the DROP.

ADDENDUM "B"
FRATERNAL ORDER OF POLICE COLLECTIVE BARGAINING AGREEMENT

PAY TABLE MINIMUMS
10/1/2013 PAY TABLE MINIMUMS

2 % COLA YEAR 1

POLICE OFFICERS

STEPS	FY 2014	Hourly Equivalent		STEPS	FY 2014	Hourly Equivalent
**Starting	\$50,258.47	\$24.1627		**Starting	\$51,263.64	\$24.6460
1	\$55,284.32	\$26.5790		1	\$56,390.01	\$27.1106
2	\$58,048.54	\$27.9080		2	\$59,209.51	\$28.4661
3	\$60,950.97	\$29.3034		3	\$62,169.99	\$29.8894
4	\$63,998.52	\$30.7685		4	\$65,278.49	\$31.3839
5	\$67,198.45	\$32.3069		5	\$68,542.42	\$32.9531
6	\$70,558.38	\$33.9223		6	\$71,969.55	\$34.6007
7	\$72,673.13	\$34.9390		7	\$74,126.59	\$35.6378
8	\$74,855.38	\$35.9882		8	\$76,352.49	\$36.7079

Notes:

****Starting Salary for Certified Police Officer**

DISPATCHERS

STEPS	FY 2014	Hourly Equivalent		STEPS	FY 2014	Hourly Equivalent
Starting	\$32,287.41	\$15.5228		Starting	\$32,933.16	\$15.8332
1	\$33,901.78	\$16.2989		1	\$34,579.82	\$16.6249
2	\$35,596.87	\$17.1139		2	\$36,308.81	\$17.4562
3	\$37,376.72	\$17.9696		3	\$38,124.25	\$18.3290
4	\$39,245.56	\$18.8681		4	\$40,030.47	\$19.2454
5	\$41,207.84	\$19.8115		5	\$42,032.00	\$20.2077
6	\$43,268.23	\$20.8020		6	\$44,133.59	\$21.2181

2 % COLA YEAR 1

SERGEANTS

STEPS	FY 2014	Hourly Equivalent		STEPS	FY 2014	Hourly Equivalent
Starting	\$80,550.04	\$38.7260		Starting	\$82,161.04	\$39.5005
1	\$81,485.54	\$39.1757		1	\$83,115.25	\$39.9593
2	\$82,421.04	\$39.6255		2	\$84,069.46	\$40.4180
3	\$83,451.31	\$40.1208		3	\$85,120.34	\$40.9232
4	\$84,481.57	\$40.6161		4	\$86,171.20	\$41.4285
5	\$85,537.59	\$41.1238		5	\$87,248.34	\$41.9463
6	\$86,593.61	\$41.6315		6	\$88,325.48	\$42.4642

**10/1/2014
PAY TABLE MINIMUMS**

2 % COLA YEAR 2

POLICE OFFICERS

STEPS	FY 2015	Hourly Equivalent		STEPS	FY 2015	Hourly Equivalent
**Starting	\$51,263.64	\$24.6460		**Starting	\$52,288.91	\$25.1389
1	\$56,390.01	\$27.1106		1	\$57,517.81	\$27.6528
2	\$59,209.51	\$28.4661		2	\$60,393.70	\$29.0354
3	\$62,169.99	\$29.8894		3	\$63,413.39	\$30.4872
4	\$65,278.49	\$31.3839		4	\$66,584.06	\$32.0116
5	\$68,542.42	\$32.9531		5	\$69,913.27	\$33.6121
6	\$71,969.55	\$34.6007		6	\$73,408.94	\$35.2928
7	\$74,126.59	\$35.6378		7	\$75,609.12	\$36.3505
8	\$76,352.49	\$36.7079		8	\$77,879.54	\$37.4421

Notes:

****Starting Salary for Certified Police Officer**

DISPATCHERS

STEPS	FY 2015	Hourly Equivalent		STEPS	FY 2015	Hourly Equivalent
Starting	\$32,933.16	\$15.8333		Starting	\$33,591.82	\$16.1499
1	\$34,579.82	\$16.6249		1	\$35,271.42	\$16.9574
2	\$36,308.81	\$17.4562		2	\$37,034.99	\$17.8053
3	\$38,124.25	\$18.3290		3	\$38,886.74	\$18.6955
4	\$40,030.47	\$19.2454		4	\$40,831.08	\$19.6303
5	\$42,032.00	\$20.2077		5	\$42,872.64	\$20.6118
6	\$44,133.59	\$21.2181		6	\$45,016.26	\$21.6424

2 % COLA YEAR 2

SERGEANTS

STEPS	FY 2015	Hourly Equivalent		STEPS	FY 2015	Hourly Equivalent
Starting	\$82,161.04	\$39.5005		Starting	\$83,804.26	\$40.2905
1	\$83,115.25	\$39.9593		1	\$84,777.56	\$40.7584
2	\$84,069.46	\$40.4180		2	\$85,750.85	\$41.2264
3	\$85,120.34	\$40.9232		3	\$86,822.75	\$41.7417
4	\$86,171.20	\$41.4285		4	\$87,894.62	\$42.2570
5	\$87,248.34	\$41.9463		5	\$88,993.31	\$42.7852
6	\$88,325.48	\$42.4642		6	\$90,091.99	\$43.3135

10/1/2015
PAY TABLE MINIMUMS

2 % COLA YEAR 3

POLICE OFFICERS

STEPS	FY 2016	Hourly Equivalent	STEPS	FY 2016	Hourly Equivalent
**Starting	\$52,288.91	\$25.1389	**Starting	\$53,334.69	\$25.6417
1	\$57,517.81	\$27.6528	1	\$58,668.17	\$28.2058
2	\$60,393.70	\$29.0354	2	\$61,601.57	\$29.6161
3	\$63,413.39	\$30.4872	3	\$64,681.66	\$31.0970
4	\$66,584.06	\$32.0116	4	\$67,915.74	\$32.6518
5	\$69,913.27	\$33.6121	5	\$71,311.54	\$34.2844
6	\$73,408.94	\$35.2928	6	\$74,877.12	\$35.9986
7	\$75,609.12	\$36.3505	7	\$77,121.30	\$37.0775
8	\$77,879.54	\$37.4421	8	\$79,437.13	\$38.1909

Notes:

****Starting Salary for Certified Police Officer**

DISPATCHERS

STEPS	FY 2016	Hourly Equivalent	STEPS	FY 2016	Hourly Equivalent
Starting	\$33,591.82	\$16.1499	Starting	\$34,263.66	\$16.4729
1	\$35,271.42	\$16.9574	1	\$35,976.85	\$17.2966
2	\$37,034.99	\$17.8053	2	\$37,775.69	\$18.1614
3	\$38,886.74	\$18.6955	3	\$39,664.47	\$19.0695
4	\$40,831.08	\$19.6303	4	\$41,647.70	\$20.0229
5	\$42,872.64	\$20.6118	5	\$43,730.09	\$21.0241
6	\$45,016.26	\$21.6424	6	\$45,916.59	\$22.0753

2 % COLA YEAR 3

SERGEANTS

STEPS	FY 2016	Hourly Equivalent		STEPS	FY 2016	Hourly Equivalent
Starting	\$83,804.26	\$40.2905		Starting	\$85,480.35	\$41.0963
1	\$84,777.56	\$40.7584		1	\$86,473.11	\$41.5736
2	\$85,750.85	\$41.2264		2	\$87,465.87	\$42.0509
3	\$86,822.75	\$41.7417		3	\$88,559.21	\$42.5765
4	\$87,894.62	\$42.2570		4	\$89,652.51	\$43.1022
5	\$88,993.31	\$42.7852		5	\$90,773.18	\$43.6410
6	\$90,091.99	\$43.3135		6	\$91,893.83	\$44.1797



Town of Surfside Town Commission Communication

Agenda Item: 4A1
Agenda Date: December 10, 2013
Subject: Garage Door Modification
From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the September 30, 2013 Town Commission and Planning and Zoning Board Joint meeting, there was a discussion regarding modification to the code relating to garage doors. Staff was provided direction to modify the code.

Analysis: The strict interpretation of the code is to have two separate garage doors, rather than a two car garage. This is not practical or financially feasible for the installation of a garage door. Staff is proposing the following change:

Sec. 90-50. Architecture and roof decks.
9-50.1 Architecture.

(5) Garage facades. Attached garages located at the front of a single family home shall not exceed 50 percent of the overall length of the facade. ~~If a garage is provided to accommodate two cars, the garage entrances must have an exterior expression of two separate entrances, each a maximum of ten feet wide, and separated by an 18-inch wide vertical element consistent with the facade.~~

Staff Recommendation: Staff recommends the Town Commission approve this ordinance on first 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. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-50 "ARCHITECTURE AND ROOF DECKS" TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; 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 garage door regulations that were impractical and not financially feasible for property owners; and

WHEREAS, the code requires that if there is a garage that accommodates two cars there must be two separate garage doors installed; and

WHEREAS, the Town has determined that this requirement is not practical or financially feasible for the installation of a garage door; and

WHEREAS, The Town Commission held its first public reading on December 10, 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 January 30, 2014 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 February 11, 2014 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. 90-50. Architecture and roof decks.

9-50.1 Architecture.

(5) Garage facades. Attached garages located at the front of a single family home shall not exceed 50 percent of the overall length of the facade. ~~If a garage is provided to accommodate two cars, the garage entrances must have an exterior expression of two separate entrances, each a maximum of ten feet wide, and separated by an 18-inch wide vertical element consistent with the facade.~~

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 _____, 2014.

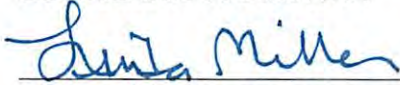
Daniel Dietch, Mayor

Ordinance No. _____

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, 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 #: 4A2
Agenda Date: December 10, 2013
Subject: Side Setback Ordinance
From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the October 23, 2013 Planning and Zoning Board meeting, the Board was reviewing an ordinance relating to lot frontage and building lengths for properties in the H120 district. Part of that discussion was also relating to side setbacks. The Zoning Code indicates that interior side setbacks for properties in the H120 district are 10 feet and for properties on a corner, the side setback is 20 feet.

The Board indicated that many of the properties on the east side of Collins Avenue were larger, aggregated lots. A 10 foot side setback did not seem adequate for 120 foot tall buildings and the Board directed staff to prepare a code amendment requesting setbacks in the H120 district to be 10% of the lot frontage. Therefore, a 300 foot lot would result in 30 foot side setbacks.

Recommendation: Staff recommends the Town Commission approve this ordinance on first 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. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-45 "SETBACKS"; 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 lot frontage and building lengths for properties in the H120 district; and

WHEREAS, the Town Zoning Code indicates that interior side setbacks for properties in the H120 district are 10 feet and for properties on a corner, the side setback is 20 feet; and

WHEREAS, many of the properties on the east side of Collins Avenue have larger, aggregated lots and a 10 foot side setback does not seem adequate for 120 foot tall buildings; and

WHEREAS, the Town Commission has determined setbacks in the H120 district to be 10% of the lot frontage and therefore, a 300 foot lot would result in 30 foot side setbacks; and

WHEREAS, The Town Commission held its first public reading on December 10, 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 January 30, 2014 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 February 11, 2014 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. 90-45. Setbacks.

(b) *Setbacks.*

(1) *Required Setbacks—Tables:* The following tables shall be utilized for structures in the H30C, H40, H120, and SD-B40 zoning districts.

H120	Minimum Setback (Feet)
Primary frontage	40 FT
Interior side Side	10 FT 10% of the lot frontage
Rear	30 FT
Secondary frontage (Corner only)	20 FT

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.

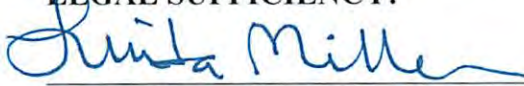
PASSED and ADOPTED on second reading this ____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, 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 _____



TOWN OF SURFSIDE
 MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

COMMISSION COMMUNICATION MEMORANDUM

TO: Town Commission

FROM: Commissioner Michelle Kligman

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

DATE: December 10, 2013

SUBJECT: Ordinance prohibiting the sale of live animals in Surfside

According to the American Humane Society, thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as “puppy mills” or “kitten factories.” The mass production of animals for sale to the public at these facilities, many of which are sold at retail in pet stores, lack proper animal husbandry practices. Animals born and raised there are more likely to have genetic disorders and lack adequate socialization. Breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle.

While not all dogs and cats sold in retail pet stores are the products of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates “puppy mills” or “kitten factories,” puppy mills and kitten factories continue to exist in part because of public demand.

In light of the above mentioned, I am proposing an Ordinance that amends Section 90.41(d) of the Zoning Code to prohibit the sale of live animals in the Town. The Town should prohibit the sale of dogs and cats and other live animals in pet stores. This will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals’ lives and reducing the cost to the public of sheltering animals.

Sandra Novoa

From: Mike Bober <mbober@pijac.org>
Sent: Friday, January 10, 2014 12:52 PM
To: Sandra Novoa
Cc: Linda Miller
Subject: Comment by the Pet Industry Joint Advisory Council on Proposed Ordinance prohibiting sale of live animals
Attachments: PIJAC Retail Sales Ban Testimony for Surfside FL 1 14 14.doc

Ms. Novoa and Ms. Miller,

Thank you again for the opportunity to submit commentary regarding the Surfside Town Commission's consideration of a proposed ordinance prohibiting the sale of live animals at the meeting to be held on January 14th.

Per our conversation today, Ms. Miller, I have attached our testimony for inclusion in the record.

Please let me know if you have any questions or require any additional information.

Sincerely,

Mike Bober

Mike Bober
Vice President, Government Affairs
Pet Industry Joint Advisory Council
P: 202.452.1525 ext. 1060
F: 202.452.1516
C: 202.309.3980
mbober@pijac.org

www.pijac.org





TESTIMONY OF THE PET INDUSTRY JOINT ADVISORY COUNCIL BEFORE
THE SURFSIDE, FLORIDA TOWN COMMISSION REGARDING A PROPOSED
ORDINANCE RELATING TO THE "SALE OF LIVE ANIMALS" IN SURFSIDE

January 10, 2014

The Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer the Surfside Town Commission our views regarding the proposed ordinance "prohibiting the sale of live animals" in Surfside. As the country's largest pet trade association, representing the interests of all segments of the pet industry throughout the United States, PIJAC counts among its members national associations, organizations, corporations and individuals involved in the commercial pet trade. More specifically, PIJAC represents the interests of pet stores, distributors, pet supply manufacturers, breeders, retailers and pet owners throughout the state of Florida and across the United States.

Let me begin by saying that no one cares more about healthy and safe pets than do PIJAC and our members. We have for many years provided a well-respected animal care certification program that is widely utilized by persons in the commercial pet trade as well as in shelters and humane societies across the country. Our association has long been recognized as the voice for a responsible pet trade, and we routinely advocate legislative and regulatory proposals establishing governmental mandates where appropriate to advance the public interest and the welfare of pets. PIJAC works closely with USDA to ensure effective enforcement of the federal Animal Welfare Act, and has since its inception. We regularly work with federal and state agencies as well as local governments to advance animal welfare interests.

Even as we have worked to raise standards of care, PIJAC has battled misconceptions about the quality of pet store animals and the sources of such animals. The unsubstantiated assertion that pet store animals generally come from substandard breeding facilities is commonly used as a smoke screen to obscure the fact that the overwhelming majority of pet owners who choose to purchase from pet stores bring home a happy, healthy pet and remain highly satisfied with their pet store experience.

What purpose does this proposed ban serve? It doesn't protect consumers, as there are currently no stores who sell live animals within the town limits. That being said, it should be noted that customers already enjoy far more protection in the law for the animals they get from pet stores than from any other source. They would merely be deprived of looking to a pet store as one of several alternatives for acquiring a pet, and in the process lose statutory protections that they currently enjoy. It doesn't protect the animals themselves. As already noted, pet store animals are as healthy as any others and, where appropriate, typically receive more frequent veterinary care than animals from other sources. Additionally, consumers who buy their animals from pet stores enjoy extra protections in the event the animal purchased is sick or diseased. As well-intentioned as this proposal may be, the approach the ordinance takes is unsupported by all available facts.

**PET INDUSTRY JOINT
ADVISORY COUNCIL**

1146 19th Street, N.W., Suite 350
Washington, DC 20036
Tel: 202-452-1525
Fax: 202-452-1516

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W F Young, Inc., East Longmeadow, MA

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Animal Supply Company, Federal Way, WA

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Rolf C. Hagen Inc., Baie D'urfe, Quebec

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Tom Edling
Petco Animal Supplies, San Diego, CA

Chris Fleming
Pinnacle Pet, Neosho, MO

Michael Peterson
The Pet Group, Carlsbad, CA

Laura "Peach" Reid
Fish Mart Inc., West Haven, CT

Jim Seidewand
Pet World, Inc., Rochester, NY

Marcie Whichard
PETCO Animal Supplies Inc., San Diego, CA

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PFX Pet Supply, LLC, W. Sacramento, CA

Sandra Moore (FTFFA)
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PRESIDENT and CEO

Mike Canning, Esq., CAE

Further, an animal sales ban indiscriminately targets responsible pet stores, while exempting others outside town limits who need not even comply with the standards under which pet stores already operate. Thus, in considering a townwide retail pet sale ban, the Commission risks enacting a law that will not only fail to stop the bad actors who operate substandard breeding and sales operations, but will actually exacerbate the very problem a sales prohibition seeks to address. Banning the sale of animals by pet stores that are subject to strict regulation and sourcing transparency will only drive prospective pet owners to outside unscrupulous sellers of pets who are not licensed and are unconcerned about compliance with animal care standards.

Animals delivered to pet stores in Florida are highly regulated:

- In the state of their birth
- In the state of their distributor
- By the federal government
- By Florida when the animals enter the state
- And animal cruelty is a criminal offense everywhere

Some make the claim that prohibiting the sale of commercially bred dogs and cats in pet stores will lead to more adoptions of shelter animals. No independently developed data supports this claim. PIJAC knows that animal control facilities and non-profits are often excellent sources for pets for some prospective pet owners, though not for everyone. Many shelter animals are relinquished because of socialization or health issues. Adoption may not be an appropriate option for families looking for a certain breed of animal for health considerations. There are varied reasons why families choose the animals they do. They should have a choice and not be denied the pet that best fits their family's requirements.

Furthermore, Florida has strict pet warranty laws. People who purchase pets from pet stores in the state have ample opportunity to recover under alternative remedies if they purchase an unfit animal from a pet store. In obviating this consumer protection provided under state law, the proposal adversely impacts potential small businesses and pet owners alike within Surfside. Only pet stores provide this warranty – shelters and rescue groups do not offer a warranty.

Hyperbole and emotionalism are poor substitutes for rational evaluation of objective information in establishing public policy. PIJAC recognizes that a few substandard facilities supplying pet stores do exist, as do substandard breeders providing animals directly to the public and, in fact, substandard shelters as well. And, our efforts to ensure humane standards of care are met in all of these facilities will continue. However, singling out pet stores for specious generalizations based on anecdotal evidence will **NOT** eliminate the existence of substandard conditions. While this may be a “feel good” approach it only diverts attention away from efforts to really accomplish effective solutions and we urge the Town Commission not to move forward with any proposed ordinance that targets pet stores in this way.

PIJAC is highly sympathetic to the concerns motivating this proposed ordinance, but an outright ban on retail pet sales is unjustified, harmful to the future of the local economy and ultimately will fail to better protect pets. We respectfully urge the Town Commission to reject the ban and not impose excessive restrictions on all pet owners by preventing legitimate local businesses that would be committed to the health, safety and well-being of the animals they could provide to Surfside families.

If the purpose of this proposal is to encourage tighter restrictions on the sources of animals coming into jurisdictions that DO have existing pet stores, PIJAC would welcome the opportunity to work with the Town Commission to raise the bar to ensure proper animal sourcing that protects dogs, cats and other animals. For instance, common sense solutions would require:

- Animals come from only USDA licensed breeders
- Breeders sourcing animals in any future Surfside pet stores shall not have an entry on their last USDA inspection report that directly impacts animal health (these records are searchable online) – these inspection reports could travel with the animal and be made available to the customer

We would welcome the opportunity to work with Surfside to arrive at a meaningful solution to the public policy concerns related to the care of animals. By working together, we can make sure that Surfside's citizens continue to have access to healthy animals to love as pets now and in the future.

Thank you for your consideration of our views.

Respectfully submitted,

Mike Bober
Vice President, Government Affairs
Pet Industry Joint Advisory Council

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 90.41 “REGULATED USES” PROHIBITING THE SALE OF LIVE ANIMALS AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida (the “Town”) encourages pet ownership so long as pets are properly treated and restrained so as not to create a nuisance (in accordance with the terms of Chapter 10 of the Code), and

WHEREAS, the Town Commission of the Town of Surfside, Florida (the “Town”) for the citizens of the Town, the protection of their health, safety and welfare (and in keeping with Chapter 10 “Animals” which also prohibits commercial kennels as a nuisance) now wishes to prohibit the sale of live animals, including without limitation, dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock of any kind as a permitted use; and

WHEREAS, according to the Humane Society of the United States, thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as “puppy mills” or “kitten factories”; and

WHEREAS, the mass-production of animals for sale to the public, many of which are sold at retail in pet stores, lack proper animal husbandry practices; and

WHEREAS, animals born and raised at those facilities are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, while not all dogs and cats sold in retail pet stores are the products of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates “puppy mills” or “kitten factories,” the Town Commission believes that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores; and

WHEREAS, the Town Commission believes that the prohibition of the retail sale of live animals in pet stores in the Town will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals’ lives and reducing the cost to the public of sheltering animals; and

WHEREAS, the Town Commission held its first public reading on December 10, 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 January 30, 2014 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 February 11, 2014 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. Code Amended. Sec. 90.41 of the Town Code is hereby amended to include Section 90.41(d)

Sec. 90.41. Regulated uses.

(25) Provided that no animals including without limitation dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock shall be sold on the premises.

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 _____, _____

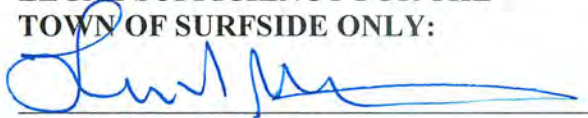
PASSED and ADOPTED on second reading this ____ day of _____, _____

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

On Final Reading moved by: _____

On Final Reading seconded by: _____

Vote:

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



Town of Surfside Commission Communication

To: Town Commission

From: Nancy E. Stroud, Esq., Special Land Use Counsel

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

Agenda Date: February 11, 2014

Subject: Second Reading - Ordinance Amending Future Land Use Element of the Comprehensive Plan

Background: The Town Commission on September 17, 2013, adopted on first reading changes in Objective 1, Future Land Use Element, of the Town Comprehensive Plan that relate to religious uses. Those proposed changes have been reviewed by the Florida Department of Economic Opportunity (FDEO) and other state and local agencies, pursuant to the requirements of the Florida Community Planning Act. The FDEO did not have any objections to the proposed amendments and the next step in the process of adopting the changes is the second reading and final adoption. Please note that the Miami-Dade County School Board also did not have objections to the amendments.

The amendments are proposed by staff as a result of the Town planning and legal staffs and special counsel having become aware of two issues with the Town Comprehensive Plan that relate to religious uses. The amendments address both issues in order to better protect the Town against any future claim that the Town's Comprehensive Plan violates the federal Religious Land Use and Institutionalized Persons Act ("RLUIPA"):

1. "Equal Treatment" of religious uses. RLUIPA requires that the government treat religious land uses at least equally to other uses of public assembly. There is one land use category of the Future Land Use Map -- Moderate Density Residential/Tourist -- that allows public schools but does not allow other places of public assembly (such as houses of worship). In order to provide equal treatment, the proposed ordinance strikes public school uses from the list of uses allowed in the Moderate Density Residential/Tourist category. This amendment will ensure that public schools, including charter schools, cannot locate in this residential land use category.

2. "Reasonable relief" provisions. The Town has adopted zoning regulations that provide a type of regulatory relief valve under certain defined circumstances so that on a case by case basis it can avoid unintended violations of RLUIPA. This relief valve is found in Section 90-99 of the Zoning Code "Religious land use relief procedures." Additionally, Ordinance No. 7-1479 adopted changes to the Zoning Code, including a map for "Public Assembly Places", to address potential RLUIPA issues. The proposed ordinance adds Policy 10.6 to the Future Land Use Element to provide consistency between the Comprehensive Plan and the Zoning Code. Policy 10.6 adopts Map FLU-8 which indicates where religious uses may locate in the Town consistent with the Zoning Code's Public Assembly Places map. This will enable the Town to make more effective use, on a future case by case basis, of the Zoning Code's treatment of religious uses.

Recommendation: Staff recommends that the Commission adopt the proposed ordinance striking "public schools" from the Moderate Density Residential/Tourist Future Land Use category, and adding Policy 10.6 and Map FLU-8 to the Future Land Use Element.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Nancy Stroud, Special Land Use Counsel



Michael Crotty, Town Manager

ORDINANCE NO. 14 _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside has adopted a Comprehensive Plan pursuant to Chapter 163, Florida Statutes, and adopted its most recent EAR-Based Comprehensive Plan amendments to the Comprehensive Plan in January 2010; and

WHEREAS, pursuant to Section 90.17 of the Town Code, the Planning and Zoning Board is designated as the Local Planning Agency for the Town; and

WHEREAS, the Planning & Zoning Board in its capacity as the Local Planning Agency, has reviewed proposed amendments to the Future Land Use Element of the Comprehensive Plan as substantially contained herein and recommended approval to the Town Commission on October 2, 2013; and

WHEREAS, the Town Commission has reviewed the recommendation of the Planning and Zoning Board and, after duly noticed public hearings in accordance with the Florida Statutes and the Town Code, finds that this Ordinance is in the best interest and welfare of the residents of the Town.

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

Section 1. Recitals.

The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Recommendation of Approval by the Local Planning Agency.

The Planning and Zoning Board, in its capacity as the Local Planning Agency, has reviewed the proposed amendments to the Town’s Comprehensive Plan and recommends approval by the Town Commission.

Section 3. Amending Policy 1.1 of the Future Land Use Element.

The Town Commission, upon review of the recommendations of the Local Planning Agency and independent review, hereby amends Policy 1.1 of the Future Land Use Element of the Town Comprehensive Plan as follows:

Policy 1.1 – The Town shall maintain, improve and strictly enforce provisions which are consistent with the Future Land Use Map, including the land uses and densities and intensities specified thereon and including the following:

...
Moderate Density Residential/Tourist: up to 58 residential dwelling units per acre or up to 108 hotel units per acre and not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, hotels, ~~public schools~~, and parks and open space.

Section 4. Adopting new Policy 10.6 and Map FLU-8 in the Future Land Use Element.

The Town Commission, upon review of the recommendations of the Local Planning Agency and independent review, hereby adopts new Policy 10.6 and Map FLU-8 in the Future Land Use Element as follows:

Policy 10.6 – The Town shall maintain land development regulations that allow reasonable relief from the Town land development regulations or the use restrictions of this Comprehensive Plan in order to address possible unintended violations of the Religious Land Use and Institutionalized Persons Act of 2000 or the Florida Religious Freedom Restoration Act of 1998. For the purpose of allowing such relief, the land development regulations shall provide that religious

land uses may be permitted in the areas of the Town as depicted on Map FLU-8 of this Comprehensive Plan.

Section 5. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 6. Conflict.

That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. Effective Date.

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

PASSED and ADOPTED on first reading this 17 day of September, 2013.

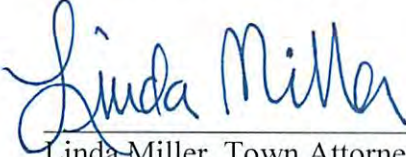
PASSED and ADOPTED on second reading this ____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

On Second Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

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



Religious Land Use Relief Procedures





Town of Surfside Commission Communication

Agenda Item # 4A5

Agenda Date: February 11, 2014

Subject: Harding Avenue Business Improvement District (BID) Authorization Next Step: second reading of BID enabling Ordinance.

Background: At the January 14, 2014 meeting the Town Commission approved, on first reading, a local planning ordinance that enables future legislation, if it is the will of the Town Commission, to establish a particular Business Improvement District. The approval on first reading moved the ordinance to the Planning & Zoning Board (P&Z), operating as the local planning agency (Attachment A), on January 30, 2014. The P&Z Board unanimously recommended the ordinance for approval by the Town Commission for second reading. Therefore it is being presented here as part of moving the BID process forward. It is important to note that approving this ordinance does not authorize the establishment of any particular BID but allows for the Town to address a specific BID formation at a later date.

Analysis: The following is a summary outline of the legislative requirements of the BID process.

The attached local planning ordinance subsequently allows for the authorization of a BID in a subsequent ordinance. As an enabling legislation, this is the first step in the statutorily prescribed process for the creation of a specific district and levying an assessment for the created district. All other required associated legislation will subsequently come before the Town Commission. *First reading at the January 14, 2014 Commission Meeting.*

Enacting this enabling ordinance moves the process to P&Z for review in January and returns to the Town Commission for 2nd reading in February 2014. *Unanimously endorsed by P&Z on January 30, 2014 to return to Town Commission on February 11, 2014.*

On March 11, 2013 a Resolution declaring intent to assess a special assessment, creating the actual district, providing for the nature and estimate of benefits for the district and authorizing the Town Administration to prepare a preliminary assessment roll will come before the Town Commission.

Upon the passage of this Resolution, the Town Clerk shall have on file an assessment plat of the proposed area with plans and specifications as well as an estimate of the associated assessment. This Resolution will condition creation of the specific BID on a referendum approval of affected property owners (those property owners in the proposed district,) specify the boundaries, and name the proposed district, etc.

This referendum will be held within 120 days and within 5 days of the close of voting for the referendum the Town Clerk shall present the results to the Town Commission.

Upon an affirmative majority vote of affected property owners approving the special assessment district and certification of the referendum results, the Town Commission shall adopt a second resolution fixing a time and place for the special assessment to be heard based on the results of the election and a second ordinance outlining the BID's governance, purpose, powers and duties, and annual reporting guidelines will be presented for first reading.

The Town Commission will have every opportunity to discuss and vote on pertinent matters relating to an actual BID formation at Town Commission meetings. These matters include, but are not limited to, such topics as the relationship between the Town and the BID, and the level of Town Services to be provided.

Budget Impact: There is no budget impact as existing staff resources are being utilized.

Staff Impact: Existing staff are being utilized to move this process forward.

Recommendation: The Town Administration, supported by Planning & Zoning, DVAC, the Tourist Board and Surfside Business Association, recommend approval of the Business Improvement District


TEDACS Director


Town Manager

Memorandum

To: The Planning & Zoning Board
Date: 2/4/2014
Re: Authorizing a Business Improvement District
From: Duncan Tavares, TEDACS Director

Dear Board Members,

Attached you will find an Ordinance and accompanying support documents originally presented to the Town Commission on January 14, 2014. This Ordinance represents a first step for advancing the authorization of a Business Improvement District (BID) in Surfside. It was unanimously approved by the Town Commission on first reading at the afore mentioned meeting.

After a year of outreach and meetings on a possible BID for Harding Avenue between 96th and 94th Streets, the Town is at the threshold on whether or not it wants to proceed with the formalized establishment of such a district.

This Ordinance comes before you as the local planning agency, required in the Florida State Statute Chapters 165 & 166, and it is in accordance with the Town's Comprehensive Plan. This is the first ordinance in a series of required legislation and it acts as a foundation from which the Town could authorize a business improvement district. The subsequent required legislation will be before the Town Commission on February 11, 2014 to be vetted and voted on at that time.

The Town Administration is recommending your endorsement to return this Ordinance to the Town Commission for ratification upon second reading at the meeting on February 11, 2014.


TEDACS Director


Town Manager



ORDINANCE NO. 14-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE CREATION OF A SPECIAL OR BUSINESS NEIGHBORHOOD IMPROVEMENT DISTRICT BY THE ENACTMENT OF A SEPARATE ORDINANCE FOR EACH; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AUTHORIZATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2(b), Florida Constitution and Chapters 165 and 166, Florida Statutes; Chapters 170 and 197, Florida Statutes, the Town Commission has all powers of local self-government to perform municipal functions and to render municipal services in a manner consistent with the law and such powers may be exercised in accordance with the Town of Surfside Charter and Code of Ordinances; and

WHEREAS, Section 163.511 Florida Statutes specifically authorizes the creation of a special or business neighborhood improvement district after a local planning ordinance has been adopted; and

WHEREAS, Chapter 170 of the Florida Statutes provides that a municipality may levy and collect special assessments against property benefited for the purpose of stabilizing and improving retail business districts through promotion, management, marketing, and other similar services in such districts of the municipality; and

WHEREAS, the Town Commission held its first public hearing on January 14, 2014; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on January 30, 2014 and recommended for consideration for approval and also found the proposed ordinance to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on this proposed ordinance as required by law on February 11, 2014.

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

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

Section 2. Authorization of the Creation of a Special or Business Neighborhood Improvement District.

- 1) The Town Commission hereby declares the need for special neighborhood or a retail business improvement district, and authorizes the creation of such districts by separate ordinance for each district, which ordinance:

- a. Conditions the implementation of the ordinance on the approval of a referendum as provided in Section 163.511 (2) Florida Statutes.
 - b. Authorizes the special or business neighborhood improvement district to levy an ad valorem tax on real and personal property of up to 2 mills annually.
 - c. Authorizes the use of special assessments to support planning and implementation of district improvements pursuant to the provisions of Section 163.514(16) Florida including community policing innovations.
 - d. Specifies the boundaries, size, and name of the district.
 - e. Authorizes the district to receive a planning grant.
 - f. Provides the appointment of a minimum 3-member board of directors for the district.
 - g. Authorizes a special or business neighborhood improvement district to exercise the power of eminent domain pursuant to Chapters 73 and 74, Florida Statutes. Any property identified for eminent domain by the district shall be subject to approval of the Town Commission before eminent domain procedures are exercised.
 - h. May prohibit the use of any district power authorized by Section 163.514 Florida Statutes.
 - i. Requires the district to notify the Department of Legal Affairs and the Department of Community Affairs, in writing, of its establishment within 30 days thereof pursuant to Section 163.5055 Florida Statutes.
 - j. May authorize a special neighborhood improvement district to develop and implement community policing innovations in consultation with the Town of Surfside Police Department.
- 2) A referendum to implement a special or business neighborhood improvement district as provided for hereinabove shall be held within 120 days after the occurrence of one of the following:
- a. The Town Commission, by the enactment of a separate ordinance, declares that there is a need for a special or business neighborhood improvement district to function within a proposed area; or
 - b. A petition containing the signatures of 40% of the electors of a proposed special or business neighborhood improvement district area or 20% of the property owners of a proposed special business neighborhood improvement district area is presented to the Town Commission. The petition shall define the proposed the area and shall state that it is for the purpose of calling a referendum to determine whether a special or business neighborhood improvement district should be created in such proposed 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.

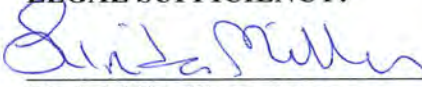
Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

Daniel Dietch, Mayor

Attest:

Sandra Novoa, Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

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



TOWN OF SURFSIDE

TOWN COMMISSION COMMUNICATION MEMORANDUM

From: Commissioner Joseph Graubart

Agenda Item # 4B1

Agenda Date: February 11, 2014

Subject: Ordinance Amending Chapter 54 Prohibited and Restricted Noises

Background: At the December 10, 2013 Town Commission meeting, the Town Commission discussed the on-going construction noise in the Town and recognized issues concerning the quality of life of the residents. In an effort to mitigate the identified issues, the Town Commission recommended revisions to the Code of Ordinances to control and restrict hours of prohibited noises during Period No. 2 (April 1 – November 30). At the January 14, 2014, Town Commission meeting, the Commission reviewed the proposed code change restricting hours during Period No. 2 and after much discussion determined and directed staff to revise the Code to prohibit and restrict noises for an annual period from to 6:00 p.m. to 8:30 a.m. The attached proposed Ordinance includes revisions to prohibited and restricted noises from Chapter 54. (See List of Federal Holiday as Attachment 'A'). Staff has updated Chapter 54 and deleted certain outdated and inconsistent sections of this Chapter.

Recommendation: The Town Commission adopt the proposed ordinance amending Chapter 54.

ATTACHMENT A

U.S. OFFICE OF PERSONNEL MANAGEMENT

FEDERAL HOLIDAYS

New Year's Day
Birthday of Martin Luther King, Jr.
*Washington's Birthday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Christmas Day

* This holiday is designated as "Washington's Birthday" in section 6103(a) of title 5 of the United States Code, which is the law that specifies holidays for Federal employees. Though other institutions such as state and local governments and private businesses may use other names, it is our policy to always

ORDINANCE NO. 14 - ____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY AMENDING SECTIONS 54-78 “PROHIBITED NOISES”, 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; AND DELETING SECTIONS 54-80 “SAME—WHEN CONSIDERED ENCLOSED”, 54-81 “SAME—DIVISION OF YEAR INTO PERIODS FOR PURPOSE OF CONTROL”, 54-82 “SAME—WHEN PROHIBITED”, AND 54-83 “SAME—PROHIBITED NEAR HOTELS AND APARTMENTS DURING PERIOD NO. 1”, BY REVISING THE HOURS FOR CONTROLLING PROHIBITED AND RESTRICTED NOISES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town Commission recognized it is in the best interest of the quality of life of the citizens of the Town to prohibit and restrict certain classification of noises during Sundays and all Federal Holidays and to permit certain classifications of noises to 8:30 a.m. to 6:00 p.m. Monday through Saturday; and

WHEREAS, the Town Commission held its first public reading on February 11, 2014 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 March 11, 2014 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:

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. 54-78. Prohibited noises.

The following noises and other noises of the same characteristics, intensity or annoyance shall be prohibited at all times and at all places within the town:

- (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street

or public place of the town except as a danger or safety warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

- (2) *Radios, phonographs, etc.* The use or operation of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person of normal hearing who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto or allowing such use or operation. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Loudspeakers, amplifiers for advertising, etc.* The use or operation of any radio, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, product, service, merchandise or political candidate, or allowing such use or operation.
- (4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (5) *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (6) ~~*Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper town authorities.~~
- (67) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom its factory installed muffler.
- (87) *Lawn mowers, hedge clippers, washing machines, etc.* The operation of either hand or motor-operated lawn mowers, hedge clippers, washing

machines and other mechanical devices, within or without a building, in such a manner as to be plainly audible at a distance of 50 feet from the premises where operated, shall be allowed only from ~~9:00~~ 8:30 a.m. to ~~5:30~~ 6:00 p.m. Monday through Saturday and shall be prohibited on Sundays and all Federal Holidays. ~~on each and every weekday from December 1 of one year to April 1 of the following year; from April 1 to December 1 of each year and other mechanical equipment shall not be allowed at any time on Sundays, and all Federal Holidays.~~ †The operation of such lawn mowers, hedge clippers, washing machines and other mechanical devices, within or without a building, in a manner to be plainly audible at a distance of 50 feet, shall be allowed only from ~~8:00~~ 8:30 a.m. until ~~8:00~~ 6:00 p.m. ~~on each and every weekday Monday through Saturday and shall be prohibited on Sundays and all Federal Holidays.~~ and The operation of the aforesaid lawn, household and other mechanical equipment shall not be allowed at any time on Sundays, and all Federal Holidays ~~Christmas, New Year's, or Thanksgiving;~~ provided, however, under emergency conditions the town manager may, in his discretion, grant exceptions thereto.

- (98) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (109) *Loading, unloading and opening boxes, etc.* The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers on Sundays, and all Federal Holidays ~~Christmas, New Year's or Thanksgiving, or before 9:00 a.m. or after 5:30 p.m. between December 1 of one year and before 8:30 a.m. and after 6:00 p.m. Monday through Saturday; and April 1 of the following year, or before 8:00 a.m. and after 8:00 p.m. between April 1 and December 1 of any one year;~~ provided, however, that under emergency conditions the town manager may, in his discretion, grant exceptions thereto.
- (110) *Schools, courts, churches, hospitals, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital; provided, conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court street.
- (121) *Hawkers, peddlers, etc.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (1312) *Drums, etc.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

- (1413) *Firearms and fireworks.* The explosion of firecrackers, sky rockets, Roman candles, pin wheels or any other form of fireworks or the unnecessary shooting of any firearms.
- (15) ~~*Transportation of metal rails, pillars and columns.* The transportation of rails, pillars or columns of iron, steel or other material, over and along the streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.~~
- (1614) ~~*Operation of public transportation buses—Transport of construction worker personnel.* The causing, permitting or continuing s~~Shall not cause any excessive, unnecessary and avoidable noise and shall be permitted during the hours of 8:30 a.m. to 6:00 p.m. Monday through Saturday and prohibited on Sundays and all Federal Holidays.
- (17) ~~*Piledrivers, hammers, etc.* The operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, except on written permission of the town manager prescribing the locality where and the hours during which such operation is permissible.~~
- (1815) *Blowers.* The operation of any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (1916) *Air conditioning units.* ~~Self-contained, one-room air conditioning units, up to one-ton capacity attached to the outside walls or windows of buildings within the town, and operated for the comfort of the occupants of such buildings, shall not be deemed in violation of this article where proof is established that such units are maintained in good mechanical condition. It shall be unlawful for any person to operate or permit to be operated on any premises in all residential districts as defined in chapter 90 of this Code, or on any premises which adjoin any of such use districts, any air conditioning equipment or part thereof, or any other type of mechanical equipment or apparatus, between the hours of 10:00 p.m. and 8:00 a.m., if the sound pressure level emanating from such air conditioning unit, or other type of mechanical equipment or apparatus, Shall not exceeds 60 decibels. as measured on the A scale of a General Radio Company No. 1551 A sound level meter or American Standards Association equivalent, when such meter is located at a point on the property line nearest such air conditioning unit, mechanical equipment or apparatus, or a distance of 15 feet from such air conditioning unit, mechanical equipment, or apparatus, whichever is greater.~~
- (2017) *Vehicles over one-ton cargo capacity.* The operation of any commercial motor vehicle with more than one-ton carrying capacity, as rated by the manufacturer, shall be prohibited on any public street in or abutting the

~~RS-1 or RS-2 residential zoning districts within the town except between the hours of 8:00 a.m. and 9:00 p.m. except such vehicles shall be permitted during the hours of 8:30 a.m. to 6:00 p.m. Monday through Saturday and prohibited on Sundays and all Federal Holidays.~~

Sec. 54-79. Restricted noises—Classified; enumerated.

Noises, other than those enumerated in section 54-78, because of their nature and characteristics, shall be grouped and classified as follows for the purpose of control and restrictions: Such noises as described herein shall not be permitted on Sundays and all Federal Holidays and shall be prohibited between the hours of 6:00 p.m. to 8:30 a.m. Monday through Saturday.

- (1) *Group A.* Steam-, gasoline- or oil-operated cranes, piledrivers, excavators, dredges, ditchers and all other similar machinery; one-cylinder steam or internal combustion engines (horizontal or vertical); air compressors and pneumatic riveting machines, jack hammers, drills and other similar air equipment; power band and circular saws working in the open; hand hammers on steel or iron (structural, rivets or otherwise); and all other noises of similar intensity or annoyance.
- (2) *Group B.* Stationary or portable concrete mixers (engines multicylindered and properly muffled); power band and circular saws, sanders, planers, grinding machines, drills, bar benders and cutters and similar machinery when enclosed; hand operations in connection with plumbing, electrical, roofing and framing work in the open.
- (3) *Group C.* Transit concrete mixers (engines multicylindered and properly muffled) operated to cause the least possible noise; hand operations in connection with plumbing, electrical, roofing and framing work when enclosed; hand loading and unloading and the hauling of building materials and other similar heavy trucking; masonry work and the hand mixing of mortar; plastering and the hand mixing of plaster; painting; glazing; landscaping and all other noises of similar intensity or annoyances.

~~Sec. 54-80. Same—When considered enclosed.~~

~~Group A, B, and C noises classified in section 54-79 shall be considered enclosed when they originate within the exterior walls of a building.~~

~~Sec. 54-81. Same—Division of year into periods for purpose of control.~~

~~For the purpose of controlling restricted noises as specified in sections 54-79 and 54-80 the year shall be divided into periods as follows:~~

- (1) ~~*Period no. 1.* Period no. 1 shall begin with and include December 1 and shall include and end with March 31, such period being the months of greatest population, and shall be most restricted.~~

(2) ~~Period no. 2.~~ Period no. 2 shall begin with and include April 1 and shall include and end with November 30, such period being the months of least population, and shall be least restricted.

Sec. 54-82. Same — When prohibited.

The restricted noises set forth in section 54-79 are hereby prohibited at any location and at any hour on Sundays, Christmas, New Year's, Thanksgiving, Labor Day and the Fourth of July; provided, however, under emergency conditions the town manager may, in his discretion, grant exceptions thereto. The hours on weekdays during which such restricted noises of the various classifications, regardless of location, are prohibited are as follows:

		Group A	Group B	Group C
(1)	During period no. 1	from 5:30 p.m.	5:30 p.m.	5:30 p.m.
		to 9:00 a.m.	9:00 a.m.	9:00 a.m.
(2)	During period no. 2	from 8:00 p.m.	8:00 p.m.	8:00 p.m.
		to 8:00 a.m.	8:00 a.m.	8:00 a.m.

Sec. 54-83. Same — Prohibited near hotels and apartments during period no. 1.

The restricted noises included in Group A and B, as set forth in section 54-79, are hereby prohibited within 50 feet of the nearest point of any building occupied as a hotel or apartment at all hours during the period of time referred to and described in section 54-81 as period no. 1.

Sec. 54-81. Same — Division of year into periods for purpose of control.

For the purpose of controlling restricted noises as specified in sections 54-79 and 54-80 the year shall be divided into periods as follows:

- (1) — *Period no. 1.* Period no. 1 shall begin with and include December 1 and shall include and end with March 31, such period being the months of greatest population, and shall be most restricted.
- (2) — *Period no. 2.* Period no. 2 shall begin with and include April 1 and shall include and end with November 30, such period being the months of least population, and shall be least restricted.

Sec. 54-82. Same — When prohibited.

The restricted noises set forth in section 54-79 are hereby prohibited at any location and at any hour on Sundays, Christmas, New Year's, Thanksgiving, Labor Day and the Fourth of July; provided, however, under emergency conditions the town manager may, in his discretion, grant exceptions thereto. The hours on weekdays during which such restricted noises of the various classifications, regardless of location, are prohibited are as follows:

		Group A	Group B	Group C
(1)	During period no. 1	from 5:30 p.m.	5:30 p.m.	5:30 p.m.
		— to 9:00 a.m.	9:00 a.m.	9:00 a.m.
(2)	During period no. 2	from 8:00 p.m.	8:00 p.m.	8:00 p.m.
		— to 8:00 a.m.	8:00 a.m.	8:00 a.m.

Sec. 54-83. Same — Prohibited near hotels and apartments during period no. 1.

The restricted noises included in Group A and B, as set forth in section 54-79, are hereby prohibited within 50 feet of the nearest point of any building occupied as a hotel or apartment at all hours during the period of time referred to and described in section 54-81 as period no. 1 hereinabove.

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 become effective in ten (10) days after second reading.

PASSED and ADOPTED on First Reading the _____ day of _____, 2014.

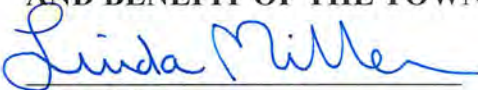
PASSED and ADOPTED on Second Reading this _____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller
Town Attorney

On Final Reading Moved by: _____

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
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 
 Sarah Johnston, Assistant Town Attorney

COPY: Michael P. Crotty, Town Manager

DATE: February 11, 2014

SUBJECT: Planning and Zoning Board Membership

Background:

In January 2013, the Town Commission approved Ordinance 13-1598 dissolving the Design Review Board (hereinafter "DRB") and merging its function with the Planning and Zoning Board (hereinafter "P&Z Board"). The code change resulted in the P&Z Board now consisting of five members and an unintended consequence of the resignation of the sitting architect for the DRB due to a conflict that resulted from the change.

Per the current ordinance, one of the Board members must be a Florida-licensed architect and at a minimum another, one member, must be a Florida-licensed general contractor, certified planner (AICP), Florida-licensed landscape architect, registered interior designer, or Florida-licensed attorney. However, there is no longer a Florida-licensed architect serving on the P&Z Board, and no licensed landscape architect or certified planner, and therefore, no review of applications submitted for approval have been reviewed and voted upon by architects and design professionals.

The Miami-Dade Commission on Ethics and Public Trust (Ethics Commission) opined that, pursuant to Miami-Dade County Code Section 2-11.1(m)(2), an architect serving on a board whose sole function is to pass on aesthetics of plans submitted is permitted to make presentations to the board on behalf of private client so long as the architect member abstains from voting and is absent from any discussion. The Ethics Commission explained that this ability of such an architect member to sit on the DRB if he recused himself from voting does not apply to the P&Z Board, as the P&Z Board does not serve for the sole function of passing on the aesthetics of plans. Additionally, it does not matter

whether the architect is a voting or non-voting member of the P&Z Board as to whether he can serve on the Board while also representing clients before the Board.

At the January 14, 2014, Town Commission meeting the Town Commission directed staff to reinstitute the DRB. The attached proposed Ordinance reinstates the DRB, to be composed of the five P&Z Board members and two additional members, at least one of the two DRB members shall be a Florida-licensed architect or Florida-licensed landscape architect. The second DRB member shall be a Florida-licensed architect or a Florida-licensed general contractor or a certified planner (AICP) or a Florida-licensed landscape architect, or a Registered Interior Designer, or a Florida Licensed attorney. The proposed Ordinance also allows for an appeal process of any DRB decision to the Town Commission.

Recommendation: The Town Commission adopt the proposed Ordinance amending Chapter 90.

ORDINANCE NO. ____ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" SPECIFICALLY AMENDING SECTIONS 90-15 "MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS", 90-16 "MEETINGS: BOARD YEAR; TIMEFRAME; LOCATION", 90-17 "POWERS AND DUTIES", 90-18 "DESIGN REVIEW BOARD", 90-19 "SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS", 90-20 "DEVELOPMENT REVIEW REQUIREMENTS FOR SUBMITTALS OTHER THAN SINGLE-FAMILY AND TWO-FAMILY", 90-23 "CONDITIONAL USES", AND 90-70 "SIGN PERMITS", ESTABLISHING THE DESIGN REVIEW BOARD AND RESPONSIBILITIES OF SUCH BOARD; CHANGING MEMBERSHIP REQUIREMENTS OF THE PLANNING AND ZONING BOARD; ALLOWING FOR AN APPEAL OF DESIGN REVIEW BOARD DECISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Ordinance 2013-1598, the Town merged the responsibilities of the Design Review Board (DRB) as then existed under Ordinance 10-1558 into the existing functions of the Planning and Zoning Board (PZB); and

WHEREAS, the merger created unforeseen issues, including difficulties in finding Florida licensed architects and other design professionals to serve on the PZB; and

WHEREAS, in order to effectuate this legislative intent, it is necessary to amend Chapter 90 of Town Code of Ordinances to reinstate the DRB and its responsibilities in a more streamlined manner; and

WHEREAS, in reviewing the current procedure the Town recognizes it is in the best interest of the citizens to allow for an appeal of any DRB decision to the Town Commission; and

WHEREAS, the Town Commission after due notice conducted a first reading and public hearing on the proposed amendments on February 11, 2014; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, after due notice conducted a public hearing on the proposed amendments on February 27, 2014; and

WHEREAS, the Town Commission after due notice conducted a second reading and a public hearing on the proposed amendments on March 11, 2014, considered the recommendation of the Planning and Zoning Board; and

WHEREAS, the Town Commission finds that the proposed amendments to the Code are necessary and in the best interests of 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. Zoning. Chapter 90 “Zoning” of the Town Code is hereby amended to read as follows:

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

- (1) *Membership/quorum:* The planning and zoning board membership and quorum requirements for zoning matters and design review matters are as follows:
 - (a) *Zoning matters:* The planning and zoning board, when performing its zoning functions, shall consist of five members, two members, must be ~~or~~ a Florida-licensed general contractor or certified planner (AICP) or a Florida-licensed landscape architect, or a Registered Interior Designer, or a Florida Licensed attorney. Each commissioner shall be entitled to one board appointment, not subject to majority approval. Three members present at the planning and zoning board meetings shall constitute a quorum.
 - (b) *All board matters:* One town commissioner shall be a liaison, non-voting representative without a vote at all planning and zoning board meetings.
- (2) *Minimum board member qualifications:* All board members must have been a town resident for a minimum period of one year, except for the licensed architects, including the Florida-licensed landscape architect, if applicable, who must have been a town residents for a minimum period of six months. The Florida-licensed architects must have a minimum of five years of practical experience in the field of landscape design. To the extent that no licensed architect (whether for service on the planning and zoning board or design review board only as more specifically described in section 90-18 hereinbelow) who is also a town resident can be identified and is willing to serve at the time of appointment to either board, then the commission may select a non-resident architect who otherwise fulfills the requirements of this section, provided that appointment shall be ratified by a majority of the board of commissioners. To the extent an architect (resident or non-resident) cannot be located within three (3) months of the vacancy, this requirement may after a majority vote of the Commission become null and void until such

time this board member vacates the position before his/her term expires or a full new board is appointed whichever comes first.

- (3) *Officers*: The board shall elect one of its members as chairman and one of its members as vice-chairman, at its first regular meeting in April of each year. In the event of the resignation, removal, or inability of the chairman to serve, the vice-chairman shall succeed to the chairman position for the unexpired term; and the board shall, thereupon, elect one of its members as vice-chairman for the unexpired term. The chairman shall preside at all meetings. In the chairman's absence, the vice-chairman shall preside. The chairman shall submit all board reports and recommendations to the town commission, by and through the chairman, vice-chairman or the town commission liaison member. The town shall provide a secretary for the board and the town clerk shall be custodian of all records, books and journals of the board.
- (4) *Board member term(s)*: The term of each board member appointment shall begin on the last Thursday of April of the year in which the board member is appointed and end when a successor board member is appointed or on the last Thursday in April, whichever dates comes first. The term of any board member filling a vacancy created on the board as provided in paragraph (5) shall begin at the time of the board members appointment and end the last Thursday in April or whenever a replacement is appointed.
- (5) *Vacancies*: A vacancy shall exist: (1) on the date that any member ceases to possess the minimum required membership qualifications provided herein; (2) when a board member has been absent from three consecutive regularly convened board meetings or has been absent from five regularly convened board meetings within a board year, or (3) if the appointing Commissioner resigns or his position otherwise becomes vacant during his/her term. Vacancies on the board shall be filled by appointment for the unexpired term in the same manner as original appointments are made provided however, if the seat shall remain vacant longer than a three (3) month period for any reason, the Town Commission collectively by majority appoint a temporary member until such Commission position is filled in accordance with the Town Charter and Code.
- ~~(6) *Transition Provision*: Inasmuch as the enactment of this Ordinance will occur mid term, and the P & Z Board as currently composed contains no architect, any architect currently serving on the DRB at the time of enactment, shall continue to serve in an ex officio capacity with the P & Z Board as a nonvoting member and that the comments of that ex officio member will be considered and accorded equal weight with those who vote. Upon the expiration of the term of the current P & Z Board, this provision shall become null and void.~~

Sec. 90-16. - Meetings: board year; timeframe; order of presentation; location.

- (1) *Board year*: The board year shall commence on the last Thursday of April in each year.
- (2) *Meetings on zoning matters/timeframe*: Regular board meetings for zoning matters shall be held on the last Thursday of each month. The chair may call special meetings and may cancel or continue meetings as may be necessary.
- (3) *Meetings on design review matters/timeframe*: The board shall meet as needed on design review matters. The chairman may call special meetings and may cancel or continue meetings as may be necessary.
- (4) *Order of presentation for zoning matters and design review matters*: In order to avoid unnecessary project costs and delays, the board shall address and finalize each project zoning matter prior to initiating each project design review, to the extent applicable.

(3)(5) *Location of all board meetings:* All board meetings shall be held in the Town Hall or Community Center.

Sec. 90-17. - Powers and duties.

- (1) *Zoning matters:* The planning and zoning board shall act as an advisory board to the town commission on zoning matters and design review matters. The boards' powers and duties are as follows:
 - (a) To perform its responsibilities as the local planning agency pursuant to local and state government comprehensive planning and land development regulations (F.S. Ch. 163);
 - (b) To review and make recommendations to the town manager and the town commission regarding the adopting and amendment of the official zoning map; the land development regulations amendments; zoning district boundary changes; and comprehensive plan amendments;
 - (c) To review and make recommendations to the town commission, on applications pertaining to site plans (if applicable) zoning changes, special use permits, conditional use variances vested rights and any other zoning applications;
 - (d) To conduct such studies and investigations required under the Town Code and/or requested by the town commission and as needed from time to time to sit in a joint session with the Town Commission as requested by the Town Commission; and
 - (e) The planning and zoning board shall have such other duties pertaining to zoning matters as prescribed by law, this section and the Town Code.
- (2) *Design review:* The planning and zoning board shall conduct a design review for all structures to be constructed and renovated within town limits on the terms outlined.
- (3) *FEMA review:* The planning and zoning board when constituted as a design review board-as set forth in section 90-18 herein below, shall act as the variance and appeals board pursuant Chapter 42, "Floods," Division 6, Variance Procedures, sections 42-111 through 42-117.

Sec. 90-18. - Design review board.

The Planning and Zoning Board, when performing its design review and FEMA variance and appeals board functions shall be constituted as the design review board and shall have seven members. The seven members shall include the five members appointed by the Town Commission for the Planning and Zoning Board and two additional members, at least one of the design review board members shall be a Florida-licensed architect or Florida-licensed landscape architect. The second design review board member shall be a Florida-licensed architect or a Florida-licensed general contractor or a certified planner (AICP) or a Florida-licensed landscape architect, or a Registered Interior Designer, or a Florida Licensed attorney. Both of these members shall be appointed by a majority of the Town Commission. Four members present at the Planning and Zoning Board Design Review meetings shall constitute a quorum and at least one of the four members shall be a design review board member. The design review process is set forth as follows:

- (1) *Purpose.* This section is intended to promote excellence in architectural and urban design; preservation of the town's historic and architectural and neighborhood character; and desirable urban growth and development. To implement this goal, the Design Review Board is hereby created to review and make advisory recommendations to the Planning and Zoning Board ~~will make recommendations~~ as to whether the design of new developments and/or

improvements within the Town are consistent with and in conformance with the design guidelines set forth in the Town Code. The design guidelines are attached thereto as Exhibit A [at the end of this chapter] provided that the Town Commission may amend said guidelines from time to time via resolution. The guidelines as amended, shall govern and be applied as fully set forth herein.

(2) *Design review procedure:*

(a) All applications for new developments or improvements that are subject to the town's adopted design guidelines shall be referred to the board for review and consideration.

(b) The board shall review each application whether for development of single-family, multifamily, commercial or other districts for conformity with the town's adopted design guidelines and recommend the application to the planning and zoning board for approval, approval with conditions, or disapproval of the application.~~approve, approve with conditions, or deny the application.~~ With regard to the design review process, no applicant shall be required to appear before the design review~~planning and zoning~~ board more than twice per application.

(c) Meetings held by the board for review and recommendations of applications shall be arranged to permit participation by the person or group making the application or request and representatives of such person or group, if desired. Architectural plans and drawings of the building facades, lists of finish materials and other information necessary to provide adequate insight into the proposed development/improvement shall be provided to the board by the person or group making the proposal or request.

(d) For design review applications that are not otherwise heard by the Planning and Zoning Board, appeal of any Design Review Board decision may be taken by an interested party to the Town Commission within thirty (30) days of the hearing at which the Design Review Board makes its final decision, by the filing of a notice of the appeal with the Town Commission. The appeal shall be heard as a quasi-judicial matter.

(3) Design review application fees are set forth in the Town designated fee schedule.

(4) All meetings of the Design Review Board shall be publicly noticed.

Sec. 90-19. - Single-family and two-family development review process.

90-19.5 Design guidelines. The town has adopted design guidelines intended to provide direction and suggestions for all development. The purpose of the design review~~planning and zoning~~ board is to interpret those guidelines and provide guidance to the applicants as to how the design should be revised to more closely approximate or reflect the town's adopted guidelines. The applicant shall then incorporate those suggestions prior to proceeding to building permit.

90-19.6 Single-family and two-family development shall be reviewed by the design review~~planning and zoning~~ board.

90-19.7 The following shall be exempt from ~~design review~~ 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

90-19.8 The following are required for submittal to the ~~planning and zoning board~~ for design review board:

90-19.9 Effective period of ~~planning and zoning board~~ design review board approval.

An approval from the design review ~~planning and zoning board~~ shall be effective until the development is completed except that if, after 24 months from the date of the approval by the ~~design review~~ planning and zoning board a building permit for a principal building has not been issued and remains in effect, the approval shall be null and void.

Sec. 90-20. - Development review requirements for submittals other than single-family and two-family.

(1) Generally. Review and approval of a site plan by staff reviewing agencies, the design review board, and the development impact committee, the planning and zoning board, and the town commission is required prior to any development of land in the town.

(2) Process. Submit plans (sets to be determined by town staff as appropriately needed), which are distributed to the staff members of the development review group (DRG).

(a) The DRG member shall review the site plan and prepare comments. The comments shall be forwarded to the town manager or designee. The comments shall be addressed by the applicant, if applicable. The town manager or designee shall hold a development review group meeting with appropriate town staff and the applicant to discuss the comments.

(b) After the revisions and upon review of the final site plan by the DRG members, the site plan will be scheduled for the next available town design review board and planning and zoning board meetings. If possible, the planning and zoning board meeting and the design review board meeting should be held on the same date. The materials required under subsection 90-19.8 should not be duplicated for both the planning and zoning board meeting and design review board meeting. They shall be considered one submittal package.

(3) Submittal requirements for DRG, ~~and the~~ planning and zoning board and design review board are provided below.

90-20.2 Exempt development. Notwithstanding any other provision of this chapter, the following activities shall not require site plan approval, however, may require ~~planning and zoning~~ design review board approval:

- (1) The deposit and contouring of fill on land.

- (2) Construction of a single-family home on an existing single-family lot.
- (3) Construction of a single duplex on an existing single lot.

Sec. 90-23. - Conditional uses.

90-23.2 Standards of review. In addition to the standards set forth in this zoning code for the particular use, all proposed conditional uses shall meet each of the following standards:

- (1) The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code;
- (2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare;
- (3) The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.
- (4) Adequate provisions shall be included for parking and safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;
- (5) Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and
- (6) The establishment of the conditional use shall not impede the development of surrounding properties for uses permitted in the zoning district; and
- (7) Any other condition imposed by the Design Review Planning and Zoning Board and/or the Development Impact Committee.

Sec. 90-70. - Sign permits.

- (c) *Permit review.* Unless otherwise exempt, the design review ~~planning and zoning~~ board shall review the sign to determine if the proposed sign is in compliance with the design review criteria.

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

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

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

Section 6. Effective Date. This ordinance shall become effective ten (10) days after second reading.

PASSED and ADOPTED on First Reading the ___ day of _____, 2014.

PASSED and ADOPTED on Second Reading this _____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller
Town Attorney

On Final Reading Moved by: _____
On Final Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner Michelle Kligman	yes	_____	no	_____
Commissioner Marty 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 # 4B3
Agenda Date: February 11, 2014
Subject: Electric Vehicle Car Charging Stations
From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the September 30, 2013 Town Commission and Planning and Zoning Board Joint meeting, there was a discussion regarding modification to the code relating to electric vehicle car charging stations (charging station). Surfside is leading the way for green policies by installing a charging station within a municipal lot. However, the Town Code does not address charging stations relating to the type, level and specification of the charging station. There are three levels. Level 1 is a low voltage level of charging that is typical for single family charging stations due to the length of time it may take for charging. While Level 2 and 3 are higher voltage, resulting in quicker vehicle charging. These two levels are more appropriate than Level 1 in a shared parking environment, such as a public lot or multifamily/hotel garage. The Town's charging station is a Level 2 station.

Analysis: The proposed ordinance text addresses the locations for each level of charging station and permits charging stations in all zoning categories in Town. The ordinance also proposes easy access to 220 volts within parking structures in multi-family and hotel development projects. Below is the proposed text:

Sec. 90.2. Definitions

Electric Vehicle Charging Level: The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged which include the following specifications:

- (1) Level 1 requires a 15 or 20-amp breaker on a 120-volt AC circuit and standard outlet;
- (2) Level 2 requires 40 to 100-amp breaker on a 240-volt AC circuit; or
- (3) Level 3 requires a 60-amp or higher dedicated breaker on a 480-volt or higher three- phase circuit with special grounding equipment. A Level 3 charging shall use an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

Electric Vehicle Charging Station: A parking space that is served by Battery Charging Station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy source device in an electric vehicle.

Sec. 90-41. Regulated uses.

Accessory uses	H30A	H30B	H30C	H40	H120	SD-B40
<u>Electric Vehicle Charging Station</u>	<u>P(26)</u>	<u>P(26)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(28)</u>
Uses	Municipal		Community Facilities			
<u>Electric Vehicle Charging Station</u>	<u>P (28)</u>		<u>(P28)</u>			

(26) Electric Vehicle Charging Stations shall be limited to personal use and shall not be used for purposes of wholesale or retail sales. All components of the Electric Vehicle Charging Station shall be completely concealed from view, located inside the residential garage. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(27) Electric Vehicle Charging Stations shall contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(28) Electric Vehicle Charging Stations shall be limited to Electric Vehicle Charging Level 2 or Level 3 Electric Vehicle Charging Stations only and contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall include the following: (a) voltage and amperage levels; (b) usage fees, if any; (c) safety information; and (d) contact information to report issues relating to the operation of the equipment. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

Sec. 90-77. Off-street parking requirements

(h) Electric Vehicle Charging Capability.

All new multifamily or hotel development shall provide access to 220 volt capability throughout the garage to offer charging opportunities to residents and guests as needed.

90-71.2—H30C, H40, MU and H120 districts.

A sign shall be posted at the Electric Vehicle Charging Station stating "Electric Vehicle Charging Station." Signs shall be no greater than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (Electric Vehicle charging).

Staff Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.

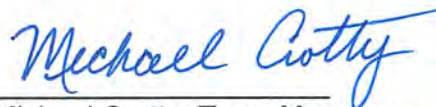
Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; SECTION 90-41 “REGULATED USES”; SECTION 90-71.2 “H30C, H40, MU AND H120 DISTRICTS”; AND SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS”; TO ALLOW FOR THE INSTALLATION OF ELECTRIC VEHICLE CAR CHARGING STATIONS; 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”) supports green policies; and

WHEREAS, the Town Commission and Planning and Zoning Board held its joint meeting on September 30, 2013 and discussed and recommended installation of an electric vehicle car charging station within a municipal lot; and

WHEREAS, the Town Code does not address an electric vehicle car charging station relating to the type, level and specification of the charging station; and

WHEREAS, there are three levels of electric vehicle car charging stations; and

WHEREAS, Level 1 is a low voltage level of charging that is typical for single family charging stations due to the length of time it may take for charging; and

WHEREAS, Level 2 and 3 are higher voltage, resulting in quicker vehicle charging; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has recommended that the Town’s electric vehicle charging stations should be limited to Electric Vehicle Charging Level 2 or Level 3 only; and

WHEREAS, the Town Commission held its first public reading on February 11, 2014 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 at the public hearing on February 27, 2014 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 this proposed ordinance as required by law on March 11, 2014.

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. 90.2. Definitions.

* * *

Electric Vehicle Charging Level: The standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged which include the following specifications:

- (1) Level 1 requires a 15 or 20-amp breaker on a 120-volt AC circuit and standard outlet;
- (2) Level 2 requires 40 to 100-amp breaker on a 240-volt AC circuit; or
- (3) Level 3 requires a 60-amp or higher dedicated breaker on a 480-volt or higher three- phase circuit with special grounding equipment. A Level 3 charging shall use an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

Electric Vehicle Charging Station: A parking space that is served by Battery Charging Station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy source device in an electric vehicle.

* * *

Sec. 90-41. Regulated uses.

Accessory uses	H30A	H30B	H30C	H40	H120	SD-B40
<u>Electric Vehicle Charging Station</u>	<u>P(26)</u>	<u>P(26)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(28)</u>
Uses	Municipal		Community Facilities			
<u>Electric Vehicle Charging Station</u>	<u>P (28)</u>		<u>(P28)</u>			

(26) Electric Vehicle Charging Stations shall be limited to personal use and shall not be used for purposes of wholesale or retail sales. All components of the Electric Vehicle Charging Station shall be completely concealed from view,

located inside the residential garage. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(27) Electric Vehicle Charging Stations shall contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(28) Electric Vehicle Charging Stations shall be limited to Electric Vehicle Charging Level 2 or Level 3 Electric Vehicle Charging Stations only and contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall include the following: (a) voltage and amperage levels; (b) usage fees, if any; (c) safety information; and (d) contact information to report issues relating to the operation of the equipment. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

* * *

90-71.2—H30C, H40, MU and H120 districts.

A sign shall be posted at the Electric Vehicle Charging Station stating “Electric Vehicle Charging Station.” Signs shall be no greater than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (Electric Vehicle charging).

* * *

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

(h) Electric Vehicle Charging Capability.

All new multifamily or hotel development shall provide access to 220 volt capability throughout the garage to offer charging opportunities to residents and guests as needed.

* * *

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 _____, 2014.

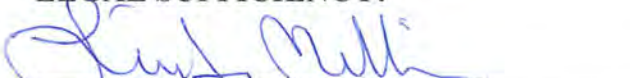
PASSED and ADOPTED on second reading this _____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, 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 _____



Town of Surfside Commission Communication

Agenda Item # 4B4

Agenda Date: February 11, 2014

Subject: Amendments to the Chapter 70 Article IV "Resort Tax" Ordinance.

Background: Surfside is one of only three municipalities in Miami-Dade County eligible by Florida State Law Chapter 67-930 Municipal Resort Tax (Attachment 1) to impose a Resort Tax of four percent (4%) on accommodations and two percent (2%) on food and beverage sales. Miami Beach and Bal Harbour are the other two municipalities allowed to exercise the tax. This unique revenue generating opportunity is also defined in the Town's Charter in Sec. 69-A. Resort Tax (Attachment 2) and comes with set guidelines on its use and management.

The Town addresses the collection, management and use of the tax in Chapter 70 Article IV Resort Tax. This Ordinance was updated for the first time since its 1960 inception in April 2011. Since the Ordinance was revised, the Town and Tourist Board (Board) have encountered some sections that require modification.

Last fiscal year, the Board undertook the completion of a Five Year Tourism Strategic Plan to assist in managing the portion of the fund that is allocated to the Board's budget. During the same period the Board retained Robert Meyers, Esq., former Executive Director of Miami-Dade Commission on Ethics, to assist in developing policies and procedures, a code of conduct/ethics policy as well as address the legislation on governance of the Board's budget.

Language regarding the governance of the Board's portion of the Resort Tax Fund was addressed in the April 2011 ordinance changes; it is felt that further clarification is needed. The Board represents the Commission in all matters on the expenditure of its portion of the Resort Tax; it has sole oversight on how the Board's Resort Tax portion is utilized. However, clearly defined roles and responsibilities for the Board members is still needed. The Board also felt that a Policy and Procedures Manual as well as a Code of Conduct/Ethics Policy needed to be addressed in anticipation of larger budgets emanating from the new hotel tax revenue and possible increased scrutiny on how the funds are utilized.

The Board met throughout 2013 and has recently adopted Mr. Meyers' report on the initiatives (Attachment 3) by an overwhelming majority. The one dissenting vote was by the Board's Chair who felt that the Code of Conduct/Ethics policy was more stringent than existing Town policies and therefore not necessary. The Board also supported increasing its membership to seven. The two new members would be appointed by the Town Commission at large and will comprise of professionals from the tourism industry: Sec. 70-124 (a). This was deemed a necessary element to provide the Board with expertise as it manages the expenditure of their ever increasing revenue. The Board realizes that it, and the Town, will benefit from the opinion and experience of industry professionals as they implement recommendations from the Five Year Tourism Strategic Plan. The Board Chair also cast the only dissenting vote on this particular ordinance revision.

Analysis: The Tourist Board approved recommendations in Mr. Meyers' report that need to be codified in the Ordinance are listed below. The other items will form a document of record for the Town and assist in serving as a manual for the Tourist Board.

Sec. 70-109 (a): Removal of taxation on identifiable food and beverage take-out.

Sec. 70-124 (a): Increase board membership from five to seven members to include two tourism industry professionals;
(f) Stricter requirements to attend meetings and to remain active Board members.

Sec 70-125 (a): Automatically provide for voting of Chair and Vice Chair positions annually.
Sec. 70-126 (6): Amend fiscal year budget plan language to align with the Town's existing procedure for departments.

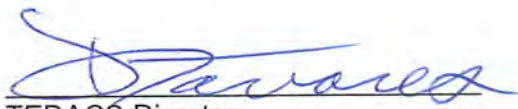
Sec 70-128: Clarify expenditure and management of funds to align with the Town's existing procurement and expenditure policies.


The amended Ordinance, along with Mr. Meyers' report, will provide the Town Commission, the Board and Administration with a more concise and professional reference guide. This will assist with implementing the statutory requirements and mission associated with collecting and expending Resort Tax funds in an open, transparent manner.

Budget Impact: The revision of the Ordinance to eliminate take-out as taxable items will result in a negligible decrease to the amount of Resort Tax collected from applicable businesses. This only applies to establishments that can clearly identify the items that are to be consumed away from the premises. All other changes do not have a budgetary impact.

Staff Impact: Existing staff resources will be utilized to facilitate these changes.

Recommendation: The Town Administration, along with the majority of the Tourist Board, the Five Year Tourism Strategic Plan and Mr. Robert Meyers, recommend that the Town Commission approve these amendments to the Chapter 70 Article IV Resort Tax Ordinance.


TEDACS Director


Town Manager

Municipal Resort Tax

Chapter 67-930, Laws of Florida,

As amended by Chapters 82-142, 83-363, 93-286, and 94-344, Laws of Florida

Brief Overview

The Municipal Resort Tax may be levied at a rate of up to 4 percent on transient rental transactions, and up to 2 percent on the sale of food and beverages consumed in restaurants and bars in certain municipalities whose respective county population fell within specified limits based on the 1960 Census and whose municipal charter specifically provided for the levy of this tax prior to January 1, 1968. The tax levy must be adopted by an ordinance approved by the governing body. Revenues can be used for tourism promotion activities, capital construction and maintenance of convention and cultural facilities, and relief of ad valorem taxes used for those purposes.

General Law Amendments

There were no general law amendments resulting from the 2010 Regular Legislative Session.

Authorization to Levy

Municipalities in counties having a population of not less than 330,000 and not more than 340,000 (i.e., Broward County) and in counties having a population of more than 900,000 (i.e., Miami-Dade County), according to the 1960 decennial census, whose charter specifically provided or whose charter was so amended prior to January 1, 1968, for the levy of this exact tax, are eligible to impose it by ordinance adopted by the governing body. The tax shall be levied upon the rent of every occupancy of a room or rooms in any hotel, motel, apartment house, rooming house, tourist or trailer camp, as the same are defined in part 1 of ch. 212, F.S., and upon the retail sale price of all items of food or beverages sold at retail, and of alcoholic beverages sold at retail for consumption on the premises at any place of business required by law to be licensed by the state hotel and restaurant commission or by the state beverage department. However, the tax shall not apply to those sales the amount of which is less than 50 cents nor to sales of food or beverages delivered to a person's home under a contract providing for deliveries on a regular schedule when the price of each meal is less than \$10.

Municipalities Eligible to Levy

Currently, only three municipalities in Miami-Dade County (i.e., Bal Harbour, Miami Beach, and Surfside) are eligible to impose the tax. According to the Department of Revenue (DOR), all three municipalities are imposing the tax at the following rates: 4 percent of transient rental transactions and 2 percent on the sale of food and beverages.

Administrative Procedures

It is the duty of every person renting a room or rooms and every person selling at retail food or beverages or alcoholic beverages for consumption on the premises to act as the collection agent. Every such person must collect, report, and pay over to the municipality all such taxes imposed, levied, and collected, in accordance with the accounting and other provisions of the enacted ordinance. Any municipality collecting the tax shall have the same duties and privileges as the DOR under part I of ch. 212, F.S., and may use any power granted to the DOR under this part, including enforcement and collection procedures and penalties, which shall be binding upon all persons and entities that are subject to the tax. Additionally, municipalities responsible for administering the tax shall participate in the Registration Information Sharing and Exchange (RISE) Program and share tax administration information as prescribed by the DOR.¹

Distribution of Proceeds

The governing body may authorize by ordinance the creation of an authority or commission empowered to contract and be contracted with its own name as an agency of the municipality to expend such portion of the proceeds of this tax as the body may determine appropriate.

Authorized Uses of Proceeds

The tax proceeds shall only be used for the creation and maintenance of convention and publicity bureaus; development and maintenance of art and cultural centers; enhancement of tourism; publicity and advertising; construction, operation, and maintenance of auditoriums, community centers, and convention structures; or relief from ad valorem taxes being used for any of these other purposes.

Relevant Attorney General Opinions

No opinions specifically relevant to this tax have been issued.

1. Section 213.0535, F.S.

Sec. 69-A. Resort tax.

The Town of Surfside shall have the right, pursuant to the provisions of Laws of Fla. ch. 67-930, as amended by Laws of Fla. ch. 83-363, to impose, levy and collect a municipal resort tax, not to exceed four per cent (4%) upon the rent of rooms in any hotel, motel, apartment house, rooming house, tourist or trailer camp as same are defined in F.S. ch. 212, and not to exceed two per cent (2%) upon the retail sale of all items of food, beverages and alcoholic beverages, other than beer or malt beverages, sold at retail for consumption on the premises, provided that the tax shall not apply to sales which are less than fifty cents (50¢). The total receipts from the above tax levy shall be kept and maintained in a separate fund and shall in no event be transferred to the general fund. Said fund shall be used for the following purposes only: payment of necessary expenses of collecting, handling and processing of said tax; creating and maintenance of convention and publicity bureaus, cultural and art centers; enhancement of tourism; publicity and advertising purposes; for the future cost, purchase, building, designing, engineering, planning, repairing, reconditioning, altering, expanding, maintaining, servicing and otherwise operating auditoriums, community houses, convention halls, convention buildings or other structures; and other related purposes, including relief from ad valorem taxes heretofore levied for such purposes.
(Res. No. 677, § 1, 10-12-67; Ord. No. 1285, § 1, 8-11-92)

TOURISM BOARD CONFLICT OF INTEREST AND ETHICS POLICY

I. Intent and Declaration of Policy

Due to the unique responsibilities entrusted to the Resort Tax Board (hereinafter "Tourism Board") in expending resort tax funds with minimal oversight by the Town of Surfside Town Commission and to assure public confidence that its Board members are acting as responsible stewards, the public interest is served by establishing additional ethics requirements beyond those existing in Florida Statutes, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and the Town of Surfside Code of Ethics.

It is not sufficient for the Tourism Board to comply with applicable state and local laws. Board members must avoid even the appearance of impropriety or any actual or perceived conflict of interest in performance of their official duties as members of the Tourism Board.

II. Definitions

For purposes of this section, the following words, terms and phrases shall have the meaning as indicated below:

- a) *Board member.* An individual duly appointed to serve on the Tourism Board.
- b) *Gift.* The transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration.
- c) *Immediate family.* The spouse, domestic partner, parents, stepparents, children, and stepchildren of a Board member.
- d) *Lobbyist.* All persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modification of any action, decision or recommendation of the Tourism Board.
- e) *Transacting business.* The purchase or sale by the Town or Tourism Board of specific goods or services for consideration.

III. General Principles

Resort Tax Board members shall demonstrate their commitment to the general principles of Board service. These principles are aspirational in nature. A member who acts contrary to these principles is not acting in the best interest of the Board and may be censured by the Board. However, this section of the Board's Ethics Policy does not confer jurisdiction over the Miami-Dade Commission on Ethics and Public Trust to commence an investigation or take

enforcement action against a member alleged to have violated one or more of these general principles.

- a) Board members shall act with integrity and in an ethical and professional manner in their interactions with each other, Town of Surfside elected officials and staff, consultants, advisors and the general public, so that their behavior will reflect positively upon the Town of Surfside.
- b) Board members will be sensitive to the considerable workload of staff when making requests for assistance.
- c) Board members must recognize that all Board decisions and actions are to be based on integrity, competence and independent judgment on the merits and benefits to the general public, tourists, local businesses and residents in the Town of Surfside.
- d) Board members shall act with competence and shall strive to maintain and enhance their competence and that of their fellow board members.
- e) Board members will respectfully consider the opinions of others during deliberations in decision-making, will respect the judgment of the Board in regards to its decisions and will represent the Board's position to the Town Commission when necessary.
- f) Board members will refrain from using Board meeting to advance their personal agendas.

IV. Standards of Conduct

The Miami-Dade Commission on Ethics and Public Trust will have exclusive jurisdiction for investigation and enforcement of the following standards of conduct, which are unique to the Tourism Board and generally represent stricter standards than those enumerated in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance or the Town Code of Ethics.

A) Gifts

- 1. A board member shall not solicit or receive a gift regardless of value from lobbyists registered with the Town of Surfside or from proposers, vendors or contractors with the Town of Surfside or the Tourism Board.
- 2. Board members may accept gifts from other sources given to them in their official capacity where not otherwise inconsistent with the provisions of the Florida Statutes, the Miami-Dade County Ethics Ordinance and the Town of Surfside

Code of Ethics and shall report any gift, or series of gifts from any one person or entity in excess of one hundred dollars.

3. Board members will be permitted to solicit gifts on behalf of the Town of Surfside in performance of their official duties for use solely by the Town in conducting its official business or official business of the Tourism Board.
4. Board members will be permitted to accept gifts or expenses given to them associated primarily with their employment or business or related to community service performed as an officer, director or volunteer of a corporation or organization not related to this Tourism Board.

B) Voting Conflicts

1. No Board member shall participate in or vote on any matter presented to the Board if the member or the member's immediate family will be directly affected by the action of Board unless the action taken would affect the Board member no differently than it would affect the public-at-large. Further, no Board member who has a special relationship (defined as an officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary) with an applicant or party with a matter before the Board may participate in the discussions or vote on a matter when such applicant or party with the special relationship appears before the Board.
2. Board member is not required to absent himself or herself from the meeting when the item is under consideration and may be counted for purposes of maintaining a quorum.

C) Duty to Disclose

A board member who stands to indirectly benefit from an action or decision by the Board or has a business or professional relationship not enumerated above in the Voting Conflicts section, has a duty to disclose this information verbally at the meeting when such relationship becomes known by the Board member.

D) Communications Outside of Public Meetings

Section 286.011, Florida Statutes, prohibits board members from communicating with one another concerning matters before the Tourism Board or on any matter which foreseeably come before the Tourism Board. Consistent with the ethics in public contracting section of the Town Code of Ordinance (3-16) and the general principles set forth in Section 2-11.1 of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and Section 2-226 of the Town Code of Ordinances, Board members shall not communicate with persons under consideration for consulting work as it relates to specific Tourist Board activities, including but not limited to, individuals or entities seeking to be retained as

advertising and/or public relations consultants; individuals or entities wishing to assist the Board in organizing special events for the promotion of Surfside as a tourist destination and individuals and entities associated with the media for purposes of placing advertising with said media.

E) **Transacting Business with the Board**

1. A firm, company, partnership or other business or professional entity employing a Board member or the member's immediate family may not transact business with the Board unless a waiver is granted by a 2/3 vote of the entire Board.
2. Board members will have no private contracts or business dealings with the Board or with Town absent those dealings to which members of the general public are entitled.

F) **Prohibition on Certain Business Transactions**

No Board member shall enter into a business transaction with any person or entity that has a contract with the Town of Surfside or the Tourism Board unless the business transaction is an arms-length transaction made in the ordinary course of business.

V. **Town Attorney to Render Opinions**

Whenever a Board member is in doubt as to the proper interpretation or application of the Board Ethics Policy with respect to contemplated conduct by the Board member, that person may request an opinion from the Town Attorney by providing a statement of all the material facts and questions. Opinions issued under this section shall be published without the use of the name of the person advised unless the person permits the use of a name. If the Board member acts in accordance with the opinion and no material facts were misstated or omitted when requesting an opinion, the opinion will insulate the Board member from prosecution by the Miami-Dade Commission on Ethics.

VI. **Acknowledgement of Receipt**

Tourism Board members are required to abide by the provisions set forth in the Board Conflict of Interest and Ethics Policy, and upon appointment to the Board, each Member will receive a copy of the Policy and acknowledge his or her commitment to upholding these principles by reviewing and signing the document and returning it to staff for publication on the Town's website.

TOWN OF SURFSIDE TOURISM BOARD OPERATING PROCEDURES

I. INTRODUCTION

The Town of Surfside Resort Tax Board is vested with specific powers and duties codified in Article IV. Resort Tax of the Town Code. In order to properly and effectively carry out these responsibilities, the Board must adopt policies and procedures to implement these duties. The importance of establishing protocols and written procedures demonstrating fiscal and budgetary accountability is particularly significant in light of the additional resources entrusted to the Board to spend over the next decade due to increases in resort taxes expected to be collected by the Town.

II. COMPLIANCE WITH APPLICABLE LAWS

The Board is required to comply with all applicable provisions of state law, county ordinances and the Town Code, including but not limited to those pertaining to public records, open meetings, financial disclosure and with respect to competitive bidding requirements for purchase of goods and services.

III. CORE FUNCTIONS

The Tourism Board's responsibilities include the following:

1. Adopt and/or amend procedures as they relate to publicity, advertising, promotional events, and for tourist board activities.
2. To expend resort tax funds collected pursuant to the Town Code.
3. To employ or retain an advertising and/or public relations consultant and/or firm as it relates to specific tourist board activities.
4. To authorize placement of advertising in various media.
5. To organize special events for the promotion of Surfside as a tourist destination.

IV. OTHER SUBSTANTIVE TASKS

The two other substantive tasks assigned to the Resort Tax Board are:

1. Authorizing the placement of advertising in various media.
2. Organizing special events.

RECOMMENDATIONS

The Board retained the services of a consultant to analyze current operations and to suggest policies that enable the Board to carry out its mission more effectively. As a result of the discussions with the consultant, the Board took action at its meetings on October 7 and November 6, 2013 by making the following recommendations:

1) **Board Recommendation: Voting**

For unbudgeted items, approval requires a simple majority of the Board membership.

For utilizing reserve funds, approval also requires a simple majority of the Board's membership.

2) **Board Recommendation: Management and Budget Plan**

A formalized Management and Budget Plan will be created for FY 2014-15 by the Board and staff in consultation with the Town Finance Director.

3) **Board Recommendation: Attendance**

A Board member who misses 25% of all regular and special meetings over a twelve-month period or misses three consecutive meetings is automatically removed from the Board.

No distinction is made between excused and unexcused absences. The prior notification requirement is repealed.

4) **Board Recommendation: Chairperson/Vice Chairperson**

No person shall serve as chairperson for more than two consecutive terms.

The term of office for the chairperson and vice chairperson shall be two years. At the conclusion of the first year of the term, the Board shall move to continue or replace the Chair and Vice-Chair by a majority vote.

5) **Board Recommendation: Director's Spending Authority**

The Director will have the same spending authority as the Town Manager (up to \$8,500) upon approval from the chair or, in the absence of the chair, the vice chair.

6) **Board Recommendation: Procurement**

The Board will follow the Town's Procurement Policy.

7) Board Recommendation: Miscellaneous

Draft a policy that clearly and unambiguously states that Board reserves remain with the Board and are not subject to capture by the Town Commission or Manager.

Draft a reserve policy to explain procedures by which reserve funds can be spent by the Board.

Note: The preceding seven items do not require approval by the Town Commission. Item number 8, listed below, requires a 4/5 vote of the Town Commission.

8) Board Recommendation: Expansion of Board

Size of the Board will increase to seven members. Each Town Commissioner will have one appointment and two members will be appointed at-large.

Five of the seven members must work or reside in the Town of Surfside. For the members who do not work or reside in the Town, preference will be given to members who are industry professionals with experience in tourism and tourism-related activities. At least one of the two members who are identified as industry professionals shall be employed in the hotel or hospitality management field.

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 "TAXATION" AND SPECIFICALLY AMENDING SECTIONS 70-109 "IMPOSITION; AMOUNT", SECTION 70-124 "COMPOSITION; APPOINTMENT; VACANCIES; COMPENSATION; REMOVAL FROM OFFICE, ETC.", SECTION 70-125 "ORGANIZATION", SECTION 70-126 "POWER AND DUTIES", AND CREATING SECTION 70-128 "BUDGET AND EXPENDITURE OF FUNDS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to amend the guidelines for imposition and collection of the resort tax and to amend the guidelines for the composition, organization and budget and expenditures of the Resort Tax Board ("Board"); and

WHEREAS, the Board completed a Five Year Tourism Strategic Plan and a part of the plan resulted in a review of the existing Code where areas needing additional clarification and guidelines were identified; and

WHEREAS, the Board recommends the included changes to the Code of Ordinances; and

WHEREAS, the Town Commission held its first public reading on February 11, 2014 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 March 11, 2014 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 MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

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

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

Sec. 70-109. Imposition; amount.

(a) There is hereby levied and there shall be paid a tax of four percent on the rent of every occupancy of a room in any hotel, motel or apartment house in the town, and also two percent upon the total sales price of all items of food or beverages sold at retail and of alcoholic beverages, including all refrigerated beverages, sold at retail for consumption on the premises ~~or consumption away from and/or within the environs of the business (take out)~~ of any restaurant or business selling such items.

(b) As provided by Ordinance No. 1286, enacted on August 11, 1992, in lieu of the tax imposed and levied pursuant to section 70-109(a) above, there is hereby imposed and levied a municipal resort tax:

(1) Upon the rent of every occupancy of a room or rooms in any hotel, motel, apartment house, as the same are defined in Part I, Chapter 212, Florida Statutes, in the town, at the rate of four percent of the rent received by the person renting such room or rooms from the person paying such rent; and

(2) Upon the retail sale price of all items of food or beverages sold at retail, and of alcoholic beverages, including all refrigerated beverages, sold at retail for consumption on the premises ~~or consumption away from and/or within the environs of the business (take out)~~ of any restaurant or at any place of business selling such items in the town required by law to be licensed by the State Hotel and Restaurant Commission or by the State Beverage Department, at the rate of two percent of such retail sales price.

Sec. 70-124. Composition; appointment; vacancies; compensation; removal from office, etc.

(a) *Number, term and qualification of members.* The board shall consist of ~~five~~ seven members. Each commissioner shall appoint one board member, and two board members shall be appointed by a majority vote of the Town Commission. All appointed board members must be ratified by a vote of the town commission. Any newly elected commissioner has the right to appoint a resort tax board member unless the corresponding appointment has yet to reach the end of their two-year term. Each of the five individual commissioner appointments shall be persons who either work or reside in Surfside and preference will be given to industry professionals with experience in tourism and tourism-related activities. ~~at least three of the five members shall be persons who have experience in tourism and/or tourism-related activities~~ The two members appointed by the majority vote of the Town Commission shall be identified as industry professionals employed in the hotel or hospitality management industry. One town commissioner shall serve as a non-voting ex-officio member of the board.

- (b) *Vacancies.* Any vacancies occurring on the board shall be filled at the earliest, possible date by the town commission for the remainder of the unexpired term.
- (c) *Reappointment.* Board members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.
- (d) *Compensation of members.* Members of the board shall serve without compensation but shall be reimbursed for necessary expenses occurred in the performance of the official duties, as shall be determined and pre-approved by the town commission.
- (e) *Acceptance of appointment.* Before entering upon the duties of office, each board member shall file a written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the town clerk. Each appointed member is required to provide the town clerk with a Form 1-Statement of Financial Interests, within three business days of being appointed to the board.
- (f) *Removal of members from office; attendance.* ~~A board member may be removed from office only by a majority vote of the entire membership of the town commission; however, whenever a board member shall fail to attend three consecutive meetings without prior notification to the director or town manager, the chairman shall certify such non-attendance to the town commission, and, upon such certification, the board member shall be deemed to have been removed~~ A board member who misses twenty-five percent (25%) of all regular and special meetings over a twelve (12) month period or misses three (3) consecutive meetings is automatically removed from the board and the Town Commission shall fill the vacancy pursuant to paragraph (b) above.

Sec. 70-125. Organization.

- (a) *Generally.* The members of the board shall select a ~~chairman~~ chairperson and vice chairperson from among the members who shall serve at the pleasure of the board, and such other officers as deemed necessary or desirable. The term of office for the chairperson and vice-chairperson shall be one year. No person shall serve as chairperson for more than four consecutive terms. At the conclusion of the term, the board shall move to nominate and elect a chairperson and vice chairperson for the upcoming year. A member of the town commission shall serve as a non-voting ex-officio member of the board.
- (b) *Staff.* A director, or other town manager designee, shall oversee the daily operation and administering of the resort tax board and will work with the board to achieve budgetary objectives. The town manager shall provide adequate clerical and other administrative backup for the board.
- (c) *Minutes.* Minutes of each board meeting shall be kept and prepared under supervision and direction of the board. Copies of the minutes shall be filed with the town clerk.
- (d) *Rules and regulations.* The board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the board's activities. The board shall adopt the rules and regulations and a copy shall be maintained on file with the Town Clerk.

Sec. 70-126. Power and duties.

(6) To create a formalized Budget Plan with staff and in consultation with the Town Manager Designee and to submit an annual report the Budget Plan to the town commission Town Manager every May-year as part of the budgetary process.

Sec. 70-128. Budget and Expenditure of Funds.

All expenditures of the Board shall be made in accordance with the powers and duties outlined herein.

- 1) Expenditures for items not included in the current Fiscal Year Budget shall require an affirmative vote of the majority of the Board's membership.
- 2) Expenditures utilizing Resort Tax Reserve Funds shall require an affirmative vote of the majority of the Board's membership.
- 3) Annual Resort Tax Fund Reserves shall remain under the governance of the Board.
- 4) The Town Manager Designee shall have the same spending authority limit as the Town Manager with approval from the Chairperson, in the absence of the Chairperson, the Vice-Chairperson.

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 _____, ____.

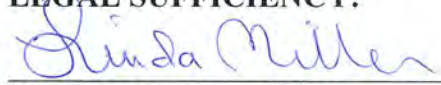
PASSED and ADOPTED on second reading this ____ day of _____, ____.

Daniel Dietch, Mayor

Attest:

Sandra Novoa
Town Clerk

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



Linda Miller, 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

Memorandum

To: Town Commission
Date: 2/11/2014
Re: "Mini Turtles" ~ Vice Mayor Karukin Request
From: Duncan Tavares, TEDACS Director

Monthly Manager's Report

A6. Turtles Project – Art in Public Places

Current Status: The Tourist Bureau continues to leverage the icon Turtles in promoting Surfside. With the Tourist Board's decision to keep the remaining Turtles and leave them on 93rd Street ("Turtle Walk"), the department can now focus on including them in marketing initiatives. **An item requested by the Vice Mayor regarding small turtle statues is on the Town Commission Agenda for February 11, 2014.**

The following are options for "mini" turtles as well as turtle awards/paperweights:

- One design (to reflect the turtle "logo") / Painted Resin Figurine
- 18 designs (each individual sculpture reflected) / Painted Resin Figurines
- Small Pewter Figurine
- Various Awards / Paperweights

Please see attached for specifications and associated costs.





BRIGHT PROMOTIONS, INC.

9325 Carlyle Ave.
Surfside, FL 33154
305-865-1357

BrightPromos@yahoo.com
www.BestPromoShop.com

*RESIN OPTION (ONE "GENERAL" TURTLE)
PAINTED
SEE NEXT PAGE*

Estimate

Date	Estimate #
1/23/2014	1476

Name / Address
Surfside Tourist Bureau Duncan Tavares 9293 Harding Ave. Surfside, FL 33154

Size 1
Size 2

Description	Qty	Rate	Total
FIGURINE POLY-RESIN 4", SURFSIDE TURTLE, COLOR IMPRINT PRICE INCLUDES AIR FREIGHT WITH 2 - 3 DAY TRANSIT 250 @ \$14.50 EACH, 100 @ \$21.28 EACH SETUP (MOLD)	500	11.50	5,750.00
FIGURINE POLY-RESIN 5.5", SURFSIDE TURTLE, COLOR IMPRINT PRICE INCLUDES AIR FREIGHT WITH 2 - 3 DAY TRANSIT 250 @ \$22.00 EACH, 100 @ \$27.25 EACH SETUP (MOLD FOR 5.5" FIGURINE)	500	16.75	8,375.00
OCEAN FREIGHT SHIPPING WITH 30 DAY TRANSIT: 4" FIGURINE - 500 @ \$9.95 EACH, 250 @ \$11.00 EACH, 100 @ \$12.95 EACH 5.5" FIGURINE - 500 @ \$12.35, 250 @ \$13.85, 100 @ \$15.80 APPROXIMATE DELIVERY TIME ON ALL ITEMS 8-16 WEEKS	1	125.00	125.00
Thank you for allowing me to supply your Promotional Products!	Subtotal		\$14,360.00
This order is designed especially for you. It is understood that underrun or overrun of not more than 10% may be billed pro-rata.	Sales Tax (0.0%)		\$0.00
	Total		\$14,360.00

"I help your company get noticed!"



TALES of THE

SURFSIDE

TURTLE

2ND RESIN OPTION } 18 INDIVIDUALLY PAINTED
TURTLES TO REFLECT
EACH DESIGN

Duncan Tavares

Subject: Surfside turtles

From: Bright Promotions, Inc. [<mailto:brightpromos@yahoo.com>]

Sent: Friday, January 31, 2014 10:21 AM

To: Duncan Tavares

Subject: Re: Surfside turtles

Hi Duncan.

Sorry for the delay, Chinese New Year shut-down.

For 18 versions x 200 each for a total of 3600 pieces - approximately \$13.50 each.

Thank you.

(PREMIUM
ORDER)

\$48,600

Sharon

Sharon Levy

Bright Promotions, Inc.

9325 Carlyle Ave.

Surfside, FL 33154

Cell: 305-778-4174

Office: 305-865-1357

BrightPromos@yahoo.com

www.BestPromoShop.com

"I help your company get noticed!"

PEWTER OPTION (ONE "GENERIC" TURTLE)



BRIGHT PROMOTIONS, INC.

9325 Carlyle Ave.
 Surfside, FL 33154
 305-865-1357

BrightPromos@yahoo.com
 www.BestPromoShop.com

Estimate

Date	Estimate #
1/25/2014	1477

Name / Address
Surfside Tourist Bureau Duncan Tavares 9293 Harding Ave. Surfside, FL 33154

Description	Qty	Rate	Total
PEWTER FIGURINE - CUSTOM, 4" HIGH, 5.5 WIDE, SATIN POLISH FINISH, IMPRINTED BASE	100	68.50	6,850.00
MOLD	1	1,250.00	1,250.00
SHIPPING AND HANDLING CALCULATED UPON COMPLETION		0.00	0.00
Thank you for allowing me to supply your Promotional Products!	Subtotal		\$8,100.00
This order is designed especially for you. It is understood that underrun or overrun of not more than 10% may be billed pro-rata.	Sales Tax (0.0%)		\$0.00
	Total		\$8,100.00

"I help your company get noticed!"



Product Name Sunrise Award

Description Crystal Sunrise award. Made with the finest quality optical crystal. Each piece is hand finished & inspected to ensure absolute perfection. All crystal is customizable with 2D artwork & packaged in a presentation gift box.

Size 4" x 3/4" x 3 3/16"

Imprint Method Full Color Process, One Time Set Up Charge \$56.25

Packaging Black gift box lined with black satin

Size 3 1/8" x 3/4" x 2 5/8"

Quantity	50	100	250
List Price	\$27.00	\$25.00	\$24.00



More pricing options for:

Sunrise Award

Size 4" x 3/4" x 3 3/16"

Quantity	50	100	250
List Price	\$34.00	\$32.00	\$31.00

Size 5" x 3/4" x 3 7/8"

Quantity	50	100	250
List Price	\$46.00	\$44.00	\$42.00



Product Name Portrait Award

Description Portrait 3D crystal award. Made with the finest quality optical crystal. Each piece is hand finished & inspected to ensure absolute perfection. All crystal is customizable with 3D artwork and packaged in a presentation gift box.

Size 3 1/4" x 1 1/5" x 4 1/4", 2 3/8" x 7/8" x 3 1/8", 4 1/8" x 1 3/8" x 5 1/2", 5" x 1 3/8" x 7"

Imprint Method Full Color Process

Packaging Black gift box lined with black satin

Size 3 1/4" x 1 1/5" x 4 1/4"

Quantity	25	50	100
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List Price	\$52.00	\$48.00	\$46.00
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More pricing options for:

Portrait Award

Size 4 1/8" x 1 3/8" x 5 1/2"

Quantity	25	50	100
List Price	\$66.00	\$62.00	\$60.00

Size 5" x 1 3/8" x 7"

Quantity	25	50	100
List Price	\$108.00	\$104.00	\$102.00



Product Name Round Shaped Crystal Paperweight

Description Made with the finest quality optical crystal. Each piece is hand finished & inspected to ensure absolute perfection. All crystal is customizable with 2D artwork & packaged in a presentation gift box. 9 oz each.

Product Number 787816MF

Size 3" x 3" x 5/8"

Imprint Method Sandblasting, Laser Engraving, Set Up Charge

Packaging Black Gift box lined with black satin

Quantity	25	50	100
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List Price	\$23.00	\$21.00	\$20.00
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Price Includes internal 2D laser engraving within the Crystal or Sand Blasting/Surface Laser Etching



Product Name Flame Award - Crystal

Description Flame Award. Made with the finest quality optical crystal. Each piece is hand finished & inspected to ensure absolute perfection. All crystal is customizable with 2D/3D artwork & packaged in a presentation gift box.

Size 3" x 2" x 6 3/4", 3 1/2" x 2 3/8" x 7 7/8", 4 1/8" x 2 3/4" x 9 1/4"

Imprint Method Laser Etching, Laser Engraving, Full Color Process, Set Up Charge

Packaging Black gift box lined with black satin

Size 3" x 2" x 6 3/4"

Quantity	25	50	100
List Price	\$66.00	\$62.00	\$60.00



More pricing options for:

Flame Award - Crystal

Size 3 1/2" x 2 3/8" x 7 7/8"

Quantity	25	50	100
List Price	\$88.00	\$83.00	\$81.00

Size 4 1/8" x 2 3/4" x 9 1/4"

Quantity	12	25	50
List Price	\$123.00	\$117.00	\$115.00



Town of Surfside Commission Communication

Agenda Item #9C

Agenda Date: February 11, 2014

Subject: Beach Management Agreement

Background: Over the past 18 months, Staff has been working with representatives of Miami-Dade County to enter into an agreement allowing the Town to undertake beach management issues pursuant to Section 161.201 Florida Statutes which provides the policing authority to the County. FDEP reported on April 23, 2013 that the Joint Coastal Permits which are issued to the County “allow additional influence over the management of this area”.

Following receipt of the FDEP letter, Town Staff (Town Attorney, Parks and Recreation Director and Town Manager) met with John Ripple of Miami-Dade Parks, Recreation and Open Spaces Department to outline the framework/conditions of a beach management agreement. Mr. Ripple forwarded this to the County legal department.

Since mid-2013, any progress on implementing a management agreement has been stalled as the agreement has not moved forward from the County legal department. On February 3, 2014, we were informed by Miami-Dade County that their legal department has reviewed the letter from FDEP. After legal review, the County has stated they are not in agreement with the FDEP interpretation. The County is now requesting clarification from the State to move forward with entering into a beach management agreement with local cities and towns. The County does not feel that the statute clearly gives the County policing authority of the beach and is contesting this. Any type of beach management agreement between the Town and the County will not move forward until this item is resolved.

Having just received the response from the County on February 3, Staff will discuss the appropriate strategy going forward and present a follow-up verbal report at the meeting.

Verbally reviewed with P & R Director
who is out of town
Parks and Recreation Director


Town Manager

Attachments: FDEP April 23, 2013 Letter
Section 161.201 Florida Statutes



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

April 23, 2013

Jack Kardys, Director
Parks, Recreation and Open Spaces
Miami-Dade County
275 NW 2 Street, 5th Floor
Miami, Florida 33128

RE: Upland Lease Application: Bal Harbour Village and Town of Surfside

Dear Mr. Kardys:

Thank you for the Upland Lease Application that Miami-Dade County (County) submitted regarding the referenced beach areas. It is always gratifying to know that the state's municipalities and counties are dedicated to preserving our beaches for the benefit of local and state citizens as well as its many visitors.

We have reviewed the application and County's Resolution No. R-778-12. Please be advised that section 161.201, Florida Statutes (enclosed), already provides the policing authority that the County is requesting. In addition, the enclosed Joint Coastal Permits which are issued to the County allow additional influence over the management of this area.

Please review the enclosed documents and let me know if you have additional questions. Again, the Department of Environmental Protection recognizes and commends Miami-Dade County for continuing to preserve the integrity of Florida's beaches.

Sincerely,

Cheryl C. McCall, Chief
Bureau of Public Lands Administration
Division of State Lands

Enclosures

Section 161.201, Florida Statutes - Preservation of common-law rights.—Any upland owner or lessee who by operation of ss. 161.141-161.211 ceases to be a holder of title to the mean high-water line shall, nonetheless, continue to be entitled to all common-law riparian rights except as otherwise provided in s. 161.191(2), including but not limited to rights of ingress, egress, view, boating, bathing, and fishing. In addition the state shall not allow any structure to be erected upon lands created, either naturally or artificially, seaward of any erosion control line fixed in accordance with the provisions of ss. 161.141-161.211, except such structures required for the prevention of erosion. Neither shall such use be permitted by the state as may be injurious to the person, business, or property of the upland owner or lessee; and the several municipalities, counties and special districts are authorized and directed to enforce this provision through the exercise of their respective police powers.

History.—s. 7, ch. 70-276.



**Town of Surfside
Town Commission Meeting
February 11, 2014**

DISCUSSION ITEM MEMORANDUM

Title: “Stop Signs at Crosswalks/Sidewalks”

Objective: To ensure pedestrian safety by requiring Stop Signs to be installed at any / all locations where a drive way (exit) requires crossing a sidewalk. Especially, A1A (Collins and Harding Avenues) and anywhere: hotels, apartment buildings, condominiums, municipal buildings and parking lots, etc., exit at / require crossing a sidewalk. See attached picture taken on A1A, Bal Harbour, Florida, and installed at the end of driveways at all the condominiums and apartments where crossing side walk is required when exiting (example Community Center). STOP – BEFORE CROSSWALK – FLORIDA LAW (exactly as Bal Harbour does it)

Note: Single family ‘residential’ homes could/should be exempt?

Consideration: With increased use of our sidewalks by both tourists and locals alike, the installation of bicycle lanes along busy A1A and a very active bicycle rental scene, and the desire for residents and tourists to walk to downtown; the need for this is greater than ever before.

It is the ‘job’ of the Town Commission to protect resident’s safety, health and well being – this agenda item pursues this goal. Also, doing this may eliminate certain liability issues?

Action: I am asking the Commission to give direction to the Town Manager, Town Attorney and the Public Works Director to prepare a plan to accomplish the above directive ASAP.

Additional Info/Note: Importance: High

Approximate Cost: Minimal – None, depending upon who is required to pay. Cost sharing example: Town installs and building’s pay for signs.

Thank you for your consideration; respectfully,

Joe Graubart, Commissioner





Town of Surfside Commission Communication

Agenda # 9E

Agenda Date: February 11, 2014

Subject: Dock Projection Discussion

From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Town's zoning code limits docks located on Biscayne Bay and Indian Creek to 35 feet in length. Miami-Dade's Regulatory and Economic Resources (RER, formerly DERM), has required longer docks than what is limited by the Town's zoning code, to protect the sea grasses located adjacent to the seawalls. The Planning and Zoning Board directed staff to request input from RER on the appropriate length of docks and prepare an ordinance for an upcoming Town Commission meeting limiting docks to RER's recommendation.

Staff reviewed the codes of other municipalities within Miami-Dade County as well as spoke to RER about the potential code change. RER has indicated that there is no specific minimum or maximum number of feet to limit a dock projection to protect the seagrass beds. Each circumstance is different and even the sea grasses adjacent to neighboring properties could have different requirements.

During the time the Town staff was analyzing docks on Biscayne Bay and Indian Creek, the residents of Point Lake notified the Town of their concern over a five foot wide dock permitted in the canal entering the lake. Staff reviewed the permit and all events surrounding the issuance of the permit with the conclusion that the dock met all Town code requirements. The dock also met all regulatory agency requirements.

This subject was placed on the January 30, 2014 Planning and Zoning Board meeting for discussion and staff was given the direction to do the following:

1. Prepare an ordinance limiting the maximum width a dock, whips, fenders, piles and the vessel may project into the canal.

2. Prohibit docks on the south side of the canal.
3. Review options to dredge the canal as well as bury the water pipe.
4. Confirm if the canal is considered a navigable waterway.

Analysis:

The proposed ordinance addresses #1 and #2 above. The ordinance suggests prohibiting docks on the south side of the canal while limiting the overall projection of a dock, whips, fenders, piles and vessel to no more than 15 feet. This would provide 40 feet for ingress and egress. This will also include a requirement for mailing courtesy notifications to all residents of Point Lake and the Point Lake Canal of any permit relating to marine structures.

Also included in this ordinance is a modification to the length of a dock for docks along Indian Creek and Biscayne Bay. This modification is not applicable to Point Lake. Due to Miami-Dade County requiring longer docks than permitted by the Town Code, staff suggests modifying the maximum length of a dock projection to 40 feet, except if the applicant provides evidence that Miami-Dade County requires a greater dock length. Currently, the code states that a dock is limited to 35 feet and a variance would be required to exceed the 35 foot limitation in order to meet the County standards.

This proposed ordinance will serve as an initial recommendation to assist the Town Commission in its review of this issue.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

Sec. 90-57. Marine structures.

The following regulations shall apply to boat docks, piers, and mooring piles, in any district:

(1) Projection of docks and piers into waterways beyond the waterway line, lot line, or established bulkhead lines shall be limited as follows, subject to final approval by ~~DERM and any other applicable agency~~ Miami-Dade County and any other authority having jurisdiction:

- a. Biscayne Bay: 35 feet 40 feet, except if the applicant provides evidence that Miami-Dade County requires a greater dock length to avoid or minimize adverse environmental impact to marine resources.
- b. Indian Creek: 35 feet. 40 feet, except if the applicant provides evidence that Miami-Dade County requires a greater dock length to avoid or minimize adverse environmental impact to marine resources.
- c. Point Lake: 35 feet, _____ feet except as restricted elsewhere in this Chapter.

(2) Under no circumstances shall any dock or pier be constructed so as to project into any waterway for a distance equal to more than ten percent of the width of such waterway's frontage.

(3) Docks shall not be permitted on the canal side of the following properties: Lot 1, Block 28 and Lot 2, Block 27 of Second Amended Plat of Normandy Beach Plat Book 16, Page 44. Docks may be permitted on the Indian Creek and Point Lake side of these properties.

(4) The furthest projection of a dock from the north side of canal, including the following properties: Lot 1, Block 23-A; Lot 2, Block 23-A; Lot 3, Block 23A; and Lot 4, Block 23A of the Second Amended Plat of Normandy Beach Plat Book 16, Page 44 shall not exceed 15 feet measured from the water side of the seawall to the southern edge of a vessel moored against a dock. This projection allowance shall include the docks, piles, piers, mooring devices, hardware, vessel lifts, accessories and a vessel.

(5) All docks, piles, piers, mooring devices, hardware, vessel lifts, accessories and vessels shall be kept in good working order and maintained so as to fully function for the purpose for which it was designed and approved.

(6) For all properties on Point Lake and the Point Lake Canal, the Town Manager or his designee shall send a mailed notification to all property owners of properties abutting Point Lake and the Point Lake Canal of submittal of a Marine structure permit, as defined in this Chapter, to the Building Official.