



**Town of Surfside
Town Commission Meeting
AGENDA
May 13, 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. Recognition of Community Garden President Melissa Moonves** – Mayor Daniel Dietch
- H. Presentation on 2014 Legislative Session** – Fausto Gomez, Gomez Barker Associates, Inc.

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 – April 8, 2014 Regular Town Commission Meeting Page 1 - 10**
- B. Budget to Actual Summary as of February 28, 2014 – Donald Nelson, Finance Director Page 11 - 14**
- *C. Town Manager’s Report – Michael P. Crotty, Town Manager Page 15 - 37**
- *D. Town Attorney’s Report – Linda Miller, Town Attorney Page 38 - 43**
- *E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 44 - 45**
- F. Committee Reports – Michael P. Crotty, Town Manager Page 46 - 61**

- February 10, 2014 Parks and Recreation Committee Meeting Minutes
- March 03, 2014 Tourist Board Meeting Minutes
- March 27, 2014 Planning and Zoning Board Meeting Minutes
- April 7, 2014 Tourist Board Meeting Minutes

G. National Missing Children’s Day – David Allen, Chief of Police Page 62 - 64

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) RECOGNIZING MAY 25TH AS NATIONAL MISSING CHILDREN’S DAY AND SUPPORTING THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN’S TAKE 25 CAMPAIGN; DIRECTING THE TOWN CLERK TO SEND A COPY OF THIS RESOLUTION TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN AND ALL SOUTH FLORIDA MUNICIPALITIES; PROVIDING FOR AN EFFECTIVE DATE.

H. Civility Month Proclamation – Mayor Daniel Dietch Page 65 - 66

I. Pets’ Trust Support Resolution – Mayor Daniel Dietch Page 67 - 69

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RECOGNIZING THAT AN OVERWHELMING MAJORITY OF THE MIAMI-DADE COUNTY ELECTORATE VOTED TO SUPPORT THE INITIATIVES PRESENTED BY PETS’ TRUST; URGING THE MIAMI-DADE COUNTY COMMISSION TO IMPLEMENT THE WILL OF THE PEOPLE IN THIS CURRENT BUDGET SESSION BY ESTABLISHING THE FUNDING MECHANISMS FOR SAID INITIATIVES; ENCOURAGING OTHER MIAMI-DADE COUNTY MUNICIPALITIES TO JOIN THE TOWN OF SURFSIDE IN THEIR SUPPORT FOR THE PETS’ TRUST; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE MAYOR AND COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA AND ALL SOUTH FLORIDA MUNICIPALITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

J. Expenditure of Forfeiture Funds – David Allen, Chief of Police Page 70 - 74

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2013/2014 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$6,471.00 FROM THE FORFEITURE FUND FOR THE PURCHASE OF SOFTWARE AND ACCESSORIES TO BE INSTALLED IN THE NEW PATROL LAPTOPS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

K. Procedures for the Procurement of Firearms, Ammunition, and Firearm Accessories from Responsible Manufacturers, Distributors, and Retailer – David Allen, Chief of Police Page 75 - 78

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) DIRECTING THE TOWN MANAGER AND THE SURFSIDE POLICE DEPARTMENT TO CREATE PROCEDURES FOR THE PROCUREMENT OF FIREARMS, AMMUNITION, AND FIREARM ACCESSORIES FROM RESPONSIBLE MANUFACTURERS, DISTRIBUTORS, AND RETAILERS; DIRECTING THE TOWN CLERK TO SEND A COPY OF THIS RESOLUTION TO ALL SOUTH FLORIDA MUNICIPALITIES, THE FLORIDA LEAGUE OF CITIES, INC., ALL MEMBERS OF FLORIDA'S CONGRESSIONAL DELEGATION, AND TO THE OBAMA ADMINISTRATION; PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

1. Ordinance Amending Section 66-7 “Disposal of grass cuttings and hedge trimmings.” – Joseph Kroll, Public Works Director Page 79 - 85

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 66-7, “DISPOSAL OF GRASS CUTTINGS AND HEDGE TRIMMINGS” OF THE 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.

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

B. First Reading Ordinances

- 1. An Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) by Repealing Civil Penalty Provisions Contained Therein - Joe Damien, Code Compliance Director [LINKED TO ITEMS 4B2 AND 9B] Page 86 - 91**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES"; 90-49.2 "AWNINGS AND CANOPIES"; 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- 2. An Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein - Joe Damien, Code Compliance Director [LINKED TO ITEMS 4B1 AND 9B] Page 92 - 103**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTIONS OF THE CODE RELATING TO FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS; SPECIFICALLY AMENDING; CHAPTER 1 "GENERAL PROVISIONS" SECTION 1-8 "PENALTY FOR VIOLATIONS"; CHAPTER 10 "ANIMALS" SECTION 10-27 "PENALTY"; CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" SECTIONS 14-31 "REQUIRED ROOFING MATERIALS," 14-51 "ESTABLISHED," AND 14-55 "VACANT LOTS OR BUILDINGS"; CHAPTER 15 "CODE ENFORCEMENT" SECTIONS 15-6 "CIVIL INFRACTIONS AND PENALTIES," 15-11 "CIVIL PENALTIES AND RELATED TERMS CONSTRUED," AND 15-18 "VIOLATIONS; SCHEDULE OF CIVIL PENALTIES"; CHAPTER 18 "BUSINESSES" SECTIONS 18-

85 “CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS,” AND 18-88 “PERMITTED AREAS; CONDITIONAL PERMIT; TOWN MANAGER’S RIGHT TO REMOVE SIDEWALK CAFÉS”; CHAPTER 34 “ENVIRONMENT” SECTIONS 34-71 “VACANT LOTS,” AND 34-80 “PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS”; CHAPTER 42 “FLOODS” SECTION 42-64 “PENALTIES [SIC] FOR VIOLATION”; AND CHAPTER 70 “TAXATION” SECTIONS 70-32 “DELINQUENCIES; ADDITIONAL PENALTIES” AND 70-36 “HEARING WHEN THE RECEIPT HOLDER FAILS TO COMPLY WITH NOTICE OR WHEN REQUESTED BY AGGRIEVED APPLICANT/RECEIPT HOLDER”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.”

- 3. Dock Projection Ordinance (Dock on Biscayne Bay) – Sarah Sinatra, Town Planner Page 104 - 108**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 “MARINE STRUCTURE” TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; 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. Resolution Approving the Design of the 94th Street End Project – Michael P. Crotty, Town Manager Page 109 - 112**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PURSUANT TO RESOLUTION NO. 13-Z-04, CONDITION NO. 25 REVIEWING AND APPROVING THE DESIGN PREPARED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94th STREET END PROJECT; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

B. Resolution Authorizing Public-Private Partnership Advisory Services – Michael P. Crotty, Town Manager [LINKED TO ITEM 5C AND 9I] Page 113 - 130

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN LAMBERT ADVISORY, L.C., (“LAMBERT”) TO ASSIST THE TOWN IN EVALUATING A PUBLIC/PRIVATE PARTNERSHIP PARKING SOLUTION; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT FOR RETENTION OF LAMBERT FOR CONSULTING SERVICES; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$18,500 FROM THE PARKING FUND, ACCOUNT NO. 402-9500-545-3110; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

C. Resolution re: Moratorium on the Downtown Parking Trust Fund (“PTF”) –Commissioner Michael Karukin [LINKED TO ITEM 5B AND 9I] Page 131 - 134

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE NEED FOR A MORATORIUM ON THE OPTION TO USE THE PARKING TRUST FUND FOR OFF-STREET PARKING AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; REQUESTING THAT THE PLANNING AND ZONING BOARD MAKE RECOMMENDATIONS REGARDING MODIFICATIONS TO THE PARKING TRUST FUND OPTION AND REGARDING SUCH MORATORIUM; DIRECTING THE TOWN CLERK TO PUBLISH A NOTICE OF ZONING IN PROGRESS AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Resolution Ratifying and Approving the Town Commission Members’ Appointments for the Resort Tax Board, Design Review Board, Pension Board, Personnel Appeals Board – Linda Miller, Town Attorney Page 135 - 138

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) RATIFYING AND APPROVING THE TOWN COMMISSION MEMBERS’ APPOINTMENTS FOR THE RESORT TAX BOARD, DESIGN REVIEW BOARD, PENSION BOARD, PERSONNEL APPEALS BOARD, AND POLICE OFFICERS RETIREMENT TRUST BOARD; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR 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. Hedges and Corner Visibility (Sight Triangle) at Intersections** – Joe Damien, Code Compliance Director [TIME CERTAIN AT 7:30 PM] **Page 139 - 143**
 - B. A Draft Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations** – Joe Damien, Code Compliance Director [LINKED TO ITEMS 4B1 AND 4B2] **Page 144 - 152**
 - C. Town Hall: Roof, Air Conditioning Issues and Mold Remediation** – Joseph Kroll, Public Works Director **Page 153 - 154**
 - D. Update on May Special Meeting (Community Center Expansion; Sign Code and FY 14/15 Budget)** – Michael P. Crotty, Town Manager **Page 155 - 158**
 - E. Surf Club Sand Transfer Project Update** – Michael P. Crotty, Town Manager **Page 159 - 164**
 - F. Boards and Committees Appointments**– Sandra Novoa, Town Clerk **Page 165 - 170**
 - G. Establish Date for Quasi-Judicial Hearing for Shul Project** – Michael P. Crotty, Town Manager **Page 171 - 172**
 - H. Change of President for the Community Garden Non-Profit** – Duncan Tavares, TEDACS Director **Page 173**
 - I. Presentation of Report: Parking Solution: The Next Step** - Michael P. Crotty, Town Manager [ITEM LINKED TO ITEMS 5B AND 5C] **Page 174**
 - J. Community Notes move out of the Agenda and place with awards and presentations at 6:30 p.m. to 7:00 p.m.** – Vice Mayor Tourgeman **Page 175**

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
Town Commission Meeting
MINUTES
April 8, 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 7:02 P.M

B. Roll Call of Members

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

Mayor Dietch recognized the Honorable Commissioner Sally Heyman and former Commissioner Kligman.

C. Pledge of Allegiance

Chief David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Olchyk said she would appreciate if fellow Commissioners keep their remarks to a minimum and to the point so meetings do not extend beyond 11:00 p.m.

Mayor Dietch said the Town received an award from the Miami-Dade County Image Advisory Board for the Gateway Beautification for the recently completed Harding Avenue Streetscape Project.

The Mayor recognized four students from Nautilus Middle High School who participated in the successful I Share Project.

The Mayor welcomed the new members of the Commission, Vice Mayor Eli Tourgeman and Commissioner Barry Cohen

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

Vice Mayor Tourgeman made a motion to defer for thirty days item 9B Presentation of Report: Parking Solution: The Next Step. The motion received a second from Commissioner Olchyk and all voted in favor.

Mayor Dietch asked to move item 1F to the end of the opening section to discuss the pulled items.

Commissioner Olchyk made a motion to move item 9D up on the agenda to follow item 3 Consent Agenda. The motion received a second from Commissioner Karukin and all voted in favor.

Commissioner Karukin made a motion that after the approval of the consent agenda the Commission discuss the pulled items and also move item 1F Community Notes to the end of the opening section. The motion received a second from Vice Mayor Tourgeman and all voted in favor.

- F. Community Notes** – Mayor Daniel Dietch (Report given after 1.I)
Mayor Dietch announced the upcoming community events which can be found on the Town's website.
- G. Presentation from Miami Dade County Commissioner Sally Heyman** –
Former Commissioner Kligman thanked Commissioner Heyman for her leadership and support on the anti-bullying ordinance.
- H. Employee of the Quarter Award – Joe Damien, Code Compliance Director** –
Michael P. Crotty, Town Manager
Town Manager Crotty presented the Employee of the Quarter Award to Code Compliance Director Joe Damien.
- I. Recognition of Legal Intern Vitaliy Usten** – Linda Miller, Town Attorney
Town Attorney presented an Award of Recognition to Legal Intern Vitaliy Usten.

2. Quasi-Judicial Hearings (None)

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

Items pulled as follows:

Mayor Dietch pulled item 15, page 25; item 17, page 26 and item 3I, page 73.

Vice Mayor Tourgeman pulled item 38, page 36 and item 39, page 37.

Commissioner Karukin pulled item 3A, page 8; item 11, page 23; item 15, page 25; item 27, page 32; item 28, page 33; item 34, page 35 and item 3E, page 43.

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

A. Minutes – March 11, 2014 Regular Town Commission Meeting

Pulled by Commissioner Karukin –3A.4 Resort Tax - to add to the minutes the request for the legal department to look into (1) remove the annual review for the Chair of the Committee (2) put a cap on the 34% (3) combining TVAC and DVAC

B. Budget to Actual Summary as of January 30, 2014 – Donald Nelson, Finance Director

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

Pulled Items:

-Item 15 95th Street End Project – Commissioner Karukin asked Town Manager Crotty for clarification of the new text in the note. Town Manager Crotty gave an update.

- Item 17 Beach Renourishment – Town Manager Crotty gave a brief overview of the project. Building Official Ross Prieto gave an update on the project.

-Item 38 Tennis Programming – Commissioner Tourgeman combined Item 38 and Item 39 and indicated the town should explore the possibilities of sponsorships and grants for these types of programs. Commissioner Olchyk spoke in support of the programs the Parks and Recreation Department provide and how well they have done.

-Item 39 Pilot Spring Adventure Camp

-Item 28 FEMA – Commissioner Karukin asked about the Committee that was established which he had no knowledge of. Building Official Ross Prieto gave an overview of the Programs for Public Information Committee.

-Item 11 Downtown Vision Project – Commissioner Karukin suggested that the Sign Code review be placed under the Planning and Zoning section as a separate item.

-Item 34 ERP – Commissioner Karukin reminded the Commission that the cost of modifying the software can be extremely costly.

-Item 26 Charter Review Board – Commissioner Karukin asked Town Manager Crotty when this will be brought back to the Commission and Town Manager Crotty indicated it will be on the May agenda.

-Item 10 Harding Avenue Streetscape Plan – Mayor Dietch asked Town Manager Crotty for an update on the project.

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

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

Commissioner Karukin asked that CGA include in their report all items they do for the town.

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

- **January 27, 2014 Downtown Vision Advisory Committee**

- **February 10, 2014 Parks and Recreation Committee Meeting Minutes**

G. Approval of Improvements to the Town Hall Unimproved Parking Lot –

Michael P. Crotty, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE IMPROVEMENT PROJECT FOR THE TOWN HALL SOUTHEAST UNIMPROVED PARKING LOT IN AN AMOUNT NOT TO EXCEED \$23,850; AUTHORIZING AN AMENDMENT TO THE 2013-2014 BUDGET AND APPROPRIATION OF \$23,850 TO ACCOUNT NO. 107-8500-541-6310 FOR THE UNIMPROVED SOUTHEAST PARKING LOT IMPROVEMENTS; PROVIDING AUTHORIZATION AND PROVIDING AN EFFECTIVE DATE.

Adopt on Consent

H. Proposed Memorandum of Understanding for the Miami-Dade County New 700/800 MHz Regional Radio System – David Allen, Chief of Police

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE MEMORANDUM OF UNDERSTANDING

**BETWEEN THE TOWN OF SURFSIDE AND MIAMI-DADE COUNTY;
AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO
EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE
MOU; AND PROVIDING FOR AN EFFECTIVE DATE.**

Adopt on Consent

I. Central Everglades Planning Project Support– Mayor Daniel Dietch

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA SUPPORTING
CONSTRUCTION OF THE CENTRAL EVERGLADES PLANNING
PROJECT; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR
AN EFFECTIVE DATE.**

Mayor Dietch recused himself from this item.

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

Commissioner Olchyk wanted to make sure that there was no funding from the town on this project. Town Manager Crotty said that was correct.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 4-0 with Mayor Dietch absent from the Dais.

Commissioner Karukin made a motion to approve all pulled items from the consent agenda. The motion received a second from Commissioner Olchyk. The motion carried 4-0 with Mayor Dietch absent from the Dais.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

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

B. First Reading Ordinances

1. Dock Projection Ordinance – Sarah Sinatra, Town Planner

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF
SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE
CODE OF THE TOWN TO AMEND SECTION 90-57 “MARINE
STRUCTURE” TO EXTEND THE LENGTH OF THE DOCK
PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A
COURTESY NOTIFICATION PROVIDING FOR SEVERABILITY;**

PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sarah Sinatra presented the item to the Town Commission.

Mayor Dietch passed the gavel to Vice Mayor Tourgeman.

Mayor Dietch made a motion for discussion purposes. The motion did not receive a second. Motion died for lack of a second.

2. Ordinance Amending Section 66-7 “Disposal of grass cuttings and hedge trimmings.” – Joseph Kroll, Public Works Director

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 66-7, “DISPOSAL OF GRASS CUTTINGS AND HEDGE TRIMMINGS” OF THE CODE OF ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE BY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Works Director Joseph Kroll presented the item to the Town Commission.

Commissioner Cohen made a motion for discussion purposes. Mayor Dietch passed the gavel to Vice Mayor Tourgeman. The motion received a second from Mayor Dietch.

Code Compliance Director Joe Damian and Town Manager Michael Crotty gave more information on the item. Mayor Dietch thanked the staff for putting together a comprehensive approach for handling the disposal of this trash. Commissioner Karukin said citizens need to be educated on the item before more codes are put in place. Commissioner Cohen indicated that notices should be followed up by certified mail to assure that the homeowner received it and that the homeowner should be able to appeal.

Commissioner Cohen made a motion to approve with the amendment that there is follow up with certified mail and due process for appeal. After passing the gavel, Mayor Dietch seconded the motion. The motion carried 4-1 with Commissioner Karukin voting in opposition.

5. Resolutions and Proclamations

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

A. Certification of Municipal election Results – March 18, 2014 – Sandra Novoa, Town Clerk

RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE

RESULTS OF THE TOWN OF SURFSIDE GENERAL MUNICIPAL ELECTION HELD ON MARCH 18, 2014 TOWN COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Linda Miller read a revised title of the resolution into the record. The correct title is as follows:

“RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE GENERAL MUNICIPAL ELECTION HELD ON MARCH 18, 2014 FOR THE ELECTION OF MAYOR ELECTED BY OPERATION OF LAW AND FOUR (4) TOWN COMMISSIONERS; AND PROVIDING FOR AN EFFECTIVE DATE.”

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

B. Approval to Award Contract for the Tennis Center Hut Mitigation and Building Hardening – Joseph Kroll, Public Works Director

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN DECON ENVIRONMENTAL AND ENGINEERING, INC. TO PROVIDE MOLD REMEDIATION AND RESTORATION SERVICES FOR THE SURFSIDE TENNIS CENTER; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH DECON ENVIRONMENTAL AND ENGINEERING INC., BY PIGGYBACKING OFF OF A COMPETITELY BID AGREEMENT FOR THE SAME SERVICES AWARDED BY THE BROWARD COUNTY SCHOOL BOARD; AUTHORIZING THE AMENDMENT TO THE 2013/2014 BUDGET AND APPROPRIATION NOT TO EXCEED \$50,755 TO ACCOUNT 310-4400-572-3191; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Works Director Joseph Kroll presented the item to the Town Commission.

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

Town Manager Crotty gave a detailed update on the item. Commissioner Karukin questioned the amount it will cost to oversight the project and what percentage was used. Commissioner Olchyk also questioned the cost and if labor is also included then a breakdown be submitted as perhaps some of the labor can be done by our own staff. Director Kroll explained that by law the removal of mold can only be done by someone that is certified and our staff does not have that certification. Town Manager Crotty asked the Commission to look at the breakdown report provided which gives a better explanation of each line item.

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

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

The Mayor opened the meeting to Good and Welfare.

Public Speaker Louis Cohen welcomed the new members of the Commission and wished all a successful year. Mr. Cohen suggested that new email accounts be set up to allow people who cannot come to the meeting but watch at home have a way to communicate with the Commission during the meeting. The Mayor gave some input on this idea and Commissioner Karukin felt that this can become distracting during the meeting.

Mr. Cohen also said that any member of the Commission who belongs to an organization that has an agenda item should reclude them self. Mayor Dietch said they are bound by a very strong ethical ordinance.

Public Speaker Daniel Grelmchinsky representing the Shul thanked the Commission for their service to the community. He also stated that they are supportive of the parking plan and hope it will move forward.

Public Speaker Marianne Meischeid spoke about the new sand placed on the beach as it looks like dirt. Public Speaker George Kousoules also spoke about the beach and the removal of mounds of sand. Building Official Ross Prieto addressed the issue and said the grade of sand was beach quality and also addressed the issue of the removal. Mr. Prieto said the sand will bleach out and become white and gave an overview of the item.

No one else wishing to speak the Mayor closed the meeting to Good and Welfare and resumed to item 9D.

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. Initial Report on Development Impact Coordination – David Allen Chief of Police

Chief Allen gave a report indicating some of the problems his Dept. faces and had some suggestions. There was some discussion regarding the traffic issue.

Town Manager Crotty will pursue with developers the possibility of sharing costs to help with these problems and report back to the Commission.

Building Official Ross Prieto gave a detailed update report.

B. Presentation of Report: Parking Solution: The next Step - Michael P. Crotty, Town Manager

C. Committee/Board Members Appointment – Sandra Novoa, Town Clerk

The Commissioners gave their recommendations for the various committees.

PLANNING & ZONING
Peter Glynn (Dietch)
Jennifer Zawid (Cohen)
Armando Castellanos (Olchyk)
Jorge Gutierrez (<i>Design Review Board</i>)

PERSONNEL APPEALS BOARD
Jayne Bengio (Tourgeman)
Niza Motola (Karukin)
Chase Berger (Cohen)
Norma Parron (Olchyk)

PARKS & RECREATION
Eliana Salzhauer (Dietch)
Alberto Aguirre (Tourgeman)
Retta Logan (Karukin)
Sholom Danzinger (Cohen)
Veronica Lupinacci (Olchykt)

TOURIST BOARD
Barbara Cohen (Dietch)
Elizabeth Levine (Tourgeman)
Sandra Argow (Karukin)
Joel Baum, CPA (Cohen)
Michelle Kligman (Olchyk)

Commissioner Olchyk made a motion that Coach Arnie Notkin be a member emeritus to the Parks and Recreation Committee. The motion received a second from Commissioner Karukin. The motion carried 4-1 with Vice Mayor Tourgeman voting in opposition.

Commissioner Karukin made a motion to abolish the IT Committee. The motion received a second from Vice Mayor Tourgeman and all voted in favor.

Mayor Dietch passed the gavel to the Vice Mayor and made a motion to appoint Jorge Gutierrez to the Design and Review Board. The motion received a second from Commissioner Karukin and all voted in favor.

Liaisons: Mayor Dietch – Personnel Appeals Board
Vice Mayor Tourgeman - Tourist Board
Commissioner Olchyk – Parks and Recreation Committee

Commissioner Cohen – Planning and Zoning Board
Commissioner Karukin – Charter Review Board

D. Town Attorney Expense Authority – Commissioner Marta Olchyk

Commissioner Olchyk had concerns about the hiring of outside legal expertise and suggested that the Commission be consulted when the Legal Dept. expenses exceed \$8,500 that is not budgeted. She indicated that the Charter Review was very costly.

Town Attorney Miller and Finance Director Donald Nelson spoke on the issue.

Commissioner Cohen spoke and indicated that in some cases there is not enough time to call a meeting and get approval.

Commissioner Olchyk made a motion that if the Legal Dept wants to allocate funds over \$8,500 that have not been budgeted that the funds receive approval by the Commission.

The item was paused to meet the timeline of Good and Welfare and resumed after Good and Welfare closed.

Motion died for lack of a second.

Recognition/Awards: Scheduled for 6:30pm? – Michael P. Crotty, Town Manager

Vice Mayor Tourgeman made a motion to have recognition awards presented at 6:30 p.m. before the 7:00 p.m. regular Commission Meeting. The motion received a second from Commissioner Olchyk. The motion carried 3-2 with Commissioner Karukin and Mayor Dietch voting in opposition.

E. Community Center Expansion (Second Story) – Michael P. Crotty, Town Manager

Commissioner Karukin made a motion that the first workshop for community outreach discussion be scheduled in thirty days. The motion received a second from Vice Mayor Tourgeman and all voted in favor.

F. Miami Dade County League of Cities Director Designation (Verbal)– Michael P. Crotty, Town Manager

Commissioner Cohen volunteered and Vice Mayor Tourgeman will be backup.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 10.49 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

February 28, 2014

42% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: May 13, 2014

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$ 6,839,858	\$12,197,616	56%
EXPENDITURES	4,547,482	\$12,197,616	37%
Net Change in Fund Balance	2,292,376		
Fund Balance-September 30, 2013 (unaudited)	5,304,042 ^A		
Fund Balance-February 28, 2014 (Reserves)	<u>\$ 7,596,418</u>		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$ 62,909 ^B	\$287,471	22%
EXPENDITURES	129,580	\$287,471	45%
Net Change in Fund Balance	(66,671)		
Fund Balance-September 30, 2013 (unaudited)	94,497		
Fund Balance-February 28, 2014 (Reserves)	<u>\$ 27,826</u>		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$ 21,113	\$46,000	46%
EXPENDITURES	25,656	\$46,000	56%
Net Change in Fund Balance	\$ (4,543)		
Fund Balance-September 30, 2013 (unaudited)	138,143		
Fund Balance-February 28, 2014 (Reserves)	<u>\$ 133,600</u>		
TRANSPORTATION SURTAX			
REVENUE	\$ 303,016	\$196,916	154%
EXPENDITURES	79,261	\$196,916	40%
Net Change in Fund Balance	223,755		
Fund Balance-September 30, 2013 (unaudited)	131,475		
Fund Balance-February 28, 2014 (Reserves)	<u>\$ 355,230</u>		
CAPITAL PROJECTS			
REVENUE	\$ 247,372	\$1,054,770	23%
EXPENDITURES	1,252,900	\$1,054,770	119%
Net Change in Fund Balance	(1,005,528)		
Fund Balance-September 30, 2013 (unaudited)	255,263		
Fund Balance-February 28, 2014 (Reserves)	<u>\$ (750,265)</u>		

NOTES:

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

A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$3,304,042 is unassigned fund balance (reserves).

B. Resort Tax Revenues for February 2014 are received in March 2014, the (Total collected through February 2014 is \$162,712) (\$62,909 is for TEDAC and \$99,803 is the General Fund).

ENTERPRISE FUNDS

ACTUAL

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

WATER & SEWER

REVENUE	\$ 1,143,979	\$3,190,000	36%
EXPENDITURES	895,652	\$3,190,000	28%
Change in Net Assets	248,327		
Unrestricted Net Assets-September 30, 2013 (unaudited)	(5,912,477) C1		
Restricted Net Assets	1,911,920 C2		
Capital Project Expenses to date for Water & Sewer	(113,308)	\$0	
Unrestricted Net Assets-February 28, 2014 (Reserves)	<u>\$ (3,865,538) C</u>		

MUNICIPAL PARKING

REVENUE	\$ 411,018	\$1,052,185	39%
EXPENDITURES	366,757	\$972,185	38%
Change in Net Assets	44,261		
Unrestricted Net Assets-September 30, 2013 (unaudited)	1,066,574		
Capital Project Expenses to date for Municipal Parking	-	\$80,000	
Unrestricted Net Assets-February 28, 2014 (Reserves)	<u>\$ 1,110,835</u>		

SOLID WASTE

REVENUE	\$ 677,620	\$1,336,241	51%
EXPENDITURES	534,315	\$1,336,241	40%
Change in Net Assets	143,305		
Unrestricted Net Assets-September 30, 2013 (unaudited)	227,274		
Unrestricted Net Assets-February 28, 2014 (Reserves)	<u>\$ 370,579</u>		

STORMWATER

REVENUE	\$ 206,995	\$505,000	41%
EXPENDITURES	143,998	\$505,000	29%
Change in Net Assets	62,997		
Unrestricted Net Assets-September 30, 2013 (unaudited)	2,520,513		
Restricted Net Assets	347,140 C3		
Capital Project Expenses to date for Storm Water	(34,908)	\$0	
Unrestricted Net Assets-February 28, 2014 (Reserves)	<u>\$ 2,895,742</u>		

NOTES:(con't)

C. The reserves balance of (\$3,865,538) is the result of a change in current net assets as of February 2014 of \$248,327, net assets as of September 30, 2013 of (\$5,912,477), plus Restricted Net Assets of \$1,911,920, less Capital Project expenses of (\$113,308) paid through February 2014 on the Utility Project.

C1. The Unrestricted Net Assets as of September 30, 2013 (Unaudited) of (\$5,912,477) is the result of the investment in Capital Assets of \$10,394,720 from the water/sewer and stormwater project as shown on Attachment 1.

C2. The Restricted Net Assets of \$1,911,920 includes \$1,017,776 for renewal and replacement, \$243,000 for State Revolving Loan reserves and \$651,144 for rate stabilization.

C3. The Restricted Net Assets of \$347,140 includes \$266,140 for renewal and replacement, \$81,000 for State Revolving Loan reserves.


Donald G. Nelson, Finance Director


Michael P. Crotty, Town Manager

**ATTACHMENT

**Town of Surfside
Fund Balance (Reserves)
February 28, 2014**

FUND		9/30/2011		9/30/2012		9/30/2013		2/28/2014
General	\$	4,256,315	\$	5,266,374	\$	5,304,042	\$	7,596,418
Resort Tax		184,867		171,496		94,497		27,826
Police Forfeiture		117,889		122,272		138,143		133,600
Transportation Surtax		239,760		122,302		131,475		355,230
Capital		399,754		132,783		255,263		(750,265)
Water & Sewer		2,692,379		(1,931,707)		(5,912,477)		(3,865,538)
Parking		1,385,581		1,258,325		1,066,574		1,110,835
Solid Waste		207,462		228,437		227,274		370,579
Stormwater		342,240		104,651		2,520,513		2,895,742
Total	\$	15,301,180	\$	9,300,237	\$	3,825,304	\$	7,874,428

TOWN OF SURFSIDE, FLORIDA

STATEMENT OF NET POSITION
PROPRIETARY FUNDS

SEPTEMBER 30, 2013

	Business-type Activities - Enterprise Funds				Totals
	Water and Sewer	Municipal Parking	Sanitation	Stormwater Utility	
Assets					
Current Assets					
Cash and cash equivalents	\$ 38,012	\$ 189,725	\$ 271,463	\$ -	\$ 499,200
Accounts receivable, net	647,746	15,661	87,610	96,705	847,722
Due from other funds	--	916,291	--	2,860,408	3,776,699
Prepaid items	17,180	2,950	6,575	885	27,590
Total Current Assets	702,938	1,124,627	365,648	2,957,998	5,151,211
Noncurrent Assets					
Investments	5,873	--	--	--	5,873
Restricted cash and cash equivalents	1,906,402	--	--	1,526,621	3,433,023
Capital Assets					
Construction in progress	22,346,507	--	--	2,936,375	25,282,882
Land	--	1,358,011	--	--	1,358,011
Infrastructure	1,273,252	1,427,934	--	267,828	2,969,014
Equipment	157,215	468,019	378,200	--	1,003,434
	23,776,974	3,253,964	378,200	3,204,203	30,613,341
Less: accumulated depreciation	(1,299,278)	(894,544)	(312,432)	(100,278)	(2,606,532)
Total Capital Assets, Net	22,477,696	2,359,420	65,768	3,103,925	28,006,809
Total Noncurrent Assets	24,389,971	2,359,420	65,768	4,630,546	31,445,705
Total Assets	25,092,909	3,484,047	431,416	7,588,544	36,596,916
Liabilities					
Current Liabilities					
Accounts payable	407,449	29,678	28,006	23,365	488,498
Accrued liabilities	50,857	10,604	17,980	2,848	82,289
Due to other funds	3,776,699	--	--	--	3,776,699
Due to other governments	69,838	--	--	--	69,838
Interest payable	183,502	--	--	61,167	244,669
Retainage payable	355,474	--	--	36,485	391,959
Current portion note payable	--	80,000	--	--	80,000
Current portion of revenue bonds payable	410,055	--	--	136,685	546,740
Current portion of state revolving loan payable	158,987	--	--	52,996	211,983
Compensated absences	2,101	727	6,791	39	9,658
Payable from restricted assets					
Customer deposits	169,825	--	--	--	169,825
Total Current Liabilities	5,584,787	121,009	52,777	313,585	6,072,158
Noncurrent Liabilities					
Net OPEB obligation	11,341	3,636	15,864	2,573	33,414
Compensated absences	18,917	6,548	61,122	353	86,940
Note payable					
Revenue bonds payable	7,781,967	--	--	2,656,641	10,438,608
State revolving loan payable	5,282,895	--	--	1,760,965	7,043,860
Total Noncurrent Liabilities	13,095,120	10,184	76,986	4,420,532	17,602,822
Total Liabilities	18,679,907	131,193	129,763	4,734,117	23,674,980
Deferred Outflows					
Unearned revenue	18,839	6,860	8,611	--	34,310
Net Position					
Net investment in capital assets	10,394,720	2,279,420	65,768	(13,226)	12,726,682
Restricted for renewal and replacement	1,017,776	--	--	266,140	1,283,916
Restricted for loan reserve	240,000	--	--	81,000	321,000
Unrestricted	(5,258,333)	1,066,574	227,274	2,520,513	(1,443,972)
Total Net Position	\$ 6,394,163	\$ 3,345,994	\$ 293,042	\$ 2,854,427	\$ 12,887,626

The accompanying notes are an integral part of these financial statements.



Town of Surfside

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

TOWN MANAGER'S REPORT MAY 2014

COMMUNITY PROGRAMS/INITIATIVES/ENHANCEMENTS

1. Sister Cities

The Tourist Board discussed and endorsed the concept of Sister Cities at their October 7, 2013 meeting and recommends that this initiative 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 February 3, 2014 and received a presentation on the Sister Cities organization and programs. George Neary and Ms. Ibis Romero also presented their perspective on their Sister Cities programs in Miami Beach and Sunny Isles Beach respectively. The TEDACS Director is set to meet with representatives of the Sister Cities Organization the week of May 5. As there is now a new Tourist Board, the program will need to be reviewed again at a meeting of this new Board in the near future. A recommendation on the details of a Sister Cities program will be vetted by the Tourist Board over the next couple of months and will be provided to the Town Commission as part of the FY 14/15 budgetary review process. Find more information at: <http://sister-cities.org>.

2. Bus Service

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.

Recently, general discussions have been held to address bus service in the 33154 zip code. These discussions have identified an interest on part of the communities to pursue opportunities to improve bus service and to do so more economically. On March 3, a meeting with Bal Harbour was held to discuss a number of issues including bus service.

Each of these communities provides bus service for its residents using Citizens Initiative Transportation Tax (CITT) funds. The funds are generated through a Miami-Dade County gasoline tax and results from a citizens' initiative to improve transportation throughout the County.

[Note: A minimum of 20% of the receipts are required to be spent on mass transit and the Town of Surfside exceeds this obligation. For FY 13/14, \$134,366 (including gas) is budgeted for the community bus service in Surfside].

In order to address this issue on a regional basis, a request has been made to the CITT to have a transportation planner conduct an analysis of existing bus routes; ridership and recommended bus transportation routes within the three municipalities in order to make bus service more efficient; responsive to community needs and more cost effective. The transportation planner will be asked to review the establishment of bus service/route to Mount Sinai as part of the overall analysis. Staff also had a discussion with North Miami transportation officials who were exploring piggybacking on a Broward County bus transportation contract.

May update: Discussions have now been completed with the Managers of Bal Harbour, Bay Harbor Islands and Sunny Isles Beach. Each municipality has expressed its desire to participate in this multi-jurisdictional transportation analysis in order to provide a bus transportation system that is more responsive to its residents ridership needs by attempting to provide a coordinated schedule and routes; expand designation options (Mount Sinai; Aventura Mall, etc.); reduce costs by eliminating overlapping routes and number of vehicles; and provide linkages to the Miami-Dade transportation system.

3. Joint Skate Park with City of Miami Beach

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. Miami Beach staff reports that the recreational master planning process for the North Beach area is moving forward and a skate park is included in the project; however, the location will likely be several blocks to the south and incorporated near or in the development of a recreation complex at the Log Cabin site.

At the April 23 Miami Beach Commission meeting, follow-up discussion was held and the Commission did not support a skate park in this vicinity. Miami Beach Parks and Recreation Director John Rebar wrote following the April 23 meeting that, "at this time, Commission is not in support of a skate park anywhere along the west lots 79th through 87th. These lots are now part of a much larger North Beach revitalization plan. The direction is to not invest any capital funds on these lots until the long range vision has been determined".

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

Miami-Dade County Public School District has established 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.

School District Assistant Superintendent Iraida Mendez-Cartaya, CPA, provided the following information:

- 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.

School District Officials reported that there were 563 applicants for MAST@FIU for 14/15 with 29 from zip code 33154 and twelve from Surfside. The District further indicated there are approximately 700 Surfside students in the public schools (K-12).

The minimum number of student stations needed to have the MAST@FIU function as a high school is 400 – 500. By comparison, the MAST at Virginia Key has approximately 1000 students.

For the School District to build the high school (currently MAST@FIU is working out of temporary facilities) it will be necessary to have funding support from the nearby municipalities (including Bal Harbour, Bay Harbor, Aventura, Sunny Isles Beach, North Miami Beach, Golden Beach and Surfside). Funding of a MAST is not an eligible expenditure from the District's Capital Projects fund/budget. Student stations, once purchased are dedicated from the perpetual use by a Surfside student in accordance with admission policies.

Based on input from the School District officials, the success of MAST@FIU is dependent upon financial support from the community and the above listed municipalities. At this point, financial commitments have not been made by the municipalities and interaction with managers from the above listed communities indicates that, at this point, these municipalities have not made a decision on

whether to fund this educational initiative. Recently, the Aventura Council voted 6 – 1 not to participate in the funding for the MAST@FIU.

5. Turtles Project – Art in Public Places

The Tourist Bureau continues to leverage the iconic 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 was presented to the Town Commission on the February 11, 2014. The decision on procuring Turtle souvenirs, etc. was referred to the Tourist Board for a decision at the March 3, 2014 meeting. The Tourist Board voted to defer a decision on all merchandising to be included in their FY 14/15 budgetary process. Also at that meeting, the Tourist Board discussed honoring the late Sandra Suarez (artist of the Love Turtle). A memorial plaque will be placed on the Turtle (date to be determined) and the Board voted to contact the family of the Turtle before selling/disposing of the sculpture if that decision is ever made in the future. The resident who would like to see the Turtles removed has been invited to approach the Tourist Board at the June 2, 2014 meeting.

6. Newcomers Packet

The theme of the packet is "Welcome to the Neighborhood" and provides a variety of information to new residents acclimating them to Surfside and informing them of the many and varied services and amenities available to them in their new town.

This new initiative will be coordinated with the recently staffed Neighborhood Resource Officer (NRO) program (office). The NRO will personally deliver a newcomer packet to 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. In the interim, Staff will take the lead in providing the packets.

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. Item completed.

7. Climate Change Forum

The Town in conjunction with the CLEO Institute (Climate Leadership Engagement Opportunities) held a successful and informative educational forum on Climate Change, April 23, 2014 from 1:00 pm to 4:00 pm at the Community Center. Approximately 45 people attended including residents, Staff, elected officials (from Surfside and neighboring communities) and subject matter experts.

8. Relay for Life

Once again, Surfside will participate in the Relay for Life event scheduled for Saturday, May 31 (9am to 9pm). A kick-off party for this year's Relay for Life took place at Ruth K. Broad Bay Harbor K-8 Center on April 1, at 6pm, 1155 93rd Street in Bay Harbor Islands.

The Relay will include the communities of Surfside, Bal Harbour and Bay Harbor Islands and will raise funds for the American Cancer Society. The American Cancer Society helps people take steps to reduce their risk of cancer, to find it early, when it is easiest to treat. The American Cancer Society provides free information and services to cancer patients throughout their journey and is investing in crucial research to prevent, treat, and ultimately, cure all cancers.

“Survivors” and caregivers are encouraged to participate! The Relay can introduce you to others who are facing the same challenges, and provide opportunities for learning, sharing, and friendship. For additional information and/or to help TEAM SURFSIDE reach their monetary goal (by becoming a sponsor and/or donating to the American Cancer Society Surfside/Bal Harbour/Bay Harbor Relay), contact Yamileth Slate-McCloud at 305-861-4863 x227.

DOWNTOWN BUSINESS DISTRICT AND TOURISM

9. Harding Avenue Streetscape Plan

The construction portion of the project is complete. The architectural feature (decorative fence) has been installed at the intersection of 96th and Harding to prevent pedestrians from illegally crossing Harding Avenue. The foot path through the landscaping which was destroyed by pedestrians crossing has been re-landscaped. Awaiting delivery of furniture which will be installed by Public Works upon arrival. The Town Commission will be provided updates on the delivery dates.

10. Downtown Vision Project

The April 30th DVAC meeting was cancelled due to the Parking Solution Report being deferred by the Town Commission until their May 13 meeting. Also, the substantive updates on the BID and Sign Code processes will not be available until later in May.

BID: Staff is conducting outreach to the downtown property and business owners leading up to a referendum on creating a BID. The date of the referendum has yet to be determined. The results of the vote will be brought to the Town Commission to decide on finalizing the creation of a BID and BID Board. The Town Commission will be advised a referendum date once determined.

11. Sidewalk Ordinance Implementation

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,

Public Works and TEDACS. Door to door outreach to the downtown restaurants was conducted the week of February 24, 2014 and March 3, 2014:

- Letters on ADA Path of Travel: Code Compliance staff hand delivered letters signed by the Town Manager to all restaurants requesting their assistance in keeping the sidewalk open for pedestrians and informing them of their responsibility to clean their sidewalk each evening. Code Compliance staff has been monitoring "Path of Travel" provisions and has witnessed a marked improvement and restaurants have mostly been observant, excepting minimal situations wherein patrons may have moved the furnishings themselves.
- Sidewalk Furniture: Once all applications for sidewalk cafes are received and processed, Code Compliance expects to follow the Ordinance requirements which have very specific enforcement procedures, including removal of furnishings if warranted. However, the Town has yet to begin enforcement associated with "leaving furniture on the sidewalk outside of business hours", as the new sidewalk café ordinance procedures, including application, have yet to be fully implemented.

A survey of the sidewalks, that includes the new downtown streetscape, has been completed. This will now enable the Building Department to meet with each business individually to assist with the Sidewalk Café Application and to determine what furniture can be accommodated and where it can be placed. Once these determinations are made, the businesses must comply or face stringent code enforcement that could result in removal of the furniture or closure of the outside seating.

The next steps include: 1) Beginning the week of May 19, Town restaurateurs will be contacted; be requested to submit their proposed furnishing designs and conceptual sidewalk layout for discussion and review; (2) Town will generate a preliminary sidewalk layout in keeping with Code requirements; (3) Permit application processing will be finalized.

12. Parking Structure Feasibility Study

In April, 2013, the Parking Structure Feasibility Study by Rich & Associates (March 2013) was presented to the Town Commission.

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.

The report entitled "Parking Solution: The Next Step" was presented to the Commission on April 1, 2014 and was an agenda item for the April 8 Commission meeting. Based on a request of a newly elected official, consideration of the report was delayed for 30 days. The report will be an agenda item for the May Commission meeting (**Agenda Item**).

13. Five Year Tourism Strategic Plan

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 after several months of work. Suggested changes to the Town's Resort Tax Ordinance were passed on first reading by the Town Commission on February 11, 2014. On second reading at the March 11, 2014 Town Commission meeting, none of the recommendations passed even with the endorsement from the majority of the Tourist Board (except the Chair), the Administration, the adopted 5 Year Tourism Plan, the Grand Beach and Mr. Meyers (the consultant). The Town Commission has sent the initiative back to the Tourist Board to be readdressed once the new Board is established by the new Town Commission. The new Tourist Board is set to meet for the first time on May 5. All members have been provided with the Plan as well as the Resort Tax Ordinance (including the recommended changes), FY 13/14 Budget documents etc.

INFRASTRUCTURE AND UTILITIES

14. 95th Street End Project

The project west of the bulkhead is now complete. Two accidents occurred at the street end resulting in the concrete bollards to be broken. The electric was disabled and removed for replacement which takes about 2 months for delivery. Our permit was issued from FDEP for phase two on April 16, 2014 which encompasses landscaping, paver walkway, new shower and stairway from the bulkhead east to the hard pack. Staff is currently working out the details with our approved contractor for this portion and this is scheduled to be on the Commission's June agenda.

[Note: A major focus of the 95th Street project was to adjust the elevation of the 95th Street to accommodate access into the garages of the newly constructed townhomes. Even though the elevations of the new street were established with the concurrence of the owner/developer in order to provide proper access, the resulting conditions still present an obstacle for proper access. Staff met with the principles of the 9501 building and formulated a plan to correct the deficiencies in their driveways. Work will include the lowering of the approach from the curb line on the north side to the middle of the driveway. A drain will be added between the driveway and paver sidewalk to catch and redistribute the storm water runoff back into the Town's storm drain system. All work is the responsibility of the 9501 building as well as the cost for these improvements. Work began on April 15, 2014 and is expected to be completed by the first week of May].

15. Seawall Project

Schedule for the seawall project:

- Pre-bid conference – May 20, 2014
- Bid opening – June 17, 2014
- Commission award of bid – July 8, 2014

16. Beach Renourishment

Brian Flynn, Special Projects Administrator, Miami-Dade DERM spoke at the March, 2014 Commission meeting giving the Commission an update on the Town of Surfside's upcoming beach renourishment project which is anticipated to start June, 2015.

Mr. Flynn at the March meeting presented information on the upcoming sand transfer operation at the Surf Club project. The project is currently underway and sand is being transferred from their construction site to other areas of the beach as per Section 161.053 of Florida Statutes. These regulations state that any sand that is excavated east of the Coastal Construction Control Line must be re-used in the same area. The sand was tested and found to be compatible with Surfside beach sand. It will provide a little over a foot of new sand and will be spread throughout the whole beach from 96th Street to 88th Street.

The project will continue until turtle nesting season begins on May 1. At the excavation site, the sand is cleaned and transported to the beach where it will be spread by earth moving equipment. Smaller vehicles and personnel will escort the machinery up and down the beach with Surfside Police vehicles stationed near the entry point and the public right of way. The work will take place Monday-Saturday, 8 am – 6 pm.

Public input has been received expressing concern about the dark color of the transferred sand when compared with the white (sugar like) color of existing sand. There are several projects in Miami-Dade whose developments are involved in similar transfer operations. The Chateau (formerly Best Western) had planned a similar operation for their excavated sand. However, due to time constraints with the sea turtle season and Surfside beach elevation/profile issues, the Chateau is exploring its options with FDEP including transferring their excavated sand to Sunny Isles Beach.

The Surf Club sand transfer project has generated citizen interest, input and concern. Attachment I to the Manager's report contains an update on the nearly completed project. This update has been placed on the website under Town News.

Finally, the results of the Town authorized independent testing of the placed sand are expected the week of May 5.

17. Community Center Expansion: Second Floor Addition

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.

The Manager will moderate a May 14 Community Discussion to kick-off this exciting community project. The objective of the discussion will be to arrive at consensus of the process to be utilized.

18. Biscaya Drainage

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 proposed design will include backflow prevention devices to be installed on the island's three outfalls. These devices are intended to 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.

When the Commission approved the project, Staff was requested to meet with Biscaya residents to ensure on-going communication throughout the project. The first meeting was held on November 26 with five (5) residents of Biscaya to discuss the project. The second neighborhood meeting was held in the Commission Chambers on February 6. The next neighborhood meeting will be held prior to the start of construction (May timeframe, depending on permitting) and will be held on site with the neighbors (on Biscaya).

The 90% plans have been completed and were submitted to Staff the week of May 5. After receipt of the RER permit the 100% plans will be prepared.

19. Town Hall and Tennis Hut Improvements

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 Town Commission awarded a contract to the Decon Company in the amount of \$50,754.22 for improvements and remediation of the Tennis Center at the April 8 Commission meeting. A preconstruction meeting was held with Decon on April 10, 2014 to discuss scheduling, start date and completion date. Staff ordered an asbestos test for the ceiling to determine if asbestos is present in the building prior to Decon commencing work. The test was completed April 18, 2014 and the results were negative. Once the windows and doors arrive, construction will begin and should be completed within 6 weeks.

The Public Works Director will present a report at the May Commission meeting addressing existing conditions in Town Hall; recommended corrective action and estimated costs (**Agenda Item**).

PLANNING, ZONING AND DEVELOPMENT

20. The Shul Project

The Shul application was heard at the February 27, 2014 Planning and Zoning Board meeting and the Town Commission will consider at its May meeting the request of the Shul to schedule a special quasi-judicial public hearing (**Agenda Item**).

21. Massing and Zoning Discussion

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, 2013 meeting with the Town Attorney and Staff and these specific issues have been discussed at the August, 2013 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 a 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 prepared additional revisions to the renderings and language for the ordinance, which was presented at the April 28, 2014 Planning and Zoning Board meeting. The Town Commission will be presented with an ordinance at an upcoming meeting.

22. Sign Code

The Town Commission authorized CGA to proceed with a re-write of the Sign Code. The content was discussed by DVAC in March and a draft has been finalized. The sign code eliminates inconsistencies and unenforceable provisions to provide a user friendly document. The draft will be discussed at the May 22, 2014 (7:30 – 9:30 pm) Joint Meeting of the Planning and Zoning Board and Town Commission.

TOWN COMMISSION

23. Legislative Priorities

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 which had been included in the legislatively approved budget but vetoed by the Governor.

Lobbyist Fausto Gomez reports that the 2014 Legislative Session concluded on May 2. The Town's water assistance is funded; challenges to local governments regarding parking meter revenues on state highways and red light cameras have been averted; and beach renourishment funds are in the state budget. Also, an allocation of \$100,000 has been included in the State budget for small business development/professional assistance along the Harding Avenue corridor.

Fausto will provide a legislative update to the Commission on May 13 (**Agenda Item**).

24. Charter Review Board (CRB)

The Charter Review Board presented a final report on Phase I Charter Review for election issues to the Town Commission on March 11, 2014. A Special Meeting with the Town Commission is scheduled for June 18, 2014 at 7:00 p.m. to discuss and vote on proposed Ballot Questions.

TOWN DEPARTMENTS

Town Attorney

25. Options to Mitigate Inadequate Number of Parking Spaces at Multi-family Establishments along the Collins Avenue Corridor

Kobi Karp submitted a preliminary parking plan on April 22, 2014 for Spiaggia Condominium. The Building Official advised that these drawings would serve as a field reference to verify the actual parking, but that it would not substitute the revision process required by the FBC and the Building Department. Signed and sealed plans are required for the formal revision process to begin.

Building Department

26. FEMA National Flood Insurance Program (NFIP)

The final property on the CAV is 9415 Harding Avenue, The Harbor Grill Restaurant was a site that was determined to be substantially improved and therefore required compliance with FEMA flood proofing for commercial properties. The flood panel manufacturer had previously submitted an application for permit, the submission was reviewed and a permit for installation was issued. The flood panels have been installed and inspected. Having successfully passed the final inspection, the approved plans, engineering, inspection records and photos of the panels have been forwarded to Dr. Prasad Inmula, FEMA Region IV, Atlanta for review in order to close this final item of the CAV.

27. Community Rating System (CRS)

The second and final meeting of the Program for Public Information is scheduled for May 23, 2014.

28. Forty Year Building Certification for Collins, Harding, Abbott Avenues and Surfside Blvd.

The 40 Year Building Certification Program is progressing as follows:

Reported certifications: 118 in present case file
Completed certifications: 39
Time extensions granted: 2
Exempt from Certification: 3
Vacant commercial properties: 11
Sent to Code Enforcement for non-compliance: 8
150 day repair order: 1
On hold: 4

Code Compliance Department

29. Code Compliance Priorities

The priorities for code compliance have been established by the Town Commission. The Administration was asked to bring the compliance periods and fine schedule back in the form of a resolution. The resolution, along with an accompanying general Ordinance amendment that will remove fines from the Town Code and provide for all fines and compliance periods to be reflected in the newly proposed resolution will be presented at the May Commission meeting (**Agenda Item**).

30. Sight Triangle (Hedges) and Corner Visibility

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 Street and Byron, 4-way stop signs, stop sign locations, and speed limit signs, some of which may have been placed without County review or authorization. An item has been placed on the May 2014 Commission regular meeting agenda to discuss future policy, available alternatives, and to request direction from the Commission (**Agenda Item**).

Finance Department

31. Online Bill Pay

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 June, 2014 by SunTrust Bank, Municode (utility bill preparer) and CBoss (credit card processor who will also be the processor for e-checks). These three companies are testing the e-check process to ensure security and complete transaction processing of a utility payment by e-check. SunTrust Bank has completed the link between the bank account and the ACH

(Automated Clearing House) service, an electronic network to process credit and debit transactions. Municode, the Utility bill preparer is working with CBoss the e-check processor to ensure functionality and security compliance.

A credit card terminal and a customer facing PIN pad device has been received from First Data through SunTrust Bank. These terminals have been installed at the Front Desk of Town Hall. We are in the process of programming and testing the terminals. The Front Office staff will be trained on the use of the credit card terminals. The credit card terminals are to be operational the first week of May, 2014 and will allow customers to make payments at the Front Desk securely by credit and debit card.

32. Tourist/Resort Tax Audit

All Tourist/Resort tax payments are current. Item completed.

Parks and Recreation

33. Beach Management Agreement

Progress on a Town/Miami-Dade County Beach Management Agreement is dependent upon the County receiving specific authorization from FDEP permitting the County to assign certain management responsibilities to local municipalities. The County sent a letter to FDEP on March 17 requesting a determination that the County can assign maintenance/regulations to local governments. Updates will be provided as received by the County. At this time the State has not replied.

34. Pool Tot Lot Repairs - Community Center

Work is still in progress on the final Phase of the repairs and work continues to move forward. The water playground continues to remain open. Due to the complexity of the playground apparatuses, special issue items are in need of minor repairs and will be replaced as the parts are received. The amount anticipated and budgeted for this project remains the same, not to exceed the retainer amount of \$22,600.

35. Tennis Programing

The Parks and Recreation Department assumed the operations of the Tennis Center as of March 17. The facility will be staffed with existing Parks and Recreation staff and resident volunteers week nights and weekend mornings and nights. Youth tennis for ages 4-14 and an adult doubles programs to be held on Monday nights have been initiated. The courts will also be open for resident recreational play 7 days a week from 8:00 am to 11:00 pm. A system of registering residents and nonresidents has been put in place by staff to monitor the court usage. The Youth program has 20 kids registered with 90% being residents (total revenue of \$4,352). The Doubles Adult program has a total revenue of \$426 after 3 classes.

During the upcoming budget process, the Parks and Recreation Department will present options for operations including court rentals.

36. Pilot Spring Adventure Camp

In March of 2014, the Parks and Recreation Department introduced the start of a new Spring Adventure Camp to fill the need requested by town residents for spring break supervision and activities. The response to the camp has been outstanding with 48 kids registered. The camp was housed at the Community Center and will be included as an annual camp with Parks and Recreation. The one week camp produced \$7,105 in revenue with expenses not exceeding \$900. The total registration was 45 kids with 70% of the kids being Surfside residents.

37. Security Cameras at 96th Street Park

Parks and Recreation and the Police Department are researching the option of placing security cameras in strategic areas at the park that will help identify/deter issues that arise at the park. Over the past 6 months, there have been a rash of cell phone thefts that cameras would have helped identify the person(s) involved. The cameras would also monitor patrons coming in and out of the park. The cost of the cameras is estimated between \$7,744 - \$9,694. Staff is researching the best alternative to make a recommendation.

Police Department

38. Individual Patrol Office Kit (IPOK)

In March, the Surfside Police Department issued and trained all police officers with Individual Patrol Officer Kit (IPOK). The kit contains: Combat Application Tourniquet (C-A-T), Emergency Trauma Dressing, Combat Gauze - Hemostatic Dressing, and Black Talon Nitrile Trauma Gloves. The IPOK is designed to provide officers with a compact and durable individual hemorrhage control kit to treat bleeding from penetrating and other traumatic injuries. These kits are packaged to allow officers to keep a compact bleeding control kit on their person, where it is needed most, for critical emergencies as they await the arrival of the Miami-Dade Fire Rescue Department. The Dallas and Indianapolis Police Departments also recently issued their police officers similar type kits. All officers were trained and issued the equipment. Item completed.

39. Dog Tag Program

The Police Department is providing special tags to be attached to the collar of their pets. The dog tag will have the Police telephone number and a registration number. The registration number will enable the Police to contact the owner of lost or loose dogs without calling Miami-Dade Animal Control. The tag does not replace the County dog tag. This is a free service. The program has been implemented and will remain in effect.

40. New Neighborhood Resource Officer

Officer Dianna Hernandez is our new Neighborhood Resource Officer. The Commission provided funding in the FY 13/14 budget to re-establish this position.

Officer Hernandez grew up in Zanesville, Ohio. She received her Associate Degree of Applied Science in Medical Laboratory Technology from Zane State College in Zanesville, Ohio. She served honorably in The United States Navy and started her law enforcement career with the Miami-Dade Schools Police Department in 2001. During her tenure, she worked as a School Resource Officer, Patrol Officer and a Detective. She briefly left South Florida and went to work for the Polk County Sheriff's Office until joining the Surfside Police Department in May 2011. Dianna was designated as the new Neighborhood Resource Police Officer on April 14, 2014. She was previously assigned to the patrol division where she also participated in community events such as the Citizens Police Academy, Police Teen Camp, and the Town's Feral Cat Program. Dianna's new responsibilities as the NRO are interaction with the residents, crime prevention and addressing quality of life issues in the neighborhood.

41. Women's Self Defense Class

The Surfside Police Department is hosting a Women's Self Defense Class on May 21 from 6:00 pm to 8:00 pm at the Community Center. The training shows how to resist and how to escape a sexual assault. The techniques are easy-to-learn and easy-to-use. The training also shows how to escape a standing assault and what to do if the attacker has you pinned on the ground. These techniques do not require strength, speed or coordination and are perfect for women of all ages and physical types. This class is free of charge.

42. SkateSafe Program

Surfside Police Department and the Parks and Recreation Department are partnering with the University of Miami's SkateSafe Program on May 10, 2014, from 10:00 am to 12:00 pm for a free skateboarding event. This event will take place in the parking lot across from Town Hall and will involve educational skateboard safety stations (tuck and roll, how to identify a concussion, and proper helmet fitting), participate in a group ride, and win skateboarding prizes in a raffle. Mayor Daniel Dietch, Andy Andras (Longboard Distance World Record Holder), and Jonathan Strauss (Founder of International Distance Skateboard Association) will be special guests to promote this event and raise awareness about being safe and wearing a helmet while skateboarding. Other members of the Commission are invited to bring their boards and participate in this program.

43. Trending (Future Manager Report Topics)

- Sewage Transmission Agreement with Miami Beach – staff of Miami Beach and Surfside met to review draft of a new sewage agreement.

- Ruth K. Broad Elementary School – representatives of Bay Harbor Islands and Surfside met to discuss impact of violations of the school boundaries (students from outside school boundaries admitted to school as a result of falsification of residency) and assistance with enforcement to ensure that children of Town residents are provided admission to school.
- Development Coordination Committee – initial meeting of the Development Coordination Committee was held on May 1. At the April 8 Commission meeting, the purpose of this committee was explained and is part of the Town's overall development impact coordination.
- Separate, initial discussions held with representatives of the Surf Club and Indian Creek regarding improvements to 91st Street (Surfside Blvd) consistent with the development order (Surf Club) and agreement with Indian Creek.
- An FDEP field permit (valid for one year) has been received for the landscaping and other improvements east of the 95th Street end bulkhead. A report will be presented at a future Commission meeting.

Respectfully submitted

by: 
Michael P. Crotty, Town Manager

Attachment: Update: Surf Club Sand Transfer Project



Town of Surfside

Surf Club Sand Transfer Project May 6, 2014

UPDATE

Background

The Surf Club Project (Project) was approved in November, 2013. The Project included excavation of the foundation, which resulted in a significant stockpile of native sand. Consistent with the FDEP Permit # DA-631 and Section 161.053, Florida Statutes, the excavated sand was tested and approved for relocation within the beach system.

The project entailed transferring excavated sand from the Surf Club construction project to other areas on the beach as required by Section 161.053, Florida Statutes. These regulations mandate that beach compatible sand excavated east of the Coastal Construction Control Line (CCCL) must be retained within the beach system. These operations are under control and permitting of the Florida Department of Environmental Protection (FDEP).

Current Status

During April, the Surf Club completed the transfer of excavated sand from their site onto the beach. Due to the sea turtle nesting season, the sand transfer operations needed to be completed by April 30. The Project is now in the off-beach restoration phase including dune re-vegetation.

As the Surf Club sand transfer project nears completion, the Town have received questions regarding the close out activities. These include:

1. **Question:** When will the restoration of the dunes/re-vegetation occur?

Response: Coastal Engineering (CE), the project coordinator for the Project, informed the Town that the restoration work will be finalized as follows:

May 12, 2014 – Installation of irrigation system

June 3, 2014 – Dune replanting begins (sea oats, sea grapes and other vegetation)

June 18, 2014 – Anticipated restoration completion date

Town Staff met with representatives of CE, Surf Club, and FDEP last week to review the final schedule for completion. Restoration of the hard pack and upper walking path is continuing. The ropes of the walking path will be installed as plantings are completed. To ensure proper restoration, the Town required the Surf Club to post a bond to protect Town infrastructure and proper completion of the Project.

2. **Question:** The Project resulted in a “huge” cliff or step down on the easterly edge of the newly placed sand. Will it be sloped or evened out?

Response: Now that the transfer of the sand has been completed, the steep easterly edge of the new sand has been sloped/graded. Following consultation with FDEP representatives, the contractor accomplished this last week (see photos).



North view just south of the Community Center



South view just north of the Community Center

3. **Question:** Has the transferred sand been tested?

Response: Yes. Prior to the issuance of a permit in 2013, sand samples from the Project site were tested by a FDEP geologist. In April, FDEP initiated another round of testing to ensure that the transferred sand is compliant with the FDEP permit (DA-631). We are awaiting the results.

In response to concerns voiced by residents, the Town initiated independent test of samples of the transferred sand utilizing FDEP protocols and included a toxicology testing component. Results of the testing are expected the week of May 5.

4. **Question:** Will the transferred sand have a negative impact on sea turtle nesting?

Response: Representatives from Florida Fish and Wildlife and turtle advocates have monitored the results of the Project and have not voiced objections or concerns. Since the sand has been placed, there has been a nesting by a rare leatherback turtle in the vicinity of 8877 Collins Avenue.



5. **Question:** Debris, including stones and pieces of concrete, are present in the sand. What is going to be done about this?

Response: We too have noticed pieces of rock/stones/concrete that should have been prevented by the multiple sifting protocols. The beach has been sifted twice by sand sifting machines and debris has been removed from the sand (sifted area approximately 6-8 inches below sand surface level). We have been informed that it is recommended that two additional siftings/cleanup be scheduled. This is the responsibility of the Surf Club and the two siftings/cleanup of the beach will be scheduled over the next several weeks. An assessment will be made following the second sifting/cleanup to determine if additional action is necessary.

6. **Question:** Will the color of the beach return to its previous white (sugar like appearance)?

Response: The color of the transferred sand has lightened since being placed on the beach during March and April. As reported previously, FDEP representative Christian Lambright indicated that prior to the full sand transfer project, a test application of the sand from the Surf Club was previously placed on the beach. She indicates that this “sand has since ‘bleached’ and looks very similar to what was already on the beach”.

While the bleaching of the sand will continue to result in a lighter color, the color of the existing sand (pre-transfer) was reclaimed from the Bahamas whose beaches are known for its white (sugar like appearance). The transferred sand likely will not fully mirror this white, sugar like color.

As FDEP has reported, the recently transferred sand is closer to that of native Florida sand. It is possible that future beach sand renourishment projects will be more of a consistency of Florida native sand which is darker because of higher organic content.

For informational purposes, **Attachment I** contains a summary of previous issues relating to this Project.

Any questions? Please contact me.

Michael P. Crotty
Town Manager
(305) 993-1051 (w)
(305) 731-3914 (cell)
mcrotty@townofsurfsidefl.gov

Cc: Town Commission
Ross Prieto, Building Official
Joseph Kroll, Public Works Director



Town of Surfside Surf Club Sand Transfer Project

Summary of Previous Issues/Information

The following excerpt from an April 18 Town Manager email, which was sent to many residents, provides a background on the pertinent issues of the sand transfer Project and addresses concerns expressed by residents since Project inception:

I would like to share my experience with beach management issues in the year that I have worked for Surfside. Not only as Manager but as a Surfside resident who lives on the beach, my initial assessment upon arrival in Surfside was that our beaches were in trouble. The bare and rolling contour of the beach system precipitated by the impacts of Hurricane Sandy indicated to me that renourishment of the beach needed to be kept a priority. During my first full week of employment with Surfside, I attended a meeting with the US Army Corps who informed me that no further renourishment projects (the last approved project would be the 2014 Bal Harbour Beach Project) would be undertaken until a Sand Source Study was completed as there was no sand source available within Miami-Dade County for any federally funded projects. Certainly not the news we wanted to hear. Fortunately, the study was recently completed and compatible sand sources were identified; however, the sources were outside of Miami-Dade County. These outside sand sources will be used for our 2015 beach renourishment.

The determination of "beach compatible sand" and permitting are the responsibility of FDEP. As Christian Lambright (FDEP) indicated in a previous email that "the sand that is currently being placed on the beach has underwent testing by our department geologist, Dr. Jennifer Coor, prior to the issuance of any permits. Dr. Coor then qualifies this sand as being 'beach compatible' or 'non-compatible'." Therefore, FDEP would not issue a permit for a sand transfer project until it makes a determination that the sand being transferred is "beach compatible sand".

As a point of information, when the Town was constructing the new Community Center it was the intent of the Town to place the excavated sand within our beach system and substantial staff effort was devoted in an attempt to make this happen. The former Town Manager personally took excavated sand samples to Tallahassee FDEP. Also, in addition to the current Project of the Surf Club, there was previously a smaller scale sand transfer project in the northern portion of the Town. I recently learned that the Building Department has a sample of the sand from that Project and to the naked eye it appears to be darker than the samples for the Surf Club project.

The current project is nearing completion. Could I suggest a course of action to follow would be to let the project be completed which would include: 1. Since the project is in the final stages, let the project applicant complete the project which would include finalizing the sand transfer; rolling/grading the place sand; and restoring the dunes and replanting vegetation; 2. Await the results of the concurrent

testing that is currently being done (Christian indicated that she took samples last week and the FDEP is testing to determine if the placed sand is in fact "beach compliant"; and the Town Commission has authorized staff to move forward with a similar independent testing per FDEP protocol); 3. When the project and testing are complete, let's all look at the results and determine if additional efforts/action is necessary.

I have worked with the State of Florida on beach issues for almost 30 years. My experience with FDEP leads me to believe that this agency will take the necessary steps to ensure that this project is completed properly and within their guidelines. Further, the staff of FDEP have gone above and beyond to assist our residents and Town Staff on this project. I'm sure you agree that the efforts of Christian Lambright and Celora Jackson have been outstanding.

Also, I have spoken with representatives of the Surf Club regarding the issues and concerns raised by our residents. They have pledged that they will make every effort to complete the project with the approved guidelines and will work with the Town to bring this project to a successful and satisfactory conclusion.

Finally, I would like to share with you the below information that I previously prepared in response to issues brought forward by concerned residents:

1. **Why Didn't the Town Object to FDEP Issuing the Permit?** Even though the Town does not issue the permit for a sand transfer project, a number of residents questioned why the Town didn't object. Having been involved in a number of oceanfront development projects over the years, State Law requires that no material excavated seaward of the Coastal Construction Control Line (CCCL) shall be removed landward of said line provided that the excavated material is beach quality sand. Christian Lambright of FDEP has indicated that the sand being placed on the beach has been tested as to meeting the requirements of beach compatibility prior to the permit being issued. As apppoint of information, there have been numerous of these sand transfer projects permitted in our immediate area including the Saxony in Miami Beach; Aqualina, Portia and Jade Ocean in Sunny Isles; and Oceania in Bal Harbour. The municipalities involved did not object due to the requirements of State law and benefits of adding sand to our rapidly eroding beaches in Miami-Dade. Some have even encouraged these types of sand transfers.
2. **Color of Sand:** As I indicated during our meetings, we too were concerned about the color when we first saw it applied to the beaches. Christian Lambright of FDEP responded last week to the inquiries regarding the color of sand. Christian indicated that prior to the full sand transfer project, a test application of the sand from the Surf Club was previously placed on the beach. She indicates that this "sand has since 'bleached' and looks very similar to what was already on the beach". While I understand full well your concerns, I believe the sand that has been placed has lightened several shades over past weeks and based on the input of FDEP experts will continue to lighten. I encourage you to visit the other sand transfer projects in Miami-Dade listed above and see the color compatibility of the sand--some projects just several months old.
3. **Damage to Dune/Paths Near the Surf Club:** The FDEP permit allowed the Surf Club to remove the dune vegetation and excavate a portion of the dune behind their property to undertake the transfer project. We share your concern about the negative impacts of a project of this scope. Prior to commencing work, the Town required the Surf Club to post a multi-million dollar bond in order to ensure proper restoration.


4. **Future Beach Renourishment Project:** As we discussed in our initial meeting, Surfside beaches are next in line for a 2015 renourishment project. Our project could have started earlier but there was a hold on beach renourishment projects in Miami-Dade in order to conduct a sand source study to locate sand for future County Beach projects. While the specific location of the sand for our renourishment project has not been determined, it will come from outside of Miami-Dade. The permitting agencies (US Army Corps and the FDEP) will assure beach sand compatibility.

5. **Benefit to Developers at the Expense of Residents:** I feel I need to comment on the several statements I received stating that since the Town didn't object to the project, the developer was benefitting to the detriment of the residents and the beaches. Even though the developer would have faced fines if the company removed beach compatible sand from east of the CCCL, the cost of simply excavating the sand and placing it in a borrow pit/storage area would have been less costly than the current operation of sifting the sand; dealing with environmental regulations; restoring dunes/vegetation, etc. Also, the developer likely could have sold the excavated material. I do understand these statements as residents are passionate about our beaches. The initial view of the darker appearing sand and disruption to the dunes/vegetation/paths clearly lead to this view. I'm not sure anything I can add will dispel this belief by some residents.



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: May 13, 2014

SUBJECT: Office of the Town Attorney's Report for May 2014

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

April 17, 2014	Administrative Hearing - <u>Pieter Bakker and Shirley Bakker vs. Town of Surfside</u> , Case No.14-1026GM, Division of Administrative Hearings, State of Florida
April 24, 2014	Special Master Hearing
April 24, 2014	Planning and Zoning Board and Design Review Meeting
May 5, 2014	Tourist Board Meeting

Ordinances prepared and reviewed for First Reading:

- Amending Chapter 90 "Zoning" Of The Code Of The Town To Amend All Sections Referencing Fine Amounts For Code Violations
- Amending Chapter 1 "General Provisions" Section 1-8 "Penalty For Violations" and various sections of the Code referencing Fine Amounts for Code Violations

Ordinances prepared and reviewed for Second Reading:

- Ordinance amending disposal of grass cuttings and hedge trimmings

Resolutions prepared and reviewed:

- Resolution regarding Parking Trust Fund
- Resolution on the recognition of May 25th as a National Missing Children's Day
- Resolution approving Public Private Partnership Consulting Services
- Resolution Approving the 94th Street End Project
- Resolution Directing the Surfside Police Department to Create Procedures for the Procurement of Firearms, Ammunition and Firearm Accessories
- Resolution Authorizing Expenditure of Forfeiture Funds for the purchase of software and accessories to be installed in the new Surfside Police Patrol Laptops
- Resolution Supporting the Pets' Trust Initiative
- Resolution Ratifying Town Boards and Committees
- Proclamation for Designating May 2014 as Civility Month

Town Manager:

- Coordinate and follow-up with TM for presentation of proposed Charter Ballot questions for June 18, 2014 Town Commission meeting
- Assist in preparation of RFP for ERP
- Follow with Selection Committee for RFQs for Architectural & Engineering Services
- Continued follow-up with Building Official regarding Kopi Karp's modification of parking spaces in Spiaggia for parking spaces deficiency
- Review conditions for Grand Beach compliance
- Ongoing review of 9200 Collins Avenue hotel project
- Review of conditions of approval on all ongoing development projects
- Ongoing review and research for Public Private Partnership
- Continued follow-up with Code Enforcement regarding code compliance issues
- Ongoing research for dock and dredging permit issue
- Follow-up analysis regarding Indian Creek Settlement and undergrounding of utilities

Town Clerk:

- On-going follow-up for Charter Ballot Questions and preparation of June 18, 2014 Town Commission Meeting
- Research Florida Statutes for election laws

- Opined on Notice requirements
- Review updated ethics law requirements
- Review and follow up for public records requests
- Follow-up research for Sunshine Law issues

April 24, 2014 Planning and Zoning and Design and Review Board:

Design Review Board Applications:

1. 9175 Bay Drive – garage conversion
2. 9016 Bay Drive – addition
3. 9418 Collins Ave – signage
4. 9850 Abbott Ave – stained glass, front entrance doors and landscaping

Planning and Zoning Board Discussion Items:

1. Massing
2. Commercial Waste & Recycling Screening
3. Single Family District Paint Colors
4. Tree Canopy
5. Future Agenda Items

Finance Department:

- Assist Finance Department with preparation of RFP for ERP
- Continue preparation for FY 14/15 Budget documents
- Research interest rate requirements on the amount paid over time as governed under Florida Statutes

Building Department/Code Enforcement/Planning:

- Attend Special Master Hearing on April 24, 2014
- Follow up with Counsel for 1268 Biscaya Drive for preparation of Stipulated Order
- Continued research and follow-up on analysis of Pointe Lake and North Canal issues
- Research and review development permit language for compliance
- Research and review lien laws
- Research permitted uses for business district
- Research issue of business license compliance
- Review issue of parking space mitigation issues

Parks and Recreation:

- Research and follow-up for Zambelli Fireworks Agreement
- Continued pending status of Miami-Dade County regarding the Beach Management Agreement

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Prepared Welcome Packet which included Rules of Procedure for the Town Meetings, Pamphlet provided by the Miami-Dade County Commission on Ethics and Public Trust on the Conflict of Interest and Code of Ethics Ordinance, 2014 Florida Commission on Ethics *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees and Conflict of Interest and Code of Ethics Laws of the Town of Surfside.*
- Follow-up preparation to 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
- Follow up and research for Conflict of Interest and Ethics policy and Operating Procedures and revision to Resort Tax Ordinance
- Continued follow-up re: post Tourist Board requests
- Continued research on parking issues

Public Works:

- Review for revisions to the Stormwater Utility Fees Ordinance and follow up and research request for garbage disposal and placement of garbage container
- Follow up Bal Harbour Force Main Project and Agreement
- Review Affidavit regarding FDOT Utility Permitting

Police Department:

- Follow-up draft Commission Communication and Resolution on the recognition of May 25th as National Missing Children’s Day
- Follow up on the Florida Carpenters Regional Council regarding possible future demonstrations at construction sites in Surfside
- Follow-up with Police Department for Commission Communication and Resolution regarding procedures for procurement of firearms, ammunition and fireman accessories

from responsible manufacturers, distributors, and retailers

- Follow-up regarding Workers' Compensation Claim

Legal Matters:

Pieter Bakker and Shirley Bakker vs. Town of Surfside. Case No. 14-1026, Division of Administrative Hearings, State of Florida ("DOAH"). Mr. and Mrs. Bakker filed a Petition for Formal Administrative Hearing and seek to have the Comprehensive Plan Amendment adopted by Ordinance No. 2014-1613 rejected as failing to be "in compliance" with Chapter 163, Florida Statutes. The Administrative Law Judge heard this matter on April 17, 2014 in the Town Hall Chambers. By May 16, 2014, both parties must prepare a proposed recommended order and submit the order to the Administrative Law Judge. Approximate legal fees and costs from March 7, 2014 to April 30, 2014 are \$26,003 for fees and \$4,000 for costs, which includes transcripts of depositions and the Administrative Hearing.

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. Based on the medical records obtained FMIT is waiting on finalization of medical treatment to determine Medicare set aside. There is no change since last update and FMIT is investigating this matter.
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. No change since last update and 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 investigating this claim to determine liability.

Litigation: Legal representation is provided by the ("FMIT") in the following matters:

1. Donald McGavern vs. Surfside, State of Florida Office of the Judge of Compensation Claims, OJCC Case NO. 14-007583RJH. Claimant, McGavern filed an appeal of a denial of his Workers' Compensation Claim.
2. 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. The Court has issued an order requiring Mr. Bakker to file a brief on the jurisdictional issues raised by the Town of Surfside and Young Israel. Mr. Bakker filed a motion seeking leave to amend and proposed a new Count III directed against the Town. The new Count III seeks to invalidate Resolution 12-Z-2078 on grounds that the Town's approval of the Young Israel site plan violated Section 4 of the Town Charter. Counsel for Young Israel advised the Plaintiff of his objection to the proposed amendment as the matter is currently an appellate proceeding and not governed by the trial court procedures, a motion to amend the pleadings is not appropriate.

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



TOWN OF SURFSIDE
 PROJECTS PROGRESS REPORT
 CALVIN, GIORDANO & ASSOCIATES, INC.
 May, 2014

1. **Planning and Community Development** – Planning and Community Development – In August 2012, the Shul submitted a site plan application for an expansion. The application was heard and unanimously approved at the February 27, 2014 Planning and Zoning Board meeting and will be heard at an upcoming Special Town Commission meeting. A revised graphic was provided at the April Planning and Zoning Board meeting. On September 30, 2013, a joint meeting of the Planning and Zoning Board and Town Commission was held. 16 topics were discussed to be brought back to Planning and Zoning. Eight additional items were added by Planning and Zoning and at this time, staff has presented reports on nine items, including a number of code changes resulting from the joint meeting. 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. The Town Commission authorized CGA to proceed with a re-write of the Sign Code. The content was discussed by DVAC in March and a draft has been finalized. The sign code eliminates inconsistencies and unenforceable provisions to provide a user friendly document. The draft will be discussed at the May Joint Meeting of the Planning and Zoning Board and Town Commission. Staff continues to answer approximately 85-100 zoning questions monthly and reviews permit applications.

2. **Information Technology & TV Broadcasts** - IT is awaiting approval from the Town Manager for surveillance camera to be installed at the Surfside Park located on 96th Street. The ID badge card reader system project has been put on hold per the Police Department, due to budget concerns. The Finance Department was trained on the Badger water meter system on April 29th-30th. IT is awaiting an update from AT&T regarding the Town's internet circuit upgrade. Laptops and iPads have been ordered and distributed to the new Town Commission. IT conducted an additional staff training session on SeeClickFix on April 29th. IT will begin deploying the new laptops for the Police Department in mid-May, and will be replacing 32 laptops during this project. Per the Finance Department request, IT is obtaining quotes to upgrade the Town's Microsoft Office software to 2013 for all Town computers.

3. **Public Utilities / Engineering** – **Public Utilities / Engineering** – The sanitary pump station control panels have been replaced and are operational. The drainage well man hole covers and bolt holes have been sealed. One (1) well on the 94th St pump station has a structure leak. The Contractor has been notified of the leak and will be repairing the interior seal under warranty (no cost to the Town) in May. The 1 year warranty video of the sanitary sewer mains is currently scheduled to commence in June 2014.

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

***The final request has been submitted.**

*****Request # 3 has been submitted for the full \$9,312,881**

4. **Town-Owned Seawall Repair** – The bid package has been reviewed by the Town and approved to be advertised to bid on May 6, 2014. A mandatory pre bid will be held on May 20, 2014 at 10:00am and competitive bids will be due and opened publically on June 17, 2014 at 2:00pm in Town Hall. CGA will review the bids and provide recommendations for the lowest responsive responsible Contractor at the July Commission Meeting.
5. **Biscaya Drainage Project** – CGA obtained a permit exemption notice from SFWMD. DRER comments have been received and addressed with the revised plans being submitted to DRER on 4-17-2014. The 90% plans have been completed and were submitted to the Town in May 2014. After receipt of the DRER permit the 100% plans will be prepared and submitted to the Town.



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

7:00 pm

Monday February 10, 2014

Community Center

9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

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

Also in attendance: Louisa Agresti, Arnie Notkin, Veronica Lupinacci, Michael Crotty, Town Manager, Tim Milian, Parks and Recreation Director, Marta Olchyk, Commission Liaison, Sarah Johnston Assistant Town Attorney, Frantza Duval, Recording Clerk, Michael Karukin, Eliana Salzhauer (Entered at 7:14pm).

2. Approval of minutes from 1/13/14

Louisa Agresti made a motion to approve the minute; Veronica Lupinacci seconded the motion. The motion passed unanimously. The minutes were approved.

3. Miami Beach Skate Park Update

Miami Beach Commission reviewed the Skate Park agenda item at its last Commission meeting and directed their Parks and Recreation department to come up with a comprehensive plan to include the skate park for that area. It is currently on hold.

Miami Beach has held neighborhood meetings that have residents in favor of the skate park.

Marta Olychk inquired what the alternative is if Miami Beach no longer wants to move forward with the Skate Park. Michael Crotty advised that if Miami Beach no longer wants to do the Skate Park ; then the Town will have to look at alternative resources, and at the current moment the Town doesn't have the land space.

4. 96th street park parking plan

Tim Milian advised that if Town went ahead with the rendering for the parking at 96th street park it would lose 1200 square feet of green space.

Tim Milian recommends to looking at the parking in the planning of 96th street park study.

Veronica Lupinacci made a motion to hold off on the discussion of the parking at the 96th street park until general park renovations are being discussed; Louisa Agresti seconded the motion The motion passed unanimously.

Michael Karukin advised that if the fence is moved it'll create between 16-18 parking spaces.

5. 96th street park behavioral problems

Tim Milian advised that the average age for staff at the park is 24 years old.

Parks and recreation need people who can relate to the kids.

Veronica Lupinacci notices that kids are moving from the park into the downtown business district. Business owners are also noticing that the kids are hanging out in downtown near 94th street.

Veronica Lupinacci advised that the layout of the park plays a major factor.

Retta Logan advised that a game room for the teens is needed.

Eliana Salzhauer suggested a teen scene safety program.

Veronica Lupinacci agreed that the park does need to be improved.

The behavior at the park has changed drastically.

The re-vamp of the park has to be geographically placed so that it separates both small from young children.

6. Tennis Courts Renovation Update

The center opened February 5, 2014.

The landscape will be finished this week.

There has been nothing but compliments on the courts.

Veronica Lupinacci wants to see programming of for tennis.

Margarette will still be handling the booking of the courts.

Youth programming will be scheduled to be open at the end of February.

*The time frame for the new equipment to arrive will be in March, which will include new monkey bars.

Tim Milian will continue to look into the mulch.

7. Community Input

Pablo Casel inquired about public access of non-motorized marine being able to access from a surfside launch sit.

The Town Manager wants the Committee to start looking into it.

Eliana Salzhauer inquired if any spots have been identified and the park was one of the identified spots, but it was advised that it poses a liability.

Town Manager advised that an FDEP permit for lighting at the pool is required. The Town Manager will follow-up with recommendations.

Tim Milian is looking at the North Miami Community concert band for an End of school/start of summer beach party.

8. Meeting Adjournment

Veronica Lupinacci made a motion to adjourn the meeting; Louisa Agresti seconded the motion. The motion passed unanimously. The meeting ended at 7:48pm.

Accepted this 17 day of March, 2014

EMANAS Alshawa
Member (Print)

[Signature]
Signature

Attest:
[Signature]
Frantza Duval
Recording Clerk



TOWN OF SURFSIDE
Tourist Board Meeting
Monday March 3, 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
Barbara McLaughlin

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 6:10pm.

Also in attendance: Mercedes Jimenez, Marketing Assistant, Sarah Johnston, Assistant Town Attorney, Michael Crotty, Town Manager, Michael Karukin, Vice-Mayor.

Ricardo Mualin was absent with regrets.

II. Approval of Minutes: February 3, 2014

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

III. Accounts Receivable & Accounts Payable

Barbara Cohen is still concerned with merchants who were notified but have not paid their outstanding resort tax.

The Finance Department is still confident that their approach for collection will work.

Eli Tourgeman suggested that the Finance Director come before the Board again to speak on the issue.

Barbara McLaughlin suggested that the business owners who are delinquent should come to a special meeting with the Finance Director and the Town Manager to work out an agreement with regard to their delinquent accounts.

Eli Tourgeman recommended that the Town Manager and Finance Director provide a report on why compliance and payment has not moved as quickly as it should.

Barbara Cohen made a motion for the Finance Director and the Town Manager to attend April's meeting to provide a report on the delinquent accounts; Eli Tourgeman seconded the motion. The motion passed unanimously.

IV. Sandra Suarez Love Turtle Request

An email request was sent to the Board asking for the Love Turtle to be given to the family member of the artist who recently passed away.

Barbara Cohen is sympathetic to the request but feels that the turtle should not be returned as tax dollars were used to purchase the turtle. A plaque in memory of the artist can be attached to the turtle on Turtle Walk.

If the turtle program at some point no longer exists then the Board, at that time, could make the decision to give it to the family. If the Board sells the turtles they would first offer it to the family to purchase.

Barbara McLaughlin made a motion that the Love Turtle be given to the family in the future, or offered for purchase, if it is decided that the board no longer wants to run the Turtle Program. Also that a plaque be attached as soon as possible to the Turtle located on Turtle Walk; Barbara Cohen seconded the motion. The motion passed unanimously.

Joe Graubart recommended that the Town Manager contact the family to advise them of the decision. Duncan Tavares stated that he has already been in contact with the family and will inform them of the Board's decision.

***Duncan advised that the Mayor wanted the Board to look into Bal Harbour's use of resort tax funds to purchase passes for residents and visitors to local museums.*

Eli Tourgeman suggested that in the future the Board should look into sponsors for these types of initiatives.

Barbara Cohen suggested that this idea should be discussed during budget time.

Randi MacBride inquired as to what interest is there in this type of program and what cost would it be to the town.

Barbara McLaughlin would rather see the kids going to the museum rather than the adults.

V. Sister Cities Criteria Discussion

Eli Tourgeman advised that any city chosen should have a similar tourism component.

Barbara McLaughlin stated that this program seems to require more involvement than what the Board can now offer.

Randi MacBride wondered if this program is something that should be handled through marketing and if the Board is ready for a sister city.

Duncan Tavares recommended bringing in a representative from the Sister City program to help guide the Board in a workshop. He requested that the Board look more into the program through the information that has been presented in the agenda packets.

VI. Mini Turtles / Merchandise ~ Vice Mayor Karukin

Duncan Tavares presented report prepared as a request from Vice Mayor Michael Karukin. He would like the Board to sell porcelain-like turtles or individually painted turtles (painted exactly as the ones on Turtle Walk). The issue is the quantity and the associated costs as well as how to manage the sale of such items.

Duncan Tavares stated that selling the turtles will be a challenge. He has already approached a few stores about selling the merchandise already in existence to no avail.

The amount of money collected in sold t-shirts, license plates, and calendars will be brought back to the Board at the next meeting.

Barbara McLaughlin stated that the problem would be distribution.

The Board doesn't feel that it would be a good return on investment.

Eli Tourgeman would like to see a banner to display at Tourist Board sponsored events such as Third Thursdays.

Randi MacBride made a motion for the banner to read "Welcome to the Town of Surfside Courtesy of the Tourism Board"; Eli Tourgeman seconded the motion. The motion passed unanimously.

Eli Tourgeman commends the Board on a job well done for the past two years.

VII. Grant/Sponsorship Application

The item is deferred to next month's meeting due to the lack of response from the Board.

VIII. Business Directory

The business directory is now called the "Visitor's Guide"

Eli Tourgeman stated that Grand Beach Hotel promised to have Surfside's businesses promoted within the hotel, at their cost, and that they should honor this item addressed in their development agreement.

Michael Crotty stated that it is listed in the development agreement.

Eli Tourgeman read for the record that it is clearly stated within the agreement between the Town and the Grand Beach that they would promote Surfside and the business district.

Duncan Tavares outlined the many ways he has tried to work with the hotel on these items with little or no success.

Michael Crotty will speak to the Grand Beach regarding this matter.

IX. FY 14/15 Budget Process

Duncan Tavares wants the Board to start thinking about items for next fiscal year's budget. He would like the Board to revisit their adopted 5 year Tourism Strategic Plan as there is a blue print already addressed for FY 14/15.

X. Updates:

- a. **Resort Tax Ordinance / Robert Meyers Report / Town Commission Second Reading Tuesday March 11, 2014**
- b. **Third Thursday**
Eli Tourgeman stated that the February 20, 2014 Third Thursday had an excellent turn out.
- c. **Aerial Photography / Videos**
Additional footage is still being worked on by Mr. Slatko.
- d. **Resort Tax Compliance / Audit II / Special Fund Designation* ~ Finance Department Review**
- e. **Resort Tax Comparison to Miami Beach ~ Request to Finance Department**
- f. **Resort Tax Penalty Language ~ Part of RTO revision (see VI a)**
- g. **Apps & Wayfarers ~ Part of Town review of Software needs for FY 13/14 Budget**

Duncan Tavares advised that a comprehensive IT review by the Town will address the need of apps.

Barbara McLaughlin asked for a timeline on building the second story of the Community Center. Michael Crotty advised that in May the Town will look into the conceptualization phase of the second story. First the Town needs to complete the present RFP process for an approved list of engineering/architectural firms.

XI. Next Meeting: Monday April 7, 2014 at 6:00pm

XII. Committee/Board Recognition: Monday March 10, 2014 at 7:00pm (Commission Chambers)

XIII. Adjournment

Randi MacBride made a motion to adjourn the meeting; Barbara McLaughlin seconded the motion. The motion passed unanimously. The meeting ended at 7:32pm.

Accepted this 7th day of April, 2014

BARBARA COHEN
Member (Print)

Barbara Cohen
Signature

Attest:

Frantza Duval
Frantza Duval
Recording Clerk



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD
MINUTES
MARCH 27, 2014
7:00 PM**

1. CALL TO ORDER

Board Member Jennifer Dray made a motion that Board Member Carli Koshal be Acting Chair for this evenings meeting. The motion received a second from Board Member Armando Castellanos.

Acting Chair Koshal called the meeting to order at 7:04 P.M

2. ROLL CALL

Recording Clerk Frantza Duval called the roll with the following members present: Board Member Jennifer Dray, Acting Chair Carli Koshal, and Board Member Armando Castellanos. Vice Chair Peter Glynn and Chair Lindsay Lecour were absent.

3. APPROVAL OF MINUTES: FEBRUARY 27, 2014

Board Member Castellanos made a motion that the minutes be amended to reflect that Board Member Dray was in the room when the meeting adjourned at 10:11 p.m. and did not leave the meeting at 10:06 p.m. The motion received a second from Acting Chair Koshal and all voted in favor.

4. PLANNING AND ZONING APPLICATIONS:

A. Request of the Owner of Property located at 901 89th Street

The applicant is requesting to build a wood fence at the front corner lot.

Town Planner Sarah Sinatra presented the item. The applicant Karen Levy spoke on the item.

Board Member Castellanos made a motion to approve with the condition that the fence be reduced to five feet. The motion received a second from Board Member Dray and all voted in favor.

B. Request of the Owner of Property located at 9115 Byron Avenue

The applicant is requesting to install a carport canopy.

Town Planner Sarah Sinatra presented the item.

Board Member Dray made a motion to approve with staff recommendation that the area underneath the canopy be paved. The motion received a second from Board Member Castellanos and all voted in favor.

C. Request of the Owner of Property located at 9232 Dickens Avenue

The applicant is requesting to build a study room addition.

Town Planner Sarah Sinatra presented the item. The architect spoke on the item.

Board Member Castellanos made a motion to approve the room addition only. The motion received a second from Board Member Dray and all voted in favor.

D. Request of the owner of Property located at 8827 Emerson Avenue

The applicant is requesting to build a new single-family home.

Town Planner Sarah Sinatra presented the item. On behalf of the applicant, Donna Milo spoke on the item.

Board Member Armando Castellanos made a motion to approve with staff recommendations. The motion received a second from Board Member Dray and all voted in favor.

E. Request of the Owner of Property located at 9507 Harding Avenue

The applicant is requesting to renovate an existing storefront and add a new sign.

Town Planner Sarah Sinatra presented the item. Nina Ramirez representing the applicant spoke on the item. The Board asked questions about the color.

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

F. Request of the Owner of Property located at 9494 Harding Avenue

The applicant is requesting to install a new sign.

Town Planner Sarah Sinatra presented the item. Representing the applicant, Cesar Sanchez of Forever Signs spoke on the item which has been installed without town approval.

Board Member Castellanos made a motion to defer the item to allow the Town to work with the owner to improve the facade of the storefront. The motion received a second from Board Member Dray and all voted in favor.

5. DISCUSSION ITEMS:

A. Massing – Board Member Castellanos made a motion to defer the item. The motion received a second from Board Member Dray and all voted in favor.

B. Solar Panels – Town Planner Sinatra gave an overview of the item. After some discussion Board Member Dray made a motion to approve solar panels. The motion received a second from Board Member Castellanos and all voted in favor.

C. Tree Canopy – Board Member Castellanos made a motion to defer the item. The motion received a second from Board Member Dray and all voted in favor.

D. Single Family Paint Color Palette – Board Member Dray made a motion to defer the item. The motion received a second from Board Member Castellanos and all voted in favor.

E. Dumpster Enclosures – Town Planner Sinatra gave an overview of the item. After some discussion Town Planner Sinatra will bring the item back to Planning and Zoning to include height limitation of enclosure and landscaping/gates.

F. Future Agenda Items

Town Planner Sinatra gave an update on future agenda items.

6. PERMITS ISSUED AND REVENUE REPORT FOR FEBRUARY 2014.


Building Official, Ross Prieto gave an update report.

7. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 7:48 p.m.

Accepted this 28 day of April, 2014

Attest:


Chair Lindsay Lecour

Sandra Novoa
Town Clerk



TOWN OF SURFSIDE
Tourist Board Meeting
Monday April 7, 2014 – 6:00 p.m.
Town Hall Commission Chambers
9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

Tourist Board Members

Barbara Cohen (Vice Chair)
Randi MacBride
Barbara McLaughlin
Ricardo Mualin

Town of Surfside

Duncan Tavares, TEDACS Director
Frantza Duval, Recording Secretary

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

I. Call to Order and Roll Call

The meeting was called to order by Barbara Cohen at 6:01pm.

Also in attendance: Sandra Argow, Resident; Sarah Johnston, Assistant Town Attorney; Michael P. Crotty, Town Manager; Eli Tourgeman, Vice-Mayor.

Randi MacBride is absent with regrets.

II. Approval of Minutes: March 3, 2014

Ricardo Mualin 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

Duncan Tavares provided an update and advised that at least one merchant is paid up to date.

There is one merchant still not charging resort tax. The Town has spoken to them about collecting it and they are currently on a payment plan with the Town to remit outstanding taxes due.

There is another restaurant on a payment plan.

IV. Outcome of Recommended Resort Tax Ordinance Amendments (Town Commission Meeting March 11)

Duncan Tavares advised that the Town Commission did not approve the ethics policies that the Tourist Board vetted. The new Tourist Board members are now charged with review everything and starting again over on these initiatives.

One Town Commissioner felt that the Tourist Board should not be held to a higher standard than other Town Boards/Committees even though they have spending authority that the others do not.

Ricardo Mualin asked, as the governance of the Board is different, should these items need to go before the Town Commission for approval. Sarah Johnston advised that any ordinance being changed has to be approved by the Town Commission.

The proposed ordinance language for the spending authority approval by the TEDACS director simply stated that he/she would go to the chair of the Tourist Board for approval of the item if the time did not permit to bring before a regularly scheduled meeting. The item would then be brought back to the board for discussion. One Commissioner did not feel comfortable allowing this although a similar process is in place for all other Town Departments.

Michael Crotty advised that the former Commission stated that they would consider looking at these items again if additional safeguards were included. There is a now a new Commission in place.

Barbara McLaughlin wants the Tourist Board to be included in the development process for the Community Center second story.

Michael Crotty advised that in fiscal year 13/14 \$100,000 is allocated for the conceptualization phase of the Community Center. The Tourist Board will be able to provide input.

Ricardo Mualin stated for the record that he felt that the recommended changes to the ordinance as well as the ethics policies etc were appropriate for the Board as it will soon have additional revenue to manage. He hopes that the new Commission and new Tourist Board will see that all of the effort and recommendations have merit and that they will all be implemented.

V. Status of Resort Tax Audits & Monthly Payments ~ Barbara Cohen

Barbara Cohen stated that all Resort Tax revenue should be treated as important as all other Town revenues and that compliance should be enforced. The tax audits should also be done in a timely manner and outstanding amounts need to be paid by the businesses as they are collecting the tax. It does not come out of their pockets.

The Finance Department has authorized auditors to start the process of the audits and have last year's audits.

The Finance Director, Donald Nelson, will be available at the May 2014 meeting for further discussion.

VI. Tag Line for Downtown ~ Barbara McLaughlin

Barbara McLaughlin advised that a new tag line needs to be re-consider for the downtown Harding Avenue.

The Board agrees that the name should change and should be better.

Barbara McLaughlin suggested "The Avenue."

The tag line should identify Harding Avenue.

Duncan Tavares reminded the Board of the last DVAC tag line process and that this should also be considered by them.

VII. FY 14/15 Budget Process

Duncan Tavares advised that there are items that will remain the same (holiday lights) and new items (Sister City) that will need vetting by the new Board once appointed.

Eli Tourgeman inquired if the Board would consider fireworks for the 4th of July. Duncan Tavares advised that the Tourist Board share of this item is built into the contingency, so the Board would be able to do it if decided.

Barbara Cohen appealed to the new Board to be as fiscally responsible as this Board has been.

VIII. Updates:

a. Third Thursday

Duncan Tavares advised that due to the rain the music had to stop however the food trucks were still out.

He also advised that the banners the Board approved were created and put up for Third Thursday, but due to the weather would not stay up in the places directed by the Board. All members were presented with a photo of the banners.

April 17, 2014 is the final installment of the Third Thursday program for this fiscal year.

b. Aerial Photography / Videos

Mark Slatko is still working on this item. There does not exist enough completed footage to present a draft to the Board.

Sandra Argow inquired if the video can be played on Channel 77 and Duncan Tavares advised that it could be.

c. Resort Tax Compliance / Audit II / Special Fund Designation* ~ Finance Department Review

Duncan Tavares advised that the Finance Department does not presently have the resources to conduct such comparisons. This item will remain an open request.

d. Resort Tax Comparison to Miami Beach ~ Request to Finance Department

e. Resort Tax Penalty Language ~ Part of RTO revision (see VI a)

f. Apps & Wayfarers ~ Part of Town review of Software needs with in the FY 14/15 Budget process.

IX. Next Meeting: Monday May 5, 2014 at 6:00pm with a new Town Commission appointed Board.

Ricardo Mualin thanked Duncan Tavares for his efforts on behalf of the Board.

X. Adjournment

Ricardo Mualin made a motion to adjourn the meeting; Barbara McLaughlin seconded the motion. The motion passed unanimously. The meeting ended at 6:44pm.

Accepted this 5 day of May, 2014

Michelle Kligman
Member (Print)

Michelle Kligman
Signature

Attest:
Frantza Duval
Frantza Duval
Recording Clerk



Town of Surfside Commission Communication

Agenda Item #: 3G

Agenda Date: May 13, 2014

Subject: National Missing Children's Day

Background: May 25th is National Missing Children's Day. The National Center for Missing and Exploited Children (NCMEC) is requesting the Town's support for and recognition of May 25th as National Missing Children's Day, as well as support for the National Center for Missing and Exploited Children's Take 25 campaign. NCMEC's Take 25 Initiative commemorates National Missing Children's Day and encourages parents, guardians, and communities to Take 25 minutes to help children stay safer. Such education and awareness is essential in helping to prevent incidents of child abduction and sexual exploitation.

Budget Impact: None

Staff Impact: None

Recommendation: Staff recommends that the Town Commission authorize a resolution in support for and recognition of May 25th as National Missing Children's Day and for the National Center for Missing and Exploited Children's Take 25 campaign.



David Allen, Chief of Police



Michael P. Crotty, Town Manager

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) RECOGNIZING MAY 25TH AS NATIONAL MISSING CHILDREN’S DAY AND SUPPORTING THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN’S TAKE 25 CAMPAIGN; DIRECTING THE TOWN CLERK TO SEND A COPY OF THIS RESOLUTION TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN AND ALL SOUTH FLORIDA MUNICIPALITIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, according to the most recent, comprehensive national study for the number of missing children, an estimated 800,000 children younger than 18 were reported missing; and

WHEREAS, approximately 58,000 of these children were victims of non-family abductions and more than 200,000 were the victims of family abductions; and

WHEREAS, on average, nearly 2,000 children are reported missing to law-enforcement agencies daily; and

WHEREAS, the National Center for Missing & Exploited Children® (NCMEC) exists as a resource to help prevent child abduction and sexual exploitation, help find missing children, and assist victims of child abduction and sexual exploitation, their families, and the professionals who serve them, and

WHEREAS, National Missing Children’s Day is a special time to remember those children who are missing and give hope to their families; and

WHEREAS, the Town of Surfside urges local government, law enforcement, schools, and communities to take time to talk to children about personal safety and abduction prevention, and

WHEREAS, the Town of Surfside encourages all individuals to take 25 minutes out of their day to help children stay safer.

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

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

Section 2. Recognizing May 25th as National Missing Children’s Day. The Town Commission approves and proclaims May 25th as National Missing Children’s Day, as well as supports the National Center for Missing and Exploited Children’s Take 25 Campaign.

Section 3. Direction to the Town Clerk. The Town Clerk is hereby directed to send a copy of this resolution to the National Center for Missing and Exploited Children and all South Florida municipalities.

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

PASSED AND ADOPTED this ____ day of _____ 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

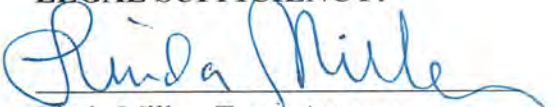
Commissioner Barry Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk
Town Clerk

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


Linda Miller, Town Attorney



**Town of Surfside
Town Commission Meeting
May 13, 2014
7:00 pm**

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

PROCLAMATION COVER MEMORANDUM

Title: Civility Month Proclamation

Submitted By: Daniel Dietch, Mayor

Objective: That the Surfside Town Commission approve the enclosed Proclamation designating May 2014 "Civility Month."

Consideration: Civil discourse is a cornerstone of American democracy and is vital ingredient to successful local governance. In an effort to uplift the tone and conduct in public meetings throughout the State of Florida, Surfside will join other cities and counties throughout the State in proclaiming May as "Civility Month." Through the adoption of this Proclamation, Surfside will remind everyone that civility can assist in reaching a consensus on diverse issues and allow for mutually respectful ongoing relationships.



Civility Month Proclamation

Whereas, the open exchange of public discourse is essential to the democratic system of government; and

Whereas, as a cornerstone of democracy, Americans have observed certain rules of behavior generally known as civility; and

Whereas, civility, derived from the Latin words "civitas" meaning city and "civis" meaning citizen, is behavior worthy of citizens living in a community or in common with others; and

Whereas, displays of anger, rudeness, ridicule, impatience and a lack of respect and personal attacks detract from the open exchange of ideas, prevent fair discussion of the issues, and can discourage individuals from participation in government; and

Whereas, civility can assist in reaching consensus on diverse issues and allow for mutually respectful ongoing relationships; and

Whereas, civility can uplift our daily life and make it more pleasant to live in an organized society; and

Whereas, the City, County and Local Government Law Section of The Florida Bar urges the adoption of a pledge of civility by all citizens in the State of Florida.

*Now, Therefore, be it resolved by the Town of Surfside that the month of May is proclaimed as **Civility Month**, and calls upon all citizens to exercise civility toward each other.*

In witness thereof I have hereunto set my hand this 13th day of May, 2014.

*Daniel Dietch, Mayor
Town of Surfside, Florida*



**Town of Surfside
Town Commission Meeting
May 13, 2014
7:00 pm**

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

RESOLUTION COVER MEMORANDUM

Title: Pets' Trust Support Resolution

Submitted By: Daniel Dietch, Mayor

Objective: That the Surfside Town Commission approve the enclosed Resolution supporting the Pets' Trust Initiative.

Consideration: Pets' Trust seeks to improve the welfare of our animals, increase adoptions and decrease overpopulation by providing free and low-cost income qualified spay/neuter surgeries; income qualified low-cost veterinary care; educational programs; improved shelter care; assistance to rescue groups; increased support for the local Society for the Prevention of Cruelty to Animals (SPCA); and more animal fostering programs.

On November 6, 2012, almost 500,000 of Miami-Dade County's voters voted via straw ballot to support the initiatives presented by Pets' Trust which are designed to create programs to stop the killing of animals in our County. However, since that time, the County has not yet implemented many elements of the Pets' Trust Initiative.

Through adoption of this resolution, the Town urges the Mayor and the County Commissioners of Miami-Dade County to implement the will of the people in the current budget session by establishing the funding mechanisms for said initiatives, which were approved by more than a super majority of the voters.

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RECOGNIZING THAT AN OVERWHELMING MAJORITY OF THE MIAMI-DADE COUNTY ELECTORATE VOTED TO SUPPORT THE INITIATIVES PRESENTED BY PETS' TRUST; URGING THE MIAMI-DADE COUNTY COMMISSION TO IMPLEMENT THE WILL OF THE PEOPLE IN THIS CURRENT BUDGET SESSION BY ESTABLISHING THE FUNDING MECHANISMS FOR SAID INITIATIVES; ENCOURAGING OTHER MIAMI-DADE COUNTY MUNICIPALITIES TO JOIN THE TOWN OF SURFSIDE IN THEIR SUPPORT FOR THE PETS' TRUST; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE MAYOR AND COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA AND ALL SOUNTH FLORIDA MUNICIPALITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 6, 2012, almost 500,000 of Miami-Dade County's voters voted in a straw ballot to support the initiatives presented by Pets' Trust which are designed to create programs to stop the killing of animals in our County; and

WHEREAS, the Town of Surfside recognizes that aggressive spay and neuter programs are critically important to ending the overpopulation of dogs and cats in our community;

WHEREAS, Pets' Trust seeks to improve the welfare of our animals, increase adoptions and decrease overpopulation by providing free and low-cost income qualified spay/neuter surgeries; income qualified low-cost veterinary care; educational programs; improved shelter care; assistance to rescue groups; increased support for the local Society for the Prevention of Cruelty to Animals (SPCA); and more animal fostering programs; and

WHEREAS, Miami-Dade County voters approved a modest funding mechanism to finance the above-reference programs, but the County Commission has yet to implement said mechanisms.

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

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

Section 2. Support. The Town of Surfside hereby recognizes that a significant number of Surfside and Miami-Dade County voters supported the Pets' Trust initiatives and urges the Mayor and the County Commissioners of Miami-Dade County Florida to implement the will of the people in the current budget session by establishing the funding mechanisms for said initiatives which were approved by more than a super majority of the voters.

Section 3. Municipalities. The Town of Surfside further encourages other Miami-Dade County municipalities to join the Town of Surfside in supporting Pets' Trust and delivering this urgent message to the Miami-Dade County Mayor and Commissioners.

Section 4. Directions to Town Clerk. The Town Clerk is hereby directed to transmit a copy of this Resolution to the Mayor and County Commissioners of Miami-Dade County, Florida and all South Florida municipalities.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this _____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION


Commissioner Berry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
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



Town of Surfside Commission Communication

Agenda Item #: 3J

Agenda Date: May 13, 2014

Subject: Expenditure of Forfeiture Funds

Background: The Surfside Police Department has been awarded 36 new laptops for the police cars through a grant from Miami-Dade County. In order to program the laptops, software and accessories must be installed. The grant does not include the cost of the software.

Budget Impact: The cost for the software and accessories is \$6,471 from the forfeiture fund.

Recommendation: Town staff recommends that the Town Commission approve a resolution authorizing the expenditure of \$6,471 from the forfeiture fund for the purchase of software and accessories to be installed in the new patrol laptops.

David Allen, Chief of Police

Michael P. Crotty, Town Manager

RESOLUTION NO. 14 - ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2013/2014 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$6,471.00 FROM THE FORFEITURE FUND FOR THE PURCHASE OF SOFTWARE AND ACCESSORIES TO BE INSTALLED IN THE NEW PATROL LAPTOPS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 881(e)(3) of Title 21, United States Code and Florida Statutes Section 932.7055, define the purposes and procedures for the appropriation and expenditure of funds from the Police Confiscation Fund; and

WHEREAS, the Surfside Police Department has been awarded 36 new laptops for the police cars through a grant from Miami-Dade County; and

WHEREAS, in order to program these laptops, software and accessories must be installed; and

WHEREAS, the grant does not include the cost of the software; and

WHEREAS, the Chief of Police of the Town of Surfside has determined that the appropriation and expenditure of funds is necessary as further described in the Commission Communication, and

WHEREAS, such funds are available in the Police Confiscation Fund - State of Florida and Federal Asset Forfeiture Program.

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. Confiscation Fund Expenditures. Based on the attached Certificate of the Police Chief (see Exhibit "A"), the Town Commission hereby authorizes and approves the Fiscal Year 2013/2014 Police Confiscation Fund expenditure in the amount of \$6,471.00 from the Forfeiture Fund for purchase of software and accessories for the new patrol laptops (See Exhibit "B").

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

PASSED and ADOPTED this _____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Berry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
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

EXHIBIT A

CERTIFICATE OF CHIEF OF POLICE

I, DAVID E. ALLEN, Chief of Police of the Town of Surfside, do hereby certify the expenditures for \$6,471.00 from the Town of Surfside Confiscation Fund, for the 2013/2014 Fiscal Year budget complies with provisions Section 881(e)(3) of Title 21, United States Code and Florida Statute Section 932.7055.

Dated: _____

David E. Allen

Chief of Police



QUOTATION

Quote #: 675595766
 Customer #: 15237228
 Contract #: WN05ACA
 Customer Agreement #: 250WSCA10ACS;B27160
 Quote Date: 02/14/2014
 Customer Name: TOWN OF SURFSIDE IT

Date: 2/14/2014

Thanks for choosing Dell! Your quote is detailed below; please review the quote for product and informational accuracy. If you find errors or desire certain changes please contact your sales professional as soon as possible.

Sales Professional Information

SALES REP: BECKY S MAHON PHONE: 1800 - 4563355
 Email Address: Becky_Mahon@DELL.com Phone Ext: 512-725-2773

SOFTWARE & ACCESSORIES

GROUP TOTAL: \$6,471.00

Product	Quantity	Unit Price	Total
Download - Microsoft Office Home & Business 2013 (A6720974)	36	\$179.75	\$6,471.00

*Total Purchase Price:	\$6,471.00
Product Subtotal:	\$6,471.00
Tax:	\$0.00
Shipping & Handling:	\$0.00
State Environmental Fee:	\$0.00
Shipping Method:	LTL 5 DAY OR LESS
	(* Amount denoted in \$)

Statement of Conditions

The information in this document is believed to be accurate. However, Dell assumes no responsibility for inaccuracies, errors, or omissions, and shall not be liable for direct, indirect, special, incidental, or consequential damages resulting from any such error or omission. Dell is not responsible for pricing or other errors, and reserves the right to cancel orders arising from such errors. Dell may make changes to this proposal including changes or updates to the products and services described, including pricing, without notice or obligation.

This proposal is not intended to create a contractual relationship. Unless expressly agreed otherwise in a writing signed by the parties, all orders by TOWN OF SURFSIDE IT for Dell products and services shall be subject to Dell's Terms and Conditions of Sale-Direct, which can be found at www.dell.com/terms, and which incorporate Dell's U.S. Return Policy, at www.dell.com/returnpolicy#total. Please read those terms carefully and in their entirety, and note in particular that Dell EqualLogic and EqualLogic-branded products, Dell|EMC and EMC-branded products, PowerVault ML6000 tape libraries, non-Dell-branded enterprise products, enterprise software, and customized hardware or software products may not be returned at any time. Orders also shall be subject to the terms of any applicable service contract (s), which can be found at www.dell.com/servicecontracts.

All information supplied to TOWN OF SURFSIDE IT for the purpose of this proposal is to be considered confidential information belonging to Dell.

About Dell

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Privacy Policy

Dell respects your privacy. Across our business, around the world, Dell will collect, store, and use customer information only to support and enhance our relationship with your organization, for example, to process your purchase, provide service and support, and share product, service, and company news and offerings with you. Dell does not sell your personal information. For a complete statement of our Global Privacy Policy, please visit dell.com/privacy.



Town of Surfside Commission Communication

Agenda Item #: 3K

Agenda Date: May 13, 2014

Subject: Procedures for the procurement of firearms, ammunition, and firearm accessories from responsible manufacturers, distributors, and retailers.

Background: The Town of Surfside is joining other Miami-Dade County municipalities and commends the voluntary efforts of responsible gun manufacturers and distributors who contribute to reducing gun violence and gun-related crimes in our communities, and supports the growing coalition of municipalities in support of initiatives to reduce gun violence and illegal firearms trafficking. In order to further the goals described in the attached resolution, the Town Manager and the Surfside Police Department will require that every bidder who submits to the procurement process for firearms, ammunition, or firearm accessories for the Police Department submits, as part of its bid, a written report detailing the company's efforts and practices in combating gun trafficking and the illegal transfer of guns. This report shall include, but shall not be limited to, the company's practices for the sale, transfer, transport, and marketing of such products. The Town Manager and Police Department will consider this information in awarding bids.

Budget Impact: None

Recommendation: Town staff recommends that the Town Commission approve a Resolution that directs the Town Manager and the Surfside Police Department to create procedures for the procurement of firearms, ammunition, and firearm accessories from responsible manufacturers, distributors, and retailers.

David Allen, Chief of Police

Michael P. Crotty, Town Manager

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) DIRECTING THE TOWN MANAGER AND THE SURFSIDE POLICE DEPARTMENT TO CREATE PROCEDURES FOR THE PROCUREMENT OF FIREARMS, AMMUNITION, AND FIREARM ACCESSORIES FROM RESPONSIBLE MANUFACTURERS, DISTRIBUTORS, AND RETAILERS; DIRECTING THE TOWN CLERK TO SEND A COPY OF THIS RESOLUTION TO ALL SOUTH FLORIDA MUNICIPALITIES, THE FLORIDA LEAGUE OF CITIES, INC., ALL MEMBERS OF FLORIDA'S CONGRESSIONAL DELEGATION, AND TO THE OBAMA ADMINISTRATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, according to the Florida Department of Law Enforcement, guns are used in more than 71 percent of homicides in Florida; and

WHEREAS, 721 gun murders were committed in Florida in 2012 alone, an increase of 44 percent since 2000; and

WHEREAS, a 2000 report released by the Bureau of Alcohol, Tobacco, Firearms and explosives (ATF) indicated that many guns used in crime are obtained directly from federally licensed gun dealers, which are one of the largest sources of illegally trafficked guns; and

WHEREAS, guns often fall into criminal hands through “straw purchases,” in which a friend or family member of a criminal purchases a gun and passes it along; and

WHEREAS, a recent study published in the Journal of Public Policy and Marketing finds that responsible practices by gun manufacturers, distributors, and retailers helps to prevent guns from falling into criminal hands and leads to a lower incidence of guns recovered from the scenes of violent crimes; and

WHEREAS, the Surfside Police Department has the duty to preserve the public peace, prevent crime, detect and arrest offenders, and protect the rights of persons and property in accordance with the laws of this state and the ordinances of this county; and

WHEREAS, the Surfside Police Department is committed to integrity, ethical conduct and truthfulness in all relationships, and believes these core values are promoted through a policy

designed to ensure that its officers use firearms purchased from responsible manufacturers, distributors, and retailers.

WHEREAS, the Town of Surfside, joining other Miami-Dade County municipalities, commends the voluntary efforts of responsible gun manufacturers and distributors who contribute to reducing gun violence and gun-related crimes in our communities, and supports the growing coalition of municipalities in support of initiatives to reduce gun violence and illegal firearms trafficking.

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

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

Section 2. Authorization and Direction. The Town Commission hereby directs the Town Manager and the Surfside Police Department to further the goals described above by requiring that every bidder who submits to the procurement process for firearms, ammunition, or firearm accessories for the Police Department submits, as part of its bid, a written report detailing the company's efforts and practices in combating gun trafficking and the illegal transfer of guns. This report shall include, but shall not be limited to, the company's practices for the sale, transfer, transport, and marketing of such products. The Town Manager and Police Department will consider this information in awarding bids.

Section 3. Direction to the Town Clerk. The Town Clerk is hereby directed to send a copy of this resolution to all South Florida municipalities, The Florida League of Cities, Inc., Members of Florida's Congressional Delegation, and to the Obama Administration.

Section 4. Severability. If any section clause, sentence, or phrase of this resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this resolution.

Section 5. Effective Date. This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this ____ day of _____ 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk
Town Clerk

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



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Date: April 08, 2014 - May 13, 2014

Subject: Ordinance Amending Section 66-7 "Disposal of grass cuttings and hedge trimmings."

Background: The Public Works Solid Waste Division is committed to provide a safe, clean environment for all residents, businesses and visitors alike. With 5 day a week residential pickup for household trash, vegetation and bulk waste it is essential for an effective approach to maintain the level of service expected by our residents.

Household trash is picked up two ways: 1). Residents bring their trash out to the curb for pick up, or 2). Solid waste division picks up the trash from the designated spot by the home and returns the container.

Vegetation pick up is scheduled for Monday pick-up as many residents do their yard work on the weekends. A Monday pickup will get the front of properties cleaned up and help eliminate debris going to the storm drain system if the debris stays out longer.

Bulk pick up (furniture, refrigerators, freezers w/doors removed, washers, stoves, couches, chairs and mattresses) is Wednesdays.

The proposed Ordinance includes an amendment to Section 66-7 "Disposal of grass cuttings and hedge trimmings" to prohibit commercial gardeners from leaving vegetation on the homeowners property.

Analysis: Public Works has an obligation not only to pick up and dispose of trash both residential and commercial but to also keep the streets and storm drain system clean and free of debris. In an effort to accomplish this, a schedule of put out and pick up days has been created to better service our citizens and businesses. If trash, vegetation or bulk waste is put out for pick up too early or late and left out until the next pick up, it creates a risk of flooding due to storm drain blockage; contamination of storm system; animals digging into it; and produces an eye sore for the community. The yearly solid waste charge for residents covers household trash 5 days a week, vegetation up to 4 CY per week and bulk waste up to 4 CY. Many times the vegetation and bulk pick up substantially exceeds the allowable limit.

This is due to many landscapers cutting and leaving at curb for pick up and not hauling away the cuttings and trimmings.

To inform residents and businesses of any non-compliant actions or problems, the Town created the attached "Non-Compliance Notice" door hanger which identifies the Non-compliance fee amount on one side and provides an explanation and frequently asked questions on the other side. This will allow Public Works to address any trash, vegetation or bulk waste that is put out early and keep the community clean and drain system free of trash. A fee will be assessed and put on the property utility bill for pickup over the 4 CY minimum for vegetation and bulk. Construction debris does not have a minimum and will be a per yard charge for pick up and billed thru the utility bill. The goal is to use this "Non-Compliance Notice" to inform residents and businesses of the proper procedures.

This is a copy of the non-compliant notice door hanger:



FRONT

TOWN OF SURFSIDE
PUBLIC WORKS DEPARTMENT
SOLID WASTE
305-861-4863 EXT 235

NON-COMPLIANCE NOTICE

Infraction Date _____ Time _____
Address _____
Employee _____

- Non-Compliance/Solid Waste.
A charge reflecting the violation(s)
Will be added to your utility bill. \$ _____
- Construction Debris \$ _____
- Bulk/Vegetation out
Before/after scheduled day \$ _____
- Dumping on other residential
property \$ _____
- Dumping on public
Rights-of-way (R-O-W) \$ _____
- Trash piled in alleyway \$ _____

Vegetation/Bulk over allowable limit (4cy) \$_____

Other additional costs (specify) \$_____

Warning

Total Charges \$_____

ALL FINES AND FEES ARE IN ACCORDANCE WITH THE TOWN OF SURFSIDE ORDINANCE NO.

BACK

COMMONLY ASKED QUESTIONS:

What can I put in the containers?

-Bagged household garbage can be placed in the containers

What does not go into the containers?

-NO Rocks – NO Dirt – No Construction Debris – NO flammable materials.

Where do I place my containers on collection day?

-Containers can be left on the side of the home accessible to the Solid Waste for pick-up and return.

When do I place vegetation out for pick-up?

-Vegetation pick up is Monday and can be put out for pick-up Sunday no earlier than 6:00pm. Vegetation must be cut and bagged. Landscapers who are hired to maintain residential and commercial property are required by Ordinance to remove vegetation including grass/tree clipping. Landscapers cannot leave them to be picked up by Solid Waste. There is a 4 cubic yard max. (3'x3'x12').

When do I place bulk items out for pick-up?

-Bulk trash pick-up is on Wednesday and can be put out for pick-up no earlier than 6:00pm Tuesday.

Bulk Waste Items Include:

- All White Goods (Refrigerators and freezers w/ doors removed, Washers, Dryers, Stoves), Couches, Chairs, Mattresses

Prohibited Items from both BULK & Regular pick-up:

-Tires, Concrete, Hazardous/Household Chemicals, Paint, Auto Parts, rocks, wood, metal, dirt, large tree and shrubbery cutting, logs, and palms fronds, (items must be cut and placed into bags), Liquids of Any Kind (Frying Oil, Motor Oil, etc....)

This violation has been deemed to constitute a threat to the public health, a nuisance to the public safety or welfare, is uncorrectable, or is a repeat violation, and you must pay the civil penalty and/or service rendered provided for above for each day the violation continues, beginning with the date of this Notice, if no other date is set forth in the Notice.

If you are aggrieved by this Notice, you may contact the Public Works Director which will address your concerns. You may also request an administrative hearing before a Special Master to appeal this violation notice. The request for the hearing must be filed in writing, within twenty (20) calendar days of service of this violation notice, with the Town Clerk at the above address and must set forth the specific grounds of fact and in law for the appeal. If you do not request a hearing, you will be deemed to have admitted to the violation and waived your right to a hearing.

If you fail to pay the civil penalty and/or services rendered within the time allowed (reflected on your utility bill) and correct the violation, as applicable, or to timely request a hearing to appeal the violation notice, you will be deemed to have waived your right to contest this civil violation notice. You may be liable for the reasonable administrative costs of the hearing if you are found in violation by the Special Master.

For more information regarding Solid Waste Services, call 305-861-4863 ext. 235.

Visit our web site at www.townofsurfsidefl.gov

Budget Impact: Printing of Notices \$ 500.00

Staff Impact: Staff (Public Works) will hand out Non Compliance Notice during their pick-up route.

Recommendation: Staff recommends the Town Commission approve the Ordinance.



Public Works Director



Town Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 66-7, "DISPOSAL OF GRASS CUTTINGS AND HEDGE TRIMMINGS" OF THE CODE OF ORDINANCES TO; PROVIDING FOR INCLUSION IN THE CODE BY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town of Surfside Public Works Solid Waste Division strives to provide a safe and clean environment for all Surfside residents, businesses and visitors alike; and

WHEREAS, commercial gardeners tend to leave and/or fail to bag cuttings and trimmings resulting in clogging of the storm drain system; and

WHEREAS, the proposed amendment will require commercial gardeners to promptly remove all cuttings and hedge trimmings from the property; and

WHEREAS, the proposed amendment will significantly reduce the risk of flooding, blocking, and contamination of the storm drain system; and

WHEREAS, the Town Commission held its first public reading on April 8, 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 May 13, 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:

Chapter 66. Solid Waste.

Sec. 66-7 Disposal of grass cuttings and hedge trimmings.

All grass cuttings and hedge trimmings that are not mulched or composted, shall be placed in plastic bags and securely tied before setting out at curbside for collection: on the scheduled pick up day up to the allowable four (4) cubic yard limit. If more than four (4) cubic yards is placed at curbside, the Town will hang a Non-Compliance Notice on the property owner's door and the Town will charge a per cubic yard fee over the allowable limit as adopted by Resolution. Said fee will be billed to the property owner in the monthly utility bill. Commercial gardeners shall ~~either bag all cuttings and trimmings~~ or promptly remove the cuttings and trimmings from the ~~the~~ Town. Grass cuttings shall be completely removed and cleaned from all paved areas by broom sweeping only, and the use of power blowers is absolutely prohibited.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by 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 "Sections" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective on passage on Second Reading or as otherwise provided by Florida law.

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, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Linda Miller, Town Attorney

On Second Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

Commissioner Michael Karukin	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Commissioner Barry R. Cohen	yes	_____	no	_____
Vice Mayor Eli Tourgeman	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



Town of Surfside Commission Communication

Agenda Item # 4B1

Agenda Date: May 13, 2014

- Subject:**
- 1) An Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) by Repealing Civil Penalty Provisions Contained Therein
 - 2) An Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein
 - 3) A Draft Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations

Introduction

The Town Commission approved a list of enforcement priorities for the Code Compliance Division. In furtherance of said priorities, the Administration was asked to review and provide detailed recommendations on civil penalties and compliance periods for the priority items, as well as other code violations.

Code Compliance staff, along with the Town Attorney's office, spent considerable time reviewing the Town Code, as well as Resolution No. 1569, adopted on March 9, 1999, to identify all civil penalties contained therein. During this process, numerous sections of the Town Code were found to contain specific civil penalties for certain violations, while Resolution 1569 also contained specific civil penalty schedules linked to Town Code sections. The research revealed that there were many inconsistencies between the Town Code and Resolution 1569, and many of the code sections reflected in Resolution 1569 were outdated and no longer in keeping with the codified material. At the March 2014 Commission Meeting a report was prepared and submitted to the Commission that revealed the complexities involved in comprehensively addressing penalties/fines contained in the Town Code and Resolution 1569. Due to the fact that certain penalty schedules were part and parcel of Town Code Section 90 (Zoning Ordinance) which requires that any amendment thereto be brought before the Planning Board prior to second reading, two separate Ordinances have been prepared to appropriately address the changes, along with a draft of a new Resolution, for your review and comment, that will address civil penalties, administrative fees and costs.

As a point of information, at the direction of the Town Commission, enforcement of the Local Business Tax Receipt (LBTR) and Certificate of Use (CU) requirements for home based businesses was stayed until such time as code compliance priorities were established. In 2013 when the Town Commission established the 35 enforcement priorities, enforcement of the LBTR and CU requirements for Home Based Business was not included as part of said priorities. As such, the Administration is seeking direction from the Town Commission on how they would like to proceed with this matter.

Analysis

A draft of the proposed Resolution is attached hereto, as Exhibit "1", the final version of which will be presented for your approval and adoption when the two proposed Ordinances are brought back for second reading. The proposed Resolution, along with the two Ordinances shall serve to amend and comprehensively update the Town's civil penalty schedules. The penalty schedules update the penalties schedules for a majority of the violations addressed in the outdated Resolution 1569, as well as any other violation types that were not specifically addressed in Resolution 1569 (including the 35 Town Commission established priorities.) In an effort to simplify and facilitate administration and enforcement of the more than 150 violation types that previously had specific civil penalty amounts, it is proposed that penalties for most violation types be established at a rate of twenty-five dollars (\$25.00) per day for a first time offense and at fifty dollars (\$50.00) per day for a second or repeat offense. Other violations that are more egregious or are not reparable are specifically addressed by type in the proposed Resolution.

To facilitate review of the penalties and compliance periods proposed for the 35 established priorities, please see Exhibit "2", attached hereto. The rest of the civil penalties, along with the penalties for the 35 established priorities, are included in the draft of the proposed Resolution. The compliance period for the balance of the violations will vary depending on the nature of the violation, and should be left to the discretion of the Town Administration.

Conclusion

Removing most civil penalty references from the Town Code and previously adopted Ordinances and addressing same via resolution will provide for a more efficient manner to amend the scheduled penalties in the future, if necessary. As such, it is recommended that the Commission review, comment and provide direction on the attached draft Resolution and adopt the accompanying Ordinances on first reading which will serve to comprehensively update the schedule of civil penalties and the Town Code. Moreover, the Administration is seeking direction with regard to enforcement of the LBTR and CU requirements for Home Based Businesses.



Joe Damien
Code Compliance Director



Michael Crotty
Town Manager

ORDINANCE NO. 14 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES"; 90-49.2 "AWNINGS AND CANOPIES"; 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission has had numerous discussions of Code Compliance and of the Town's fine and penalties structure; and

WHEREAS, the Town Commission approved a list of enforcement priorities for the Code Compliance division; and

WHEREAS, the Town Commission desires to revise the Town's fine and penalty structure and determined this was a priority; and

WHEREAS, in an effort to ensure consistency between the Florida Statutes, the Town Code of Ordinances, and Code Compliance procedures, references to fine amounts will be removed from the Code of Ordinances and the reference will be to the schedule of fines to be adopted by the Town Commission in a Resolution; and

WHEREAS, the Town Commission held its first public reading on May 13, 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, as the local planning agency for the Town, has held a public hearing on May 29, 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 June 10, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

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

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

Chapter 90. Zoning.

Sec. 90-41.1. Short term rental of single family dwellings, two-family dwellings, multi-family dwellings and townhomes.

(c) Resort tax and enforcement.

(1) *Payment of resort tax required.* Owners are subject to payment of the resort taxes as establish by the laws of the Town of Surfside.

(2) *Violations of this section:-*

a. Are subject to the finest as set forth in the schedule of fines adopted by resolution to the following fines. ~~The special master may not waiver or reduce fines set by this section.~~

i. ~~First violation: \$500.00.~~

ii. ~~Second violation within the preceding 12 months: \$1,500.00.~~

iii. ~~Third violation within the preceding 12 months: \$5,000.00.~~

iv. ~~Fourth or greater violation within the preceding 12 months: \$7,500.00.~~

Sec. 90-49.2. Awnings and canopies.

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

d. Enforcement.

1. Code enforcement and/or the building department shall be responsible for the enforcement of these provisions. Any person or entity violating these provisions shall be subject to a ~~\$250/day fine~~ finest as set forth in the schedule of fines adopted by resolution and punishable as provided in section 1-8 and all other applicable sections of the Code of the Town of Surfside.

Sec. 90-56. Fences, walls and hedges.

90-56.1.A. A fence or ornamental wall not more than six feet in height, as measured from grade, may project into or enclose an interior side or rear yard only. Notwithstanding anything to the contrary elsewhere in the code, for purposes of this section, grade is defined as the point of the ground immediately below the location of the fence or wall.

90-56.1.B. Construction fencing. Temporary construction fences are required by this ordinance unless otherwise determined by the Building Official. A construction fence permit shall be obtained from the Building Department prior to the fence being erected. Each fence constructed or maintained shall be constructed and anchored in accordance with the Florida Building Code.

- (c) Any person or entity found to be in violation of this subsection shall be subject to ~~a fine of \$500.00 per day~~ fin es as set forth in the schedule of fines adopted by resolution.

- (o) *Enforcement and penalties.* The code compliance division and building departments shall be responsible for the enforcement of the provisions of this section. Any person or entity found to be in violation of this section shall be subject to ~~a \$500.00 fine per day~~ fin es as set forth in the schedule of fines adopted by resolution.

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 _____, _____

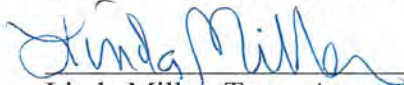
PASSED and ADOPTED on second reading this ____ day of _____, _____

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: _____

FINAL VOTE ON ADOPTION

Commissioner Barry R. Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____



Town of Surfside Commission Communication

Agenda Item # 4B2

Agenda Date: May 13, 2014

- Subject:**
- 1) An Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) by Repealing Civil Penalty Provisions Contained Therein
 - 2) An Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein
 - 3) A Draft Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations

Introduction

The Town Commission approved a list of enforcement priorities for the Code Compliance Division. In furtherance of said priorities, the Administration was asked to review and provide detailed recommendations on civil penalties and compliance periods for the priority items, as well as other code violations.

Code Compliance staff, along with the Town Attorney's office, spent considerable time reviewing the Town Code, as well as Resolution No. 1569, adopted on March 9, 1999, to identify all civil penalties contained therein. During this process, numerous sections of the Town Code were found to contain specific civil penalties for certain violations, while Resolution 1569 also contained specific civil penalty schedules linked to Town Code sections. The research revealed that there were many inconsistencies between the Town Code and Resolution 1569, and many of the code sections reflected in Resolution 1569 were outdated and no longer in keeping with the codified material. At the March 2014 Commission Meeting a report was prepared and submitted to the Commission that revealed the complexities involved in comprehensively addressing penalties/fines contained in the Town Code and Resolution 1569. Due to the fact that certain penalty schedules were part and parcel of Town Code Section 90 (Zoning Ordinance) which requires that any amendment thereto be brought before the Planning Board prior to second reading, two separate Ordinances have been prepared to appropriately address the changes, along with a draft of a new Resolution, for your review and comment, that will address civil penalties, administrative fees and costs.

As a point of information, at the direction of the Town Commission, enforcement of the Local Business Tax Receipt (LBTR) and Certificate of Use (CU) requirements for home based businesses was stayed until such time as code compliance priorities were established. In 2013 when the Town Commission established the 35 enforcement priorities, enforcement of the LBTR and CU requirements for Home Based Business was not included as part of said priorities. As such, the Administration is seeking direction from the Town Commission on how they would like to proceed with this matter.

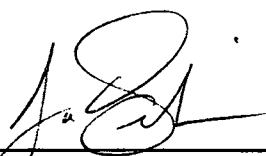
Analysis

A draft of the proposed Resolution is attached hereto, as Exhibit "1", the final version of which will be presented for your approval and adoption when the two proposed Ordinances are brought back for second reading. The proposed Resolution, along with the two Ordinances shall serve to amend and comprehensively update the Town's civil penalty schedules. The penalty schedules update the penalties schedules for a majority of the violations addressed in the outdated Resolution 1569, as well as any other violation types that were not specifically addressed in Resolution 1569 (including the 35 Town Commission established priorities.) In an effort to simplify and facilitate administration and enforcement of the more than 150 violation types that previously had specific civil penalty amounts, it is proposed that penalties for most violation types be established at a rate of twenty-five dollars (\$25.00) per day for a first time offense and at fifty dollars (\$50.00) per day for a second or repeat offense. Other violations that are more egregious or are not reparable are specifically addressed by type in the proposed Resolution.

To facilitate review of the penalties and compliance periods proposed for the 35 established priorities, please see Exhibit "2", attached hereto. The rest of the civil penalties, along with the penalties for the 35 established priorities, are included in the draft of the proposed Resolution. The compliance period for the balance of the violations will vary depending on the nature of the violation, and should be left to the discretion of the Town Administration.

Conclusion

Removing most civil penalty references from the Town Code and previously adopted Ordinances and addressing same via resolution will provide for a more efficient manner to amend the scheduled penalties in the future, if necessary. As such, it is recommended that the Commission review, comment and provide direction on the attached draft Resolution and adopt the accompanying Ordinances on first reading which will serve to comprehensively update the schedule of civil penalties and the Town Code. Moreover, the Administration is seeking direction with regard to enforcement of the LBTR and CU requirements for Home Based Businesses.



Joe Damien
Code Compliance Director



Michael Crotty
Town Manager

ORDINANCE NO. 14 - _____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTIONS OF THE CODE RELATING TO FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS; SPECIFICALLY AMENDING; CHAPTER 1 "GENERAL PROVISIONS" SECTION 1-8 "PENALTY FOR VIOLATIONS"; CHAPTER 10 "ANIMALS" SECTION 10-27 "PENALTY"; CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" SECTIONS 14-31 "REQUIRED ROOFING MATERIALS," 14-51 "ESTABLISHED," AND 14-55 "VACANT LOTS OR BUILDINGS"; CHAPTER 15 "CODE ENFORCEMENT" SECTIONS 15-6 "CIVIL INFRACTIONS AND PENALTIES," 15-11 "CIVIL PENALTIES AND RELATED TERMS CONSTRUED," AND 15-18 "VIOLATIONS; SCHEDULE OF CIVIL PENALTIES"; CHAPTER 18 "BUSINESSES" SECTIONS 18-85 "CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS," AND 18-88 "PERMITTED AREAS; CONDITIONAL PERMIT; TOWN MANAGER'S RIGHT TO REMOVE SIDEWALK CAFÉS"; CHAPTER 34 "ENVIRONMENT" SECTIONS 34-71 "VACANT LOTS," AND 34-80 "PROHIBITIONS ON LITTER; CIVIL FINES FOR VIOLATIONS; ENFORCEMENT; APPEALS; LIENS"; CHAPTER 42 "FLOODS" SECTION 42-64 "PENALTIES [S/C] FOR VIOLATION"; AND CHAPTER 70 "TAXATION" SECTIONS 70-32 "DELINQUENCIES; ADDITIONAL PENALTIES" AND 70-36 "HEARING WHEN THE RECEIPT HOLDER FAILS TO COMPLY WITH NOTICE OR WHEN REQUESTED BY AGGRIEVED APPLICANT/RECEIPT HOLDER"; 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 has had numerous discussions of Code Compliance and of the Town's fine and penalties structure; and

WHEREAS, the Town Commission approved a list of enforcement priorities for the Code Compliance division; and

WHEREAS, the Town Commission desires to revise the Town's fine and penalty structure and determined this was a priority; and

WHEREAS, in an effort to ensure consistency between the Florida Statutes, the Town Code of Ordinances, and Code Compliance procedures, references to fine amounts will be removed from the Code of Ordinances and the reference will be to the schedule of fines to be adopted by the Town Commission in a Resolution; and

WHEREAS, the Town Commission held its first public reading on May 13, 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 June 10, 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:

Chapter 1. General Provisions.

Sec. 1-8. Penalty for violations.

- (c) Except as otherwise provided, whenever in town ordinances, codes, resolutions, rules and regulations; provisions, rules and regulations of the South Florida Building Code; applicable sections of the Code of Miami-Dade County; applicable rules and regulations of the state board of health and of the state hotel and restaurant division; or such other land development regulations or ordinances as may be adopted by the town, any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of same shall be ~~punished~~ by a fine not to exceed \$500.00 ~~or by imprisonment for a term not to exceed 60 days, or by both such fine and imprisonment.~~ the maximum allowable fines established by Florida Statute. The Town Commission shall adopt by resolution, a schedule of fines for violations of this Code. Unless otherwise stated, each day that a violation continues shall constitute a separate punishable offense

Chapter 10. Animals.

Sec. 10-27. Penalty.

Violation of any provision of this article is a civil infraction. A maximum penalty ~~of \$500.00, as determined by Florida Statute,~~ may be imposed by a county judge. A citation for civil infraction may be issued by any police officer or code enforcement officer of the town who has probable cause to believe that a person has committed an act in violation of this article. If the person cited does not wish to contest the citation in the county court, he may pay a the penalty of \$100.00 as set forth in the citation, to the clerk of the court within 20 days of receipt of the citation. Upon failure to pay the civil penalty, failure to appear in court to contest the citation, or failure to appear in court for an offense for which a mandatory court appearance is required, the court may issue an order to show cause upon the request of the town commission. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

Chapter 14. Buildings and Building Regulations.

Sec. 14-31. Required roofing materials.

(d) Unless otherwise provided by Resolution, Any person, persons, firm or corporation violating any of the provisions of this section, shall, upon conviction thereof, be punished by a fine ~~not to exceed \$1,000.00~~ not to exceed the maximum penalty as determined by Florida Statute, ~~or by imprisonment not to exceed 90 days or by both such fine and imprisonment.~~ Each day that a violation is permitted to exist shall constitute a separate offense.

Sec. 14-51. Established.

(f) In order to defray the cost to the town of maintaining such property there is hereby levied and assessed against each owner or occupant who fails to maintain such lawns, landscaping and driveways in accordance with this article, an administrative fee as set forth in the schedule of fines adopted by resolution ~~the sum of \$125.00~~ per time the town provides such maintenance, in addition to the actual costs incurred for said maintenance. All charges becoming due and payable under this subsection constitute, and are hereby imposed as liens against the real property, and, upon becoming delinquent April 1 of the following year, until fully paid and discharged, shall remain liens, equal in rank and dignity with the ad valorem taxes of the town, and may be satisfied by the sale of certificates in the same manner as is provided for the sale of certificates on delinquent ad

valorem taxes. Such lien shall be superior in rank and dignity to other liens, encumbrances, titles and claims in, to or against the real property involved.

Sec. 14-55. Vacant lots or buildings.

- b) Failure to comply with any provisions set forth in this ordinance shall subject an owner, his successors or assigns, to the civil penalties set forth in Chapter 15, Code Enforcement (~~Section 15-11~~) of the Code of the Town of Surfside the schedule of fines adopted by resolution.

Chapter 15. Code Enforcement.

Sec. 15-6. Civil infractions and penalties.

A violation of the Code shall constitute a civil offense punishable by civil penalty as prescribed in sections 1-8 of the Code, ~~and section 15-18 hereof,~~ and as set forth in the schedule of fines adopted by resolution.

Sec. 15-11. Civil penalties and related terms construed.

- (a) Penalties for violations of the provisions to be enforced through this chapter shall be in the amounts prescribed in the schedule of civil penalties adopted by resolution contained in section 15-18 hereof; provided, however, that the maximum civil penalty shall ~~be \$250.00~~ not exceed the maximum fine amount as determined by Florida Statute for a first time single violation. If the violation is continuing or repetitive, a separate violation will occur each day beyond the date of the civil violation notice.
- (b) For each day of a continued violation, an additional penalty in the same amount as that prescribed for in the original violation shall be added.
- (c) Uncorrectable violations as defined in section 15-1(1) above may be assessed a fine not to exceed ~~\$5,000.00~~ the maximum fine amount as determined by Florida Statute per violation.
- (d) Civil penalties assessed pursuant to this section are due and payable to the Town of Surfside on the first day after a violator has not timely requested an administrative hearing pursuant to section 15-12(a)(3), or if such request was timely filed, when the order of the special master imposing a fine is final.
- (e) For the first repeat violation, the amount of the civil penalty shall be double the amount of the penalty prescribed for the original violation ~~by section 15-18 hereof~~ as set forth in the schedule of fines adopted by resolution. The amount of civil penalty due for each subsequent repeat violation shall be double the amount of penalty due for the first day of the immediately preceding violation, provided that the maximum penalty as set forth in the schedule of fines adopted by resolution

~~shall not be exceeded payable for the first day of any one repeat violation shall be \$500.00, and in addition, shall include all costs incurred by the town to bring the property into compliance.~~

Sec. 15-18. Violations; schedule of civil penalties.

- (d) ~~For violations of any section of this Code for which a specific penalty is not prescribed herein, a penalty shall be imposed which shall not be less than \$25.00 or more than \$250.00 per day for a first violation and shall not be less than \$50.00 or more than \$500.00 per day for a repeat violation. For the purposes of continuing violations, each day shall constitute a separate violation.~~

Chapter 18. Businesses.

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

(a) Violations of this section are subject to fines that increase based upon the number of violations within the preceding 12 month period, the fine amounts are set forth in the schedule of fines adopted by resolution. In addition to the fines imposed pursuant to the schedule of fines, the below listed penalties shall result based upon the number of violations per preceding 12 month period: The following civil fines and penalties shall be imposed for violations of this division:

- (1) ~~First violation\$100.00~~
 - (2) ~~Second violation within the preceding 12 months250.00~~
 - (3) ~~Third violation within the preceding 12 months500.00~~
 - (4) ~~Fourth within the preceding 12 months750.00~~
 - (5)(1) Fifth violation within the preceding 12 months, suspension of the sidewalk café permit for one weekend (Saturday and Sunday) ~~and \$1,000.00.~~
 - (6)(2) Sixth violation within the preceding 12 months, revocation of the sidewalk café permit for the remaining portion of the permit year ~~and \$1,000.00.~~
 - (7)(3) Failure to apply for permit—Termination of sidewalk café operations.
 - (8)(4) Failure to renew permit—Suspension of sidewalk café operations.
- (b) A permittee who has been issued more than six violations pursuant to this division within a permit year shall be prohibited from applying for and obtaining a sidewalk café permit for a period of two permit years, following the permit year in which the applicant/permittee incurred the aforesated violations.

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

- (g) Upon written and/or verbal notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning by Miami-Dade County, whichever occurs first, the permittee shall, within no more than four hours of same, remove and place indoors all tables, chairs and any other sidewalk café furniture located on the right-of-way. The notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning, shall constitute a public emergency situation as referenced in this division. The town manager may remove, relocate, and/or store any sidewalk café furniture found on the right-of-way that has otherwise not been removed by the permittee pursuant to this subsection. Any and all costs incurred by the town for removal, relocation and/or storage of sidewalk café furniture shall be the responsibility of the permittee. Sidewalk cafés will not re-open for business following a hurricane or other major weather event until notified by the town manager. Violation of this subsection (g) shall result in the issuance of an immediate ~~\$1,000.00~~ fine pursuant to the schedule of fines adopted by resolution, and/or suspension, for up to 30 days, of the sidewalk café permit.

Chapter 34. Environment.

Sec. 34-71. Vacant lots.

- (b) In order to defray the cost of clearing such vacant property, there is hereby levied and assessed against each and every vacant lot in the town, upon which the owner thereof may allow to accumulate excessive or heavy growth of grass, weeds, shrubs or other vegetation, an administrative fee, as provided for in the schedule of fines adopted by resolution, the sum of \$125.00 per cutting, cleaning or removal, as set forth in subsection (a) of this section., per time the Town provides such maintenance, in addition to the actual costs incurred for said maintenance.

Sec. 34-80. Prohibitions on litter; civil fines for violations; enforcement; appeals; liens.

- (a) It shall be unlawful for any person or benefactor to throw, discard, place or deposit, or cause to be thrown, discarded, placed, or deposited, litter in any manner or amount whatsoever in or on any public highway, sidewalk, road, street, alley, thoroughfare, beach, park, baywalk, beachwalk, cut walk, or any other public place, except in containers or areas lawfully provided therefor. It shall be unlawful for any person to throw, discard, place or deposit any garbage, cans, bottles or containers in or on any freshwater lakes, rivers, streams, canals, or tidal or coastal waters within the town. In addition, it shall be unlawful for any person to throw, discard, place or deposit litter in any manner or amount whatsoever on

any private real or personal property, unless prior consent of the owner has been given and unless such litter will not cause a public nuisance or be in violation of any other state or local laws, rules or regulations.

- (b) It shall be unlawful for any person to carry onto any beach within the town a glass container.
- (c) ~~The following civil fines shall be imposed for violations as set forth in the schedule of fines adopted by resolution. of this section except as provided in subsections (f) below:~~
 - (1) ~~First offense: \$50.00 fine.~~
 - (2) ~~Second offense: \$100.00 fine.~~
 - (3) ~~Third or subsequent offense: \$250.00 fine.~~

In lieu of a fine, the special master may accept voluntary community service removing litter in the town equivalent to one hour of community service for each imposed fine. If the community service is not completed within three months of an adjudication of guilt, the fine shall be reinstated.

- (d) If a violation of this section resulted from the throwing, discarding, placing or depositing, or causing to be thrown, discarded, placed, or deposited commercial handbills as litter, then the ~~following civil fines schedule of fines adopted by resolution~~ shall be imposed. The special master shall not have discretion to alter these prescribed penalties except as to the per handbill fine provided for therein.~~of \$50.00 provided in subsection (c)(1).~~
 - (1) ~~If the offense is the first offense, \$100.00 fine;~~
 - (2) ~~If the offense is the second offense within the preceding 12 months, \$250.00 fine;~~
 - (3) ~~If the offense is the third or subsequent offense within the preceding 12 months, \$500.00 fine plus \$50.00 per handbill.~~
 - (4) ~~Notwithstanding subsections (c) (1) (3), No person or benefactor shall receive more than one offense within any one-day period.~~

Chapter 42. Floods.

Sec. 42-64. Penalties ~~Penalties~~ for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be punishable for a noncriminal violation. Any person who violates this article or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than ~~\$500.00~~ the maximum allowable fines established by Florida Statute, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the floodplain

administrator from taking such other lawful actions as is necessary to prevent or remedy any violation

Chapter 70. Taxation.

Sec. 70-32. Delinquencies; additional penalties.

- (a) Those receipts not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent for the first whole or partial month of delinquency, plus an additional five percent penalty for each subsequent whole or partial month of delinquency, until fully paid. However, the total delinquency penalty shall not exceed 25 percent of the local business tax receipt for the delinquent receipt.
- (b) Any person engaging in or managing any business, occupation or profession without first obtaining a town local business tax receipt, if required hereunder, shall be subject to a penalty of 25 percent of the receipt determined to be due, in addition to a ~~\$250.00~~ the penalty-fines provided for in the schedule of fines adopted by resolution if the local business tax receipt is not applied for within 60 days of notice.
- (c) Any person who engages in any business, occupation, or profession covered hereby who does not pay the required local business tax receipt within 150 days after the initial notice of tax due, and who does not obtain the required local business tax receipt, is subject to civil actions and penalties including court costs, reasonable trial and appellate attorneys' fees, additional administrative costs incurred as a result of collection efforts and an additional penalty ~~of up to \$250.00~~ as provided for in the schedule of fines adopted by resolution.
- (d) Any person who shall carry on or conduct any business, profession or occupation for which a receipt is required hereby without first obtaining such receipt; and any person who shall make a false statement, application or oath, in connection with any application for a receipt hereunder, shall, upon conviction, be punished as provided in section 1-8. Each day that a business, occupation or profession is conducted or allowed to be conducted without first having procured a receipt therefor, shall constitute a separate and individual offense.

Sec. 70-36. Hearing when the receipt holder fails to comply with notice or when requested by aggrieved applicant/receipt holder.

If a receipt holder fails to comply with any notice issued as provided above, the town manager may issue an order in writing to the receipt holder, by certified mail or hand delivery, notifying him to appear at an administrative hearing before the town manager or his designee to be held at a time to be fixed in such order, which date shall be not less than five days after service thereof. An administrative hearing may also be requested by an applicant/receipt holder aggrieved by a decision of a code inspector regarding denial of a receipt, determination of fees/penalties due and/or warning of potential suspension/revocation for violation of a provision of this article. The request must be in writing and filed in the town manager's office within ten days of receipt of the decision of

the inspector. The request must specify the decision complained of and the nature of the applicant/receipt holder's grievance and must be accompanied by a fee of \$75.00 fifty percent (50%) of the cost of the administrative fee as provided for in the schedule of fines adopted by resolution, to partially defray expenses of the hearing. The fee will be refunded if the applicant/receipt holder prevails in the appeal.

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 Michael Karukin	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Commissioner Barry R. Cohen	yes	_____	no	_____
Vice Mayor Eli Tourgeman	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



Town of Surfside Commission Communication

Agenda # 4B3

Agenda Date: May 13, 2014

Subject: Dock Projection Ordinance (Docks on Biscayne Bay)

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.

This issue was presented to the Town Commission on April 8; however not discussed as it "died for lack of a second".

This is being brought back for consideration as feedback indicated that some thought this item included or potentially impacted the still unresolved issue of Point Lake/North Canal/Docks/Exposed waterline.

This amendment only addresses docks located on Biscayne Bay. Currently, there is one homeowner dealing with the difference in dock length (35' Town vs. 40' RER/DERM). The Town Planner indicated that two additional residents have contacted her regarding this regulation that prevents a property located on Biscayne Bay from erecting a dock without a variance.

Analysis: The proposed 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 that permitted by the Town Code for docks along Biscayne Bay, 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.

Staff Recommendation: Staff recommends the Town Commission approve 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. 14-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 "MARINE STRUCTURE" TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town has previously regulated the length docks that project into Biscayne Bay, Indian Creek, and Point Lake; and

WHEREAS, DERM and the Corp of Engineers have expressed an interest in preserving and not disturbing the sea-grass the presently grows at the point where the Code currently requires docks to be built in Biscayne Bay; and

WHEREAS, the Town has received requests to extend the length of docks in Biscayne Bay and those requests are not inconsistent with recommendations from the applicable approving government agencies and this amendment will therefore promote the health, safety, and welfare of the Town; and

WHEREAS, the Town Commission held its first public reading on April 8, 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, as the local planning agency for the Town, has held a public hearing on May 29, 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 June 10, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

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

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

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.

(3) For all properties requesting a Marine Structure permit as described in this Section, the Town Manager or designee shall send a mailed courtesy notification to all property owners within 300 feet of the property requesting the permit submitted to the Building Department.

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

Ordinance No. _____

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: _____

FINAL VOTE ON ADOPTION

Commissioner Barry R. Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____



**Town of Surfside
Commission Communication**

Agenda Item # 5A

Agenda Date: May 13, 2014

Subject: Resolution Approving the Design of the 94th Street End Project

BACKGROUND: The Town Commission adopted Resolution No. 13-Z-04 on January 24, 2013 and approved the conditional use and site plan application by Chateau Ocean, LLC to permit a multifamily residential condominium known as "Chateau Ocean."

Condition No. 25 of Resolution No. 13-Z-04 requires Chateau Ocean, LLC to fund a total not to exceed \$400,000, including up to \$32,000 for architectural, engineering and permitting services, for the 94th Street End Project which includes landscape, hardscape and streetscape improvements (the "Work") from Collins Avenue to the 94th Street beach access point west of the "hard pack." Chateau Ocean LLC is required to submit a design prepared by Arquitectonica which is mutually acceptable to the Town and to Chateau Ocean LLC. Resolution No. 13-Z-04 requires the Town Commission to review and approve the design within 60 days after its submittal to the Town.

Following approval of the design, Chateau Ocean, LLC has sixty days to determine if they will perform the work or if they will submit the required payment to the Town for said improvements. Chateau Ocean, LLC has made the determination that they desire to perform the work necessary to implement the design for the 94th Street End Project.

ANALYSIS: Staff has held three meetings with representatives of Chateau Ocean, LLC to arrive at the design recommended for approval. The review involved the Town Planner, Public Works Director, Building Official, Tourist Director and Town Manger. The enclosed plans detail the improvements on 94th Street and the access way to the beach. As a result of our final meeting, a revision is currently being designed to the promenade (handrail). This revised sheet changing this feature will be presented at the meeting. Still to be considered/approved is the required sculpture at the east end of 94th Street. Staff is available to coordinate briefings on the plans.

RECOMMENDATION: The Town Commission adopt the attached Resolution approving the 94th Street End Project design and authorizing Chateau Ocean to undertaken the construction of the 94th Street End Project.


Michael P. Crotty
Town Manager

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PURSUANT TO RESOLUTION NO. 13-Z-04, CONDITION NO. 25 REVIEWING AND APPROVING THE DESIGN PREPARED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94th STREET END PROJECT; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission adopted Resolution No. 13-Z-04 on January 24, 2013 and approved the conditional use application and the site plan application by “Applicant” Chateau Ocean, LLC to permit a multifamily residential condominium known as “Chateau Ocean”; and

WHEREAS, pursuant to Condition No. 25 of Resolution No. 13-Z-04, the Applicant shall fund a total not to exceed \$400,000, including up to \$32,000 for architectural, engineering and permitting services, for the 94th Street End Project which includes landscape, hardscape and streetscape improvements (the “Work”) from Collins Avenue to the 94th Street beach access point west of the “hard pack” in the following manner:

Within six months from the date of issuance of the initial building permit, Applicant shall submit a design prepared by Arquitectonica and mutually acceptable to Town and to Applicant, for the 94th Street End Project. The Town Commission shall review and approve the design within 60 days after its submittal to Town, after which date of approval Applicant shall have a period of 60 days to elect whether to contribute the amount of \$368,000, or to do the Work. Applicant and Town Manager shall then have 30 days from date of Applicant’s decision to agree upon a construction schedule for the completion of the 94th Street End Project. If Applicant elects not to do the Work, the remaining amount of \$368,000 shall be paid to the Town within five days of its decision. If no building permit has been issued for Chateau Project within 24 months from date of adoption of this Resolution, the remaining amount of \$368,000 shall not be due until a building permit is issued for the Chateau Project, or an alternate development project is approved by Town Commission. Unless the 94th Street End Project has been completed, the unpaid balance of the \$400,000 shall be paid to Town by Applicant prior to transfer of more than twenty percent (20%) interest in the Chateau Project; and

WHEREAS, Chateau Ocean, LLC has submitted Attachment “A” for the design of 94th Street End Project which includes landscape, hardscape and streetscape improvements (the “Work”) from Collins Avenue to the 94th Street beach access point west of the “hard pack”; and

WHEREAS, it is in the best interest of the Town to accept and approve the design for the 94th Street End Project.

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

Section 1. Recitals Incorporated. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution upon adoption hereof.

Section 2. Approval and Authorization. The Town Commission approves the design prepared by Chateau Ocean, LLC for the 94th Street End Project and authorizes the Town Manager in consultation with Chateau Ocean, LLC to finalize a construction schedule for the same project within 30 days of the adoption of the Resolution. Chateau Ocean, LLC is authorized to undertake said improvements and shall be required to obtain all necessary permits to undertake said project.

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

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

Motion by Commissioner _____, Second by Commissioner _____.

FINAL VOTE ON ADOPTION

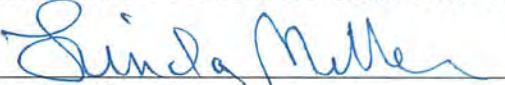
Commissioner Barry R. Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

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

Site Plan

For Item 5A

Available in the

Town Clerk's

Office



Town of Surfside Commission Communication

Agenda Item # 5B

Agenda Date: May 13, 2014

Subject: Resolution Authorizing Public-Private Partnership Advisory Services

Introduction: On April 1st, the report entitled **Parking Solution: The Next Step** (Report) was submitted to the Town Commission.

At the April 8 meeting, the Commission voted to delay action on the Report for 30 days.

Background: The Report identified solutions to address parking deficiencies in the business district and identify solutions based on the 2013 Parking Structure Feasibility Study prepared by Rich & Associates, Inc.

The focus of the Report was to offer realistic, reasonable and financially feasible options for addressing parking. A key component of the Report was a comprehensive analysis of land use and zoning issues for each site identified in the Rich & Associates study.

The recommendation contained in the Report provides two recommendations:

A. Post Office Lot – (P3)

Approve the March 21, 2014 Public-Private Partnership Advisory Services proposal submitted by Lambert Advisory in the amount of \$18,500 in order to begin the P3 process by conducting analysis and developing an outline of strategic opportunities for the Post Office Lot.

B. Abbott Lot

- 1. Authorize a survey of the Abbott Lot (including all utilities; alley setbacks and building heights of Harding Avenue buildings) and geotechnical/soil analysis (minimum 8 borings) \$30,000.*
- 2. Authorize the consulting engineering firm selected as a result of the current RFQ solicitation to develop/prepare a Request for Proposal for design/build services to include identification of milestones during the process for community and Commission input/review; design creativity/features; architectural standards; parking structure technical, and structure features and layout; landscaping; safety/security/traffic; and parking systems.*

Based on the financial, land use and parking benefits, these two options provide an achievable path to substantially addressing the parking deficiency identified in the Rich & Associates study.

The following summary illustrates how the above recommendation for the Abbott Lot and Post Office Lot address the parking deficiencies identified in the Rich & Associates report:

Parking Structure Feasibility Study Space Deficiency	303 spaces
1. Post Office Lot	
• Public Private Partnership as per Parking Study (4500 sqft Post Office; 4400 sqft commercial and four levels of parking)	280 spaces
• Existing parking	<u>-61 spaces</u>
NET INCREASE	+219 spaces*
2. Abbott Lot	
• Recommended two level with rooftop parking	390 spaces
• Current parking	<u>-207 spaces</u>
NET INCREASE	+183 spaces

**Actual number of net increase of spaces to be determined through the recommended Advisory Services Proposal which would conduct an overall analysis and develop an outline of strategic options for the Post Office lot.*

Summary:

• Post Office Lot P3	+219 spaces
• Abbott Lot	<u>+183 spaces</u>
NET INCREASE	402 spaces
• Parking Structure Feasibility Study Deficiency	-303 spaces

Attached to this memo is a copy of Attachment 2 to the Report identifying the parking deficiency of 303 spaces.

Analysis: While the Report provides a two pronged recommendation to include both the Abbott and Post Office Lots, the initial action item necessary to move the process forward is to authorize and undertake the necessary professional services to evaluate the option of a parking structure as part of a Public-Private Partnership (P3) and to develop strategic options.

The Rich & Associates study identified a P3 as the viable option for this site; however, the scope of their services did not include the analysis to identify alternative scenarios for the P3 (including commercial opportunities/acquisitions; real estate/financial analysis; multi-party agreements; parking analysis for potential partners; and, complex financing and lease issues for commercial property including new postal facility).

[Note: There is not an immediate need to proceed with the initial action steps for the Abbott Lot recommendation as the survey and geotechnical/soil analysis can be turned around in a short period of time].

As part of the preparation of the Report, Staff requested proposals from three firms who, based on their professional experience and recommendations, would be able to provide guidance in the P3 process. Why? It was concluded that existing staff does not have the requisite skills (commercial real estate analysis; financing skills; and ability to analyze complex and multi-party development agreements potentially exceeding \$10M).

Proposals were received from three firms to assist with the necessary professional services listed above. Discussions were held with representatives from each of the firms. The firms were:

- Plante Moran CRESA (Southfield, MI) -- \$30,000
- RMA (Pompano Beach, FL) – hourly rate based on team members assigned
- Lambert Advisory (Miami, FL) -- \$18,500

Based on review of proposals and discussion with representatives of the firms, Staff recommends the proposal of Lambert Advisory as it is comprehensive; addresses a P3 for the Post Office Lot including the necessary economic/market analysis; and provides a well defined process leading to identify strategic opportunities leading to a possible successful P3. (March 21, 2014 Lambert Advisory proposal attached).

Timeframe for Lambert Advisory to complete proposal: 45 days.

Financial Impact: \$18,500. This reflects a modest investment in pursuing perhaps, the most financially feasible and realistically achievable parking solution. P3 at the Post Office Lot provides not only a realistic parking solution but would also enhance the Town's commercial district; provide an upgraded postal facility which will secure the future of the Post Office in Surfside and provide quality development to compliment the current/proposed quality infill development along Collins Avenue.

Funding Source: Parking Fund (Professional Services) #402-9500-545-31100

Recommendation: Adopt the Resolution authorizing the acceptance of the March 21, 2014 Lambert Advisory proposal.

Respectfully Submitted

by: 
Michael P. Crotty
Town Manager

Attachments: Parking Deficiency Table
Lambert Advisory Proposal

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN LAMBERT ADVISORY, L.C., (“LAMBERT”) TO ASSIST THE TOWN IN EVALUATING A PUBLIC/PRIVATE PARTNERSHIP PARKING SOLUTION; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT FOR RETENTION OF LAMBERT FOR CONSULTING SERVICES; AUTHORIZING THE APPROPRIATION AND EXPENDITURE FROM THE 2013/2014 FISCAL YEAR BUDGET NOT TO EXCEED \$18,500 FROM THE PARKING FUND, ACCOUNT NO. 402-9500-545-3110; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2012, the Town Commission authorized a comprehensive parking feasibility study that detected a parking shortage; and

WHEREAS, in March 2013, Rich & Associates, Inc. presented the Parking Structure Feasibility Study identifying potential solutions for the parking shortage; and

WHEREAS, a public-private partnership (“P3”) for development of a parking structure was presented as a parking solution on the parking lot adjoining the Surfside Post Office; and

WHEREAS, in the report dated April 1, 2014, *Parking Solution: The Next Step*, presented by the Town Manager, a recommendation to proceed with the evaluation of the P3 option for the parking lot adjoining the Post Office; and

WHEREAS, the Town Staff has received three (3) proposals for professional consulting services to evaluate a P3 parking solution and recommends acceptance of Lambert’s proposal (attached hereto as Exhibit “A”) which represents the lowest cost and best option for the needs of the Town; and

WHEREAS, it is in the best interests of the Town to retain Lambert and approve the proposal (attached hereto as Exhibit “A”) for services described in the Proposal not to exceed \$18,500 to be paid from the Parking Fund.

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

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

Section 2. Authorization to Execute Agreement. The Town Commission hereby authorizes the Town Manager and the Town Attorney to execute the Agreement on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Town Attorney.

Section 3. Authorization to Expend Funds. The Town Manager is authorized to expend funds from the FY 2013/2014 Budget of no more than \$18,500 from the Parking Fund; Account No. 402-9500-545-3110 to implement the terms and conditions of the Agreement.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED on this ____ day of _____

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

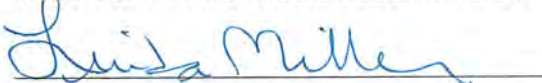
Commissioner Michael Karukin _____
Commissioner Barry Cohen _____
Commissioner Marta Olchyk _____
Vice-Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller, Town Attorney



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

March 21, 2014

Subject: Public/Private Partnership Advisory Services

Dear Mr. Crotty:

Lambert Advisory (Lambert) is pleased to provide Public/Private Partnership (P3) Advisory Services related to the potential acquisition and development of a parking garage in Surfside, Florida.

This letter outlines our proposed scope of services, fees, timing and the conditions that will govern this engagement. Lambert Advisory has broad experience assisting municipalities with development solicitation, evaluation of responses, assessment of proposed structuring and negotiating final agreements for public/private ventures. We likewise work with private responders and, as a result, have a thorough understanding of the challenges and opportunities which surround the public/private partnership process.

As we understand it, the Town of Surfside (Town) completed a Parking Study in late 2012 and as a result of the findings is contemplating the development of a parking structure located on the west side of Collins Avenue south of 95th Street (hereto referred to as the Post Office site). Based upon the garage development site as proposed in the Parking Study, the property comprises four individual parcels, including: three contiguous parcels that are owned by the Town with a total 28,260 square feet (0.65 acres); and, a fourth parcel that is privately owned, comprises a total 12,460 square feet (0.29 acres), and currently includes the Post Office building. As a result, the Town is evaluating the opportunity to build a parking garage and ancillary retail on all four parcels which would require a public/private partnership should the one property remain as privately owned. To assist with this evaluation, the Town is looking for guidance in evaluating public/private partnership strategies and opportunities with a developer to build the parking garage and potential on-site retail.

Based upon the Town's objectives outlined above, we propose the scope of services within two distinct tasks:

Task 1: Evaluation of the Proposed Parking Garage and Strategic Options

The first task associated with the public/private partnership process is to evaluate the proposed parking garage development to provide the Town with the base of information and

analysis necessary to identify alternative development options for the parking garage. There are three primary steps to this process, summarized as follows:

- 1.) *Updated Parking Garage Demand and Program:* Based upon our discussions, the parking demand analysis for the Post Office site will need to be updated. Lambert will work with the Town's parking consultant to define the parking demand based upon demand from two primary sources: 1) demand from public use; and, 2.) demand from on-site retail (which may also include a new Post Office). In this effort, Lambert's primary role will be to prepare a market assessment to estimate the demand and performance parameters for retail use as part of the proposed parking garage development based upon:
 - a.) Economic/Demographic Overview – This analysis will analyze economic/market trends locally considered pertinent to the proposed development, including but not limited to: population and population characteristic trends and projections; beach utilization, hotel occupancies (including assessment of new hotel development), employment trends and labor force characteristics; household trends and projections; and, traffic patterns and trends primarily along Harding Avenue and Collins Avenue.
 - b.) Comparable/Competitive Supply Profile – The supply effort will profile any competitive/comparable retail development projects located in the market area. The type of data that Lambert will seek to obtain includes: size of retail center; merchandise/tenant mix; rental rates and lease terms; market orientation (i.e. resident, worker); and, identification and summary profile of notable retail development under construction or in the planning stages.
 - c.) Estimates of Retail Market Demand and Performance - Based upon our analysis of market supply and demand conditions outlined above, Lambert will identify market demand for the proposed retail development with specific aspects including:
 - ♦ Potential uses and most synergistic tenant/business mix for the site;
 - ♦ Achievable "net" rental rates;
 - ♦ Estimate of timing and absorption for development; and,
 - ♦ Planning and design guidelines which can be utilized to set the parameters for partnership solicitation.
- 2.) *Parking Garage - Net Operating Income Projections:* Based upon the estimate of parking demand from potential public and retail utilization, we will work with the Town's parking consultant to forecast revenue, expenses and net operating income from the parking garage. Lambert's main focus will be on the net operating income generated from the retail component and the analysis will also factor in the need to accommodate the Post Office should it remain a part of the development plan.
- 3.) *Outline of Strategic Opportunities:* Based upon the evaluation of demand and operating estimates outlined above, Lambert will be in a position to assist the Town in its evaluation of strategic opportunities for implementing the proposed parking garage development. This includes but is not limited to an assessment of: land

acquisition (of the Post Office site); alternative public/private partnership structures with the current or new owner of the Post Office property which includes an understanding of potential equity, debt, and/or land contribution structuring; and, analysis of the Town's return-on-investment from alternative development options. Importantly, the strategic analysis is aimed at maximizing the benefit of the parking garage to both the Town and its residents.

Task 2: Public/Private Partnership Solicitation and/or Negotiations (Optional)

At the point the Town considers a public/private partnership for the proposed Post Office parking garage development, and a solicitation for Public/Private Partnership be required as part of the process, Lambert is prepared to assist with the preparation, evaluation and negotiation associated with a Request for Proposal (RFP) the Town may need to undertake as part of the public/private partnership.

Prepare an RFP for Public/Private Partnership - Lambert will prepare an RFP for a development and/or operating partner and will be oriented to both identifying the strongest developer/operator as well as marketing the property to prospective developer/operators. The RFP will set forth the key components of the Ranking Criteria and Selection Criteria including any required terms and structure of an Agreement. Furthermore, the RFP will include (or make reference to) all relevant and available information regarding the parking garage property including physical, regulatory, and legal documents.

Evaluation: Lambert will be prepared to assist the Town in its evaluation of any RFP responses in light of the prevailing and prospective economic and financial environment impacting the proposed development. The primary objective of this evaluation is to assess the revenue, operating and financial assumptions set forth within each RFP and advise the Town as to any items and/or issues that may not be consistent with our findings.

Negotiation Assistance: Once a partner is selected, Lambert will be prepared to assist in the negotiation process with a selected partner and advise the Town in the interest of structuring a fair and equitable agreement for both parties.

Fees and Documents

Our fees will be based upon our standard hourly rates of \$225 for Paul Lambert (Managing Principal), \$175 for Eric Liff (Principal), and \$110 for professional staff. We propose a fixed fee for **Task 1** in the amount of **\$18,500**. For Task 2, should the Town accept, we propose to complete the work on an hourly basis, with a "not-to-exceed" amount which we will be agreed upon prior to commencement of work.

Specific to Task 1, we will document our findings and conclusions within a Technical Memorandum, with supporting documentation and analysis.

The fees stated above include any out of pocket or ancillary expenses such as automobile costs, printing costs, long distance telephone, postage and courier, and photocopying. If, at some

point during the course of the work, a decision is made to discontinue, our fee will be based upon the actual professional time expended to date.

Other Terms of Agreement

Our studies, reports and analysis are subject to the following restrictions and conditions:

- Lambert Advisory has no obligation to update our findings and conclusions for changes in market conditions which occur subsequent to our work. Any such changes in market conditions may affect the validity of our estimates.
- Documents we prepare are based upon assumptions and estimates which are subject to uncertainty and variation. These estimates are often based on data obtained in interviews with third parties, and such data are not always completely reliable. In addition, we make assumptions as to the future behavior of consumers and the general economy which are highly uncertain. Therefore, while our estimates will be conscientiously prepared on the basis of our experience and the data available to us, we make no warranty of any kind that the occupancy, rates, revenues, or expenses projected will, in fact, be achieved.

Acceptance

We hope this letter correctly addresses your needs. If you have any questions regarding the scope of work or business arrangements, please call me at (305) 503-4096.

We thank you for the opportunity to present this proposal and look forward to working with you on this exciting assignment.

Very truly yours,



Eric Liff
Principal

THE PROPOSAL AND ITS TERMS AND CONDITIONS ARE ACCEPTED IN ITS ENTIRETY.

NAME: _____

COMPANY: _____

TITLE: _____

DATE: _____

GENERAL FIRM EXPERIENCE

Lambert Advisory was founded in 1995 and incorporated in Florida in 1999. It currently has five employees in its Miami office from which it serves markets throughout the United States and internationally.

The firm provides services to private institutional clients such as large corporations, foundations, and universities which require a variety of assistance with their real estate holdings. Institutional clients over the past several years have included the Queen Emma Foundation (Honolulu), Harvard University, University of Pennsylvania, Samsung Corporation (Korea), and Kimco Realty. As the qualifications included as part of this package make clear, the firm also provides an array of services to government clients related to market research and business planning; particularly, expertise in visitor and tourism strategic planning, commercial property feasibility analysis, visitor/resident/business surveys, and benchmark/case study analysis.

As detailed below, Lambert Advisory has and is currently providing services associated with economic and financial analysis to Miami-Dade County, the World Trade Center Miami (in conjunction with Port Miami), a variety of municipalities in South Florida, The City of New Orleans, The City of Fort Lauderdale, and the City of Tampa, among others. Lambert has considerable experience in a broad range of economic and financial analyses including but not limited to: Parks and Recreation/Cultural; Airports, Seaports, Commercial and Housing Real Estate; and, Transit.

Client:	PortMiami – World Trade Center Miami
Project:	Economic, Market and Strategic Analysis

Project Description: Lambert Advisory, in conjunction with Johnson Consulting, completed an economic, market and strategic analysis for a proposed World Trade Center within Port Miami. As the basis for evaluating development opportunities for a World Trade Center Miami, Lambert completed an assessment of general economic and demographic trends and forecasts for Miami-Dade County, and specifically Downtown Miami, inclusive of the Brickell and Omni areas. The economic profile focused on those primary variables that “drive” demand for proposed uses including office, hotel, and retail that support a phased development of the World Trade Center property. Lambert also provided the strategic recommendations for implementation and related Port Miami initiatives.

Client:	City of Fort Lauderdale (FL) – as a sub-consultant to Zyscovich, Inc.
Project:	Estimate of Income, Expense and Debt Service Coverage for Two Municipal Parking Garages

Project Description: Lambert Advisory, as a sub-consultant to Zyscovich, Inc., assisted in the preparation of income, expense, and debt service coverage ratios for two City of Fort Lauderdale owned parking garages (Sebastian Parking Garage and Oceanside Parking). The analysis was prepared in the effort to assist the City (and its planning team) to understand the opportunity for the City to leverage and support its investment in the garages with ancillary retail uses.

Client: City of Pompano Beach (FL)
Project: Hillsboro Marina – Market Assessment, RFP Preparation/Negotiation

Project Description: Lambert Advisory recently completed market research and assessment for the Pompano Beach Hillsboro Inlet Marina (Marina). The work completed as part of the assessment was utilized to assist the City of Pompano Beach (City) in its evaluation of the terms of a Lease between the City and the Hillsboro Inlet Marina Captains Association, Inc. (Association). Subsequently, Lambert prepared the Request for Qualification (RFP) for distribution by the City and assisted in negotiation with the Association.

Client: South Florida Regional Transportation Authority
Project: Downtown Fort Lauderdale Mobility Hub Joint Development Initiative (Economic Advisor and Developer Negotiations)

Project Description: Lambert Advisory, as a sub-consultant to Kimley-Horn & Associates, is currently providing the economic and market analysis associated with the Downtown Mobility Hub Joint Development Initiative (JDI Mobility Hub). A key objective of the JDI Mobility Hub planning process is to identify the opportunity for a transit oriented joint development which emphasizes connections to multiple modes of transportation key among which include The Wave Streetcar and FEC commuter rail. The primary uses proposed include residential, hotel, office and retail. The residential analysis in particular is a key component to the Hub initiative given the existing demand for rental housing in the Downtown area. As part of subsequent phases of the JDI Mobility Hub plan, Lambert assist in preparing and evaluating Request for Qualifications (RFQ) for private developers interested in the joint public/private initiative.

Client: City of Hallandale Beach (FL)
Project: CRA/TIF Funding Strategy and Public/Private Development Negotiation Services Regarding Villages of Gulfstream Park

Project Description: Lambert Advisory was the primary consultant to the City of Hallandale Beach associated with its negotiation with Forest City Enterprises associated with the development of a \$250 million retail/entertainment center. Lambert provided the financial structuring and deal terms associated with City of Hallandale Beach's CRA TIF funding used to support development of the nearly 600,000 square foot multi-phase development. Lambert set forth the parameters by which the City would invest TIF dollars and recapture investment dependent upon a tracking of the development's success over a 17 year period. Lambert participated as the CRA's representative during negotiations and wrote the framework of the final agreement.

Client: Odebrecht Construction, Inc.
Project: Airport City Financial Advisor

Project Description: Lambert Advisory is currently engaged as an economic and financial advisor to Odebrecht Construction, Inc. in its negotiation with Miami-Dade County Aviation Department (MDAD) to procure the rights to develop a new 400 room hotel, 350± parking spaces, 9,000 square feet of retail and more than 1.0 million square feet of professional office space at the front door to Miami International Airport. Lambert's primary role is to assist Odebrecht (and its development team) with complex financial evaluation and deal term structuring that will ultimately determine an annual "franchise fee" that will be paid to MDAD in addition to a fixed land lease payment. Additionally, Lambert is assisting in the negotiation of the terms and conditions defining development timing, developer contribution (earnest money), terms of land lease and other related terms incorporated into corresponding

Development Agreements. The total development cost is estimated to be more than \$500 million and is anticipated to commence in 2012.

Client: City of New Orleans, (LA)
Project: Cooperative Endeavor Agreement Between City of New Orleans & Lowe's Home Centers, Inc.

Project Description: Lambert Advisory completed an analysis of incentives to be provided to Lowe's Home Improvement Centers (Lowe's), related to the development of a 116,000 square foot home improvement store on Elysian Fields Avenue. Lambert Advisory assisted the Council of the City of New Orleans review the terms of a Cooperative Endeavor Agreement between The City of New Orleans and Lowe's Home Centers associated with a \$3.6 million tax increment investment in the development of the Lowe's facility. The incentives were structured to utilize valuable enticements to attract certain retailers who are particularly strong at drawing business or other retailers within immediately surrounding areas.

Client: Creative Village – Ustler Development (Orlando, FL)
Project: TIGER II Grant - Application & Strategic Services

Projection Description: Lambert Advisory served as the lead economic, financial and strategic advisory to Creative Village LLC (in a joint effort with Bank of America CDC and its Consortium partners) in the preparation of a TIGER II Grant submission. Creative Village, located in Downtown Orlando within the Parramore Neighborhood area, is a master planned vision where high tech, digital media and creative companies integrate with residential, retail and academia. The initial grant submission is estimated to be in the \$70 million range, with additional sources of funding targeted to support the redevelopment effort. The planning and grant submission effort represents comprehensive and complex integration of disciplines between the private sector (master developer), City of Orlando, BACDC, Lynx, among others. Lambert's primary role is to provide the strategic vision and define the redevelopment focus in the context of grant submission as well as facilitate and coordinate interaction between the various Consortium partners. The successful Grant application was awarded \$10 million.

Client: City of Pompano Beach (FL)
Project: Amphitheater Improvement Plan and Municipal Cemetery Business/Operations

Project Description: Lambert Advisory, as part of two separate contracts, provided the City of Pompano Beach with strategic business analysis for two City-owned assets: a 3,800 seat amphitheater and a 3,900 (remaining) plot cemetery. The primary objective of the cemetery analysis was to establish a roadmap for short and long term options for managing and operating the municipal cemetery. This included in-depth market and industry research into a unique asset that included demographic trends and forecasts that affect the cemetery industry – and specifically mortality rates, life expectancy, deaths and senior population. In regard to the amphitheater, Lambert completed an economic benefit assessment associated with a proposed improvement to the Pompano Beach Amphitheatre. The City was considering supporting the investment and completing the work for seat coverage improvements and the objective of this analysis was to assess the level of increased performance within the venue and the economic return to the City associated with the proposed \$2.5+ million investment.

Client: City of Plantation (FL)
Project: Catalytic Investment Strategy, Developer RFP Preparation, and Investment Structuring and Negotiation

Project Description: Lambert Advisory was initially engaged in a market and financial assessment for the State Road 7 corridor in the City of Plantation to create the district's "Catalytic Investment Initiative." A key component to the analysis is aimed at guiding the City to the strongest redevelopment program from a dollars-and-cents perspective keeping in mind the broader goals of the City to effectuate the corridor's redevelopment. The objective was to test various cash flow scenarios including acquiring parcels and/or existing buildings and leasing them back to a third party for development. Beyond developing the City's "Catalytic Investment Initiative," Lambert wrote the City's Request for Proposals to utilize a \$5.0 million pool of city funds to spur redevelopment by providing gap funding to private projects, and subsequently served as advisor in direct negotiations associated with a number of large scale developments in the CRA district which has resulted in more than \$60 million in private investment to date.

Client: Port of Corpus Christi (TX)
Project: Develop RFP to Identify Operator for Conference Center & Developer for Twelve acre Waterfront Property

Project Description: Lambert Advisory developed an RFQ to identify an operator for the Port of Corpus Christi's new Conference Center and assisted the port in choosing and negotiating with the successful respondent. Following two successful and profitable years of operating the conference center and with the development of a new baseball stadium on adjacent port property, Lambert Advisory then assisted the Port prepare and issue a second RFP to identify retail and hotel developers for a twelve acre site adjoining the ballpark and conference center. Beyond soliciting responses from potential partners, the RFP outlined various partnership structures which the port entertained based upon the proposed development program.

Client: City of Hollywood (FL)
Project: Financial Advisory and Public/Private Development Negotiation Services for WSG Mixed Use Development

Project Description: Lambert Advisory served as the Hollywood CRA's financial advisor and negotiation consultant for a proposed \$100± million residential, retail and office mixed use development regarded as the catalyst for redevelopment within the City's downtown district. Lambert prepared the financial model used to determine the City's prospective \$10 to \$15 million TIF investment needed to support the development plan. The evaluation contemplated a multitude of funding sources including construction and permanent debt, mezzanine/bridge loans, developer equity (including land contribution) and the City's TIF participation.

Client: Miami-Dade County Park, Recreation & Open Space
Project: Haulover Park Business Improvement Plan

Project Description: Lambert Advisory is currently assisting Miami Dade County Park, Recreation & Open Space (PROS) in the preparation of the Haulover Park Business Improvement Plan (BIP) that serves as a guideline for increasing business activity within the Park and aimed at: 1.) providing positive economic (revenue) support to capital investments proposed by MDPROS for the Park's master plan; 2.) complimenting and supporting existing uses and attractions within the Park; and, 3.) creating uses that benefit both MDPROS planning objectives and the resident/visitor community it serves.

Client: Miami-Dade County Park & Recreation
Project: RFQ/Submission Review Associated with Metro-Zoo Waterpark and Family Entertainment Center Developer

Project Description: Lambert Advisory provided advisory service on the RFQ preparation process and assisted the County in its evaluation of the eventual submissions to the RFQ as well as prepared the County for Developer negotiations.

Client: Miami-Dade County Park & Recreation
Project: Coast Guard Site Analysis

Project Description: Lambert Advisory, is currently assisting Miami-Dade County Park & Recreation Department with an analysis of the Coast Guard site to: 1) review the historical events associated with the former Base Realignment and Closure Act (BRAC); 2) define essential criteria for relocation of the entire existing Coast Guard Base operation, or a means to establish a cantonment of the CEU building within the site; 3) identify, evaluate and negotiate for a suitable and functional replacement property, or any part thereof, for the Coast Guard staff move elsewhere within the County; and 4) work with appropriate federal agencies to allow the County to acquire the property for resale in accordance with the County's redevelopment plan.

Client: Miami-Dade County Park & Recreation
Project: Gold Coast Railroad Museum

Project Description: Lambert Advisory, in conjunction with The Evans Group, is currently assisting Miami-Dade County Park & Recreation Department with a Planning Study and General Plan for the Gold Coast Railroad Museum property. This report includes a site analysis, existing facility profile, an assessment of market conditions and potential demand, a profile of comparable facilities throughout the US, and attendance and expenditure projections for the museum and its Main Street retail component.

Client: Miami-Dade County Park & Recreation
Project: Deering Estate Restaurant/Banquet Assessment

Project Description: Lambert Advisory, in conjunction with Cini-Little International, assisted Miami-Dade County Park and Recreation Department with an assessment of the opportunity to identify a permanent banquet operator for Deering Estate through an RFP process. The analysis also evaluated the potential/economics of the chosen banquet operator managing a unique restaurant on property which would be a destination into-of-itself.

Client: Miami-Dade County Park & Recreation
Project: Golf Course Study

Project Description: Lambert Advisory, in conjunction with NGF Consulting, completed an analysis of economic, demographic and utilization/activity trends associated with five County-owned golf courses.

Client: Miami-Dade County Park & Recreation
Project: Recreation Center Market Study

Project Description: Lambert Advisory completed a recreation center market study to assess the opportunity for Miami-Dade County Park and Recreation Department to develop recreation centers within four potential Department parks situated throughout the County. As part of the Recreation Center Market Study, Lambert Advisory completed a market, operations and financial analysis for the potential development of a recreation facility in West Kendall.

Client: Miami-Dade County Park & Recreation
Project: Evaluation and Negotiation Support for Westrec Lease/Management Agreement (Haulover Marina)

Project Description: Lambert Advisory provided Miami-Dade County Park and Recreation Department with evaluation and negotiation support associated with a Management/Lease Agreement with Westrec for the Haulover Marina property.

Client: Miami-Dade County Park & Recreation
Project: Campground Assessment

Project Description: Lambert Advisory provided an analysis camp ground utilization, interview and site visits, survey of comparable/competitive facilities and facility recommendations for the redevelopment of Camp Matecumbe and other camping facilities in the County.

Client: Miami-Dade County Park & Recreation
Project: Larry & Penny Thompson Park Market Analysis & Operations Plan

Project Description: Lambert Advisory, as a subcontractor to Curtis & Rogers, completed a market analysis for Larry and Penny Thompson Campground, comprising the first component of the multi-task engagement aimed at identifying the most appropriate way of improving the service quality and performance of the campground facility. The market analysis set forth the foundation for subsequent phases of work including the physical and capital planning effort, financial analysis, and operational improvements recommendations which the Department utilized for implementation programming.

Client: City of Miami (FL)
Project: Miami Film Industry and Incentive Program

Project Description: Lambert Advisory recently completed an incentive program assessment and location analysis for the City of Miami's Economic Development Department in conjunction with its effort to improve and support the local film and television production industry. The research and analysis completed as part of this undertaking focused on three critical components: 1.) highlights of the US and local (Miami) film industry that provide important insight into key statistics and notable trends driving the film industry's past and near-term future; 2.) a profile of film industry incentives (case studies) offered by states and cities that may be utilized to promote long-term growth within the local film industry; and 3.) assessment of key elements of the City's physical infrastructure (namely land and/or buildings) available to support the film production industry presently and in the future.

EXPERIENCE OF PRINCIPAL STAFF

PAUL LAMBERT (PROJECT MANAGER)

MANAGING PRINCIPAL, LAMBERT ADVISORY

Paul Lambert founded Lambert Advisory in 1995. Since its inception the firm has provided corporate, not-for-profit, and governmental clients with a wide range of real estate and economic development advisory services. Mr. Lambert is an expert in market, financial, strategic and impact analysis related to real estate, community development and public/affordable housing. He has broad experience in strategic economic and business development for both the public and private sectors.

Prior to starting Lambert Advisory, Lambert was with Arthur Andersen LLP and Goodkin Research Corporation where he was in charge of the firms' South Florida and Latin America real estate economic practice.

Some of Mr. Lambert's clients over the past several years have included Samsung Corporation, The Queen Emma Foundation, University of Pennsylvania, Harvard University, Miami Dade County Park and Recreation Department and the Cities of New York and New Orleans. Between late 2005 and early 2007, Lambert served as the manager of the City Council of New Orleans' post-Katrina neighborhood rebuilding planning process which at one point was commonly referred to as the "Lambert Plan."

Mr. Lambert continues to advise a number of cities throughout the United States with regard to their housing and economic development programs and was a contributing author of "Public Housing Asset Management: A Handbook for Local Government" published by the Community Development Training Institute. He also served as a principal consultant to Harvard University's Public Housing Operating Cost Study and was the City Council of New Orleans' advisor related to its negotiation with HUD around the Housing Authority of New Orleans' Long Range Master Plan.

Mr. Lambert holds a BA from Miami University in Ohio. He was a Beaver Fellow at the London School of Economics, and graduated from the Massachusetts Institute of Technology, where he received a Master degree in City Planning.

ERIC LIFF

PRINCIPAL, LAMBERT ADVISORY

Eric Liff has more than eighteen years of experience providing advisory services to financial institutions and corporations both domestically and internationally. Prior to joining Lambert Advisory, Mr. Liff was responsible for acquisition and development activity at WorldStar Resorts, an entity of Starwood Capital. His primary responsibilities included corporate and/or asset identification, deal structuring, due diligence and strategic positioning.

Before joining WorldStar, Mr. Liff was a member of the real estate advisory services group for two Big 5 accounting firms, servicing some of the largest real estate and hospitality firms and investment banks in the United States and Caribbean. As a Manager in the Real Estate Consulting Group of KPMG Peat Marwick and a Senior Consultant with the Real Estate Consulting Group of Arthur Andersen LLP, Mr. Liff was actively involved in acquisition, disposition, and underwriting engagements for firms such as CS First Boston, Morgan Stanley, Prudential, and Heller Financial. Additionally, Mr. Liff has managed a number of major workout transactions and litigation related support engagements.

Mr. Liff earned his Bachelor of Science degree with a concentration in real estate management and development at the University of Southern California in 1990. He is a member of the Urban Land Institute (ULI) and has recently served on the Technical Advisory Panel (TAP) for the South Florida/Caribbean chapter. Mr. Liff has also been a participant in the American Resort Development Association (ARDA).

FRANK PALLINI

SENIOR STAFF ADVISOR

Frank Pallini has over 18 years of professional experience as a management consultant to the real estate industry. His areas of expertise include market and financial analysis, development/project planning, strategic planning, asset evaluation, economic research and impact analysis.

Mr. Pallini has served as management consultant and business advisor to numerous real estate companies, developers, builders, financial institutions, investors and asset managers as well as units of government and non-profit organizations. Major clients include, Disney Development, USAA Real Estate, GE Capital, US Home, Beneficial, and Citicorp Real Estate. He has also served as project manager/lead consultant for a housing demand study for the University of South Florida, St. Petersburg Campus; the St. Petersburg Housing Study sponsored by the St. Petersburg Chamber of Commerce; the City of Key West, to study the impact of the vacation rental market on the local economy; Hillsborough County Master Facilities Plan; and, as technical advisor to the City of Tampa's Cultural Arts District Committee.

Prior to starting his own firm, Mr. Pallini served ten years with KPMG Peat Marwick's Real Estate Management Consulting Group. During his tenure with KPMG, Frank advanced to level of Senior Manager where he was director of the firm's southeast real estate management consulting practice. In this capacity he was responsible for all phases of practice development, and provided management consulting expertise to clients throughout the United States, Europe, Latin America, and the Caribbean.

Mr. Pallini has written several articles covering regional real estate industry trends for the Urban Land Institute, the Real Estate Review, published by Warren, Gorham and Lamont and numerous local publications covering real estate business and trends in Florida and the Tampa Bay area.

Frank obtained his Bachelor's degree from Eckerd College and completed graduate course work for the Master's Program in Community Development at Southern Illinois University. He also has completed continuing education and enrichment courses in real estate finance from the Massachusetts Institute of Technology.

DORIEN ROWE

STAFF ADVISOR

Dorien Rowe joined Lambert Advisory as a GIS Specialist and Market Research Analyst in 2012. He has worked on numerous projects since joining the firm, where he has employed his knowledge of GIS software to analyze demographic data along with commercial and real estate properties. Dorien has been and is an instrumental part of Lambert's field research effort both in the field and secondary sources of data. Dorien received a B.A. in Geography from Florida International University in 2011.

Table 10 - Summary Parking Demand vs. Supply per Zoning Code (Full Occupancy + Development Options)

Block	Non-Residential Properties			Apartments / Condominiums			Combined Surplus / (Deficit)
	Total Parking Demand	Total Supply	Surplus / (Deficit)	Total Residential Unit Demand	Residential Property Parking Supply	Surplus / (Deficit)	
2	0	0	0	435	435	0	0
3	341	368	27	524	525	1	28
4	0	0	0	415	417	2	2
5	0	0	0	605	599	(6)	(6)
6	183	258	73	22	16	(6)	67
7	0	144	144	157	118	(39)	105
8	231	153	(78)	0	0	0	(78)
9	427	216	(211)	0	0	0	(211)
10	0	0	0	0	0	0	0
11	0	0	0	0	0	0	0
12	233	246	13	0	0	0	13
13	350	144	(206)	41	19	(22)	(228)
14	0	26	26	0	0	0	26
16	53	32	(21)	0	0	0	(21)
Total	1,818	1,685	(208)	2,199	2,129	(70)	(305)



**TOWN OF SURFSIDE
COMMISSION COMMUNICATION MEMORANDUM**

From: Commissioner Michael Karukin

Agenda Item # 5C

Agenda Date: May 13, 2014

Subject: Resolution re: Moratorium on the Downtown Parking Trust Fund (“PTF”)

Background:

The PTF option in Section 90-77 of the Surfside Code permits an applicant to pay \$22,500 per space; payable over time (e.g., 20 years or longer) interest free, as a way to meet off street parking requirements without having to locate all the required parking spaces on the subjects property. Meaning, an applicant can purchase parking spaces that do not exist.

In addition, the PTF option contains no limits or restrictions on the number of parking spaces that can be purchased.

No limits or restrictions may have unintended consequences related to land use intensity, building configurations, massing, including negative impacts on traffic and congestion. For example, in a recent project the applicant selected the PTF option with a plan to purchase 100 spaces. However, the Town cannot realistically accommodate that number of spaces without a new parking structure.

At the March 2014 Planning and Zoning meeting, Stan Price, Esq., an expert land use attorney for the Applicant testified that Surfside’s PTF ordinance is "defective". In addition, the Town Planner suggested that having no limits or restrictions in a PTF ordinance may not be consistent with sound planning policy. Furthermore, in the Town Manager’s April 2014 report entitled “Parking Solution: The Next Step” it is stated that “until a parking solution is implemented” changes to the PTF should be considered (see page 21 of the pdf, page 19 in the hard copy).

Action: It is proposed that the Town Commission (“TC”) approve a Resolution that begins the process to impose a moratorium on using the PTF as an option to satisfy off street parking requirements until the issue can be more fully vetted and direct the Town Clerk to Publish a Notice of Zoning in Progress that is consistent with the Resolution. Until the issue can be more fully vetted, the TC may consider the following items:

- Eliminate the PTF altogether
- Add a requirement where the Town Commission has to approve a PTF application
- Add an interest rate requirement to the amount paid over time as governed under Florida Statutes
- Limit the number of spaces available under the PTF to a percentage of the total requirement.
- Establish a means test to determine if the PTF should apply to an applicant

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE NEED FOR A MORATORIUM ON THE OPTION TO USE THE PARKING TRUST FUND FOR OFF-STREET PARKING AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; REQUESTING THAT THE PLANNING AND ZONING BOARD MAKE RECOMMENDATIONS REGARDING MODIFICATIONS TO THE PARKING TRUST FUND OPTION AND REGARDING SUCH MORATORIUM; DIRECTING THE TOWN CLERK TO PUBLISH A NOTICE OF ZONING IN PROGRESS AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) is currently studying the feasibility of developing a parking garage that would use, in part, the fees collected in the Downtown Parking Trust Fund created pursuant to Section 90-77 (b)(5) of the Town of Surfside Code of Ordinances; and

WHEREAS, it is in the best interests and welfare of the Town and its residents to review the existing provisions of the off-street parking requirements of the Town of Surfside zoning code which allows the use of the Downtown Parking Trust Fund as an option to satisfy parking requirements for uses within the SD-B40 zoning district and for religious places of public assembly; and

WHEREAS, in order to prevent the premature use of the Downtown Parking Trust Fund as an option for off-site parking requirements during the period of the parking garage feasibility study and during the period of review of the off-street parking requirements of the zoning code, it may be necessary for the Town to impose a moratorium on the use of the aforesaid option and to invoke zoning in progress pursuant to Section 90-6 of the zoning code; and

WHEREAS, the Town Commission desires that the Planning and Zoning Board consider and recommend to the Town Commission whether there should be modifications to the zoning code provisions related to the Downtown Parking Trust Fund, and whether a moratorium should be imposed on the option to use the Downtown Parking Trust Fund as an alternative to off-street parking requirements; and

WHEREAS, the Town Commission desires that any such moratorium and the zoning in progress shall not apply to pending applications for development approvals which have been determined to be complete applications as of the date of this Resolution.

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

Section 1. Recitals Incorporated. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution upon adoption hereof.

Section 2. Call for Review of the Downtown Parking Fund Option for Providing Off-street Parking Requirements. The Town Commission requests that the Planning and Zoning Board consider and make recommendations to the Town Commission regarding zoning revisions to Section 90-77 “Off-street parking requirements” of the Town of Surfside Zoning Code. Specifically, the Town Commission requests that the Planning and Zoning Board consider and recommend whether the provision of the zoning code relating to the use of the Downtown Parking Trust Fund as an option for fulfilling off-site parking requirements should be modified.

Section 3. Call for Consideration of a Moratorium. The Town Commission requests that the Planning and Zoning Board also consider and make recommendations to the Town Commission regarding the need for a moratorium on the option to use the Downtown Parking Trust Fund during the period that the Planning and Zoning Board and Town Commission consider any revisions to the zoning code provision for the Downtown Parking Trust Fund. It is intent of the Town Commission that any such moratorium shall not apply to pending applications for development approvals which have been determined to be complete applications as of the date of this Resolution.

Section 4. Direction to the Town Clerk to Publish Zoning in Progress Notice. The Town Commission directs the Town Clerk to Publish a Zoning in Progress Notice as provided in Section 90-6 “Zoning in Progress” of the zoning code, in order to apply a hold on the processing of development applications that are submitted to the Town after the date of the publication of the Notice. Provided, however, that the Notice shall not apply to any pending applications for development approvals which have been determined to be complete applications as of the date of this Resolution.

Section 5. Effective Date. This Resolution becomes effective upon adoption.

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

Motion by Commissioner _____, Second by Commissioner _____.

FINAL VOTE ON ADOPTION

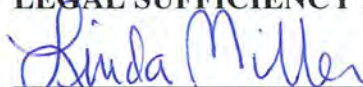
Commissioner Barry R. Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

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



Town of Surfside
Commission Communication

Agenda Item: # 5D

TO: Town Commission

FROM: Linda Miller, Town Attorney

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

Date: May 13, 2014

Subject: Resolution Ratifying and Approving the Town Commission Members' Appointments for the Resort Tax Board, Design Review Board, Pension Board, Personnel Appeals Board and Police Officers Retirement Trust Board

Recommendation: The Town Commission adopt the attached Resolution ratify and approving the respective appointments to the Resort Tax Board, Design Review Board, Pension Board, Personnel Appeals Board, and Police Officers Retirement Trust Board.

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) RATIFYING AND APPROVING THE TOWN COMMISSION MEMBERS’ APPOINTMENTS FOR THE RESORT TAX BOARD, DESIGN REVIEW BOARD, PENSION BOARD, PERSONNEL APPEALS BOARD, AND POLICE OFFICERS RETIREMENT TRUST BOARD; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Resort Tax Board and the Design Review Board are boards established by the Town Commission as set forth in the Code of Ordinances Chapter 70 *Taxation* and Chapter 90 *Zoning*, respectively; and

WHEREAS, section 70-124 *Composition; appointment; vacancies; compensation; removal from office, etc.* of the Town Code of Ordinances requires Town Commission ratification of Resort Tax Board appointments; and

WHEREAS, section 90-18 *Design Review Board*, of the Town Code of Ordinances requires that the two members of the Design Review Board be appointed by majority approval of the Town Commission; and

WHEREAS, section 2-185 *Pension board*, of the Town Code of Ordinances requires that two permanent residents of the Town be appointed by the Town Commission; and

WHEREAS, section 31.1 *Personnel appeals board*, of the Town of Surfside Charter requires that five qualified electors of the Town be appointed by the Town Commission to the Board; and

WHEREAS, section 2-187 *Special police retirement trust fund*, of the Town Code of Ordinances requires that two legal residents of the Town be appointed to the Board by the Town Commission; and

WHEREAS, the Town Commission of the Town of Surfside wishes to approve and ratify the respective appointments to the Resort Tax Board, Design Review Board, Pension Board, Personnel Appeals Board, and Police Officers Retirement Trust Board.

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

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

Section 2. Ratification and Approval. The Town Commission ratifies and approves the below named appointments as follows:

Resort Tax Board – Vice Mayor Tourgeman, Liaison

1. Barbara Cohen (Mayor Dietch)
2. Elizabeth Levine (Vice Mayor Tourgeman)
3. Joel Baum (Commissioner Cohen)
4. Sandra Argow (Commissioner Karukin)
5. Michelle Kligman (Commissioner Olchyk)

Design Review Board – Commissioner Cohen, Liaison

1. Jorge Gutierrez, Florida Licensed Architect (Design Review Board)
2. _____, _____ (Design Review Board)

Pension Board –

1. _____ (Resident) – Town Commission Appointment
2. _____ (Resident) – Town Commission Appointment

Personnel Appeals Board – Mayor Daniel Dietch, Liaison

1. _____ - Appointment
2. Jayme Bengio (Vice Mayor Tourgeman)
3. Chase Berger (Commissioner Cohen)
4. Niza Motola (Commissioner Karukin)
5. Norma Parron (Commissioner Olchyk)

Police Officers Retirement Trust Board –

1. _____ (Resident) – Town Commission Appointment
2. _____ (Resident) – Town Commission Appointment

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

PASSED AND ADOPTED this _____ day of _____ 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

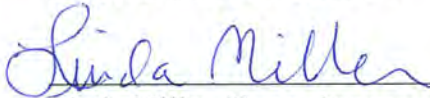
Commissioner Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk
Town Clerk

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



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Item # 9A

Agenda Date: May 13, 2014

Subject: Hedges and Corner Visibility (Sight Triangle) at Intersections

BACKGROUND:

Enforcement History:

The Code Compliance Division initiated enforcement of corner visibility violations in response to complaints received in November 2011, associated with residents' concerns about obstructed sight-lines at various intersections. After a series of meetings with the affected property owners, issuance of Courtesy Notices and Civil Violation Notices which resulted in civil fines, the affected parties sought relief from the Town Commission. At the May 15, 2013, Commission Meeting the Mayor and Town Commission directed the Administration to discontinue enforcement and prosecution of the Town Code that addresses hedges, corner visibility, and sight-line obstructions at properties abutting intersections. This directive was designed to "pause" all action related to this issue until such time as the Town Commission could better apprise itself of alternatives to the existing code.

The Administration has since discontinued enforcement of Sections 90-52 and 90-92 of the Town Code that addresses corner visibility and sight-line obstructions at corner properties within the Town by: 1) ceasing to issue Courtesy Notices and Civil Citations associated therewith; 2) tolling any fines that may be accruing on existing Civil Citations that have already been issued but had yet to be scheduled to be heard by a Special Magistrate; and 3) continuing to toll any fines that have already been tolled by a Special Magistrate. To date, all cases have been resolved. Fines were waived, liens released, and cases closed: 1) after compliance was attained; or 2) after reduced hearing fees and administrative costs were paid by non-compliant property owners. The aforementioned resolution was as prescribed by the Town Commission.

County Input:

On August 5, 2013, the Town Commission held a Special Meeting which was attended by an Assistant Chief of the Miami-Dade Traffic Engineering Division. The County Engineer advised the Commission on County and State requirements related to corner visibility and discussed the minimum safe sight distance standards required under the provisions of the State's Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways (a/k/a Florida Green Book). The Florida Green Book is the regulatory tool used by the County, as required by the State.

In furtherance to the Administration's efforts to provide alternatives to the Town Commission, on August 20, 2013, staff met with the same County Engineer and looked at several of the most problematic intersections in the single-family residential neighborhoods. The County Engineer visited approximately six different intersections and individually assessed each intersection and provided feedback and recommendations based on the field inspections.

On October 8, 2013 a report was provided to the Town Commission which included the results of said field inspections and discussions with the County Engineer. Said Report is attached hereto as Exhibit "A". Additionally, at the request of the Town Commission, several attempts were made to schedule workshops or Special Commission Meetings to allow for public participation and comment, but those efforts were unsuccessful as a quorum of Commission members was could not be attained. At the March 2014 Commission Meeting, the Administration was directed to place the item on the May 2014 Commission Meeting agenda.

Regulatory Authority:

The Code Compliance Division has the authority to enforce Town Code, Miami-Dade County Code, and Florida Statutes, as may be may be provided by Ordinance.

The County has informed the Administration that the definitive and final authority for sight triangle/corner visibility issues at intersections within the County (including the Town) is under the jurisdiction of Miami-Dade County.

ANALYSIS:

After discussions surrounding the governing regulatory documents, County staff reiterated that notwithstanding any other alternative that may be considered, the County's position was that the Florida Green Book was the required minimum standard for all municipalities.

County staff further informed the Administration that since governing protocol for local governance oversight was with the County, in the event of a complaint, the County would seek for the Town to enforce the Green Book standards. Failure to do so may require the County to put the Town on notice of a default in its responsibility to enforce same. As such, it was recommended that the Town adopt the Green Book into the Town Code.

However, based on these discussions, it was apparent that compliance with Green Book requirements may not be easily attainable Town-wide, as many corner properties (due to the limited width of the right-of-way easements and the lack of sidewalks in most areas) may not be able to meet the minimum standards set forth therein. These minimum standards include multiple "sight triangle" scenarios: some that address minimum sight clearances immediately after stop signs (which is similar to that currently in the Town Code); as well as others that address visibility clearances that are related to cross traffic and posted maximum speed limits, as well as other sight requirements for certain turning movements (See Exhibits "B" and "C".) and will require a greater clear visibility distance than the 25 feet provided by Town Code. The result of our meeting with the County staff was that no readily available relief could be identified. Although there has been no readily verifiable history of accidents at the impacted intersections, the potential for increased liability should also be weighed.

On a separate note, 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 address this issue was to cut the hedges and shrubs back.

Town Code Provisions

Section 90-92 of the current Town Code provides for the following:

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

The Town Code further provides that "The town traffic engineer shall have final approval of the clear sight triangles."

Moreover, Section 90-88 (8) requires that "Shrubs and hedges shall be maintained that such plant materials do not obstruct clear sight **triangles** and promote vehicular and pedestrian visibility "

Additionally, for newly proposed construction, Section 90-52. Requires the following:

"As an aid to free and safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and for property, for proposed construction hereafter, there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs,

hedges, shrubbery, and other fixtures, construction, and planting on corner lots in all districts where front yards are required as follows:

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

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

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

In the recent past, the Administration brought forth an ordinance amending the provisions of Sections 90-52 and 90-92 to clarify and combine these two sections. Said ordinance was passed on first reading, but second reading has been deferred until resolution of the sight triangle issue was reached.

Staff also looked at codes from a variety of other jurisdictions via “Municode” and found that a majority of jurisdictions had requirements comparable to those included in our Town Code, namely the 25-foot sight triangle distance requirement.

Florida Green Book Provisions

Based on what has been learned to date, the Florida Green Book is the ultimate governing regulatory tool available to the Town and is the State mandated minimum standard. County staff recommended that the Town adopt the Florida Green Book requirements as part of the Town Code since it was mandated by the State. However, the results of our efforts indicate 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, without reducing the height of all hedges and shrubs fronting the right-of-way of their property to 30 inches.

Chapter 14 (Exhibit “D” attached hereto) of the Florida Green Book does provide for certain exemptions to the Green Book requirements. Said exemptions are required when any of the Manual’s criteria for the 13 controlling design elements cannot be met. These include design speed, widths of right-of-ways and other elements, grades, slopes, elevations, stopping distances, and vertical and horizontal clearances.

Design Exceptions must be prepared and recommended by a Professional Engineer. The objective of the justification for Design Exception is to demonstrate the impacts on the operation and safety of the facility (the property) are acceptable compared to the impacts and added benefits of meeting the criteria. Requests for Design Exception must include Project Description, Operational Impacts, Safety Impacts, a Benefit/Cost Analysis, along with Conclusions and Recommendations. Both the County and the State must approve each Design Exception.

Based on the Design Exception requirements, pursuing same does not appear to be neither a practical nor viable alternative as the time, cost and resources required to properly analyze, calculate, document, and support such a program, on a case by case basis for each impacted property would be prohibitive.

Staff Input

The hedges and corner visibility issue has pitted the desire of those individuals that have been impacted by the existing Code, and may be impacted in the future, with the issue of safety for pedestrians, bicyclists, drivers and others that use the Town's streets. The impacted individuals' interests appear to lie in their desire to provide privacy and safety for their families within their private property. The challenge for the Administration has been how to balance the privacy and safety issues of the affected property owners, while addressing the safety of those individuals who use our streets and public rights-of-way as a means of travel and recreation. Although the code could be amended to establish a specific process by which to provide relief on a case-by-case basis, one of the most concerning issues would be that of establishing who will be tasked with the responsibility to make the final decision on whether to accept or reject said request for relief. It is a significant burden to place on one individual, especially in light of other governing regulations that may be in play. Moreover, the issue of liability would need to be addressed.

Notwithstanding the specific outcome on this issue, it is recommended that if the provision remains in the Code, whether as existing, or as amended, the Code be enforced either reactively or pro-actively (with clear policy direction). If amended, there should be clear and unambiguous language for enforcement staff. If any type of relief is to be made available, a clear and definitive process should be provided on a case-by-case basis and should be separated from the enforcement division.

CONCLUSION:

After concluding discussions with County Engineering staff, and additional review by the Town Administration, including consideration of the options contained in the report provided at the October 8, 2013, Commission Meeting, it has been determined that any "relief", if available, would likely be minimal and probably not address the desires/concerns of many of the corner lot residents who have expressed their opposition to complying with the current regulations.

The Town Commission should consider adopting the previously approved (on first reading) Ordinance amending the code to clarify and combine the provisions of 90-52 and 90-92 and provide clear policy direction on future enforcement efforts.



Code Compliance Director



Town Manager



Town of Surfside Commission Communication

Agenda Item # 9B

Agenda Date: May 13, 2014

- Subject:**
- 1) An Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) by Repealing Civil Penalty Provisions Contained Therein
 - 2) An Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein
 - 3) A Draft Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations

Introduction

The Town Commission approved a list of enforcement priorities for the Code Compliance Division. In furtherance of said priorities, the Administration was asked to review and provide detailed recommendations on civil penalties and compliance periods for the priority items, as well as other code violations.

Code Compliance staff, along with the Town Attorney's office, spent considerable time reviewing the Town Code, as well as Resolution No. 1569, adopted on March 9, 1999, to identify all civil penalties contained therein. During this process, numerous sections of the Town Code were found to contain specific civil penalties for certain violations, while Resolution 1569 also contained specific civil penalty schedules linked to Town Code sections. The research revealed that there were many inconsistencies between the Town Code and Resolution 1569, and many of the code sections reflected in Resolution 1569 were outdated and no longer in keeping with the codified material. At the March 2014 Commission Meeting a report was prepared and submitted to the Commission that revealed the complexities involved in comprehensively addressing penalties/fines contained in the Town Code and Resolution 1569. Due to the fact that certain penalty schedules were part and parcel of Town Code Section 90 (Zoning Ordinance) which requires that any amendment thereto be brought before the Planning Board prior to second reading, two separate Ordinances have been prepared to appropriately address the changes, along with a draft of a new Resolution, for your review and comment, that will address civil penalties, administrative fees and costs.

As a point of information, at the direction of the Town Commission, enforcement of the Local Business Tax Receipt (LBTR) and Certificate of Use (CU) requirements for home based businesses was stayed until such time as code compliance priorities were established. In 2013 when the Town Commission established the 35 enforcement priorities, enforcement of the LBTR and CU requirements for Home Based Business was not included as part of said priorities. As such, the Administration is seeking direction from the Town Commission on how they would like to proceed with this matter.

Analysis

A draft of the proposed Resolution is attached hereto, as Exhibit "1", the final version of which will be presented for your approval and adoption when the two proposed Ordinances are brought back for second reading. The proposed Resolution, along with the two Ordinances shall serve to amend and comprehensively update the Town's civil penalty schedules. The penalty schedules update the penalties schedules for a majority of the violations addressed in the outdated Resolution 1569, as well as any other violation types that were not specifically addressed in Resolution 1569 (including the 35 Town Commission established priorities.) In an effort to simplify and facilitate administration and enforcement of the more than 150 violation types that previously had specific civil penalty amounts, it is proposed that penalties for most violation types be established at a rate of twenty-five dollars (\$25.00) per day for a first time offense and at fifty dollars (\$50.00) per day for a second or repeat offense. Other violations that are more egregious or are not reparable are specifically addressed by type in the proposed Resolution.

To facilitate review of the penalties and compliance periods proposed for the 35 established priorities, please see Exhibit "2", attached hereto. The rest of the civil penalties, along with the penalties for the 35 established priorities, are included in the draft of the proposed Resolution. The compliance period for the balance of the violations will vary depending on the nature of the violation, and should be left to the discretion of the Town Administration.

Conclusion

Removing most civil penalty references from the Town Code and previously adopted Ordinances and addressing same via resolution will provide for a more efficient manner to amend the scheduled penalties in the future, if necessary. As such, it is recommended that the Commission review, comment and provide direction on the attached draft Resolution and adopt the accompanying Ordinances on first reading which will serve to comprehensively update the schedule of civil penalties and the Town Code. Moreover, the Administration is seeking direction with regard to enforcement of the LBTR and CU requirements for Home Based Businesses.



Joe Damien
Code Compliance Director



Michael Crotty
Town Manager

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, AMENDING THE SCHEDULE OF CIVIL PENALTIES AND ADMINISTRATIVE FEES TO BE ASSESSED FOR VIOLATION OF THE CODE OF THE TOWN OF SURFSIDE, AS PROVIDED IN CHAPTER 1 "GENERAL PROVISIONS", SPECIFICALLY SECTION 1-8 "PENALTY FOR VIOLATIONS", AND CHAPTER 15 "CODE ENFORCEMENT" SPECIFICALLY SECTION 15-18 "VIOLATIONS; SCHEDULE OF CIVIL PENALTIES"; REPEALING ALL OTHERS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission approved a list of enforcement priorities for the Code Compliance Division on November 17, 2013; and

WHEREAS, the Town Administration reviewed the civil penalties and compliance periods for the priority items, as well as other code violations; and

WHEREAS, Resolution No. 1569 adopted on March 9, 1999, which addressed civil penalty schedules has been found to be inconsistent, outdated and no longer in keeping with the Town Code; and

WHEREAS, pursuant to Section 15-18 of the Code of Ordinances, violations of said Ordinance shall be subject to the imposition of penalties, pursuant to which the Town Commission may adopt from time to time by Resolution, a schedule showing the sections of the Code, ordinances, laws, rules or regulations, which may be enforced and, the dollar amount of civil penalty for the violation of such provisions; and

WHEREAS, except as otherwise provided in Chapter 15 above, Chapter 1 Section 1-8 provides a penalty for violations of all other Sections of the Code of Ordinances; and

WHEREAS, it is in the best interest of the Town to preserve the public health, safety and welfare of the residents and the Town Commission is charged with preserving and maintaining the aesthetic standards and preventing public safety hazards of the Town.

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

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

Section 2. Authorization and Approval. The Town Commission authorizes and approves the Civil Penalties and Administrative Fees Schedule for Code Compliance and Enforcement Related Services.

- 1) Incorporated herein as Attachment "A" is a schedule of civil penalties and administrative fees adopted pursuant to Chapter 1 Section 1-8 and Chapter 15 Section 15-18 of the Code of Ordinances. Any sections of the Code not listed in the attached schedule, or for which a dollar amount of civil penalty for violation thereof is not listed, shall be subject to the imposition of penalties as provided under Section 1-8 and any other applicable penalty sections of the Code of the Town of Surfside. Each day of violation shall constitute a separate, punishable offense for which the daily penalty shall accrue.
- 2) For violations of any section of the Town Code for which a specific penalty is not prescribed herein, a penalty shall be imposed which shall not be less than \$25.00 or more than \$250.00 per day for a first violation and shall not be less than \$50.00 or more than \$500.00 per day for a repeat violation. For the purposes of continuing violations, each day shall constitute a separate violation.

Section 3. Effective Date. The Commission of the Town of Surfside hereby ordains that this Resolution shall become effective immediately upon adoption.

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

Motion by Commissioner _____, second by Commissioner _____

FINAL VOTE ON ADOPTION

Commissioner Barry R. Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

Attest:

Sandra Novoa, Town Clerk

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

Linda Miller, Town Attorney

DRAFT

SCHEDULE OF DAILY CIVIL FINES FOR CERTAIN VIOLATION TYPES

(All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense)

Chapter	Section Name	Description of Violation	Daily Fine First Offense	Daily Fine Second/Repeat Offense
Chapter 6	Alcoholic Beverages	Failure to comply or conform to any requirement of the Town Code relating to alcoholic beverages.	\$250.00	\$500.00
Section 6-8	Offenses, Miscellaneous Provisions	Failure to comply or conform to any requirement of the Town Code relating to music and/or entertainment.	\$100.00	\$200.00
Chapter 10-2	Animals	Killing birds and squirrels.	\$250.00	\$500.00
Section 10-28(c)	Animals	Allowing at dog to run at large	\$50.00	\$100.00
Section 10-28(c)	Animals	Allowing a dog to be improperly leashed	\$50.00	\$100.00
Section 10-30	Animals	Failure to license any dog	\$50.00	\$100.00
Section 10-32	Animals	Failure to remove fecal excrement	\$100.00	\$200.00
Section 10-33	Animals	Taking a dog, whether on a leash or without a leash, other than a seeing eye dog, into any store where food for human consumption is sold or held for sale.	\$50.00	\$100.00
Section 10-33	Animals	Taking a dog, whether on a leash or without a leash, other than a seeing eye dog, at any time to any public beach in town.	\$100.00	\$200.00
Section 10-34	Animals	Failure to have one's dog properly collared.	\$50.00	\$100.00
Section 10-36	Animals	Keeping or harboring any dog that engages in frequent or habitual barking, yelping or howling; that is mean or vicious; that becomes a nuisance.	\$50.00	\$100.00
Section 10-36	Animals	Any cruelty to a dog, as defined.	\$250.00	\$500.00
Section 14-2	Buildings and Construction	Performing mechanical or hand abrasive operations involving removal of paint, rust or other materials from any source resulting in particles that can float, drop, or be blown to adjoining property or into public ways or streets.	\$250.00	\$500.00
Section 14-2	Buildings and Construction	Failing to confine all loose particles and abrasives from processes involving use of air pressure applications with suitable means to prevent their transferring to the ground,	\$250.00	\$500.00
Section 14-28,90-37	Buildings and Construction	Performing or having performed work without first obtaining required permit.	\$250.00	\$500.00
Section 14-87	Bulkheads	Construct any groin, bulkhead, seawall, jetty, breakwater or other protective work or to place any permanent or temporary structure of any nature whatsoever east of the ocean bulkhead line.	\$250.00	\$500.00
Section 14-87	Bulkheads	Repair, extend, alter or replace any existing structure lying east of the ocean bulkhead line.	\$250.00	\$500.00
Section 14-88	Bulkheads	Erect any structure within 20 feet west of the ocean bulkhead line.	\$250.00	\$500.00
Section 14-88	Bulkheads	Repair, extend, alter or replace any existing structure lying within 20 feet west of the ocean bulkhead line.	\$250.00	\$500.00
Section 14-102	Bulkheads	Erect any structure within 20 feet landward of the Indian Creek bulkhead line.	\$250.00	\$500.00
Section 14-102	Bulkheads	Repair, extend, alter or replace any existing structure lying seaward of the Indian Creek waterway or existing bulkhead or within 20 feet landward of such bulkhead line..	\$250.00	\$500.00

DRAFT
(All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense)

SCHEDULE OF DAILY CIVIL FINES FOR CERTAIN VIOLATION TYPES

(All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense)

Chapter	Section Name	Description of Violation	Daily Fine First Offense	Daily Fine Second/Repeat Offense
Section 18-85 (a)	Businesses (Civil Fines and Penalties)	First Violation (Sidewalk Café Ordinance)	\$100.00	Second violation within the preceding 12 months: \$250.00. Third violation within the preceding 12 months: \$500.00. Fourth violation within the preceding 12 months: \$750.00. *Fifth violation within the preceding 12 months: \$1000.00. **Sixth violation within the preceding 12 months: \$1000.00.
Section 18-88 (g)	Businesses (Permitted areas; conditional permit; town manager's right to remove sidewalk cafes)	Failure to respond to Town Manager's emergency notifications, and removal of sidewalk café furnishings by Town.	\$1,000.00	
Section 34-30	Buildings and Construction	Unlawful connection of any sanitary sewer drains to the town's drainage system.	\$250.00	\$500.00
Section 34-30	Buildings and Construction	Unlawful connection of any storm drains to the town's sanitary sewer system.	\$250.00	\$500.00
Section 46-1	Health	Violation of the Florida Department of Health and Rehabilitation Services, or responsible department or agency.	\$250.00	\$500.00
Section 54-62	Offenses, Miscellaneous Provisions	Drinking any beer, wine or any other alcoholic beverage on any street, sidewalk, pedestrian mall, alley, highway, playground or park in the town.	\$100.00	\$200.00
Sections 54-78 to 54-83	Offenses, Miscellaneous Provisions	Creation of any prohibited noises at any prohibited times or locations.	\$100.00	\$200.00
Section 78-51	Sewers and Sewage Disposal	Construction or maintenance of any septic tank or sanitary privy.	\$100.00	\$200.00
Section 78-54	Sewers and Sewage Disposal	Discharge into the town's sanitary sewer any prohibited material or substance.	\$250.00	\$500.00
Section 90-41.1(c)(2)	Zoning - Resort Tax and Enforcement	Resort Tax violations are subject to the following fines. The special master may not waiver or reduce fines set by this section.	\$500.00	Second violation within the preceding 12 months: \$1,500.00. Third violation within the preceding 12 months: \$5,000.00. Fourth or greater violation within the preceding 12 months: \$7,500.00.
Section 90-184	Bulkheads	Erect, repair, extend, alter or replace: Dock and pier projecting into Biscayne Bay waterway beyond the waterway line more than 20 feet. Dock and pier projecting in Indian Creek waterway beyond the waterway line more than 10 feet. Dock and pier projecting into Point Lake waterway beyond the waterway line more than 15 feet.	\$250.00	\$500.00

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SCHEDULE OF DAILY CIVIL FINES FOR CERTAIN VIOLATION TYPES

(All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense)

Chapter	Section Name	Description of Violation	Daily Fine First Offense	Daily Fine Second/Repeat Offense
Section 90-187	Bulkheads	Construction, repair, alteration, extension or replacement of any bulkhead, sea wall, shore protection or any structure on Biscayne Bay, Indian Creek and Point Lake without required permit.	\$250.00	\$500.00
Note: All violation types not listed herein shall be subject to a \$25.00 per day fine for a first time offense and a \$50.00 per day fine for a 2nd or repeat offense.				
* Also subject to suspension of sidewalk café permit for one weekend (Saturday & Sunday).				
** Also subject to revocation of sidewalk café permit for the remaining portion of the permit year.				
ADMINISTRATIVE FEES, ABATEMENT COSTS, AND OTHER CIVIL FINES				
Issue	Description	Fee	Fine	Note
Code Compliance Abatement	Fees based on actual costs incurred and staff time	Contractor Costs and/or staff hourly costs		
Code Compliance Abatement Related Administrative Fees	Fees based on actual costs incurred and staff time	Fees based on actual staff hourly costs for administrative process		
Lawn Cutting & Clearing Cost	Per Lawn Cutting Service	Fees based on actual Contractor costs and/or staff hourly costs		
Code Compliance Lawn Cutting Administrative Fee	Per Lawn Cutting Service	\$125.00	\$25.00	per occurrence
Trash & Debris Over-the-Limit Pick-Up Fees & Fines	Per cubic yard fee:	\$15.50	\$25.00	per occurrence
Construction Debris Pick-Up Fee & Fines	Per cubic yard fee:	\$30.00	\$25.00	per occurrence

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Civil Penalties and Compliance Periods to be Provided Prior to Enforcement for Prioritized Violation Types			
PRIORITY RANKING	ISSUE	PROPOSED	
		COMPLIANCE PERIOD BEFORE PENALTY	PENALTY PER DAY
	1.8 Trash on Curb	2 Days	\$25
	1.8 Construction without permits*	5 Days	\$250
	2.0 Boats parked in yards	15 Days	\$25
	2.0 Sight-Triangle (hedge) visibility	15 Days	\$25
	2.2 Garbage Cans left out at days end	2 Days	\$25
	2.2 Trash on Yard	5 Days	\$25
	2.4 Derelict Vehicles/parking on grass	5 Days	\$25
	2.4 Hedge Heights (front, rear/side)	15 Days	\$25
	2.4 Barking dogs	Immediate (after warning)	\$100
	2.0 Short Term Rentals	30 Days	\$250
	2.2 Exterior Surfaces (paint/clean)	30 Days	\$25
	2.2 Overgrowth of Grass	5 Days	\$25
	2.2 Overgrowth onto right-of-way	15 Days	\$25
	2.2 Construction without permits*	5 Days	\$250
	2.4 Inadequate/inappropriate parking	30 Days	\$25
	1.0 Exterior Surfaces (paint/cleaning)	30 Days	\$25
	1.2 Alley cleanliness	1 Day	\$25
	1.4 Dumpster maintenance	1 Day	\$25
	1.4 Missing awning or frame remaining	7 Days	\$25
	1.4 Interiors (maintenance, sanitary)	15 Days	\$25
	1.6 Sidewalk Obstructions (signs, planters, etc.)	2 Days	\$25
	1.6 Sidewalk Café furniture & expansion	2 Days	\$25
	1.8 Deteriorated awnings	15 Days	\$25
	1.8 Grease traps	7 Days	\$250
	2.0 Overgrowth of weeds (at alleys)	5 Days	\$25
	2.0 Sidewalk (sweep/pressure clean)	5 Days	\$25
	2.2 Alley area used staging equipment	5 Days	\$25
	2.2 Sign installation without permits	5 Days to apply*	\$250
	2.2 Awning installation w/o permits	5 Days to apply*	\$250
	2.2 Construction without permits	5 Days to apply*	\$250
	2.2 Resort Tax delinquency	15 Days (+late fee & int.)	\$25
	2.2 Old signs from prior businesses	15 Days	\$25
	2.4 Electronic Signs	2 Days	\$25
	2.4 Delinquent L.B.T.R & Cert. of Use	15 Days (+late fee & int.)	\$25
	2.4 Parking Lot Maintenance	30 days	\$25

* One time penalty for violation. Subject to permit double fee and other Building Dept. penalties

COMPLIANCE PERIOD BEFORE	FINE PER DAY	CURRENTLY	
		COMPLIANCE PERIOD BEFORE PENALTY	PENALTY PER DAY
Unknown	\$250	2 Days	\$100
Unknown	\$250	5 Days	\$250
Unknown	\$250	15 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$100	Immediate (after warning)	\$100
Unknown	\$250	30 Days	\$100
Unknown	\$250	30 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	5 Days	\$250
Unknown	\$250	30 Days	\$100
Unknown	\$250	30 Days	\$100
Unknown	\$250	1 Day	\$100
Unknown	\$250	1 Day	\$100
Unknown	\$250	7 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	7 Days	\$250
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days	\$100
Unknown	\$250	5 Days to apply*	\$250
Unknown	\$250	5 Days to apply*	\$250
Unknown	\$250	5 Days to apply*	\$250
Unknown	\$250	15 Days (+late fee & int.)	\$100
Unknown	\$250	15 Days	\$100
Unknown	\$250	2 Days	\$100
Unknown	\$250	15 Days (+late fee & int.)	\$100
Unknown	\$250	30 days	\$100



Town of Surfside Commission Communication

MEMORANDUM

TO: Michael Crotty, Town Manager
FROM: Joseph S. Kroll, Public Works Director
SUBJECT: Town Hall: Roof, Air Conditioning Issues and Mold Remediation
DATE: May 13, 2014

Purpose: This report is being presented to update the Town Commission on the current status of efforts by Staff to address mold remediation in Town Hall and needed upgrades to the roof and air conditioning systems.

Background: In December 2013, Public Works contracted CIH Environmental Solutions to evaluate air quality and mold growth throughout Town Hall due to many years of roof leaks. The results came back in a report dated December 17, 2013 which outlined different areas throughout Town Hall which needed to be addressed through mold remediation, water damage repair and cleanup. Prior to addressing mold and air quality, the roof and air conditioning systems need to be addressed. Staff has prepared a scope of work for the roof replacement and with the assistance of mechanical engineer (Alfredo M. Carbonell P.E.) outlined a scope of work for the air conditioning portion. Both of these functions are in the process of being bid.

Town Hall had a major renovation in 2001 which only included minor roof repairs to the main center roof and painting with roof sealer, which was again done in 2012. The existing roof drains through the middle of Town Hall with a series of pipes which convey the rain water through the building down to ground level. This creates another leak point as piping gets old and is very difficult to repair properly if need be. The proposed roof will eliminate the drains through the building with a built up roof system. Water will be conveyed from a high point to a low point and exit thru scuppers (holes designed for water to pass thru at the edge of roof), not allowing any water to build up on the roof. Also, insulation will be added making Town Hall more energy efficient. There is no insulation currently. Approximate cost \$75,000 to \$85,000.

Town Hall is currently cooled and heated by 5 stand alone units that are dedicated for certain parts of the building. They are a condenser generated system and range in age from 3 to 5 years old. Because of our location to the coast line wear and tear caused by corrosion from salt air the life span of these units are very short (4 – 6 years). We are now experiencing major rust and deterioration which is allowing water intrusion during heavy rain events and malfunctions. The new proposed system is a chiller system designed for use in coastal climate. All parts are coated to prevent corrosion and because of our east / west exposure the system will utilize the wind to cool, which is very efficient.

The size of Town Hall warrants this type of system which will pay for itself on average in 6 – 8 years due to lower energy bills. A study is being finalized which will identify actual ROI. Approximate cost \$85,000 to \$95,000.

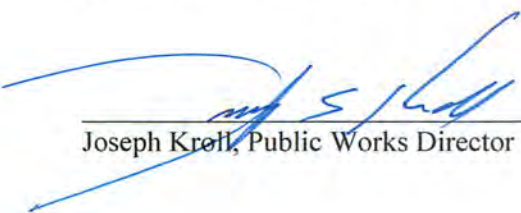
Once all the elevated work is completed Decon Construction, the same company approved to do the work at the tennis center, will perform the necessary remediation in Town Hall utilizing the same Broward County School District bid.

Roof and air conditioner work is anticipated to go to the Town Commission in June with work to begin the end of June with completion slated for end of July. Because the roof work will take less time to complete, once that is finished the remediation can start in the beginning of July instead of waiting for the entire A/C project to be completed. Once the remediation and replacement starts, completion will be about 6 weeks. The majority of the work is on the second floor with carpet, ceiling tiles and 3 walls to remove and replace drywall. Downstairs is mainly in the Police Chief's office walls. It is not as extensive as the Tennis Center, just a larger area to repair.


Next Step: It is anticipated that Staff will have a proposal for the Commission's consideration at its June Commission meeting including roof repairs/improvements; A/C replacement; and mold remediation.

Update: Tennis Hut Improvements

The Commission awarded a contract to the Decon Company in the amount of \$50,754.22 for improvements and remediation of the Tennis Center at the April 8 Commission meeting. A preconstruction meeting was held with Decon on April 10, 2014 to discuss scheduling, start date and completion date. Staff ordered an asbestos test for the ceiling to determine if asbestos is present in the building prior to Decon commencing work. The test was completed April 18, 2014 and the results were negative. Once the windows and doors arrive, construction will begin and should be completed within 6 weeks.



Joseph Kröll, Public Works Director



Michael P. Crotty, Town Manager



Town of Surfside Commission Communication

Agenda Item # 9D

Agenda Date: May 13, 2014

Subject: Update on May Special Meetings (Community Center Expansion; Sign Code and FY 14/15 Budget)

The following special meetings are scheduled for May:

1. **Community Center Expansion – Community Dialogue (Wednesday, May 14 – 7:00 pm)**
As a result of the discussion at the April Commission meeting, the Town Manager will facilitate initial community discussion on the Community Center Expansion. This meeting is scheduled for Wednesday, May 14 at 7:00 pm.
2. **FY 14/15 Budget Workshop (Thursday, May 22 – 6:00 – 7:30 pm)**
Over the past several years, the Commission held budget workshops during the latter portion of June. By the time that the workshops have been held in late June, Staff has substantially completed work on its recommended budget.

In order to provide a more meaningful opportunity for the Commission and residents to provide input on budget preparation, a meeting is scheduled for May 22 at 6:00 pm.

3. **Sign Code Update (Thursday, May 22 – 7:30 pm)**

Background: Both DVAC and the Planning and Zoning Board requested that the sign code as it relates to awnings and signs be reviewed and updated. The Planning and Zoning Board continually reviews applications for signs and awnings that have been presented to the Board for review and approval. While most of the applications have met the code requirements, the Board members would like to see changes to the code that would provide for more design criteria for signs and awnings.

Following discussions at several meetings, the Commission authorized CGA to proceed with the update.

The following schedule was initially established for updating the Sign Code:

- March 2014 – DVAC

- May 2014 – Joint Planning and Zoning and Town Commission
- July 2014 – DVAC
- October 2014 – Joint Planning and Zoning and Town Commission
- November 2014 – Town Commission First Reading
- December 2014 – Town Commission Second Reading


This schedule extends out another eight (8) months. In the meantime, it is likely numerous sign applications will come before Planning and Zoning. In consultation with Town Planner Sarah Sinatra and based on the progress to date on the update, the schedule can be accelerated and still meet the objectives of the update. Therefore, the following schedule is offered:

- Joint Meeting of the Town Commission/Planning and Zoning Board – May 22, 2014
- Presentation at the June 26 Planning and Zoning Board meeting (Local Planning Agency)
- First Reading of the Sign Code Amendment at the August 12 Commission meeting
- Second Reading of Sign Code Amendment at the September 9 Commission meeting

[Note: DVAC members will be invited to attend the May Joint Meeting of the Town Commission/Planning and Zoning Board and the Sign Code update will be an item at their May meeting].

Attached is a copy of the Town Manager's column from the May Gazette informing residents/businesses of the above meetings.

Respectfully Submitted

by: 
Michael P. Crotty
Town Manager

Attachment: May Gazette – Town Manager's Message

TOWN OF SURFSIDE



GAZETTE

Town Manager's Message

Typically, as summer approaches there is a slow down in the number of public meetings; however, that is not the case this year in Surfside. Several meetings will be held in May that will lay the groundwork for community projects that will either be completed or unveiled in coming months. Your participation in these meetings will ensure that your voice and opinions are heard. These meetings include:

- **Community Center Expansion (Second Story)** – The kick off meeting of the Community Center Expansion (second story) will be held on **May 14 at 7 pm**. The FY 13/14 budget contains funding to begin the conceptual planning and design. This May 14 meeting will be a community dialogue on the process to be used to ensure that the ultimate vision for the Community Center Expansion (second story) reflects the desires of our residents.

- **FY 14/15 Budget** – Over the past several years, the initial public budget workshops were held in the latter portion of June. By the time these workshops were held, Staff had substantially completed work on its recommended budget.

In order to provide a more meaningful opportunity for the public and the Commission to provide input on budget preparation, a meeting will be held on **May 22 (6:00 to 7:30 pm)**.

In addition to this workshop, the FY 14/15 budget will be discussed at a minimum of four additional public meetings. Future editions of the Gazette will provide the budget schedule.

- **Sign Code Update** – The past several years has seen remarkable improvements in our business district. It has become apparent that the existing sign code is outdated and it is not reflective or complimentary to the recent upgrades in the business district. The Town Commission and the Planning and Zoning Advisory Board will hold a joint meeting on **May 22 (7:30 – 9:30 pm)**. This meeting will include a report on the

Continued on next page

Code Director Joe Damien Named Employee of the Quarter



Code Compliance Director Joe Damien (C) was named the Town of Surfside's Employee of the Quarter. Pictured with him (L-R) are Town Manager Michael Crotty, Mayor Daniel Dietch, Commissioner Marta Olchyk and Public Works Director Joseph Kroll.

MAY 2014

It Happens on **HARDING AVE**

National Tourism Week on May 3-11

It is appropriate that a town with a rich tourism history and in the midst of a tourism renaissance recognizes its incorporation around the same time as National Travel and Tourism Week (May 3-11).



The theme for this year's tourism week is the *Travel Effect*, a term from the U.S. Travel Association that translates to "travel is good for you." The recognition is also to remind legislators, the public and those in the business community that the enterprise of travel accounts for 3% of the national gross domestic product, 12% of all jobs and close to \$130 billion in state, local and federal tax revenue. It's good for the economy.

"Travel Effect" takes it a step further: Travel is good for what ails you. Business travel to meetings, conferences and training events are good for a company. Vacations are good for employees. They come back refreshed and energized. Vacations are good for families, who can spend quality stress-free time together. **Travel is good for everyone!**

On a local level, The Greater Miami Convention & Visitors Bureau (www.miamiandbeaches.com) recently initiated a new branding campaign that focuses on local neighborhoods. The new 'People and Places' campaign taps locals for insights into neighborhoods like Little Havana, Coconut Grove, Little Haiti, and Wynwood. *How about Surfside?*

The town definitely fits the bill and it is somewhat of a secret with lots of "hidden" jewels. Content, specifically video tours. Go to: miamiandbeaches.com/travel-guides/insider-guides. Locals guides and crowd-sourced tips are at the heart of this new campaign. The trend comes as travelers continue to seek more authentic local experiences. Submit your ideas to www.ItsoMiami.com and do your part for tourism.



Enjoying a Successful 3rd Thursday Series



Surfside celebrated another successful series of music, food and fun at the popular Third Thursdays. This season's addition of the food trucks attracted visitors and media, including the Food Channel and Ion TV. Above Duncan Tavares, Director of the Surfside Tourist Bureau, is interviewed by Be Free Media.

Palmetto Bistro & Café Opens on Harding

There are so many excellent eateries on Harding Avenue – and now another has been added to the list: Palmetto Bistro & Café. From mouthwatering fluffy pancakes to eggs made to your liking to crisp bacon to lunch wraps stuffed with savory greens and hummus or curried chicken. If you didn't take in enough goodness, do try the juice bar! Substitute that milkshake for the Green Monster (green apples, ginger, celery, cucumbers and parsley) and you will soon feel as healthy as the ever growing juicing community. Palmetto Bistro is simply delicious, reasonably priced and offers impeccable service. It is located at 9427 Harding Avenue. Delivery and take out is available, Monday-Saturday, 9am-9pm.

Town Manager's Message - from P. 1

findings of a review of the existing code and analysis of comparison with sign codes including types, size, design, content, lighting, permanent/temporary number and location. Examples of signage options (graphic and photos) will be presented to assist in development of signage criteria for the Town.

All of the above meetings will be held in the Commission Chambers (9293 Harding Avenue). The meetings will be televised on Channel 77; and streamed live on the Town's website: www.townofsurfsidefl.gov.

See you around Town!

-Michael Crotty



Town of Surfside

Surf Club Sand Transfer Project May 6, 2015

UPDATE

Background

The Surf Club Project (Project) was approved in November, 2013. The Project included excavation of the foundation, which resulted in a significant stockpile of native sand. Consistent with the FDEP Permit # DA-631 and Section 161.053, Florida Statutes, the excavated sand was tested and approved for relocation within the beach system.

The project entailed transferring excavated sand from the Surf Club construction project to other areas on the beach as required by Section 161.053, Florida Statutes. These regulations mandate that beach compatible sand excavated east of the Coastal Construction Control Line (CCCL) must be retained within the beach system. These operations are under control and permitting of the Florida Department of Environmental Protection (FDEP).

Current Status

During April, the Surf Club completed the transfer of excavated sand from their site onto the beach. Due to the sea turtle nesting season, the sand transfer operations needed to be completed by April 30. The Project is now in the off-beach restoration phase including dune re-vegetation.

As the Surf Club sand transfer project nears completion, the Town have received questions regarding the close out activities. These include:

1. **Question:** When will the restoration of the dunes/re-vegetation occur?

Response: Coastal Engineering (CE), the project coordinator for the Project, informed the Town that the restoration work will be finalized as follows:

- May 12, 2014 – Installation of irrigation system
- June 3, 2014 – Dune replanting begins (sea oats, sea grapes and other vegetation)
- June 18, 2014 – Anticipated restoration completion date

Town Staff met with representatives of CE, Surf Club, and FDEP last week to review the final schedule for completion. Restoration of the hard pack and upper walking path is continuing. The ropes of the walking path will be installed as plantings are completed. To ensure proper restoration, the Town required the Surf Club to post a bond to protect Town infrastructure and proper completion of the Project.

2. **Question:** The Project resulted in a “huge” cliff or step down on the easterly edge of the newly placed sand. Will it be sloped or evened out?

Response: Now that the transfer of the sand has been completed, the steep easterly edge of the new sand has been sloped/graded. Following consultation with FDEP representatives, the contractor accomplished this last week (see photos).



North view just south of the Community Center



South view just north of the Community Center

3. **Question:** Has the transferred sand been tested?

Response: Yes. Prior to the issuance of a permit in 2013, sand samples from the Project site were tested by a FDEP geologist. In April, FDEP initiated another round of testing to ensure that the transferred sand is compliant with the FDEP permit (DA-631). We are awaiting the results.

In response to concerns voiced by residents, the Town initiated independent test of samples of the transferred sand utilizing FDEP protocols and included a toxicology testing component. Results of the testing are expected the week of May 5.

4. **Question:** Will the transferred sand have a negative impact on sea turtle nesting?

Response: Representatives from Florida Fish and Wildlife and turtle advocates have monitored the results of the Project and have not voiced objections or concerns. Since the sand has been placed, there has been a nesting by a rare leatherback turtle in the vicinity of 8877 Collins Avenue.



5. **Question:** Debris, including stones and pieces of concrete, are present in the sand. What is going to be done about this?

Response: We too have noticed pieces of rock/stones/concrete that should have been prevented by the multiple sifting protocols. The beach has been sifted twice by sand sifting machines and debris has been removed from the sand (sifted area approximately 6-8 inches below sand surface level). We have been informed that it is recommended that two additional siftings/cleanup be scheduled. This is the responsibility of the Surf Club and the two siftings/cleanup of the beach will be scheduled over the next several weeks. An assessment will be made following the second sifting/cleanup to determine if additional action is necessary.

6. **Question:** Will the color of the beach return to its previous white (sugar like appearance)?

Response: The color of the transferred sand has lightened since being placed on the beach during March and April. As reported previously, FDEP representative Christian Lambright indicated that prior to the full sand transfer project, a test application of the sand from the Surf Club was previously placed on the beach. She indicates that this "sand has since 'bleached' and looks very similar to what was already on the beach".

While the bleaching of the sand will continue to result in a lighter color, the color of the existing sand (pre-transfer) was reclaimed from the Bahamas whose beaches are known for its white (sugar like appearance). The transferred sand likely will not fully mirror this white, sugar like color.

As FDEP has reported, the recently transferred sand is closer to that of native Florida sand. It is possible that future beach sand renourishment projects will be more of a consistency of Florida native sand which is darker because of higher organic content.

For informational purposes, **Attachment I** contains a summary of previous issues relating to this Project.

Any questions? Please contact me.

Michael P. Crotty
Town Manager
(305) 993-1051 (w)
(305) 731-3914 (cell)
mcrotty@townofsurfsidefl.gov

Cc: Town Commission
Ross Prieto, Building Official
Joseph Kroll, Public Works Director



Town of Surfside Surf Club Sand Transfer Project

Summary of Previous Issues/Information

The following excerpt from an April 18 Town Manager email, which was sent to many residents, provides a background on the pertinent issues of the sand transfer Project and addresses concerns expressed by residents since Project inception:

I would like to share my experience with beach management issues in the year that I have worked for Surfside. Not only as Manager but as a Surfside resident who lives on the beach, my initial assessment upon arrival in Surfside was that our beaches were in trouble. The bare and rolling contour of the beach system precipitated by the impacts of Hurricane Sandy indicated to me that renourishment of the beach needed to be kept a priority. During my first full week of employment with Surfside, I attended a meeting with the US Army Corps who informed me that no further renourishment projects (the last approved project would be the 2014 Bal Harbour Beach Project) would be undertaken until a Sand Source Study was completed as there was no sand source available within Miami-Dade County for any federally funded projects. Certainly not the news we wanted to hear. Fortunately, the study was recently completed and compatible sand sources were identified; however, the sources were outside of Miami-Dade County. These outside sand sources will be used for our 2015 beach renourishment.

The determination of "beach compatible sand" and permitting are the responsibility of FDEP. As Christian Lambright (FDEP) indicated in a previous email that "the sand that is currently being placed

on the beach has underwent testing by our department geologist, Dr. Jennifer Coor, prior to the issuance of any permits. Dr. Coor then qualifies this sand as being 'beach compatible' or 'non-compatible'." Therefore, FDEP would not issue a permit for a sand transfer project until it makes a determination that the sand being transferred is "beach compatible sand".

As a point of information, when the Town was constructing the new Community Center it was the intent of the Town to place the excavated sand within our beach system and substantial staff effort was devoted in an attempt to make this happen. The former Town Manager personally took excavated sand samples to Tallahassee FDEP. Also, in addition to the current Project of the Surf Club, there was previously a smaller scale sand transfer project in the northern portion of the Town. I recently learned that the Building Department has a sample of the sand from that Project and to the naked eye it appears to be darker than the samples for the Surf Club project.

The current project is nearing completion. Could I suggest a course of action to follow would be to let the project be completed which would include: 1. Since the project is in the final stages, let the project applicant complete the project which would include finalizing the sand transfer; rolling/grading the place sand; and restoring the dunes and replanting vegetation; 2. Await the results of the concurrent

testing that is currently being done (Christian indicated that she took samples last week and the FDEP is testing to determine if the placed sand is in fact "beach compliant"; and the Town Commission has authorized staff to move forward with a similar independent testing per FDEP protocol); 3. When the project and testing are complete, let's all look at the results and determine if additional efforts/action is necessary.

I have worked with the State of Florida on beach issues for almost 30 years. My experience with FDEP leads me to believe that this agency will take the necessary steps to ensure that this project is completed properly and within their guidelines. Further, the staff of FDEP have gone above and beyond to assist our residents and Town Staff on this project. I'm sure you agree that the efforts of Christian Lambright and Celora Jackson have been outstanding.

Also, I have spoken with representatives of the Surf Club regarding the issues and concerns raised by our residents. They have pledged that they will make every effort to complete the project with the approved guidelines and will work with the Town to bring this project to a successful and satisfactory conclusion.

Finally, I would like to share with you the below information that I previously prepared in response to issues brought forward by concerned residents:

- 1. Why Didn't the Town Object to FDEP Issuing the Permit?** Even though the Town does not issue the permit for a sand transfer project, a number of residents questioned why the Town didn't object. Having been involved in a number of oceanfront development projects over the years, State Law requires that no material excavated seaward of the Coastal Construction Control Line (CCCL) shall be removed landward of said line provided that the excavated material is beach quality sand. Christian Lambright of FDEP has indicated that the sand being placed on the beach has been tested as to meeting the requirements of beach compatibility prior to the permit being issued. As appoint of information, there have been numerous of these sand transfer projects permitted in our immediate area including the Saxony in Miami Beach; Aqualina, Portia and Jade Ocean in Sunny Isles; and Oceania in Bal Harbour. The municipalities involved did not object due to the requirements of State law and benefits of adding sand to our rapidly eroding beaches in Miami-Dade. Some have even encouraged these types of sand transfers.
- 2. Color of Sand:** As I indicated during our meetings, we too were concerned about the color when we first saw it applied to the beaches. Christian Lambright of FDEP responded last week to the inquiries regarding the color of sand. Christian indicated that prior to the full sand transfer project, a test application of the sand from the Surf Club was previously placed on the beach. She indicates that this "sand has since 'bleached' and looks very similar to what was already on the beach". While I understand full well your concerns, I believe the sand that has been placed has lightened several shades over past weeks and based on the input of FDEP experts will continue to lighten. I encourage you to visit the other sand transfer projects in Miami-Dade listed above and see the color compatibility of the sand--some projects just several months old.
- 3. Damage to Dune/Paths Near the Surf Club:** The FDEP permit allowed the Surf Club to remove the dune vegetation and excavate a portion of the dune behind their property to undertake the transfer project. We share your concern about the negative impacts of a project of this scope. Prior to commencing work, the Town required the Surf Club to post a multi-million dollar bond in order to ensure proper restoration.

4. **Future Beach Renourishment Project:** As we discussed in our initial meeting, Surfside beaches are next in line for a 2015 renourishment project. Our project could have started earlier but there was a hold on beach renourishment projects in Miami-Dade in order to conduct a sand source study to locate sand for future County Beach projects. While the specific location of the sand for our renourishment project has not been determined, it will come from outside of Miami-Dade. The permitting agencies (US Army Corps and the FDEP) will assure beach sand compatibility.

5. **Benefit to Developers at the Expense of Residents:** I feel I need to comment on the several statements I received stating that since the Town didn't object to the project, the developer was benefitting to the detriment of the residents and the beaches. Even though the developer would have faced fines if the company removed beach compatible sand from east of the CCCL, the cost of simply excavating the sand and placing it in a borrow pit/storage area would have been less costly than the current operation of sifting the sand; dealing with environmental regulations; restoring dunes/vegetation, etc. Also, the developer likely could have sold the excavated material. I do understand these statements as residents are passionate about our beaches. The initial view of the darker appearing sand and disruption to the dunes/vegetation/paths clearly lead to this view. I'm not sure anything I can add will dispel this belief by some residents.

PLANNING & ZONING	
Peter Glynn (Dietch)	
Jacob Kligman (Tourgeman)	
Lindsay Lecour (Karukin)	
Johanna Tordjman (Cohen) 05/01/2014	
Armando Castellanos (Olchyk)	
Jorge Gutierrez (<i>Design Review Board</i>)	
Commissioner Cohen (Liaison)	
PERSONNEL APPEALS BOARD	
Vacant (Dietch)	
Jayme Bengio (Tourgeman)	
Niza Motola (Karukin)	
Chase Berger (Cohen)	
Norma Parron (Olchyk)	
Mayor Daniel Dietch (Liaison)	
PARKS & RECREATION	
Eliana Salzhauer (Dietch)	
Alberto Aguirre (Tourgeman)	
Retta Logan (Karukin)	
Sholom Danzinger (Cohen)	
Veronica Lupinacci (Olchyk)	
Arnie Notkin - Member Emeritus	
Commissioner Marta Olchyk (Liaison)	
TOURIST BOARD	
Barbara Cohen (Dietch)	
Elizabeth Levine (Tourgeman)	
Sandra Argow (Karukin)	
Joel Baum, CPA (Cohen)	
Michelle Kligman (Olchyk)	
Vice Mayor Tourgeman (Liaison)	
PENSION BOARD	
Julio Torres (PD Elect)	Pending
Yamileth Slate-McCloud (Employee Elect)	Pending
Michael P. Crotty (Secretary)	Pending
N. Abraham Issa (Resident) - Appointed by Commission	Pending
Michael Feldman (Resident) - Appointed by Commission	Pending
POLICE OFFICERS PENSION TRUST	
Loxley Arch III (PD Elected)	Pending
John Gentile (PD Elected)	Pending
Joe Matthews (PD Elected)	Pending
Roberto Silvagni (Resident) - Appointed by Commission	Pending
Eduardo Yero (Resident) - Appointed by Commission	Pending

CHARTER REVIEW BOARD COMMITTEE	
Marty Oppenheimer (Dietch)	Pending
Vacant (Tourgeman)	Pending
Mark Imberman (Karukin)	Pending
Vacant (Cohen)	Pending
Lou Cohen (Olchyk)	Pending
Vice Mayor Michael Karukin (Liason)	Pending

May-14

Sandra Novoa

From: Michael Karukin
Sent: Sunday, April 20, 2014 8:41 PM
To: Sandra Novoa
Cc: Michael Crotty; Sarah Sinatra; Linda Miller
Subject: P and z appointment

I just realized I never sent you my p and z appointment. Please reappoint lindsey lecour.

I would also like to nominate jessica weiss for the at large position.

Thank you

Michael.

Sent via BlackBerry by AT&T

Sandra Novoa

From: Barry Cohen
Sent: Thursday, May 01, 2014 6:11 PM
To: Sandra Novoa

Sandra, I would like to appoint Johanna Tordjman to the planning and zoning board. Her number is 786 295-0849 email jt@outdoorsurfaces.com

Sent from my iPad

Sandra Novoa

From: Eli Tourgeman
Sent: Friday, May 02, 2014 10:07 AM
To: Sandra Novoa; Linda Miller; Michael Crotty
Subject: Drb at large

Please be advised that I have a member who I would like to appoint who is an architect his name is James McKenzie he was a former planning and zoning board member. Details to follow

Sent from my iPhone

JAMES RUSSELL MACKENZIE
ARCHITECT
300 71 Street, Suite 528; Miami Beach, Florida 33141

Education:

1987

Rice University.

Master of Architecture in Urban Design

1981

Universidad de Los Andes

Diploma de Arquitecto

Houston, Texas U.S.A

Bogota, D.E. Colombia

Fluent in English, Spanish, and understanding of French.

Professional

Registrations:

State of Florida:

Registration Number AR 001549

Architect

State of Louisiana:

Registration Number 6561

Architect

State of Texas:

Registration Number 13677

Architect

Colombia:

Matricula Numero 25700-10244

Architect

N.C.A.R.B.:

Certification Number 44468

Member of the American Institute of Architects

State of Florida

Registration Number CGC 060933

Certified General Contractor

State of Florida

Registration Number BK 658503

Real Estate Broker

Experience:

25 years experience in the Design and construction of buildings in a diversity of typologies.

Previous Firm

Associations:

ArchitectureWorks, LLC

Architect (Principal - Manager)

BuildingWorks Construction Corporation

General Contractor (President - Qualifier)

Spider International Real Estate Services LLC

Broker (Principal-Manager)

Ricardo Bofill - Taller de Arquitectura

Arquitecto Diseñador

Wallace, Roberts & Todd Inc.

Urban Designer

Wax Bryman Associates P.C.

Project Manager

Miami, Florida USA

Miami, Florida USA

Miami, Florida USA

Barcelona, Spain EU

Miami, Florida USA

New York, NY; USA

A list of projects completed is available upon request. Visit www.ArchitectureWorksllc.com to view highlights of our work.



Town of Surfside Commission Communication

Agenda Item # 9G

Agenda Date: May 13, 2014

Subject: Establish Date for Quasi-judicial Hearing for Shul Application

Attached is correspondence from Stanley Price (Attorney representing the Shul) in its application for site plan approval. Mr. Price is requesting the Commission to establish a date for the hearing.

Per Resolution No. 12-2090, a special meeting is required for the Shul application. The applicable section of the Resolution reads:

In the event it is determined after the P&Z Board ("Board") meeting in which a given quasi-judicial hearing heard by the Board would likely take the Town Commission ("Commission") more than one (1) hour to consider, the Staff will bring that to the attention of the Commission at the next regularly scheduled Commission meeting and recommend that a special Commission meeting be scheduled on the fourth Tuesday following the regularly scheduled Commission meeting. The sole purpose of the special meeting will be to consider the quasi-judicial/zoning matters in question.


Due to the Administrative Hearing on the Town's Comp Plan amendment, all parties are in agreement that the fourth Tuesday is not a realistic date as no decision is anticipated from the Administrative Law Judge by then. Therefore, it is recommended that the Shul quasi-judicial public hearing before the Town Commission be scheduled for Tuesday, June 24 at 7:00 pm.

Further, in the event the Administrative Law Judge has not ruled on the Administrative Appeal of the Town's Comp Plan amendment prior to the scheduled date of the Shul site plan special meeting, the Shul will agree to a continuance to the next specifically set special meeting date.

All costs associated with advertising the quasi-judicial hearing and any continuance shall be borne by the applicant.

Recommendation: Approve the establishment of a quasi-judicial public hearing for the Shul Site Plan for Tuesday, June 24, 2014 at 7:00 pm in accordance with the conditions contained in the May 13, 2014 Commission Communication establishing said hearing date.

Respectfully Submitted

by: 
Michael P. Crotty
Town Manager

Attachment: Correspondence from Attorney Stanley Price dated April 28, 2014

Stanley B. Price, Esq.
Tel 305-350-2374
Fax 305-351-2204
sprice@bilzin.com

April 30, 2014

RECEIVED
MAY 02 REC'D

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

Re: The Shul of Bal Harbour


Dear Mr. Manager:

This letter will memorialize our understanding in regard to the possible public hearing to review the pending site plan approval for the Shul located between 95th Street and 96th Street on Collins Avenue.

This letter is to request that the Town Commission, at its May 13th meeting, schedule a date for a special meeting for the Shul's site plan approval.

It is clearly understood that in the event that the administrative law judge has not ruled on the administrative appeal of the Town's Comprehensive Plan Amendment prior to the scheduled date of the Shul's site plan special meeting, the Shul will agree to a continuance to the next specifically set special meeting date. To that end, nothing contained herein shall be deemed an admission against interests that the recent amendment to the Town's Comprehensive Plan impacts any prior approvals obtained by the Shul.

Very truly yours,


Stanley B. Price

SBP:cb

cc: Mitchell Feldman
Daniel Gilchinsky
Nancy Stroud
Linda Miller

MIAMI 4155156.1 80299/42345

Memorandum

To: Michael P. Crotty / Town Manager
From: Duncan Tavares, TEDACS Director
Date: 5/7/2014
Re: Change of President for the Community Garden Non-Profit

Per the April 11, 2014 email from the existing Community Garden non-profit President, Melissa Moonves, (reprinted below) there will be new leadership under Dayana Morillo:

Hi Michael,

As you know, I will be moving this summer. As requested, here are the names of the new leadership for the garden:

- president Dayana Morillo, who has been the vice president for 3 years,
- vice president Freddie Chiche, who has been very active in the garden since the beginning
- treasurer will not change, Jessie Fram

Please let me know so I can go ahead & update the garden's SunBiz entry.

Any questions, please call me at 305-502-6535

Thank you,

Melissa

Please note that this satisfies the requirement of notification as outlined in the Town's agreement with the non-profit.

cc. Linda Miller, Town Attorney

Please bring
report
previously
provided



TOWN OF SURFSIDE DISCUSSION ITEM

From: Vice Mayor Eli Tourgeman

Agenda Date: May 13, 2014

Subject: Community Notes move out of the Agenda and place with awards and presentations at 6:30 p.m. to 7:00 p.m.

On April 8, 2014, the Town Commission discussed Community Notes and changing the time of the presentation of the recognition awards to 6:30 p.m. A review of the meeting indicates a motion was made: "Motion to change awards and presentations to 6:30 p.m." Three members voted yes, two members voted no.

Discussion: Motion to move Community Notes to 6:30 p.m. together with awards and presentations.