



**Town of Surfside  
Awards and Presentations  
AGENDA**

**May 12, 2015**

**6:30 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**1. Calvin Webb III, Parks and Recreation Lifeguard**– Tim Millian, Park and Recreations Director

**2. Adjournment**

Respectfully submitted,



Guillermo Olmedillo  
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](http://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  
AGENDA**

**May 12, 2015**

**7 p.m.**

**Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154**

*Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.*

*Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.*

*Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.*

*\* 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.*

**1. Opening**

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

**2. Quasi-Judicial Hearings (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 that an item be removed from the Consent Agenda and discussed separately.*

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

- A. Minutes – Sandra Novoa, CMC, Town Clerk Page 1 - 22**
  - April 14, 2015 Regular Commission Meeting Minutes**
  - April 27, 2015 Special Commission Meeting – Traffic Management Plan**
- B. Budget to Actual Summary as of February 28, 2015 – Guillermo Olmedillo, Town Manager Page 23 - 26**
- \*C. Town Manager’s Report – Guillermo Olmedillo, Town Manager Page 27 - 37**
- \*D. Town Attorney’s Report – Linda Miller, Town Attorney Page 38 - 43**
- E. Committee Reports – Guillermo Olmedillo, Town Manager Page 44 - 61**
  - March 2, 2015 Tourist Board Meeting Minutes
  - March 16, Park and Recreations Committee Meeting Minutes
  - March 26, 2015 Planning and Zoning Board Meeting Minutes
- F. A Resolution Requesting that the Florida Department of Transportation and Miami-Dade County Coordinate its Projects with Municipalities for Projects within those Municipalities – Vice Mayor Tourgeman Page 62 - 64**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION AND MIAMI-DADE COUNTY COORDINATE ITS PROJECTS WITH MUNICIPALITIES FOR PROJECTS WITHIN THOSE MUNICIPALITIES; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SECRETARY OF FLORIDA DEPARTMENT OF TRANSPORTATION THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, ALL MUNICIPALITIES IN MIAMI-DADE COUNTY, THE MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; PROVIDING AN EFFECTIVE DATE.**

- G. A Resolution Supporting Senate Bill 378 (2015) to Expand Law Enforcement Officers' Ability to Give a Warning, Inform the Parents/Guardian or Issue Civil Citations for a Diversion Program to Juveniles in Lieu of Arrest – Vice Mayor, Tourgeman Page 65 - 67**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, SUPPORTING SENATE BILL 378 (2015) TO EXPAND LAW ENFORCEMENT OFFICERS' ABILITY TO GIVE A WARNING, INFORM THE PARENTS/GUARDIAN OR ISSUE CIVIL CITATIONS FOR A DIVERSION PROGRAM TO JUVENILES IN LIEU OF ARREST; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, ALL MUNICIPALITIES IN MIAMI-DADE COUNTY, THE MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; PROVIDING AN EFFECTIVE DATE.**

- H. Flavored Tobacco and Electronic Cigarettes Urging Resolution – Vice Mayor Tourgeman Page 68 - 73**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS AND E-CIGARETTES IN SURFSIDE, FLORIDA; AND TO PROHIBIT THE USE OF ELECTRONIC CIGARETTES AND OTHER NICOTINE DISPENSING DEVICES IN TOWN OWNED OR OPERATED ENCLOSED INDOOR WORKPLACES; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

- \*I. Contributions for Downtown Harding Avenue Business District Tree Lights – Guillermo Olmedillo, Town Manager Page 74 - 76**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING CONTRIBUTIONS TO SUSTAIN THE LIGHTING OF THE DOWNTOWN HARDING AVENUE BUSINESS DISTRICT TREE LIGHTS; PROVIDING AUTHORITY TO THE TOWN MANAGER TO ACCEPT ON BEHALF OF TOWN COMMISSION CONTRIBUTIONS FOR DOWNTOWN HARDING AVENUE BUSINESS DISTRICT TREE LIGHTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**\*J. Restructure of Solid Waste Commercial Rates – Guillermo Olmedillo, Town Manager [Linked to Item 4A2] Page 77 - 83**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, ESTABLISHING A NEW RATE STRUCTURE FOR COMMERCIAL SOLID WASTE REMOVAL FROM A FLAT RATE TO A PER YARD FEE WHICH SHALL BE EFFECTIVE JULY 1, 2015; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING AN EFFECTIVE DATE.**

**\*K. Town of Surfside Sewage Conveyance Services - Guillermo Olmedillo, Town Manager Page 84 - 93**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF MIAMI BEACH TO PROVIDE SEWAGE CONVEYANCE SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**4. Ordinances**

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

**A. Second Reading Ordinances**

- 1. Amending Chapter 54 “Prohibited Noises”, specifically Section 54-77 “Waiver of Division Provisions” – Commissioner Marta Olchyk Page 94-96**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY AMENDING SECTION 54-77 “WAIVER OF DIVISION PROVISIONS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

- \*2. Restructure of Solid Waste Commercial Rates – Guillermo Olmedillo, Town Manager [Linked to Item 3J] Page 97 - 104**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 66-35, "SCHEDULE OF FEES" OF THE CODE OF ORDINANCES TO ESTABLISH A NEW RATE STRUCTURE FOR COMMERCIAL SOLID WASTE REMOVAL FROM A FLAT RATE TO A PER YARD FEE WHICH SHALL BE EFFECTIVE JULY 1, 2015; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- \*3. Ordinance Amending Town of Surfside Code Chapter 26 entitled "Elections", by Creating Section 26-13 thereof entitled "Supplemental Qualifying Period" – Linda Miller, Town Attorney Page 105 - 108**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING TOWN OF SURFSIDE CODE CHAPTER 26 "ELECTIONS", BY ADDING THERETO SECTION 26-13 ENTITLED "SUPPLEMENTAL QUALIFYING PERIOD", FOR THE PURPOSE OF ESTABLISHING BY ORDINANCE, (PURSUANT TO TOWN CHARTER SECTION 105(8)) THAT NO FURTHER SUPPLEMENTAL QUALIFYING PERIOD SHALL BE ESTABLISHED IF A VACANCY IN CANDIDACY OCCURS WITHIN THIRTY-FIVE (35) DAYS PRIOR TO THE DATE OF AN ELECTION FOR THE OFFICE OF TOWN COMMISSIONER OR MAYOR; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CODE AND EFFECTIVE DATE.**

- \*4. An Ordinance of the Town commission of the Town of Surfside, Florida amending pursuant to Florida Statue sections 100.3605(2) and 166.021(4), Section 101 of the Town of Surfside Charter regarding "Qualifying for Elected Office" with limited applicability to establishment of qualifying dates for the Town's March 15, 2016 General Election, and establishing end date for supplemental qualifying period for said March 15, 2016 Election; providing for severability, conflict, inclusion in Town Charter/Code, notification to County and effective date. – Linda Miller, Town Attorney Page 109 - 126**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING PURSUANT TO FLORIDA STATUTE SECTIONS 100.3605(2) AND 166.021(4), SECTION 101 OF THE TOWN OF SURFSIDE CHARTER REGARDING “QUALIFYING FOR ELECTED OFFICE” WITH LIMITED APPLICABILITY TO ESTABLISHMENT OF QUALIFYING DATES FOR THE TOWN’S MARCH 15, 2016 GENERAL ELECTION, AND ESTABLISHING END DATE FOR SUPPLEMENTAL QUALIFYING PERIOD FOR SAID MARCH 15, 2016 ELECTION; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CHARTER/CODE, NOTIFICATION TO COUNTY AND EFFECTIVE DATE.**

*(Set for approximately 9:30 p.m.) (Note: Good and Welfare must begin at 8:15)*

**B. First Reading Ordinances**

- \*1. Water Supply Facilities Work Plan - Guillermo Olmedillo, Town Manager  
Page 127 - 131**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN’S WATER SUPPLY FACILITIES WORK PLAN AND APPLICABLE ELEMENTS WITHIN THE TOWN’S COMPREHENSIVE PLAN RELATING TO WATER SUPPLY PLANNING; PROVIDING FOR INCLUSION IN THE TOWN OF SURFSIDE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- 2. Practical Difficulty Variance – Commissioner Barry Cohen Page 132 - 140**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING “SECTION 90-36 VARIANCES”; SPECIFICALLY AMENDING “90-36.1 GENERAL VARIANCES” TO MODIFY THE CODE TO PROVIDE FOR A PRACTICAL DIFFICULTY VARIANCE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**3. Residential Sheds – Guillermo Olmedillo, Town Manager Page 141 - 145**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND AMENDING “SECTION 90-54 ACCESSORY BUILDINGS AND STRUCTURES IN THE H30A AND H30B DISTRICTS”; AND SPECIFICALLY AMENDING SECTION 90-54.7 RELATED TO SHEDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**5. Resolutions and Proclamations**

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

**\*A. Seawall Inspection Condition Report & Florida Inland Navigation District (FIND) Grant Funding Opportunity – Guillermo Olmedillo, Town Manager Page 146 - 167**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING ASSISTANCE UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, AUTHORIZING CALVIN GIORDANO AND ASSOCIATES, INC. (“CGA”) TO PREPARE GRANT APPLICATIONS; PROVIDING AUTHORIZATION TO THE TOWN MANAGER; 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 that an item be removed from the consent agenda and discussed separately.*



## 8. Unfinished Business and New Business

- \*A. **Sustainability Committee** – Mayor Daniel Dietch **Page 168 - 170**
- \*B. **94<sup>th</sup> Street Parking Structure Land Use/Zoning Analysis** – Commissioner Barry Cohen **Page 171 - 173**
- \*C. **Parking Lot Parking Structure Update** – Guillermo Olmedillo, Town Manager **Page 174 - 181**

## 9. Mayor, Commission and Staff Communications

- \*A. **Newspaper Advertisement Cost Analysis** – Guillermo Olmedillo, Town Manager **Page 182 - 184**
- B. **Traffic Management Plan – Short Term Solutions** – Guillermo Olmedillo, Town Manager **Page 185 - 186**
- C. **Clarification of Town Policies and Procedures for Representation of Town of Surfside and Town Commission Recognition Policies and Procedures** - Guillermo Olmedillo, Town Manager **Page 187 - 191**

## 10. Adjournment

Respectfully submitted,



Guillermo Olmedillo  
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](http://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 14, 2015  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> 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 Olchyk, Commissioner Karukin and Commissioner Cohen.

**C. Pledge of Allegiance**

Police Chief Allen led the Pledge of Allegiance

**D. Mayor and Commission Remarks – Mayor Daniel Dietch**

**E. Agenda and Order of Business Additions, deletion and linkages**

Commissioner Karukin asked to link Item 9A - 94<sup>th</sup> Street Parking Structure Land Use/Zoning Analysis to Item 9B - Parking Lot Parking Structure Update. Commissioner Karukin asked if we could move up Item 9E Traffic Management Plan on the agenda.

As a point of privilege the Mayor said he had received a request from the Principal at Ruth K. Broad asking if we could prepare some proclamation from the town to reach out to retiring teachers. He suggested this may also be done for other schools and to add this as a discussion item.

Commissioner Karukin made a motion to accept the linkages as discussed. The motion received a second from Commissioner Cohen and all voted in favor.

**F. Community Notes – Mayor Daniel Dietch**

Mayor Dietch announced the upcoming community events which can be found on the Town's website. Commissioner Karukin thanked Yamileth Slate-McCloud, Director of Human Resources for the teamwork in the Cancer Walk for Life event. Vice Mayor Tourgeman gave an update on the Tourist Board Meeting and upcoming events. Commissioner Cohen thanked everyone as they were coming up on their one

year anniversary on the Commission. He also said he was available to meet and one should contact him through the town manager.

**2. Quasi-Judicial Hearings (None)**

**3. Consent Agenda**

Commissioner Karukin pulled items 9, 14, 16, and 17 from the Town Managers Report.

Commissioner Karukin made a motion to approve the consent agenda minus the pulled items. The motion received a second from Mayor Dietch after passing the gavel and all voted in favor.

**A. Minutes** – Sandra Novoa, CMC, Town Clerk

**March 10, 2015 Regular Commission Meeting Minutes**

**B. Budget to Actual Summary as of January 31, 2015** – Guillermo Olmedillo, Town Manager

**\*C. Town Manager’s Report** – Guillermo Olmedillo, Town Manager

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

**E. Committee Reports** – Guillermo Olmedillo, Town Manager

- February 2, 2015 Tourist Board Meeting Minutes
- February 18, 2015 Special Planning and Zoning Board Meeting Minutes
- February 23, 2015 Parks and Recreation Committee Meeting Minutes

**F. Approve and enter into an Interlocal Agreement with Miami Dade County for the use of the County Solid Waste Management System** – Guillermo Olmedillo, Town Manager

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR USE OF THE COUNTY SOLID WASTE SYSTEM MANAGEMENT SYSTEM; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**G. Grant Writing Agreement** – Guillermo Olmedillo, Town Manager

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE AGREEMENT FOR GRANT WRITING SERVICES WITH ANGIE BREWER AND ASSOCIATES, LC. ATTACHED HERETO AS ATTACHMENT “A” TO APPLY FOR GRANTS ON BEHALF OF THE TOWN PER THE REQUEST FOR PROPOSAL NO. 2014-009 (THE “RFP NO. 2014-009”);**

**PROVIDING FOR IMPLEMENTATION AND AUTHORIZATION OF AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**H. Destination Resorts and Gambling Opposition Resolution – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE FLORIDA LEGISLATURE TO OPPOSE HB 1233 AND REJECT ANY AND ALL EXPANSIONS OF DESTINATION RESORTS AND GAMBLING IN FLORIDA; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA LEGISLATURE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**I. Water Conservation Month and Challenge for Water Conservation – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN OF SURFSIDE DECLARING APRIL AS WATER CONSERVATION MONTH IN THE TOWN OF SURFSIDE, FLORIDA, AND SUPPORTING THE NATIONAL “WYLAND MAYOR’S CHALLENGE FOR WATER CONSERVATION” IN THE TOWN OF SURFSIDE; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA LEGISLATURE, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, AND ALL THE MUNICIPALITIES OF MIAMI-DADE COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**J. Approval of Expenditure of Forfeiture Funds to Purchase Electronic Control Devices – Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2014/2015 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$9,642.54 FROM THE FORFEITURE FUND FOR THE PURCHASE OF 6 (SIX) TASERS X2 DEVICES AND ACCESSORIES FOR THE POLICE DEPARTMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**K. Resolution Accepting the Pac Comm, Inc. RFP Response for Seawall Repair –  
Guillermo Olmedillo, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF  
SURFSIDE, FLORIDA, AWARDED REQUEST FOR PROPOSAL NO. 2014-  
003 (“RFP NO. 2014-003”) TO PAC COMM, INC. FOR THE SURFSIDE  
SEAWALL REPLACEMENT; PROVIDING FOR AUTHORIZATION AND  
APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

Approved on consent.

**4. Ordinances**

**A. Second Reading Ordinances**

**B. First Reading Ordinances**

- 1. Amending Chapter 54 “Prohibited Noises”, specifically Section 54-77  
“Waiver of Division Provisions” – Commissioner Marta Olchyk**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA  
AMENDING CHAPTER 54 “PROHIBITED NOISES”;  
SPECIFICALLY AMENDING SECTION 54-77 “WAIVER OF  
DIVISION PROVISIONS”; PROVIDING FOR INCLUSION IN THE  
CODE; REPEALING ALL ORDINANCES OR PARTS OF  
ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR  
AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.

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

- 2. Restructure of Solid Waste Commercial Rates – Guillermo Olmedillo,  
Town Manager**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA,  
AMENDING SECTION 66-35, “SCHEDULE OF FEES” OF THE  
CODE OF ORDINANCES TO ESTABLISH A NEW RATE  
STRUCTURE FOR COMMERCIAL SOLID WASTE REMOVAL  
FROM A FLAT RATE TO A PER YARD FEE WHICH SHALL BE  
EFFECTIVE JULY 1, 2015; PROVIDING FOR INCLUSION IN THE  
CODE; REPEALING ALL ORDINANCES OR PARTS OF**

**ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.

Public Works Director Joseph Kroll gave an update on the item.

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

**3. Water Supply Facilities Work Plan - Guillermo Olmedillo, Town Manager**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN'S WATER SUPPLY FACILITIES WORK PLAN AND APPLICABLE ELEMENTS WITHIN THE TOWN'S COMPREHENSIVE PLAN RELATING TO WATER SUPPLY PLANNING; PROVIDING FOR INCLUSION IN THE TOWN OF SURFSIDE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Tourgeman made a motion to defer this item to the May 12, 2015 Town Commission meeting at 7:00 pm. The motion received a second from Commissioner Olchyk and all voted in favor.

Commissioner Karukin made a motion to take item 9E next. Vice Mayor Tourgeman seconded the motion and all voted in favor.

**4. Ordinance Amending Town of Surfside Code Chapter 26 entitled "Elections", by Creating Section 26-13 thereof entitled "Supplemental Qualifying Period" – Linda Miller, Town Attorney**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING TOWN OF SURFSIDE CODE CHAPTER 26 "ELECTIONS", BY ADDING THERETO SECTION 26-13 ENTITLED "SUPPLEMENTAL QUALIFYING PERIOD", FOR THE PURPOSE OF ESTABLISHING BY ORDINANCE, (PURSUANT TO TOWN CHARTER SECTION 105(8)) THAT NO FURTHER SUPPLEMENTAL QUALIFYING PERIOD SHALL BE ESTABLISHED IF A VACANCY IN CANDIDACY OCCURS WITHIN THIRTY-FIVE (35) DAYS PRIOR TO THE DATE OF AN ELECTION FOR THE OFFICE OF TOWN COMMISSIONER OR MAYOR; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CODE AND EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.  
Commissioner Karukin made a motion for discussion. The motion received a second from Commissioner Cohen.

Jean Olin, Special outside Council presented the item.

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

5. **An Ordinance of the Town commission of the Town of Surfside, Florida amending pursuant to Florida Statute sections 100.3605(2) and 166.021(4), Section 101 of the Town of Surfside Charter regarding “Qualifying for Elected Office” with limited applicability to establishment of qualifying dates for the Town’s March 15, 2016 General Election, and establishing end date for supplemental qualifying period for said March 15, 2016 Election; providing for severability, conflict, inclusion in Town Charter/Code, notification to County and effective date. – Linda Miller, Town Attorney**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING PURSUANT TO FLORIDA STATUTE SECTIONS 100.3605(2) AND 166.021(4), SECTION 101 OF THE TOWN OF SURFSIDE CHARTER REGARDING “QUALIFYING FOR ELECTED OFFICE” WITH LIMITED APPLICABILITY TO ESTABLISHMENT OF QUALIFYING DATES FOR THE TOWN’S MARCH 15, 2016 GENERAL ELECTION, AND ESTABLISHING END DATE FOR SUPPLEMENTAL QUALIFYING PERIOD FOR SAID MARCH 15, 2016 ELECTION; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CHARTER/CODE, NOTIFICATION TO COUNTY AND EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.  
Vice Mayor Tourgeman made a motion for discussion. The motion received a second from Commissioner Karukin.

Jean Olin, Special outside Council presented the item. Ms. Olin clarified the ordinance in detail as the Commission had some questions. Vice Mayor Tourgeman was in favor of the ordinance and said we should then reconvene and then decide if we should then have the town elections at the same time as the Miami-Dade County elections as more people do come out to vote.

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



## 5. Resolutions and Proclamations

### A. 4<sup>th</sup> of July Fireworks – Guillermo Olmedillo, Town Manager

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE EXPENDITURE FOR ZAMBELLI FIREWORKS MANUFACTURING CO. FOR EXHIBITION AND DISPLAY OF FIREWORKS; APPROVING THE EXPENDITURE OF \$4,000.00 FROM THE RESORT TAX FUND, ACCOUNT NO. 102-8000-552-48-10 AND \$8,000.00 FROM THE GENERAL FUND, PARKS & RECREATION DEPARTMENT, ACCOUNT NO. 001-6000-572-4810; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

### Public Speakers:

-David Wall questioned the stop sign on Abbot and 88<sup>th</sup> Street and asked if that could be looked into.

-Sasha Plutno has a problem with the construction noise beginning early in the morning and the time it ends. He also spoke regarding the loss of the 10% discount for flood insurance and asked where the town stands on the issue as to getting the discount back from FEMA. He also had an issue with the closing of Byron Ave due to traffic management and residents having several cars and are being cited for parking on the grass on their own property when they only have a one car garage and one additional parking space in their driveway. Vice Mayor Tourgeman said the Building Official and the Commission have been working very hard to get us back on track with FEMA for the discount. Commissioner Karukin asked that the FEMA update be put on the agenda for the next meeting.

-Clara Diaz-Leal said the lounge chairs from the resorts are taking up a lot of beach space and residents who pay taxes are finding it hard to find a space. She would like the Commission to look into some type of regulation. Commissioner Karukin said he has the same concern and although it is not on this evening's agenda he plans on bringing it up for discussion.

-Jessie Flax and Stanley Flax spoke about an elevation certificate and article in the Gazette which said help can be obtained from the town. They said they called the town officials for assistance and have only gotten a run around and no help. Building Official Ross Prieto responded and said if they had an elevation certificate in their file they would be happy to provide them with one. If they did not, Mr. Flax would have to obtain one from his surveyor. The Mayor suggested Mr. Flax follow up with the Town Manager to try to resolve the issue. Mrs. Flax complained about residents who do not pick up after their dogs as well as dogs using her lawn and not the street. She feels some residents have a total disrespect for their neighbors and wants to know what can be done.

-Marianne Meischeid said after 13 months on the sand issue she hopes it is resolved and that action is taken as this issue was voted on several times and nothing was done. She

asked the Town Manager to be their advocate and push for what the citizens want. She asked if he would promise to do this with DEP and follow up in a timely fashion for action to be taken before turtle season.

-George Kousoulas spoke about the beach chairs and basically the beach is a common area with no one having an allotted space and is a first come, first serve. The Commission may wish to keep that in mind when they discuss the matter. Commissioner Olchyk said she has been raising this issue for over two years and has proposed to be the liaison person with Dade County and has never been asked to participate in any meetings on the matter of concessions on the beach area. She said this issue cannot be resolved by the town alone but is up to Dade County and may take a long time for a resolution. Commissioner Karukin agreed with Commissioner Olchyk.

-Elizabeth Levine said she sees a difference in the citizens attending the meeting as more are coming to express their views and their concerns about the town and not only on one particular issue. She urges the Commission to make good decisions that will greatly impact the town and its residents.

-Lou Cohen looked back at the Commission in their term and he reflected on the “best of times and the worst of times.” He said the best of time was the transparency in setting the budget and the worst of time was the sand issue which took a lot of time, energy and repetition. He thanked the Commission for finally coming to the right decision. For wisdom he commended the Commission on the hiring of Town Manager Olmedillo and for the age of silliness he said the vote to give department heads a raise (which they deserved) and then hold back on it was silly. He said to look to the future and wishes it to be less stressful and more fun for them.

-Lee Gottlieb of Youth Environmental Alliance thanked the town for leading the way and piloting the first resilient feature on our beaches. He told of the elevation process on 94<sup>th</sup> Street to help protect against storm surge.

-Eneida Lopez said she loves Surfside but has been approached by a developer for her property and has made an arrangement with them for their proposed new development. She has been informed that the town has put their proposal to go forward on hold and she feels they should be grandfathered in under the existing conditions when they first applied.

No one else wishing to speak the Mayor closed Good and Welfare.

Manager Olmedillo responded to some of the concerns of the residents. As to the chairs on the beach he gave an update as to what has been done and his communications with Dade County and the denials from State. He said there may be a way to have more control on the issue and it was suggested to him that we could issue an ordinance presenting safety issues rather than the usual approach. He has been working with our legal department to bring something back to the Commission.

Manager Olmedillo explained the parameters in place for construction hours but said there are instances where they must work outside those hours. Unfortunately with construction there is noise but they are working to try to minimize the hours and special conditions. They have been meeting with project managers on various projects to get updates as to what will be happening next in their development.

As to DEP, Manager Olmedillo said they have been working with them through our Legal Dept. and representatives at State and have been pushing hard to get things resolved. He said they have to keep on trying and not let up.

The Manager addressed the elevation certificate issue and the setback issue. Building Official Ross Prieto gave an update on the FEMA issue and we are now waiting for our rating.

**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**

**A. Sustainability Committee – Mayor Daniel Dietch**

Item deferred to May 12, 2015 Town Commission meeting.

**B. Next Step for Review of the Charter Review – Commissioner Michael Karukin**

Item deferred to May 12, 2015 Town Commission meeting.

**C. Confirming the May 4, 2015 Joint Meeting of the Town Commission and Tourist Board – Guillermo Olmedillo, Town Manager**

Item deferred to May 12, 2015 Town Commission meeting.

**D. Flavored Tobacco and Electronic Cigarettes – Vice Mayor Eli Tourgeman**

Item deferred to May 12, 2015 Town Commission meeting.

**\*E. Beach Sand Update – Guillermo Olmedillo, Town Manager**

Vice Mayor Tourgeman said at the last Commission Meeting the Town Manager was given clear direction to contact the Surf Club with their recommendations and have the Surf Club respond back to him by Friday of that week. He understands that the Surf Club did not respond and had to be called several times. He said this has been going on too long and thought this item was put to rest at the last meeting to remove and replace the sand. He asked for clarification as to why we are discussing this once again and is very upset as clear direction was given.

Because there were so many public speakers on this issue and many others for other issues, the Mayor asked if we could limit the time to less than the allotted three minutes on the sand issue. There were some outbursts from the citizens and the Mayor said there is a standard of decorum at meetings and asked that they respect the Commission and the process of the meeting.

Commissioner Cohen said the Surf Club has come back with three options which the Town Manager will present. He suggested that speakers do not come up to repeat the same thing but only if they have something new to add. Commissioner Karukin said that all the evidence indicates the sand is safe and not toxic so why are we insisting it be removed and replaced. He further stated that many residents do not feel the sand has to be replaced but do not attend the meetings because they fear of being booed. There

was clarification from Vice Mayor Tourgeman that the sand is still full of debris and that is why it has to be replaced. Commissioner Karukin said some of the debris found was at the shoreline and impossible to tell if it came from the Surf Club.

The Mayor asked that we move to hear from the Town Manager, Fort Capital and the residents. Vice Mayor Tourgeman was very adamant in saying he will not hear this issue again next month and this item must come to a closure this evening.

Town Manager Olmedillo gave an update as to what occurred after the last Commission meeting and that the town and the Surf Club had meetings with DEP. He read a letter from DEP regarding the town's role in the issue. He received a letter today from Fort Capital with three options. (1) an enhanced sifting of the sand - DEP approved; (2) same as (1) with adding new sand on top - DEP approved; (3) to remove and replace the sand - DEP would look into it and in principal would be affirmative to it.

Michael Tachmes representing Fort Capital addressed the Commission and said they would abide by the option the Commission decides on and present it to DEP. He introduced Harvey Sasso consultant from Coastal Systems who gave an overview of the three options with a power point presentation. He gave a timeline for the options. Commissioner Karukin asked if it was correct that if the sand were to be replaced that in 2017 we are scheduled for beach renourishment and new sand will be placed on top of what we replace this year. The consultant said he was correct.

Commissioner Cohen made a motion to hear Good and Welfare after item 9E. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Tourgeman in opposition.

The Mayor asked the consultant to clarify the difference in the sifting being proposed as to what was done before. Vice Mayor Tourgeman read a paragraph from a letter received from an expert that said there is no guarantee that sifting will clear the sand of all debris.

Commissioner Cohen made a motion that Fort Capital and or the Surf Club remove the sand and then replace it with acceptable sand subject to FDEP approval. Vice Mayor Tourgeman made a friendly amendment that Fort Capital and or the Surf Club will submit application to DEP within a week. The motion received a second from Vice Mayor Tourgeman.

The timeline to get this done before turtle season was discussed. The Mayor suggested sifting now and bringing in new sand. Commissioner Cohen suggested they do the sifting anyway and apply to DEP for option 3 to scrape and replace. Commissioner Karukin asked if there would be any cost to the town with any of the three options. Town Manager Olmedillo responded that it would not cost the town anything.

Commissioner Karukin asked that the motion be read and a vote taken. City Clerk Sandra Novoa read the motion – “Commissioner Cohen made a motion that Fort Capital and or the Surf Club remove the sand and then replace it with acceptable sand subject to FDEP approval. Vice Mayor Tourgeman made a friendly amendment that Fort Capital and or the Surf Club will submit application to DEP within a week. The motion received a second from Vice Mayor Tourgeman.” A vote was taken and all voted in favor. Mayor Dietch felt there were better options but wanted to put the issue to rest and voted in favor.

The Mayor opened the meeting for public speaking.

Public Speakers:

- Claudio Riedi representing Ms. Cimadevilla and Mr. Taylor said he agreed with Vice Mayor Tourgeman and we should not sift again. He further stated the town should aggressively request DEP agree to the scrape and replace the sand.
- Deborah Cimadevilla said at her expense she had to hire an attorney for something the town should not have allowed to happen. She especially thanked Vice Mayor Tourgeman for his support on this issue. She addressed the sifting and why it would not work and the process for bringing in new sand must be done now.
- Sharon Goldberg spoke on the health risks of debris and toxins in the sand.
- Monica Grandeze said there was no debris before the fill of the Surf Club. She especially thanked Commissioner Cohen, Olchyk and Vice Mayor Tourgeman for listening to the citizens.
- Judy Martinez said she has to go to Bal Harbour Beach as she is afraid to bring her child to the Surfside beach.
- Jeffery Platt thanked the Commission for finally making the right decision. He mentioned that by law nothing should be on the beach during turtle season and suggested there should be some regulations as to the stacks of chaise lounges left on the beach. He further stated that the chairs are ruining our dunes and the vegetation which should be there.
- Norma Parron thanked the Commission for finally making its citizens happy and also thanked Fort Capital for doing what is right.
- Glyn Taylor said this has to be resolved immediately as it poses a danger to those who use the beach especially children. He further said he does not agree with Commissioner Karukin about the debris on the beach and said “he was full of it.” He also does not agree with the Mayor’s views and said the debris is out there if they cared to look and it was time for a recall.
- Patricia Fernandez said after playing in the sand her child comes home covered in a white dust which is not sand. Instead of finding shells she finds debris. The town made a mistake by allowing this to happen and now the residents demand it be fixed.
- Kevin Dillon asked if there would be a plan in place to see how the progress would be moving. Town Manager Olmedillo said they would be

following up daily with DEP trying to get this completed in the briefest period of time. Once consent is given by DEP it will be posted.

-Paula Flores thanked the Commission for finally making the right decision

-Emil Temeltas thanked the Commission for its decision and wants to believe them but feel they have been misled in the past. As the Commission asks for respect he said the residents also want respect from their elected officials. He further said documentation is being made of the sand issue.

No one else wishing to speak on this issue the Mayor closed the public speaking and moved on to Good and Welfare.

## **9. Mayor, Commission and Staff Communications**

- A. 94<sup>th</sup> Street Parking Structure Land Use/Zoning Analysis** – Commissioner Barry Cohen (Linked to 9B)  
Item deferred to May 12, 2015 Town Commission meeting.
- B. Parking Lot Parking Structure Update** – Guillermo Olmedillo, Town Manager (Linked to 9A)  
Item deferred to May 12, 2015 Town Commission meeting.
- C. Building Department Inspectors Salary Adjustment** – Guillermo Olmedillo, Town Manager  
Commissioner Olchyk made a motion to deferred this item to the May 12, 2015 Regular Commission meeting. The motion received a second from Vice Mayor Tourgeman and all were in favor.
- D. Zoning in Progress – Corridor Analysis 94<sup>th</sup> Street to 88<sup>th</sup> Street** – Commissioner Michael Karukin  
Commissioner Karukin presented the item and an update and said this has been regarded as a high priority item as to not permit a Marriott size building. Planning and Zoning Board are asking to put this on a 90 day hold until such time as Planning and Zoning, the Town Planner and the Commission have time to complete its work.

Town Planner Sarah Sinatra gave more details on the area. Vice Mayor Tourgeman said he did not see the urgency on this. Planner Sinatra wanted to clarify that on the Collins side of the street there would be 150 ft building length and 75ft on Harding. Planner Sinatra explained they are modeling and testing the issue of size and what can be developed.

Vice Mayor Tourgeman said he understands there is application for two projects over 90 ft. and if zoning in progress is in place they would not be able to go forward for the time being. The Mayor opened the issue for public speakers.

### Public Speakers:

-Patricia Fernandez wants to know what the plans are for this corridor as numerous people have inquired about buying their property and if the

zoning code has been changed. Town Planner Sinatra said her side of the avenue is residential and that has not changed.

-George Kousoulas thought the Town Planner was approaching this correctly but asked the Commission to look at what they want the town to look like for the future. Before they set code limitations they may want to think what it may mean for the town.

-Rick Superstein feels the way this is being done is arbitrary and inconsistent. He feels we are reacting to the Marriott building and garage and we need time to rethink this issue and perhaps not downsize it so much. He is against alleyways and thinks Planning and Zoning were not aware of the dangers they may create. He also spoke about buildings designated as historic.

-Beatriz Valli a realtor said her client bought property at 88<sup>th</sup> St and Harding and has spent over \$12,000 so far and is now told the project is put on hold. Town Attorney Miller said for the record we cannot get into the merits of the individual development of a project. Ms. Sinatra can give information about the application.

-David de Cespedes said if the zoning in progress does happen it will affect his family by not being able to obtain the home they wish to have because developers will have to stop their projects.

-Juan David architect for a project on 88<sup>th</sup> St and Harding said his client has spend in excess of \$45,000 and it is not fair to have this project stopped and asks the Commission not to impose zoning in progress to his client.

-Jeffrey Bercow attorney, representing landowners on 88th St and Harding and Collins spoke about the legislative process and why zoning in progress would be unfair to his client. If zoning in progress goes forward he asks that those who already have approved applications for development be excluded. Leonardo Ambard the architect spoke and said he has worked with the city and has gotten approval and now the rules are being changed which is unfair.

No one else wishing to speak the Mayor closed the public speaking.

Vice Mayor Tourgeman did not see the urgency and is against zoning in progress for this area. Commissioner Olchyk said placing herself in the position of the people who have purchased land, paid fees and getting approvals she does not think it fair to change the rules for those involved and will not vote for it.

Commissioner Karukin withdrew the item.

Commissioner Karukin made a motion to take item 9E Traffic Management Plan next. The motion received a second from Vice Mayor Tourgeman and all voted in favor.

Vice Mayor Tourgeman made a motion to defer item 4B3 Water Supply Facilities Work Plan to May 12, 2015. The motion received a second from Commissioner Karukin and all voted in favor.

**E. Traffic Management Plan**– Guillermo Olmedillo, Town Manager  
Manager Olmedillo presented the item and gave an update focusing on the infiltration of traffic and speeding in the residential areas. Police Chief Allen gave more details on the item and presented some recommendations.

Vice Mayor Tourgeman thanked the Chief for his presentation and proposals. He is in agreement with all except further closures of streets because he feels it will then divert the traffic westward into other residential neighborhoods. He prefers slowing down the speed by installing ripples and more stop signs which may force traffic to use Collins Avenue. He is in favor of a gated community before closing more streets and suggests a gate on 94<sup>th</sup> Street.

Commissioner Olchyk said she also was against street closures but in favor of more stop signs and devices to slow the speed.

Commissioner Cohen said we should just close off Surfside. Commissioner Karukin asked that we take no action until this is properly vetted.

There was further discussion regarding removal of the circle and gating the community. Manager Olmedillo explained the process in getting approval from Dade County to gate a community.

Vice Mayor Tourgeman made a motion that no action be taken. The motion received a second from Commissioner Karukin and all voted in favor with Mayor Dietch in opposition.

Mayor Dietch passed the gavel and made a motion that there be a special workshop on the Traffic Management Plan in the next thirty days. The motion received a second from Commissioner Cohen and all voted in favor with Vice Mayor Tourgeman in opposition.

Commissioner Karukin made a motion to extend the meeting 1 hour. The motion received a second from Mayor Dietch after passing the gavel. The motion passed 3 to 2 with Commissioner Cohen in opposition and Commissioner Olchyk absent for the vote. Commissioner Olchyk exited at 10:57 p.m.

The Mayor opened the item up for public speakers.

Public Speakers:

Clara Diaz-Leal said residents are finally paying attention but unfortunately only when it affects them. We should be involved in all issues as she feels we are poor planners especially with the new construction that has occurred. She addressed the traffic problem.



- Ron Bassman said the increase in traffic on residential streets has to be worked out.
- Monica Grandeze although she does not live on Byron she sees the problem these people are faced with and good planning is needed.
- Deborah Cimadevilla said after speaking to some officials there would have to be several gates around the residential community and is it realistic to build gatehouses. She also spoke of future development and more people coming in.
- Elizabeth Levine thanked the Commission for postponing this and organizing a workshop and she also thanked Chief Allen. With all due respect, she suggested that if the Byron Avenue issue comes up in the workshop the Mayor should recuse himself or abstain from voting.
- Jared Plutt will reserve his comments till a later time.
- Norma Parron feels that people who live in condos are not included in decision making. She said gating a community is not an easy matter and one has to think about cars lining up to visit guests. Also, there is the issue of all the construction going on and feels we cannot make any decisions until all is completed. She also said the traffic on Collins is very bad and the people who live in the condos are to be considered also.
- Steven Levine said Byron has a problem and agrees that he would not like to see neighbor against neighbor. However if you solve one person's problem you will be creating a problem for the next block.
- Maria Kupferberg believes blocking off Byron only pushes the problem to another street and it is not the answer. With all the new development going up more people will be moving in and the traffic will get worse. She believes the only solution will be to gate the community.
- Richard Iacobacci said he is afraid that this issue may pit neighbor against neighbor but blocking off Byron is not the solution. He agrees with further study of the issue and the workshop. He also feels more speeding tickets should be issued during peak hours.
- Joseph Fuist said until this is resolved he hopes they will continue to have heightened enforcement on Byron.
- Alex Motola is against the closing of Byron as traffic diverts to Carlisle. Closing of all entrances except for residences may be a temporary solution (a sign posted indicating for residences only).
- Ed Borges does not think closing Byron is the solution as traffic will then divert west to Carlisle. He is in favor of issuing more speeding tickets.
- Michael Cariglio said the traffic has become unbearable on Byron and is concerned about the safety of his children. He said the Police Chief agreed with the residents that Byron is a public safety issue.
- Marban Gyires spoke about the safety issue and perhaps create a maze so traffic does not want to come into Surfside. He believes closing the street is shortsighted and the issue needs more study before anything done.
- Michael Harari believes slowing down traffic with stop signs and speed bumps is a good idea and hopes all will be involved in the decision making not just those on a particular block.
- Michelle Kligman thanked the Commissioners who voted to take no action as this is an important issue which involves the entire community.

She does not think closing Byron is the answer and hopes the Commission listens to all the residents when making their decision.

-Brendan Mahoney said over the years this issue has become a public safety issue. The issuance of tickets and stop signs are not working and something has to be done. The town has taken a year dealing with the sand and the town needs to do something about this issue.

-Renee Tischler agrees with the recommendations of the Town Manager and said Byron Avenue is unsafe and something should be done now even if we have to change to a better plan in the future.

-Larisa Alonso said she was not in favor of closing just one street Byron but all should come together and see what is best for the entire community not just a selected street. We should not continue with the poor planning.

-Sarah Pack said she did not want the issue to become a battle of the blocks and hopes all will get involved to work at a resolution.

-Sandy Posso suggested doing trials by closing various streets and then changing to other streets to see how traffic flows.

Commissioner Karukin asked the Town Manager to have CGA make available the traffic study done in 2012 for the workshop.

Mayor Dietch passed the gavel and made a motion to issue a proclamation to four retiring teachers. The motion received a second from Commissioner Karukin and all voted in favor with Commissioner Olchyk absent.

Commissioner Cohen exited at 11:30 p.m.

## 10. Adjournment

Vice Mayor Tourgeman exited at 11:48 p.m. There was no longer a quorum and the meeting ended at 11:48 p.m.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk



**Town of Surfside**  
**Special Town Commission Meeting**  
**MINUTES**  
**April 27, 2015**  
**6 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 6:00 P.M.

**B. Roll Call of Members**

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

**C. Pledge of Allegiance**

Chief Allen led the Pledge of Allegiance

**2. Traffic Management Plan Background** – Guillermo Olmedillo, Town Manager

Manager Olmedillo began by addressing a few housekeeping items. By law the maximum number of people who can be in this room is 99 and if they exceed that number some people may have to wait outside. The second item referred to those wishing to speak and he asks they fill out the speaker cards outside and to write clearly so we have a record.

Manager Olmedillo said they have invited several traffic experts who will advise and help with the issue.

He introduced MDC Assistant County Attorney Bruce Libhaber who deals with traffic issues from a legal aspect. He said Collins and Harding are State owned and any changes would need approval from State Dept. of Transportation and not the County. He gave an overview of the County Home Rule Charter and the different type of roads. Closing of streets, barricades and gates would need County approval. He further mentioned consideration be given to the residents of Indian Creek who must go through Surfside to get to and from their residence when thinking of closing a street. He gave further legalities regarding public vs. private roads and man operated guard gates as well calming devices. Commissioner Cohen asked about special taxing assessment and if all residents of Surfside would be involved or only those of whose roads are involved. Mr. Libhaber explained who would be assessed. There was a review of the history of what occurred in 1996 when Surfside closed off a street and there was litigation and the street had to be reopened.

Commissioner Cohen asked if the 2012 traffic study is applicable today as there is a different situation now. Commissioner Karukin said the study did go five years out and included some of the new construction and the study did take into account all of the scenarios in question. He also said Policy Chief Allen did a supplemental study. Based on the studies, Manager Olmedillo read the recommendations of MDC and named various traffic circles they suggested.

Joan Shen, Traffic Engineer Division Chief of MDC said the recommendations made and approved by MDC also need approval from the Fire Dept as well because emergency vehicles will also be slowed down. Residents will also have their input and the County would require seeing the final plans.

Commissioner Karukin said before anything is done they must identify the problem and then use the computer system software to model a resolution. Ms. Shen explained the software and whether using the software would be beneficial to the town.

Mayor Dietch asked what the process would be to close off Byron at 88<sup>th</sup> St. to northbound traffic. Mr. Libhaber said MDC would require a traffic study first. Ms. Shen said MDC does not look at street closing favorably but prefers other means such as slowing down traffic in various ways. The Mayor asked Ms. Chen to explain why she suggests traffic circles as he feels they do not function properly in Surfside. Ms. Chen addressed the issue and did mention a possible problem with emergency vehicles getting through quickly. She also explained that stop signs are used to control right of way and when there may be a visual obstruction but are not that effective in slowing down the speed.

Commissioner Olchyk said she had informed the Commission and Town Clerk that she had a scheduling conflict this evening and is to be at the Parks and Recreation town meeting at 7:00 P.M. Manager Olmedillo read an email from Vice Mayor Tourgeman who could not be in attendance due to a death in the family. However, the Vice Mayor wanted it known that he is not in favor of the closing of any streets in Surfside and has expressed this at the last Commission Meeting and to the Police Chief.

Manager Olmedillo identified the problem as one of public safety. On Byron there is a problem of speed, quantity of traffic and the lack of sidewalks in some areas. He gave a summary of what has been done to try to solve some of the problems. Byron is a through street and gets traffic which does not want to use Collins or Harding. He said closing Byron will only divert the traffic to another street and create a problem there as we are dealing with local and regional traffic. The Mayor said he lives on the northern end of Byron and we have to be very careful in our intent this evening because if we get into the specifics of only one area then the meeting will be over because we will have lost our quorum as Commissioner Olchyk has to leave. He would like to focus on what the options are as well as the problems and go forward from there.

Commissioner Cohen asked about having one way streets, lowering speed signs and more speed bumps. Ms. Shen explained why one way streets are not recommended in residential areas. Having sidewalks would be safer for pedestrians. There was some

discussion regarding certain hours on one way streets. Commissioner Karukin said putting in sidewalks may become problematic as it will take parking space away from that side of the street.

Commissioner Olchyk left the meeting at 6:54 p.m. but could not get out to attend another meeting across the street and returned at 7:00 p.m.

Eric Czernlkejewski Director of Traffic Engineering from CGA gave further insight on the issue.

Many residents have filled out speaker cards and the Mayor wanted them to have the opportunity to speak. He opened the meeting to public speakers at this time which is on the agenda as Item 4.

### **3. Traffic Management Plan Discussion - Guillermo Olmedillo, Town Manager**

#### **A. Short-Term Options.**

- 1. Removable Barricades.**
- 2. Street Closures.**
- 3. Traffic Calming Devices.**

The Mayor asked Ms. Chen if she has worked with other communities with similar problems and what has been done so they may look at their solutions.

Ms. Chen said for a short term solution a delineator can be put in the form of a circle which would slow down traffic. She sees a gated community may be a problem because there is a lack of enough setbacks from the travel lane and a major study would have to be done to make sure traffic does not spill back. She is in favor of the creation of several traffic circles as the best solution. As a short term solution, the town may try removable speed bumps to slow down traffic and place them in different areas to see if it works better in one area.

Commissioner Olchyk questioned the circles and emergency vehicles going through. Ms. Chen said both the speed bumps and circles would slow down emergency vehicles response time. However they can look into a three piece speed cushion where lifesaving vehicles are go through the middle.

The Mayor asked Ramon Sierra from FDOT what the town can do to work together to minimize the lane closures at peak hours on Collins. Mr. Sierra said they are trying to minimize lane closures and can work with the town and developers and DOT does not allow lane closures at peak hours. He also stated that putting in more traffic signals on Byron or Abbott may create another problem as traffic will then cut through to other streets as there are many traffic lights already in place. Options were discussed and a study was suggested by the Mayor as to bringing back the U-turns that were previously in place and residents were able to leave the town through Abbott. Mr. Sierra said if the town consultants produced a study on Abbot they would look at it with an open mind.

Mayor Dietch gave an overview of some of the short term options to be looked at like reinstalling stop signs at all corners, synchronizing traffic lights, speed cushions and no parking on the north side of 95<sup>th</sup> Street. He also asked if there was any way to designate residential neighborhoods.

Commissioner Cohen spoke about growth in the town which creates growing pains and patience is needed. Commissioner Cohen felt solving the parking problem will help as people will not be driving around looking for a place to park. He also spoke about duties of the Police Dept and being careful as police spending time giving out tickets takes them away from other important issues. He also spoke about gating the community as once all the development is completed do we still need gates and the cost to residents.

Commissioner Olchyk is in favor of speed bumps and cushions as well as more stop signs. She also said a heightened police presence will help as people will slow down if they know they will be ticketed. She is against doing any expensive measures as they may not work and then we will regret it. She is concerned about the closing of the lanes and said it is dangerous.

Commissioner Karukin gave his views on gating, police enforcement, calming devices, and growth and development. He also said patience is needed as this will not be solved overnight.

Mayor Dietch said there are some things that can be done short term.

Manager Olmedillo said he will summarize what was said this evening and bring back a plan with recommendations.

**B. Long-Term Options.**

- 1. One-Way Circulation Pattern.**
- 2. Gated Community.**

Items were touched up under item 3A and item 4.

**C. Cost of Selected Option.**

**4. Public Comments**

Mayor Dietch opened the meeting for public speaking.

Public Speakers:

-Jared Plitt said slowing down the traffic is not going to solve the problem as Collins is so congested that it is still better for cars to go slower through local streets. He sees the solution as gating off the community.

-Marsha Kupferberg relayed an incident of a high speeding car which then turned onto Harding and said this could happen on any block. She asked if approved, what the cost would be to the taxpayer for a gated community and feels it may be worth it. Manager Olmedillo said if approval is given the factors for cost would be determined by defining the area, the type of system and number of gates.

-Joseph Fuist said he was open to some of the options suggested but noted that after the last Commission meeting there was not as much police enforcement on Byron. He was hoping that the Commission will see that there is still a heightened police presence on Byron until the problem is solved as this is a safety issue.

-Celine Mahoney said the traffic on Byron is excessive and something has to be done for safety especially for the children.

-Richard Iacobacci first extended prayers to Vice Mayor Tourgeman and his family. Regarding traffic he hopes this issue will not put neighbor against neighbor for he understands the problem his neighbors on Byron are facing and there are safety issues. He also said the residents should have a say in the decisions the town makes on this issue. He does not believe moving the traffic into other residential areas is the answer.

-Lou Cohen said they have to look at Collins and Harding at 95<sup>th</sup> Street.

-David Wilson said more young families have moved into the community and Byron has become a highway. He said we have to eliminate the cut through traffic and feels speed bumps do not slow down traffic and speeding.

-Rick Zambrano agrees with the Vice Mayor that no streets in Surfside should be closed. He also feels the town has the means to have more police presence and more enforcement in the area. He spoke about traffic circles, the cost and its effectiveness.

-Sara Pack said this is not just a Byron Avenue issue but a town issue as children move around from block to block and it is a safety issue. She suggested that police issue more tickets and use the money to solve the problem. Commissioner Olchyk reminded all that just because a ticket is written it does not mean that money is collected.

-Clara Diaz-Leal said some of the streets in Surfside are closed. She said that Abbott is a buffer street not Byron and talked about roundabouts and what really works. She said the situation will get worse with all the construction and more people coming in.

-Sonia Hedditch is in favor of closing streets.

-Allan Yarkin empathizes with the people facing the issue on Byron but said the town has to face reality. They made a decision to grow which is now creating construction and heavy traffic problems on Collins and more to come. If the town closes off streets the traffic will be pushed back to Collins which is heavily congested as is. We have a traffic problem because we have a growth issue in our town. What the town has to decide is whether we want to increase our tax rate or focus on human issues such as traffic, quality of lifestyle, people coming to our community who don't live in the community. He said the reality is it is going to get worse as they have been under construction for four years and it is not done as more projects are being approved. The more we build on Collins the more traffic will be pushed to the side streets. The issue for the Commission is what kind of community you want this to be.

-Monica Sanabia said the past few weeks she has noted that now heavy duty construction trucks are using Carlisle and Byron to go through. She relayed an incident where she was cut off by a construction truck because she wasn't going fast enough for it and the incident almost put a pedestrian with her children in danger.

-Steve Levine sees two separate issues one volume of traffic and the other safety. He thinks stop signs should be placed on every corner. He believes increased police presence and enforcement would also help. Commissioner Karukin made a motion to allow Mr. Levine an additional 30 seconds to speak. The motion received a second from Commissioner Cohen and all voted in favor. Mr. Levine continued by suggesting a traffic light placed on Abbott. As to community gates he feels it will back up traffic

trying to get into the gate especially on holidays. He believes a mandate from the people should be gotten before anything is done.

-Juan Borges said this being a regional problem we should talk to our neighboring communities and study the Harding and Collins corridor before we cage ourselves in. We have to help with the situation on Byron.

-Martin Oppenheimer said we need a comprehensive solution and in the interim we need a 3-5 year commitment for increased policing on Byron.

-Ricardo deArmas said the traffic problem is due to the construction on Collins and does not want to see changes made at this time.

-Sindy Posso asked for samples of urgent solutions as building traffic circles would take time.

-Deborah Cimadevilla said to keep in mind that the problem is due to the vast amount of construction going on in the town. She also addressed the large construction trucks going through the residential streets.

-Marie Restlar said she did not think all the traffic was due to construction but just more people. He spoke about gated communities and options that can be thought about.

-Alex Motola after listening to all the comments and suggestions and he would like a study done and then come back with a plan and what our options are and possible solutions.

No one else wishing to speak the Mayor closed the public speaking.

#### **4. Adjournment**

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk



**TOWN OF SURFSIDE, FLORIDA  
MONTHLY BUDGET TO ACTUAL SUMMARY  
FISCAL YEAR 2014/2015**

AS OF

**February 28, 2015**

**42% OF YEAR EXPIRED (BENCHMARK)**

Agenda Item #

Page

1 of 3

Agenda Date: May 12, 2015

GOVERNMENTAL FUNDS		ACTUAL	ANNUAL BUDGETED	% BUDGET
<i>GENERAL FUND</i>				
REVENUE	\$ 7,933,637	\$12,040,318	66%	
EXPENDITURES	4,931,813	\$12,040,318	41%	
Net Change in Fund Balance	3,001,824			
Fund Balance-September 30, 2014 (Unaudited)	6,340,661 A			
Fund Balance-February 28, 2015 (Reserves)	<u>\$ 9,342,485</u>			
<i>RESORT TAX (TEDAC SHARE)</i>				
REVENUE	\$ 199,398 B	\$635,465	31%	
EXPENDITURES	176,597	\$634,465	28%	
Net Change in Fund Balance	22,801			
Fund Balance-September 30, 2014 (Unaudited)	183,753			
Fund Balance-February 28, 2015 (Reserves)	<u>\$ 206,554</u>			
<i>POLICE FORFEITURE/CONFISCATION</i>				
REVENUE	\$ 8	\$90,300	0%	
EXPENDITURES	44,701	\$90,300	50%	
Net Change in Fund Balance	\$ (44,693)			
Fund Balance-September 30, 2014 (Unaudited)	159,588			
Fund Balance-February 28, 2015 (Reserves)	<u>\$ 114,895</u>			
<i>TRANSPORTATION SURTAX</i>				
REVENUE	\$ 97,460	\$197,000	49%	
EXPENDITURES	50,616	\$197,000	26%	
Net Change in Fund Balance	46,844			
Fund Balance-September 30, 2014 (Unaudited)	406,231			
Fund Balance-February 28, 2015 (Reserves)	<u>\$ 453,075</u>			
<i>CAPITAL PROJECTS</i>				
REVENUE	\$ 41,896	\$1,249,322	3%	
EXPENDITURES	319,147	\$1,249,322	26%	
Net Change in Fund Balance	(277,251)			
Fund Balance-September 30, 2014 (Unaudited)	736,197			
Fund Balance-February 28, 2015 (Reserves)	<u>\$ 458,946</u>			

**NOTES:**

\* Many revenues 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 \$4,340,661 is unassigned fund balance (reserves).

B. Resort Tax Revenues for February 2015 are received in March 2015, the (Total collected through February 2015 is \$441,836) (\$199,398 is for TEDAC and \$242,438 is the General Fund).

**ENTERPRISE FUNDS**

**ACTUAL**

<b>ANNUAL BUDGETED</b>	<b>% BUDGET</b>
------------------------	-----------------

**WATER & SEWER**

REVENUE	\$ 1,753,308	\$2,909,908	60%
EXPENDITURES	1,118,988	\$2,909,908	38%
Change in Net Position	634,320		
Unrestricted Net Position-September 30, 2014 (Unaudited)	(3,373,441)		
Restricted Net Position	1,260,776		
Capital Project Expenses to date for Water & Sewer	0	\$0	
Unrestricted Net Position-February 28, 2015 (Reserves)	<u>\$ (1,478,345)</u>		

**MUNICIPAL PARKING**

REVENUE	\$ 399,281	\$1,062,878	38%
EXPENDITURES	430,177	\$1,062,878	40%
Change in Net Position	(30,896)		
Unrestricted Net Position-September 30, 2014 (Unaudited)	1,091,943		
Capital Project Expenses to date for Municipal Parking	-	\$0	
Unrestricted Net Position-February 28, 2015 (Reserves)	<u>\$ 1,061,047</u>		

**SOLID WASTE**

REVENUE	\$ 734,228	\$1,261,360	58%
EXPENDITURES	569,651	\$1,261,360	45%
Change in Net Position	164,577		
Unrestricted Net Position-September 30, 2014 (Unaudited)	128,493		
Unrestricted Net Position-February 28, 2015 (Reserves)	<u>\$ 293,070</u>		

**STORMWATER**

REVENUE	\$ 207,302	\$505,000	41%
EXPENDITURES	252,820	\$505,000	50%
Change in Net Position	(45,518)		
Unrestricted Net Position-September 30, 2014 (Unaudited)	2,914,434		
Restricted Net Position	347,140		
Capital Project Expenses to date for Storm Water	-	\$0	
Unrestricted Net Position-February 28, 2015 (Reserves)	<u>\$ 3,216,056</u>		

**NOTES:(con't)**

C1. The Restricted Net Position of \$1,260,776 includes \$1,017,776 for renewal and replacement, and \$243,000 for State Revolving Loan reserves.

C2. The reserves balance of (\$1,478,345) is the result of a change in current net position as of February 2015 of \$634,320, net position as of September 30, 2014 of (\$3,373,441) includes \$651,144 for rate stabilization, plus Restricted Net Position of \$1,260,776.

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

  
 Donald G. Nelson, Finance Director

  
 Guillermo Olmedillo, Town Manager

\*\*ATTACHMENT

**Town of Surfside  
Fund Balance (Reserves)**

FUND	2/28/2015		9/30/2013		9/30/2014		2/28/2015	
General	\$	5,266,374	\$	5,304,042	\$	6,340,661	\$	9,342,485
Resort Tax		171,496		94,497		183,753		206,554
Police Forfeiture		122,272		138,143		159,588		114,895
Transportation Surtax		122,302		131,475		406,231		453,075
Capital		132,783		255,263		736,197		458,946
Water & Sewer		(1,931,707)		(5,261,333)		(3,373,441)		(1,478,345)
Parking		1,258,325		1,066,574		1,091,943		1,061,047
Solid Waste		228,437		227,274		128,493		293,070
Stormwater		104,651		2,520,512		2,914,434		3,216,056
<b>Total</b>	<b>\$</b>	<b>5,474,933</b>	<b>\$</b>	<b>4,476,447</b>	<b>\$</b>	<b>8,587,859</b>	<b>\$</b>	<b>13,667,783</b>

**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	
<b>Assets</b>					
<b>Current Assets</b>					
Cash and cash equivalents	\$ 38,012	\$ 189,725	\$ 271,463	\$ --	\$ 499,200
Accounts receivable, net	647,746	15,661	80,505	96,705	840,617
Due from other funds	--	916,291	--	2,860,408	3,776,699
Due from other governments	--	--	7,105	--	7,105
Prepaid items	17,180	2,950	6,575	885	27,590
<b>Total Current Assets</b>	<u>702,938</u>	<u>1,124,627</u>	<u>365,648</u>	<u>2,957,998</u>	<u>5,151,211</u>
<b>Noncurrent Assets</b>					
Investments	5,873	--	--	--	5,873
Restricted cash and cash equivalents	1,906,402	--	--	1,526,621	3,433,023
<b>Capital Assets</b>					
Construction in progress	22,426,000	--	--	2,962,873	25,388,873
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
	<u>23,856,467</u>	<u>3,253,964</u>	<u>378,200</u>	<u>3,230,701</u>	<u>30,719,332</u>
Less: accumulated depreciation	<u>(1,299,278)</u>	<u>(894,544)</u>	<u>(312,432)</u>	<u>(100,278)</u>	<u>(2,606,532)</u>
<b>Total Capital Assets, Net</b>	<u>22,557,189</u>	<u>2,359,420</u>	<u>65,768</u>	<u>3,130,423</u>	<u>28,112,800</u>
<b>Total Noncurrent Assets</b>	<u>24,469,464</u>	<u>2,359,420</u>	<u>65,768</u>	<u>4,657,044</u>	<u>31,551,696</u>
<b>Total Assets</b>	<u>25,172,402</u>	<u>3,484,047</u>	<u>431,416</u>	<u>7,615,042</u>	<u>36,702,907</u>
<b>Liabilities</b>					
<b>Current Liabilities</b>					
Accounts payable	407,449	29,678	28,006	23,365	488,498
Accrued liabilities	50,857	10,604	17,980	2,849	82,290
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
Customer deposits	188,664	6,860	8,611	--	204,135
<b>Total Current Liabilities</b>	<u>5,603,626</u>	<u>127,869</u>	<u>61,388</u>	<u>313,586</u>	<u>6,106,469</u>
<b>Noncurrent Liabilities</b>					
Net OPEB obligation	11,341	3,636	15,864	2,573	33,414
Compensated absences	18,917	6,548	61,122	353	86,940
Revenue bonds payable	7,781,967	--	--	2,656,641	10,438,608
State revolving loan payable	5,282,895	--	--	1,760,966	7,043,861
<b>Total Noncurrent Liabilities</b>	<u>13,095,120</u>	<u>10,184</u>	<u>76,986</u>	<u>4,420,533</u>	<u>17,602,823</u>
<b>Total Liabilities</b>	<u>18,698,746</u>	<u>138,053</u>	<u>138,374</u>	<u>4,734,119</u>	<u>23,709,292</u>
<b>Deferred Inflows of Resources</b>					
Unearned revenue	18,839	6,860	8,611	--	34,310
<b>Net Position</b>					
Net investment in capital assets	10,474,213	2,279,420	65,768	13,271	12,832,672
Restricted for renewal and replacement	1,017,776	--	--	266,140	1,283,916
Restricted for loan reserve	243,000	--	--	81,000	324,000
Unrestricted	<u>(5,261,333)</u>	<u>1,066,574</u>	<u>227,274</u>	<u>2,520,512</u>	<u>(1,446,973)</u>
<b>Total Net Position</b>	<u>\$ 6,473,656</u>	<u>\$ 3,345,994</u>	<u>\$ 293,042</u>	<u>\$ 2,880,923</u>	<u>\$ 12,993,615</u>

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



## **TOWN MANAGER'S REPORT MAY 2015**

### **COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS**

#### **1. Bus Service – Multi-jurisdictional Study – Bus Service Improvements and Operational Efficiencies**

Cory Gittner, producer of the Gazette, is assisting on the development of an easy to follow schedule of the present Surf-Bal-Bay systems (Phase 1). Each community's schedule is being pieced together into a more cohesive document that is easier to follow. As the Town does not have the relevant transportation software, this task involves time consuming data entry and requires the creation of an Excel spreadsheet and then to build from there. Staff has a draft version of this schedule and is working on refining an easy to use brochure. It is important to note that while the Commission expressed a desire to ensure the Surf-Bal-Bay routes also connect with Miami Beach and Sunny Isles systems (Phase II), as well as Miami Dade's transit system (Phase III), this entire reworking of the routing is something outside the scope of our expertise. It is imperative to have the County's involvement; however, they do not view this as a priority. Staff has recently secured some minor recommendations from the County and is presently attempting to implement them where possible. The County has now referred any rerouting of the multiple municipality shuttles back to CITT and Nestor Toledo. Staff is attempting to re-engage CITT on this. It has already been suggested by the County that the Town(s) hire one of CITT's consultants to complete this difficult task. More information will be provided once CITT responds to staff's ongoing requests. A follow up meeting of the three municipalities (Surf-Bal-Bay) is scheduled for the week of May 4 in an effort to coordinate pressure on CITT and the County as well as discuss a possible Interlocal Agreement and the coordination of our contracts with the shuttle leasing company.

#### **2. Film Ordinance**

Based on recommendations from the February 11, 2015 meeting, a workshop to identify and vet all possible recommendations and code compliance issues was held on April 29, 2015. This workshop was posted on the Town website and Channel 77, in the April Gazette, and included in the weekly website e-blasts. Flyers were again distributed in the Biscaya neighborhood where the issue of filming seems to be an ongoing matter. An update on recommendations from this workshop will be brought before the Town Commission at the June 8, 2015 meeting.

### **3. Channel 77 Improvements**

With the implementation of SCALA, the content and programming on Channel 77 has improved. Town staff met with CGA on March 24, 2015 to review previous suggestions for enhanced content. This included such items as production of interviews, the addition of Town facts, and the inclusion of information from other governmental agencies etc.). Recommendations, including the associated costs, will be presented to the Town Commission as part of the FY 15/16 budgetary process.

### **4. See Click Fix**

Report attached.

## **DOWNTOWN BUSINESS DISTRICT and TOURISM**

### **5. Sidewalk Ordinance Implementation**

Copies of the plans are being provided to each applicant for their review, as well as notification of any deficiencies of required documentation to complete their application. Once any pending documentation is submitted, final review will be made and permits formally authorizing sidewalk café operations will be issued. In the interim, clear pedestrian pathways, unapproved expansion beyond the restaurant frontage; and removal of sidewalk café tables, chairs and equipment at the end of business day is being monitored and enforced.

### **6. Five Year Tourism Strategic Plan**

**Joint Meeting:** A joint meeting of the Town Commission and Tourist Board is set for Monday, May 4, 2015. The agenda includes the proposed changes to the Resort Tax Ordinance, Board governance and composition, policies and procedures as well as ethics.

**Holiday Lights:** With the vendor now providing 10 additional weeks of service and inspections at no cost to the Town, several downtown merchants would like the Town to have some of the tree lights remain all year round. Staff is looking into securing funds from these merchants to assist in having more durable tree lights installed at the entrance to the business district (96<sup>th</sup> Street and Harding Ave) this year. Addressing tree lights that remain up all year long, including a possible option to change out the color of the lights, will be done over this summer as part of the FY15/16 budget process. This will not only include lighting options but also address other funding sources (grants) where possible. The Tourist Board and Town Commission will be updated as part of the FY 15/16 budget process. The downtown business district requested having the entrance trees on Harding Avenue at 96<sup>th</sup> Street remain lighted the entire year and pledged \$5000 towards the cause. While a substantial commitment, this falls short of the amount needed. The Town Manager issued a funding request letter to all of the downtown businesses in an effort to support this endeavor. At the April 6, 2015 Tourist Board meeting the Board voted 3:2 not to financially support this initiative by utilizing Resort Tax Funds for the remaining balance or to match the donated funds. Therefore the tree lights were removed at the end on April 26. The three entrance trees at Harding Ave and 96<sup>th</sup> will remain lighted through to the next seasonal installation (or pending other options as part of the FY1516 budget process) paid for from

donations recently received from the downtown businesses. A Resolution accepting the contributions is on the May 12 agenda. **(ACTION ITEM)**

**Mobile App:** The vendor presented a prototype of the App and explained its functionality at the March 2, 2015 Tourist Board meeting. The App is earmarked to be launched at the end of May.

**Tourism Social Media Policy:** As part of their March 2, 2015 meeting, the Tourist Board reviewed a draft social media policy that addresses tourism marketing initiatives only. The policy was adopted by the Tourist Board at the meeting on April 6, 2015.

**Mom & Pop Grant / Sign Code Compliance:** Applications for Commissioner Sally Heyman's County grant program for small businesses were hand delivered to every business in Surfside's downtown twice and mailed to each business. Staff is working with those businesses impacted from the recent adopted changes to the Town's sign code ordinance to apply for this grant to assist with procuring new signs. Staff has also provided each business with information on State backed loans for small businesses through ourmicrolending.com. The following businesses have been awarded grants this year: Serendipity, Josh's Deli, Rafe Sweetheart Beauty Salon and Ship & Pack.

## **PLANNING, ZONING AND DEVELOPMENT**

### **7. Historic Preservation**

The Miami-Dade Historic Preservation Board (Board) has recently designated 9149 Collins Avenue and 9340 Collins Avenue as historic.

Miami-Dade County's Office of Historic Preservation has issued a moratorium on permits for the following addresses: 9016 Collins, 9024 Collins, 9025 Harding, 9033 Harding, 9040 Collins, 9048 Collins, 9056 Collins, and 9064 Collins. A designation hearing was held for these properties on March 18, 2015, however a property owner requested a three month deferral until June 2015. The Board granted this request. The condominium board of 9241 Collins, Seaside Terrace, requested historic designation from the County, which was designated historic at their February 18, 2015 meeting. A resident has filed a petition to appeal the designation. The appeal was heard on April 21, 2015 and ended in a tie vote. As a result of the tie, this item has been deferred to the May 5, 2015 Board of County Commissioner's meeting. Commissioner Heyman proposed an ordinance revision amending the "opt-out" provision to allow any municipality to opt-out from under the County's historic preservation jurisdiction and establish their own program/ordinance at any time. This item passed first reading by the full BCC on October 7, 2014. It was then heard by the Cultural Affairs and Recreation Committee on December 17, 2014. This committee voted to "lay the item on the table," which means that it effectively died in its current state but allowed Commissioner Heyman to retain the ability to bring the item back no sooner than 3 months. However, if she opts to bring that item back, it will have to start the process over again at first reading. Neither Commissioner Heyman nor her staff have indicated whether or not she plans to bring the item forward again from the beginning.

## **8. Land Development Regulations – Block between Harding and Collins Avenues**

At the September 30, 2013, Joint Planning and Zoning and Town Commission meeting, there was a discussion about the block between Collins and Harding Avenues and the high interest in redevelopment of this corridor. In an effort to stay ahead of the new construction, there was interest from both boards to prepare criteria to help guide future development into the desired development pattern. Based on that, a budget item was included for an analysis and preparation of zoning criteria which includes the following:

- Preparation of new zoning criteria and comparison of existing conditions
- A review of green book traffic engineering standards as well as Miami-Dade County and FDOT as it relates to mid-block accessibility, walkways, pedestrian activity
- Impacts to existing buildings and strategies for potential non-conformities such as if there is a modification to an existing building, under what circumstances would the entire development need to be brought up to the proposed code
- Consistency of new criteria with comprehensive plan, including the 1989 Comprehensive Plan, which provided for a study of this corridor
- Consistency of new criteria with other sections of the zoning code such as off-street parking, signs, accessory structures, conditional uses, landscaping
- Requirements for open space in terms of landscaping, public space
- Coordination with legal in terms of vested rights, reduced density or intensity resulting from new zoning criteria
- Design criteria for pedestrian walkways

At the June 2014 Planning and Zoning meeting, the Board voted unanimously to establish this as a top priority. This project was funded in the FY 14/15 budget. The work authorization with CGA was approved on November 6, 2014. Work has commenced and an initial discussion with the Planning and Zoning Board occurred on February 18, 2015. The recommendation from the February 18, 2015 meeting was presented at the Planning and Zoning Board's March 26, 2015 meeting. Direction was provided to staff to make such modifications as limiting the lengths of buildings to 75 feet on Harding Avenue and 150 feet on Collins Avenue, requiring 20 ft. setbacks on Collins and Harding, rather than 10 feet, for corner properties and requiring breezeways between buildings. The zoning ordinance enacted these changes is scheduled for the June 9, 2015 Town Commission meeting.

## **9. Ten Year Water Supply Plan**

The Town is required to update its Ten Year Water Supply Plan including identifying any alternate water supply sources and analyzing/updating data from our current supplier. Funds for this project have been included in the FY 14/15 Budget. Work Authorization No. 89 – Ten Year Water Supply Plan has been executed with CGA in the amount of \$7,466.92. This was unanimously recommended for approval to the Town Commission by the Planning and Zoning Board at their March 26, 2015 meeting was scheduled for the April 14, 2015 Town Commission. Due to the length of the agenda, the Town Commission deferred this item until May 12, 2015 which it will be heard on first reading.



## **TOWN DEPARTMENTS**

### **Building Department**

#### **10. FEMA National Flood Insurance Program (NFIP)**

The follow-up visit date is pending and has not been determined.

#### **11. Community Rating System (CRS)**

The Town of Surfside CRS application to ISO is awaiting a ranking.

#### **12. Forty Year Building Certification for Collins, Harding, Abbott Avenues and Surfside Blvd.**

The 40 Year Building Certification Program is progressing as follows:

Reported certifications: 122 in present case file

Completed certifications: 44

Time extensions granted: 2

Exempt from Certification: 3

Vacant commercial properties: 9

Sent to Code Enforcement for non-compliance: 8

150 day repair order: 6

On hold: 4

Inspections: 0

#### **13. Development Projects**

**The Chateau:** Coastal is scheduled for 7<sup>th</sup> floor concrete slab pours and vertical columns and walls.

**The Surf Club:** Coastal has completed mechanical systems on the parking structure, is completing work on the roof of the condo building and glass installation on the hotel building.

**The Marriott:** Miller has completed the west hotel roof slab.

**Young Israel:** AVI is progressing on interior finishes and final drainage systems on the exterior. Landscaping changes by the owner are being reviewed by FDOT.

#### **14. Document Scanning**

The scanning program continues to collect funds through its expired permit outreach effort. The sale of the scanner is pending.

## **Code Compliance**

### **15. Code Compliance Cases Settled**

Code compliance cases settled via settlement agreements after compliance was attained:

Since March of 2012 approximately \$136,600 has been collected for Code Compliance violation related civil penalties, after mitigation or negotiated settlement.

The following is a summary by Fiscal Year:

FY 11/12: 8 cases settled for a total of \$16,875  
FY 12/13: 9 cases settled for a total of \$15,750  
FY 13/14: 6 cases settled for a total of \$67,293  
FY 14/15: To date, 9 cases settled for a total of \$36,682

## **Finance Department**

### **16. Enterprise Resource Planning – (ERP)**

The RFP for the Enterprise Resource Planning software was released on February 23, 2015. The responses to the RFP were received on April 23, 2015. The Town received the following two ERP vendors and cost proposals: Tyler Technologies \$477,137 and Springbrook \$825,036.

A comprehensive review of these two proposals will be made in order to make a recommendation on an ERP solution for the Town. The first meeting of the ERP Evaluation Committee consisting of seven Town employees from different Departments was held on April 30, 2015.

## **Parks and Recreation**

### **17. Beach Management Agreement**

The Town is researching changes to the Town Code to regulate beach chairs. The Town Manager, Town Attorney's Office and Parks and Recreation Director are in communication with the Chief of the Bureau of Public Land Administration and a Senior Attorney from the Florida Department of Environmental Protection (FDEP) to discuss options for the Town to regulate beach concessions. FDEP provided ordinances from several municipalities and counties throughout Florida as models for public safety regulation, as well as several Attorney General Opinions to support the Town's regulation authority. We are following up with analysis of this information and further research to determine opportunities for next steps.

### **18. Silver Sneakers Program**

Silver Sneakers is the leading fitness program designed specifically for active older adults. It is delivered through a nationwide network of participating fitness locations such as wellness centers,

gyms and other facilities. Healthways has been providing innovative health benefits for older adults for more than two decades. Today more than 65 Medicare health plans offer the program as a benefit to members across the nation. Regular participation in the program has been proven to help older adults manage their health and increase strength, balance and endurance. At the request of the Vice Mayor the Parks and Recreation Department has completed an application to host this national program. Effective April 20, 2015 the Town has revived the initial invitation to host the Silver Sneakers Program at the Surfside Community Center. At this time the Parks and Recreation Department is working on a Specific Use Agreement with Healthways to provide programming in the Fall of 2015. This will be completed and updated in July 2015.

### **19. 96<sup>th</sup> Street Park Renovation**

The number two item on the Parks and Recreation 5 Year Capital Plan, approved by the Town Commission, was the renovation of the 96<sup>th</sup> Street Park. This item has now moved to the forefront of the 5 Year Capital Plan. This was brought before the Town Commission during the October meeting. The Community Center Second Floor Expansion Committee requested and approved a 2 year hold on the second floor project. The recommendation was to consider moving forward with the 96<sup>th</sup> Street Park renovation. This was an agenda item for the Parks and Recreation Committee in December. The Committee at this time is reviewing recommendations on 96<sup>th</sup> Street Park provided to the Town during the 2006 Charrette. The Committee met again in January to review the Charrette and the Parks and Recreation Department's recommendations and provide a priority list of items needed to be renovated or replaced during the renovation process. The items listed in order are:

1. Green Space/Athletic Field
2. Two age specific playgrounds
3. Building / Pavilion
4. Recreational Basketball Court
5. Minimal Field Lighting
6. Landscaping

The funding options along with a project timeline were reviewed during the March 2015 Parks and Recreation Committee Meeting. The Committees recommendation was to move forward with the proposed budget amount included in the Parks and Recreation 5 Year Capital Plan. This total was \$675,000. The balance of Parks and Recreation capital project developer contributions available to fund the project is \$459,575. The additional funds needed will be included and requested in the budget process for FY 15/16. The Parks and Recreation Department will submit a request for proposals from the approved architectural firms on a scope of work needed. This will be a request only for a cost amount to start the planning process. Once the proposals are received they will be reviewed by staff and a recommendation on design and a cost will be present to the Town Commission. At this time no funds for the design process are being requested. A request will be presented to the Town Commission in the June commission meeting for funds to provide architectural drawings and plans for the scope of work needed.

### **20. Keep America Beautiful Recycling Containers Grant Program**

The Parks and Recreation Department submitted a grant application to the Keep America Beautiful Dr. Pepper Public Park Recycling Grant Program. The grant application was received by Keep

America Beautiful on March 25, 2015. The application was for 8 recycling containers to be used within the Park facilities. The Town was notified April 22, 2015 that the grant was not awarded. Keep America Beautiful had nearly 300 grant requests for bins this year, of which, 39 grants were awarded.

## **Police Department**

### **21. Traffic Issues**

A Special Commission meeting was held on April 27, 2015 to discuss traffic issues in the Town. Traffic experts from Miami-Dade County, FDOT, and Calvin Giordano and Associates were present to answer questions from the Town Commission as well as residents. The Commission provided direction to the Town Manager to develop a plan for short term solutions for the traffic congestion in the residential neighborhood for the May Commission meeting.

### **22. Pilot Residential Parking Program**

A ninety day pilot residential parking program was implemented in February for the 9400 and 9500 blocks of Byron Avenue to address parking issues. A community meeting and community survey were conducted in December with overall support from residents living on these two blocks for the project.

The program was also advertised in the Gazette and on the Town website. Signage has been installed on the two blocks to restrict parking to these residents only. Parking permits can be picked up by residents of Byron Avenue as of February 3, 2015. The program has been effective and successful for the three months of the pilot program and is now permanent.

### **23. New Police Lieutenant**

Lieutenant John Bambis was hired on April 20, 2015. John is a recently retired Major of Police with 25 years of law enforcement experience. He will oversee the Support Services Division which includes Parking Enforcement, Communications Unit, Property and Evidence, Fleet, Equipment, Red Light Camera Safety Program, Training, and Accreditation.

## **Town Attorney**

### **24. Point Lake**

A "Town Manager Informational Meeting" is scheduled for Tuesday, May 19, 2015 at 6 p.m. in the Town Hall Chambers to discuss options for pipe across North Canal. Follow up with representatives from the Miami-Dade County Property Appraiser (Susan Garces) and County Attorney (Jorge Martinez-Esteve, Esq.) regarding the Town's request for a folio number and assessment on North Canal and Point Lake ("water bodies"). The County Attorney expressed several concerns regarding the uncertainty of the water bodies and stated that the Property Appraiser does not make a determination of ownership of property, particularly, where there is an apparent dispute between owners. The County Attorney further stated that the plat (Normandy Beach) does not specifically legally describe or identify the water bodies, nor contain dedication language. There is no deed of record for the water

bodies and ownership of the water bodies appears to be contested. The County Attorney concluded that without a deed for the water bodies, court order, or corrected/amended plat, the Property Appraiser will not assign a folio number or make a determination of ownership of the water bodies.

## Projects Progress Updates

### 25. Information Technology & TV Broadcasts

IT is working with the vendor to add five additional security cameras around Town Hall. IT is gathering pricing and information to upgrade the SCALA information broadcasting system. IT will be getting prices and requesting demonstrations of HyperScreen Boards for the training room. IT is getting quotes from Dell to upgrade all remaining users to Microsoft Office 2013. The pricing for broadcast system upgrades, Backup Exec software upgrades, and Exchange e-mail software upgrades has been added to next year's budget for approval. Finance will be ordering a laser printer for pre-printing checks. IT is gathering pricing to upgrade the ID and Access Card hardware and software for addition to next year's budget.

### 26. Public Utilities / Engineering – Public Utilities / Engineering

The 1 year warranty video of the sanitary sewer mains has commenced and is 100% complete. The engineers have reviewed 72 of the main line sewer runs and have accepted 43 of them. The unaccepted sewer mains will require the line be cleaned and re-televised or require minor repairs that will be completed by the Contractor at no cost to the Town. The Contractor is currently working with his subcontractor to schedule the main line repairs. Also, CGA and the Town met with the City of Miami Beach and negotiated a total sewage invoice credit amount of \$224,943.61 (\$163,943.61 credit for the period of estimated billings during construction and \$61,000.00 for August 2014-October 2014 when CMB meters were down).

#### **Funding Summary –**

<b><u>Funding Status:</u></b>	<b><u>Amount</u></b>	<b><u>Amount Received</u></b>
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	\$859,000
<b>TOTAL</b>	<b>\$11,270,381</b>	<b>\$9,225,928</b>


**\*Request # 3 has been submitted for the full \$9,312,881. The final report has been submitted to the state.**

### 27. Town-Owned Seawall Repair

Notice to Proceed was issued to Pac Comm on April 6, 2015 with 150 days to substantial completion and 180 days to final completion, for a final completion date of October 3, 2015. Currently, we are

experiencing difficulties in a coordinating a permanent staging area for the contractor's fuel delivery and pre-casting. CGA is working with staff and surrounding municipalities to secure a permanent site. Work is proceeding while utilizing temporary staging areas.

Respectfully submitted by:



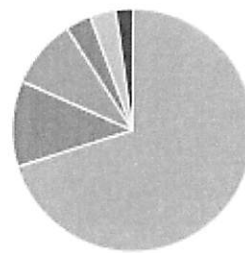
Guillermo Olmedillo, Town Manager

**SEE CLICK FIX**

**Between Feb 01, 2014 and Apr 28, 2015**

Issues by Source

127 issues were opened  
 56 issues were acknowledged  
 99 issues were closed  
 The average time to acknowledge was 6.4 days  
 The average time to close was 15.5 days




- iphone - 86
- web - 15
- widgets - 12
- android - 5
- mobile web - 5
- city initiated - 4
- facebook - 0

SERVICE REQUEST TYPE	OPENED	ACKNOWLEDGED	CLOSED	DAYS TO ACK.	DAYS TO CLOSE
Other (PW)	38	13	33	13.1	24.9
Beach Issue (PW)	16	5	13	19.1	18.4
Police (Safety Concern)	12	8	12	2.9	2.7
Street lights (PW)	14	10	1	1.5	46.5
Code Compliance (Violation)	8	5	5	0.2	5.5
Surfside Dog Park (P&R)	6	5	6	0.0	1.4
96 Street Park (P&R)	6	2	6	0.0	5.3
Code Compliance (Safety Concern)	7	3	4	3.4	44.8
Dog Stations (P & R)	4	0	4	0.0	5.4
Drainage/Flooding (PW)	3	2	2	2.0	14.1
Graffiti (PW)	3	1	3	39.7	25.2
Hawthorne Tot-Lot (P&R)	3	0	3	0.0	6.6
Community Center (P&R)	2	1	2	0.0	0.1
Pothole (PW)	2	1	2	0.0	0.0
Utilities (Water/Sewer) (PW)	2	0	2	0.0	0.6
Solid Waste (Residential) (PW)	1	0	1	0.0	4.6
Graffiti (in park) (P&R)	0	0	0	0.0	0.0
Solid Waste (Commercial) (PW)	0	0	0	0.0	0.0
Veterans Park (P&R)	0	0	0	0.0	0.0



**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:** Guillermo Olmedillo, Town Manager  
 Jane Graham, Assistant Town Attorney

**DATE:** May 12, 2015

**SUBJECT:** Office of the Town Attorney Report for May 12, 2015

---

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

April 27, 2015 – Special Town Commission Meeting on Traffic  
 April 27, 2015 – Parks and Recreation Committee Meeting  
 April 29, 2015 – Film Meeting  
 April 30, 2015 – Planning and Zoning and Design Review Board Meeting  
 May 4, 2015 – Joint Town Meeting of Commission and Tourist Board  
 May 12, 2015 – Town Commission Meeting

**Ordinances for Second Reading:**

- Ordinance amending Chapter 54 “Prohibited Noises”; specifically amending Section 54-77 “Waiver of Division Provisions”
- Ordinance amending Chapter 26 “Elections” by creating 26-13 “Supplemental Qualifying Period”
- Ordinance amending qualifying dates for Town’s March 15, 2016 General Election



- Restructure of Solid Waste Commercial Rates

**Ordinances for First Reading:**

- Water Supply Facilities Work Plan
- Practical Difficulty Variance
- Sheds

**Resolutions prepared and reviewed:**

- Authorizing the Mayor to enter into an Agreement with the City of Miami Beach for sewage conveyance for disposal services
- Accepting contributions for downtown Harding Avenue business district tree lights
- Florida Inland Navigation Waterways Assistance
- Requesting that the Florida Department of Transportation and Miami-Dade County coordinate its projects with municipalities for projects within those municipalities
- Supporting Senate Bill 378 (2015) to expand law enforcement officers' ability to give a warning, inform the parents/guardian or issue civil citations for a diversion program to juveniles in lieu of arrest
- Urging retailers to stop the sale and marketing of flavored tobacco products and e-cigarettes in Surfside, Florida; and to prohibit the use of electronic cigarettes and other nicotine dispensing devices in town owned or operated enclosed indoor workplaces
- Establishing a new rate structure for commercial solid waste removal from a flat rate to a per yard fee which shall be effective July 1, 2015

**Town Commission/Town Manager:**

- Review and analyze final revisions of City of Miami Beach Surfside Sewage Conveyance Services Agreement
- Meeting with City of Miami Beach Attorney's Office on regulating beach concessions, committee structure, and Sustainability Committee.
- Regulating beach concessions: Communication with the Chief of the Bureau of Public Land Administration and Counsel from the Florida Department of Environmental Protection (FDEP) to discuss options for the Town to regulate beach concessions. Follow-up with FDEP for examples of ordinances from several municipalities and counties throughout Florida as models for public safety regulation, as

well as several Attorney General Opinions to support the Town's regulation authority. Town Attorney's Office is coordinating with Town Manager and Building Official to survey boundary lines of all properties east of Collins to the Erosion Control Line "ECL" regarding preparation of concession regulations

- Follow-up with FDEP and Miami-Dade County regarding draft modified consent order with FDEP and Surf Club
- Coordinate with Miami-Dade County Attorney's Office and research traffic jurisdiction, gating, and special taxing districts
- Research and contact Joseph Centorino of Miami-Dade Commission on Ethics to discuss voting conflict
- Point Lake/North Canal - Coordinate with Town Manager for preparation of "Town Manager Informational Meeting" scheduled for Tuesday, May 19, 2015 at 6 p.m. in the Town Hall Chambers. Discuss options pipe across North Canal. Follow up with representatives from the Miami-Dade County Property Appraiser (Susan Garces) and County Attorney (Jorge Martinez-Esteve, Esq.) regarding the Town's request for a folio number and assessment on North Canal and Point Lake ("water bodies"). The County Attorney expressed several concerns regarding the uncertainty of the water bodies and stated that the Property Appraiser does not make a determination of ownership of property, particularly, where there is an apparent dispute between owners. The County Attorney further stated that the plat (Normandy Beach) does not specifically legally describe or identify the water bodies, nor contain dedication language. There is no deed of record for the water bodies and ownership of the water bodies appears to be contested. The County Attorney concluded that without a deed for the water bodies, court order, or corrected/amended plat, the Property Appraiser will not assign a folio number or make a determination of ownership of the water bodies.
- Review in preparation of ordinance for revisions to variance criteria
- Follow up on service of process for municipality
- Parking solution team meetings. Research Florida Statutes 287.057(4)-(6) – Public–Private Partnerships
- Follow up with Florida League of Cities, Florida Commission on Ethics, and Miami-Dade County Ethics Commission on mandatory State Ethics training for public officials

**Town Clerk:**

- Follow up with Miami-Dade County notification regarding March 2016 Election
- Review and research Attorney General opinions for public meetings and Sunshine between two bodies
- Follow up on mandatory Ethics Training for Elected Officials

**April 30, 2015 Planning and Zoning and Design and Review Board:**

*Design Review Board Applications:*

- A. 8917 Froude Avenue - one story addition to the front of the property
- B. 9208 Carlyle Avenue - carport to a garage
- C. 9017 Byron Avenue - garage to additional living space
- D. 9480 Bay Drive - new two story single family home
- E. 9580 Abbott Avenue - wall along south side of property
- F. 8810 Froude Avenue - a six foot privacy wall; a wood gate is also proposed
- G. 8901 Abbott Avenue - renovate the structure and add a pool to the front of the property

*Design Review Board Discussion Items:*

- A. Single Family Home

*Planning and Zoning Discussion Items:*

- A. Future Agenda Items

**Building Department/Code Enforcement:**

- Follow up with Code Enforcement for on-going settlement of cases
- Analysis of Special Master Order SM 1400023 for 9172 Collins Avenue in preparation for Special Master hearing
- Research process to serve a subpoena as part of a Special Master Hearing in Town Code

**Finance Department:**

- Research Special Taxing Districts
- Collaborated with Finance and Public Works on commercial solid waste rates
- Review and preparation of budget documents

**Parks and Recreation:**

- Follow up with FDEP Bureau of Public Land Administration regarding beach concession

**Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:**

- Parking/ Public–Private Partnership discussions and review
- Research local and Florida Statutes and laws for Resort tax compliance, implementation, and scope in preparation for Joint meeting with Tourist Bureau and Town Commission
- Attended meeting on Film Ordinance and provided legal guidance. Follow-up research for amendments to film ordinance

**Public Works:**

- Review proposed restructuring of solid waste commercial rates in preparation for draft ordinance/resolution
- Review the Interlocal Agreement with Miami-Dade County for use of the County Solid Waste System Management System
- Review with CGA to move forward with grant application from FIND for remaining seawalls

**Police Department:**

- Follow-up review of conditions in approved development resolutions related to traffic

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

1. On November 18, 2014, Claimant alleges injuries and vehicle damage occurred. She alleges her car was hit by a Surfside police vehicle. The police vehicle was driven by an employee of a car repair dealer who was returning the police vehicle to Town Hall. FMIT is investigating the claim.
2. On June 28, 2014, Claimant alleges while walking in the east alley behind 9577 Harding Avenue she fell through a broken storm grate and sustained sever lacerations to her right leg. FMIT is investigating this claim.
3. Julien Deleon - Equal Employment Opportunity Commission (EEOC) Charge #510-2014-05171. Mr. Deleon has filed a Notice of Charge of Discrimination against the Town.

4. 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. Case resolved on behalf of the Town.
5. 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 Court has issued an Order dismissing the Amended Petition for Writ of Certiorari without prejudice. Petitioner, Pieter Bakker has filed a Third Amended Petition for Writ of Certiorari. Surfside has filed a Renewed Motion To Dismiss Third Amended Petition For Writ Of Certiorari.
6. Parker, et. Al. v. American Traffic Solutions, et. Al.: United States District Court for the Southern District of Florida Civil Action No. 1:14-CV-24010. Plaintiff filed a Master Consolidated Complaint and Jury Demand. This is a class action case brought by plaintiffs who have received red light traffic violations against vendors who contract with municipalities and counties for red-light camera services (American Traffic Solutions "ATS", "Xerox State and Local Solutions "Xerox", and Gatso) along with 69 municipalities and counties. The complaint alleges that the Local Government Defendants have improperly outsourced to the Vendors their legislatively granted authority to issue traffic citations and unlawfully delegated to the Vendor defendants the authority to determine whether a traffic violation has occurred. Town has filed a Motion to Dismiss.

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



**TOWN OF SURFSIDE**  
**Tourist Board Meeting**  
 Monday March 2, 2015 – 6:30 p.m.  
 Town Hall Commission Chambers  
 9293 Harding Avenue, 2<sup>nd</sup> Floor  
 Surfside, FL 33154

**MINUTES**

**Tourist Board Members**

Chair Michelle Kligman  
 Vice Chair Dr. Elizabeth Levine  
 Sandra Argow  
 Joel Baum, CPA  
 Barbara Cohen

**Town of Surfside**

Eli Tourgeman, Vice Mayor / 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**

Vice-Chair Elizabeth Levine called the meeting to order at 6:30 pm.

All of the above listed Board members present with the exception of Chair Michelle Kligman, who is absent with regrets. A quorum was established.

**Also in attendance** –Jane Graham, Assistant Town Attorney, Nissa Benjamin, Marketing and Special Projects Coordinator, Joel Simmonds, Grand Beach Hotel, Kent Aguero, Shift Media.

**II. Approval of February 2, 2015 Meeting Minutes**

Barbara Cohen motioned to approve the minutes; Sandra Argow seconded the motion. The motion passed unanimously and the minutes were approved.

**III. A/R ~ Resort Tax**

Sandra Argow thanked Duncan Tavares for the additional information provided on the businesses d/b/a listing on the resort tax spreadsheet.

Barbara Cohen inquired if Pesecane is out of business and Duncan Tavares informed her that they are operational.

#### **IV. Updates:**

**1) Joint Meeting with the Town Commission Monday May 4, 2015 at 7:00pm**

Duncan Tavares advised that Vice-Mayor Tourgeman received confirmation from all of the Board members regarding their availability for the Joint meeting on May 4, 2015.

Vice-Mayor Tourgeman reminded everyone that all Board members must be present in order for the meeting to occur.

**2) Third Thursdays ~ March 19: Bollywood**

Duncan Tavares advised that he is in the midst of finalizing the details for the March 19, 2015 event. He stated that the February event was well received despite the cold weather. Barbara Cohen thanked the Town staff for their efforts given the cold weather.

Sandra Argow stated that she is encountering issues when trying to access the links for the meeting videos on the Town's website. Vice-Mayor Tourgeman advised that there is a proposal coming before the Commission for the Town's website to be updated as part of an overall ERP process.

Nissa Benjamin provided an update on the Surfside Circle and advised that over 200 people have joined.

Sandra Argow inquired if there were discussions that she missed concerning extending Third Thursday into May. Duncan Tavares advised that she did not miss any discussion. He stated that the number of visiting participants usually decrease for events after April. Vice-Mayor Tourgeman suggested speaking with the hotels to see what kind of occupancy they anticipate in the months of May and June. With the onset of new hotels coming into Town maybe, Third Thursdays could be extended for an additional month. Barbara Cohen inquired if there is any way to determine feedback from the concierges and the hotel guests. Duncan Tavares advised that he will confer with them to see if they have any feedback.

Dr. Elizabeth Levine inquired if there is a sign in sheet for Third Thursday and Duncan Tavares advised that there is a sign in sheet for the Surfside Circle that asks if the person is a resident or visitor, however she inquired specifically for all attendants of Third Thursday. Duncan Tavares advised that there isn't a sign in sheet, but it could be done although it would require additional manpower and cost. Vice-Mayor Tourgeman advised that it is not feasible to garner email address at the Third Thursday event. Sandra Argow advised that it could be done with the use of an iPad or a clipboard. Duncan Tavares will look into it and may possibly need a minimum of two people operating this effort. Duncan Tavares advised that items like this can be addressed as a part of the upcoming budget process.

#### **V. Business District Tree Lights ~ MCL's Solange Beaumard**

Solange Beaumard advised that the current lights are designed for a 90-day life span and that Surfside's installation is exceeding the life span as originally contracted. Vice-Mayor Tourgeman stated that the lights are an asset to the Town and there was an email received from a merchant (Gray & Sons) who is willing to pay for the business district entrance at 96<sup>th</sup> street to remain lighted year round. Miami Christmas Lights (MCL) is committed to leaving the current holiday

lights on, and to continue night time inspections, until the end of April at no additional cost. This is a ten week extension on their current contract.

Vice-Mayor Tourgeman inquired as to what the next step would be to have the entrance trees lighted. He suggested that the contract could be signed directly between Gray & Sons and MCL. Duncan Tavares advised that it would have to be worked on through the Town's contract due to liability and indemnity concerns. Dr. Elizabeth Levine wanted to hear from the Town Attorney's Office concerning any possible issues on going this route. Assistant Town Attorney Graham will research this however she advised that sponsorships can be accepted. Duncan Tavares will contact Gray & Sons with the quote for the lights. He advised that he has received a request to investigate changeable lights. This is something that can be discussed during the FY 15/16 budget process.

#### **VI. Mobile APP Update ~ Kent Aguero**

Kent Aguero went over the mobile app with the Board. Sandra Argow suggested that the app should read Surfside, Fl as there are other cities called Surfside. Duncan Tavares advised that the app is strictly a promotional Tourist centered app and will not be featured as a municipal function. Sandra Argow inquired if it will be available for IOS, Android and iPad. Kent Aguero advised that the first release will be on IOS and Android and the second release on iPad. Kent is including/integrating pictures of Town merchant (i.e Grand Beach). Sandra Argow inquired if the picture is going to be still or a rolling picture. Kent advised that it could be whatever the Town would want it to be. Duncan Tavares advised that any advertising aspects have to go through the Town. Vice-Mayor Tourgeman reminded the Board that they are able to get the app through a sponsorship, so if anyone is looking to advertise would be at a cost. Sandra Argow suggested putting citibikes on the app. Kent advised that the next step is to gain some additional imagery. Sandra Argow inquired if people will be able to talk to the app and Kent advised that third party plug-ins can be integrated. It will be able to interact with Siri. Kent will go over the changes recommended by the Board.

#### **VII. Tourism Social Media Policy**

Duncan Tavares advised that the policy is specific for tourism marketing only and not for the functions of Surfside as a municipality.

Nissa Benjamin provided an overview of the work she and Duncan Tavares have done on the "media" side of tourism. This includes the hashtag "simply surfside" and the participation in certain social media sites on a trial basis. They have been able to engage merchants to participate in the online postings as a part of their efforts. The only social media site the Tourism Bureau currently has is YouTube. Duncan Tavares advised that, in order to move forward, a policy is needed. He has worked with the Town Attorney's Office and has looked into other municipalities policies for guidance. The policy of GMCVB has also been evaluated.

Dr. Elizabeth Levine feels that the social media policy isn't something the Board should engage in at a developmental level. Duncan Tavares reminded everyone that it is a policy from a visitor's perspective only and that this is the purview of the Board as it works on marketing the destination. She inquired as to how the Bureau would stop the residents from commenting on a post. Duncan Tavares advised that, included in the policy, is language that states the comments function will be disabled if necessary. She went over her recommended revisions with the Board. Vice-Mayor



Tourgeman believes that the policy is a very good work in progress. Duncan Tavares will work with the Town Attorney's Office on the revisions and will bring it back as a final draft to the Board at the next meeting. He thanked that the Board for the opportunity to work on this item with them.

### **VIII. Other Business**

Vice-Mayor Tourgeman provided a Gazette from the past that highlighted the Miss Surfside Pageant. Barbara Cohen does not support the idea of the pageants as she feels they are inappropriate.

#### **1) "Patriotic / Summer" Banners in Business District May – Sept**

Duncan Tavares will be bringing designs for the banners to next month's meeting. The cost of the banners would be approximately \$4,500. The banners would be installed from 96<sup>th</sup> to 94<sup>th</sup> street on Harding Avenue. Dr. Elizabeth Levine inquired if the banners can stay up until Veterans Day and Duncan Tavares advised that they may. She also inquired if funds are available for this and Duncan Tavares advised that funds are available in the budget for this item.

#### **2) Upcoming Tourist Board Meeting Schedule / Agenda**

Duncan Tavares provided a preliminary schedule and reminded them of the upcoming budget process for the Town.

#### **3) Events Discussion**

Duncan Tavares advised that future event discussions are on the schedule provided however this may require a special meeting. He requested that the Board bring their ideas to the meetings.

#### **4) Next Tourist Board Meeting: Monday April 6, 2015 at 6:30pm (RTO / TB Policies & Events Discussion)**

**Joint Meeting with Town Commission: Monday May 4, 2015 at 7:00pm**

### **IX. Public Comment**

Sandra Argow inquired about the chances of working with the Grand Beach Hotel Surfside on advertising in the New York Times Magazine (as an example). Duncan Tavares advised that he has reached out to them on several occasions. However, they have their own marketing plan that does not include such initiatives.

Vice-Mayor Tourgeman provided the name of a company that rents ponies for events. Duncan Tavares advised that he would consider it for the next Third Thursday in April.

Dr. Elizabeth Levine stated that today's meeting was very informative. However, she suggested placing time limits on presenters.

### **X. Adjournment**

Sandra Argow made a motion to adjourn the meeting; Joel Baum seconded the motion. The motion passed unanimously. The meeting ended at 9:00pm.

Accepted this 6 day of April, 2015

Elizabeth A. Levine  
Member (Print)

[Handwritten Signature]  
Signature

Attest: [Handwritten Signature]  
Frantza Duval  
Recording Clerk



## TOWN OF SURFSIDE

MUNICIPAL BUILDING  
9293 HARDING AVENUE  
SURFSIDE, FLORIDA 33154-3009

### PARKS AND RECREATION ADVISORY COMMITTEE MEETING

Monday March 16, 2015

7:00 pm

Surfside Community Center  
9301 Collins Avenue

### MINUTES

1. Roll Call of Committee Members

Retta Logan called the meeting to order at 7:00pm.

**Also in attendance:** Tim Milian, Parks and Recreation Director, Shlomo Danzinger , Alberto Aguirre, Marta Olchyk, Liaison, Frantza Duval, Recording Clerk, Jane Graham, Assistant Town Attorney, Arnie Notkin, Ross Prieto, Building Official, Veronica Lupinacci

Eliana Salzhauer is absent with regrets.

2. Approval of minutes from 2/23/15

Shlomo Danzinger made a motion to approve the February 23, 2015 minutes; Alberto Aguirre seconded the motion. The motion passed unanimously. The minutes were approved.

3. 96<sup>th</sup> street park ( Ross Prieto Building Official )

Tim is meeting with the Town Manager on March 18, 2015 to discuss the cost for the project.

Ross advised the committee of the five (5) architectural and engineering firms approved by the Town. The Town would then create a scope of work and bid it out to the firms. The turn-around time for pricing would be 30-45 days.

The items that take the longest are permitting and layout of drainage. Permitting has to go through Department of Environmental Resources Management (DERM), which can take a few months.

The building will also take some time depending on the complexity of the structure. It will also be the most expensive part of the project and the longest to design and build.

Once the drainage is in the field landscaping can move very fast allowing the field to be operational while other parts of the park is closed for construction.

Marta inquired if there is cost involved in getting pricing for the bids. Ross advised there is no cost as they're on the Town's list of approved engineers and architectural firms.

Marta inquired if there is a cost for the drainage and Ross advised that it is a design. It is a part of the architectural design.

Tim advised that drainage is important as the current field currently holds water. Tim also advised that \$550,000 is left from the developments and will clarify with the Town Manager on additional funding source.

Tim should have the tentative time frame and dollar figure by the next meeting on April 20, 2015.

Tim can also start discussing with Ross Prieto the scope work to be presented to the firms.

Ross advised that the only cost that will come from the Town will be structural review for the building as it would be outsourced and it will be at a minimal cost.

Marta inquired out of the money coming from the developers has the Marriott been included and Tim advised that they have been included.

Marta also inquired about tourist tax dollars coming in and Tim advised that the tourist tax funds coming in is not earmarked for this project.

Tim advised that new playground equipment and fence is needed. In addition, the entrance of the fence needs to be relocated and security light added.

4. Tennis Court Reservation fees and feedback first 3 weeks

Tim advised that the youth tennis program has generated, year-to-date, \$20,000 in revenue.

The first three weeks generated \$300 in revenue for court reservations.

Tennis clinic is being held free of charge to the Town on April 11, 2015. The one-time fee for residents is \$5 for ages 6-12.

Tim is looking into more adult programs such as aerobic tennis.

The peak time for tennis is October-April. Tim is going to staff it differently in June, July, and August, which are generally hotter months.

5. Summer Camp for Registration Dates 2015

Tim advised that residents can begin registering for summer camp on April 13, 2015.

6. Spring Camp 2015 update

Last year was the first spring camp and this year is full to capacity bringing in a revenue of \$6,000. The camp is currently filled at 100% of Surfside residents.

Marta inquired in the maintenance of the pool is complete. Tim advised that yes, but there are smaller items that come up that will be addressed, such as the netting at the tot pool.

7. Community Input

NONE.

8. Meeting Adjournment

Veronica Lupinacci made a motion to adjourn the meeting, Shlomo Danzinger seconded the motion. The motion passed unanimously. The meeting ended at 8:00pm.

Accepted this 27 day of April, 2015

Retta Logan

Member (Print)

Retta Logan

Signature

Attest:

Franza Duval  
Franza Duval  
Recording Clerk



**TOWN OF SURFSIDE  
SPECIAL PLANNING AND ZONING BOARD**

Town Hall Commission Chambers  
9293 Harding Ave., 2<sup>nd</sup> Floor  
Surfside, Florida 33154

**MINUTES  
MARCH 26, 2015  
6:00 PM**

---

**1. CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 6:06 pm.

**2. ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Board Member Peter Glynn, Chair Lindsay Lecour, Vice Chair Jacob Kligman, Board Member Armando Castellanos and Board Member Moshe Rubenstein. Commissioner Cohen attended as liaison.

**3. APPROVAL OF MINUTES: FEBRUARY 18, 2015**

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

**4. DISCUSSION ITEMS:**

**A. Corridor Analysis**

Mr. Gianni Feoli, of CGA gave an overview as to what was presented at the last Special Meeting. At that meeting he received some direction from the Board and will now present two different scenarios for their review. The presentation showed the restrictive and less restrictive massing. In the demonstration, Mr. Feoli explained in detail the scaling difference in the buildings and walked them around the block to view all sides (Collins Avenue and Harding Ave as primary frontage). He said landscaping will soften the façade of the structures.

He is recommending setting the maximum setting footprint at 75 feet as it is more consistent with the smaller scale historical and present buildings that are there. As to the breezeways he is recommending a 12 foot minimum and bringing it up to 17 feet when the lot frontage is greater than 200 feet. He further suggest 30% landscaping of the footprint of the breezeway, it has to be accessible at all times and provide security lighting and lined by habitable space, no blank walls. As to setbacks, to redefine the Harding and the Collins as primary frontage to 20 feet and explained what he proposed as to parking. The East/West Streets to be at 10 feet as well as his recommendation for the interior.

Mr. Feoli made his recommendation on building articulation. He thoroughly explained the articulation study they did and how they came to their recommendation. He said if one or more buildings are constructed there has to be at least a 30% variation in the façade so they all don't look the same.

Chair Lecour opened the meeting for public hearing.

Public Speakers:

-Rick Superstein asked what the plans are for accommodating the buildings which have been designated as historical by the Historical Preservation Board (several which he owns). The decision has been delayed and the town of Surfside is working with Dade County. Mr. Feoli said perhaps only the façade may have to be preserved and explained some options the town may have. Town Planner Sarah Sinatra spoke about zoning in progress which will be coming up at the April Commission Meeting.

-Michael Karukin speaking as a resident and not a member of the Commission thanked the Board for taking up this issue. He asks the Board to please support the zoning in progress. He also commented on two aspects of the comprehensive plan particularly Policy 1 and Policy 3, Policy 3 deals with hotels on the west side of Harding a new type of land zone for that area, and Policy 1 about density and intensity and asks the Board to think about these two policies. He also suggested they look at it as "a look and feel look" whether it be hotel usage or residential.

- Carli Koshal representing a developer asks for consideration to applicants who have already started the process for future development under the current codes as they have already put forth some expenses. Ms. Koshal then spoke as a resident regarding the historic preservation issue and asks for some support and guidance for the people that are involved in this issue such as Mr. & Mrs. Silverstein.

No one else wishing to speak the public hearing was closed.

Board Member Glynn said he believed every Board Member here cared about the city and served not for power but for love of the city. After viewing the presentation his concerns are that we are doing what the developers and architects are wanting and not what the residents want. Surfside is a special place and he said the Board has the opportunity now to stop development from getting too big and keeping Surfside small. He is asking the Board to view this from being a resident of Surfside and not from a developer's point of view.

Chair Lecour said she agrees this is a high priority issue but wants to see it balanced out and scaled to the town. She feels we do need new development as the corridor is getting to look old and worn.

Chair Lecour then went through the recommendations by Mr. Feoli. They discussed the maximum 75 ft building length and the size and number of apartments it could accommodate. Board Member Glynn said developers will find a way to build in the space we will allow them. He said Surfside is overpopulated now and developers want to come to Surfside as it is the place to be. Jorge Guitterez, speaking as a resident agrees with Board Member Glynn. He said he does like the new buildings that have been developed but asks do we really want more hotels. He spoke about apartments and various sizes which could be developed. Vice Chair Kligman favors 150 ft which is less restrictive. Board members gave their views and felt a good balance point would be 150ft building length on Collins and 75ft on Harding.

The Board discussed the breezeways and Board Member Glynn believes 12 ft. looks like a bowling alley and is favor of at least 17 feet. There was discussion on safety and security and asked if the Police Dept. could review the proposal. The feeling is the wider the breezeway the more safe it can be and 17 ft. is preferred.

Articulation was then viewed and variations in the façade. Mr. Feoli will bring back more details on articulation. Chair Lecour asked if we could have a third party look at the proposal to have a fresh view. Chair Lecour also brought up the structures that have been designated as historic and how that would work with the articulation. The recommendations made by Mr. Feoli and the changes the Board proposed will be brought back for another review.

Board Member Glynn asked the citizens to give feedback either by calling or email as to whether they think the town should be more or less restrictive on this issue.

Board Member Glynn spoke about the town and how real estate has become a very hot commodity. He is concerned that many homes will be sold and then torn down and new block like structures constructed on the lots that may meet our codes but do not fit into the nature of the community. He believes we have to start looking at design guidelines and feels this is as critical as the corridor. Town Planner Sinatra gave input on what is in place now and will work on scheduling something for a future meeting.

**6. ADJOURNMENT.**


There being no further discussion the meeting adjourned at 7:42 p.m.

Accepted this 30 day of April, 2015



  
Chair Lindsay Lecour

Attest:

  
Sandra Novoa, CMC  
Town Clerk



**TOWN OF SURFSIDE  
DESIGN REVIEW BOARD**

Town Hall Commission Chambers  
9293 Harding Ave., 2<sup>nd</sup> Floor  
Surfside, Florida 33154

**MINUTES  
MARCH 26, 2015  
7:00 PM**

---

**1. CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 7:47 pm.

**2. ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Board Member Peter Glynn, Chair Lindsay Lecour, Vice Chair Jacob Kligman, Board Member Armando Castellanos, Board Member Moisha Rubenstein, and Board Member Jorge Gutierrez. Board Member Jessica Weiss was absent.

Commissioner Cohen attended as liaison.

**3. APPROVAL OF MINUTES: FEBRUARY 26, 2015**

Board Member Gutierrez had a correction to the minutes – Vice Mayor Kligman change to Vice Chair Kligman.

Board Member Gutierrez made a motion to approve with the amendment. The motion received a second from Board Member Castellanos and all voted in favor with Board Member Jessica Weiss absent.

**4. DESIGN REVIEW BOARD APPLICATIONS:**

**A. Request of the Owner of Property located at 8718 Byron Avenue**

The applicant is requesting to build a new single family residence.

Town Planner Sarah Sinatra presented the item. James Mackenzie, architect for the project gave an overview and presented changes to the façade of the buildings as requested by the Board at the last meeting. At the last meeting the Board had an issue with repetitive design.

Board Member Gutierrez said he did see an improvement in the design. The Board reviewed the plans and posed some questions which Town Planner Sinatra responded to. Landscaping, color treatment of walls and driveway was discussed.

Board Member Gutierrez made a motion to approve with the condition that there be color treatment of the driveway and color treatment of the structure to differentiate from neighboring structures. The motion received a second from Board Member Castellanos. The motion passed 5/1 with Board Member Rubenstein in opposition. Board Member Weiss was absent.

**B. Request of the Owner of Property located at 8726 Byron Avenue**

The applicant is requesting to build a new single family residence.

Town Planner Sarah Sinatra presented the item.

Board Member Gutierrez made a motion to approve with the condition that there be color treatment of the driveway and color treatment of the structure to differentiate from neighboring structures. The motion received a second from Vice Chair Kligman. The motion passed 5/1 with Board Member Rubenstein abstaining. Board Member Weiss was absent.

**C. Request of the Owner of Property located at 8859 Abbott Avenue**

The applicant is requesting a carport conversion.

Town Planner Sarah Sinatra presented the item and staff is recommending approval.

Board Member Gutierrez questioned the location of the steps leading into the house and the lack of hand rails. Staff was directed to look into whether guard rails are needed.

Board Member Glynn made a motion to approve with the condition to look into whether guard rails are needed. The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Weiss absent.

**D. Request of the Owner of Property located at 908 Surfside Blvd**

The applicant is requesting to convert a garage.

Town Planner Sarah Sinatra presented the item and staff is recommending approval.

Board Member Rubenstein made a motion to approve. The motion received a second from Board Member Gutierrez and all voted in favor with Board Member Weiss absent.

**E. Request of the Owner of Property located at 9001 Dickens Avenue**

The applicant is requesting to a fence in the front of the property.

Town Planner Sarah Sinatra presented the item and staff is recommending approval.

Board Member Gutierrez made a motion to approve. The motion received a second from Vice Chair Kligman and all voted in favor with Board Member Weiss absent.

**F. Request of the Owner of Property located at 8819 Byron Avenue**

The tenant is requesting to convert a garage.

Town Planner Sarah Sinatra presented the item and staff is recommending approval. Michael Filmer from the architect firm gave more details and answered questions posed by the Board.

Board Member Glynn made a motion to approve with the condition that landscaping be at the base of the converted garage. The motion received a second from Vice Chair Kligman and all voted in favor with Board Member Weiss absent.

**G. Request of the Owner of Property located at 8917 Froude Avenue**

The owner is requesting to build an addition.

Town Planner Sarah Sinatra presented the item and staff had a number of concerns.

Edward Landers, structural engineer gave a power point presentation of the proposed project with some changes that were of concern to staff. The Board was not in favor of the design and there was discussion on this issue as the addition is not consistent with the existing structure. Some options were suggested by the Board and the applicant was asked to come back addressing the concerns.


Board Member Castellanos made a motion to defer the item. The motion received a second from Board Member Glynn and all voted in favor with Board Member Weiss absent.

**5. ADJOURNMENT.**

There being no further business to come before the Design and Review Board the meeting adjourned at 8:36 p.m.

Accepted this 30<sup>th</sup> day of April, 2015

Attest:

  
\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk

  
\_\_\_\_\_  
Chair Lindsay Lecour

**PLANNING AND ZONING BOARD**

**MINUTES**

**March 26, 2015**

**7:00 PM**

**1. CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 8:36 pm.

**2. ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Board Member Peter Glynn, Chair Lindsay Lecour, Vice Chair Jacob Kligman, Board Member Armando Castellanos and Board Member Moisha Rubenstein. Commissioner Cohen attended as liaison.

**3. APPROVAL OF MINUTES: FEBRUARY 26, 2015**

Vice Chair Kligman said the vote on the muncell number of sand was omitted from the minutes. The minutes will be amended to read "The Board had a little difference of opinion on the muncell number 7 of sand with three for #7 and two for #6."

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

**4. P&Z SITTING AS THE LOCAL PLANNING AGENCY:**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN'S WATER SUPPLY FACILITIES WORK PLAN AND APPLICABLE ELEMENTS WITHIN THE TOWN'S COMPREHENSIVE PLAN RELATING TO WATER SUPPLY PLANNING; PROVIDING FOR INCLUSION IN THE TOWN OF SURFSIDE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Recording Clerk Frantza Duval read the title of the Ordinance.

Town Planner Sarah Sinatra presented the item.

Vice Chair Kligman made a motion to forward to the Commission. The motion received a second from Board Member Castellanos and all voted in favor.

**5. DISCUSSION ITEMS:**

**A. Sheds**

Public Speaker Larisa Alonso said she felt the requirement of landscaping is excessive and gave her reasoning. Michael Karukin speaking as a resident and not a Commissioner agrees with Ms. Alonso. There was some discussion about landscaping and who would enforce the code in someone's back yard. Board Member Glynn's concern was a neighbor's view of the top of the shed with no landscaping to buffer it. Many residents are converting their garages into more living space and more people will want to put in sheds for storage. Providing landscaping at the discretion of the DRB was considered. Chair Lecour said legislation is difficult because every case is different. They discussed that if there were a six foot opaque fence in place perhaps they would not need the landscaping. Town Planner Sinatra will come back with new text for the May agenda.

Commissioner Cohen left the meeting at 8:54 p.m.

**B. Practical Difficulty Variance**

Town Planner Sinatra gave an update and the concerns of the Commission. Ms. Sinatra went through the four conditions an applicant has to meet to obtain a hardship variance. Landscape requirements were also presented by the Town Planner. Vice Chair Kligman was concerned about someone doing this for financial gain and within a year sell the house. Ms. Sinatra addressed the concern and said this was not for this variance and explained the difference. Vice Chair Kligman said he would like to see maximum lot coverage of 50%. Chair Lecour asked for a show of hands as to agrees and the Board did not agree. There was only one change in wording to "adverse" and Ms. Sinatra will make that change and bring this back to the May agenda.

Board Member Rubenstein left the meeting at 9:15 p.m.

**C. Interior Balcony**

Town Planner Sinatra gave an update and the new language staff is suggesting.

**D. Future Agenda Items**

Workshop on single family home designs and massing

Changing of windows

Increasing minimum code regarding landscaping and grants or government help to those who do not have the means to be up to code

**E. Peter Glynn's Request-Proactive**

Building Official Ross Prieto gave an update.


**6. ADJOURNMENT**

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 9:25 p.m.

Accepted this 30 day of April, 2015

  
Chair Lindsay Lecour

Attest:

  
Sandra Novoa, CMC  
Town Clerk



**TOWN OF SURFSIDE  
COMMISSION COMMUNICATION**

**Agenda #** 3F

**Agenda Date:** May 12, 2015

**From:** Vice Mayor Eli Tourgeman

**Subject:** A Resolution requesting that the Florida Department of Transportation and Miami-Dade County coordinate its projects with municipalities for projects within those municipalities

---

The Florida Department of Transportation (“FDOT”) is within its jurisdiction to conduct projects on state roadways located within municipalities. It would be in the interest of those municipalities if FDOT informed them of its intentions to do projects within those municipalities. The purpose of this Resolution is to request the Florida Department of Transportation and Miami-Dade County to establish protocols to inform municipalities about Florida Department of Transportation's intentions to alter state roadways that are within the jurisdiction of those municipalities, with sufficient advanced notice that the municipality has adequate time to respond before the action is carried out.

**Recommendation:** For the Town Commission to approve the attached Resolution.



RESOLUTION NO. 15 - \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION AND MIAMI-DADE COUNTY COORDINATE ITS PROJECTS WITH MUNICIPALITIES FOR PROJECTS WITHIN THOSE MUNICIPALITIES; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SECRETARY OF FLORIDA DEPARTMENT OF TRANSPORTATION THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, ALL MUNICIPALITIES IN MIAMI-DADE COUNTY, THE MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Department of Transportation (“FDOT”) is within its jurisdiction to conduct projects on state roadways located within municipalities; and

**WHEREAS**, it would be in the interest of those municipalities if FDOT informed them of FDOT’s intentions to do projects within those municipalities.

**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. Request to Florida Department of Transportation and Miami-Dade County.** The Town Commission hereby requests that the Florida Department of Transportation and Miami-Dade County establish protocols to inform municipalities about Florida Department of Transportation’s intentions to alter state roadways that are within the jurisdiction of those municipalities, with sufficient advanced notice that the municipality has adequate time to respond before the action is carried out.

**Section 3. Direction to Town Clerk.** The Town Clerk is hereby directed to transmit a copy of this resolution to the Secretary of the Florida Department of Transportation, the Board of County Commissioners of Miami-Dade County, all municipalities in Miami-Dade County, the Miami-Dade County League of Cities, and the Florida League of Cities.

**Section 4. Implementation.** The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

**Section 5. Effective Date.** This resolution shall be effective immediately upon adoption.

**PASSED** and **ADOPTED** on this day \_\_\_\_\_ of \_\_\_\_\_, 2015.

Motion by \_\_\_\_\_,

Second by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

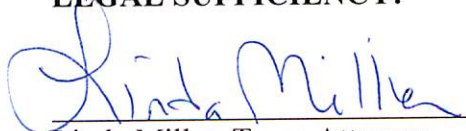
Commissioner Barry R. Cohen \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Eli Tourgeman \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Sandra Novoa, Town Clerk

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

  
\_\_\_\_\_  
Linda Miller, Town Attorney



**TOWN OF SURFSIDE  
COMMISSION COMMUNICATION**

**Agenda #** 3G

**Agenda Date:** May 12, 2015

**From:** Vice Mayor Eli Tourgeman

**Subject:** A Resolution Supporting Senate Bill 378 (2015) to expand law enforcement officers' ability to give a warning, inform the parents/guardian or issue civil citations for a diversion program to juveniles in lieu of arrest

---

Florida Statute 985.12 originally authorized issuance of civil citation in lieu of arrest but only for first-time juvenile offenders. Senate Bill 378 has been proposed in an effort to expand law enforcement officers' authority to issue warnings, notices to parents/guardians, participation in diversion programs, or proscribing community service, in lieu of arrests to juveniles beyond first-time offenders of minor crimes. Senate Bill 378 will give young offenders more opportunities to become productive members of society by including juveniles who have committed minor crimes more than one time and who would otherwise have been arrested.

**Recommendation:** For the Town Commission to approve the attached Resolution.

**RESOLUTION NO. 15 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, SUPPORTING SENATE BILL 378 (2015) TO EXPAND LAW ENFORCEMENT OFFICERS' ABILITY TO GIVE A WARNING, INFORM THE PARENTS/GUARDIAN OR ISSUE CIVIL CITATIONS FOR A DIVERSION PROGRAM TO JUVENILES IN LIEU OF ARREST; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, ALL MUNICIPALITIES IN MIAMI-DADE COUNTY, THE MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** Florida Statute 985.12 originally authorized issuance of civil citation in lieu of arrest but only for first-time juvenile offenders; and

**WHEREAS,** Senate Bill 378 has been proposed in an effort to expand law enforcement officers' authority to issue warnings, notices to parents/guardians, participation in diversion programs, or proscribing community service, in lieu of arrests to juveniles beyond first-time offenders of minor crimes; and

**WHEREAS,** Senate Bill 378 will give young offenders more opportunities to become productive members of society by including juveniles who have committed minor crimes more than one time and who would otherwise have been arrested.

**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. Support.** The Town Commission hereby supports Senate Bill 378 (2015) to expand the Florida Stat. Sec. 985.12 titled Civil Citation to issue warnings, notices to parents/guardians, participation in diversion programs, or proscribing community service. A copy of the pertinent portion of Senate Bill 378 is attached.

**Section 2. Direction to Town Clerk.** The Town Clerk is hereby directed to transmit an electronic copy of this Resolution to the Board of County Commissioners of Miami-Dade County, all municipalities in Miami-Dade County, the Miami-Dade County League of Cities, and the Florida League of Cities.

**Section 3. Implementation.** The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

**Section 4. Effective Date.** This resolution shall be effective immediately upon adoption.

**PASSED** and **ADOPTED** on this day \_\_\_\_\_ of \_\_\_\_\_, 2015.

Motion by \_\_\_\_\_,

Second by \_\_\_\_\_.

**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



## TOWN OF SURFSIDE COMMISSION COMMUNICATION

**Agenda #** 3H  
**Agenda Date:** May 12, 2015  
**From:** Vice Mayor Eli Tourgeman  
**Subject:** Flavored Tobacco and Electronic Cigarettes Urging Resolution

---

At the February 10, 2015 Town Commission meeting, representatives from the Tobacco Free Workgroup and Students Working Against Tobacco (SWAT) presented on the dangers of flavored tobacco marketed to children. They requested the Town pass an ordinance or resolution to ban the sale of flavored tobacco in the Town. I was supportive of the Town looking into possibilities of regulating flavored tobacco and additionally requested the Town consider the impact of e-cigarettes. As a result, the Town Commission requested the Town Attorney's Office to provide information on flavored tobacco and e-cigarettes, which can be found in the analysis below.

**Analysis:** There are current federal, state and county regulations that govern flavored tobacco and e-cigarettes but there is opportunity for the Town's further participation and leadership on the subject.

### **Flavored Tobacco**

Flavored tobacco products are defined as loose tobacco including snuff flour, plug and twist tobacco, fine cuts, chewing tobacco, snus, shisha tobacco, smoking or snuffing products, and all other kinds and forms of tobacco. Flavored tobacco have serious health risks and are not considered safe by the U.S. Food and Drug Administration (FDA). They have become increasingly common in the U.S. and contain flavors like vanilla, orange, chocolate, cherry and coffee. They are widely considered to be "starter" products, establishing smoking habits that can lead to a lifetime of addiction.

The federal Family Smoking Prevention and Tobacco Control Act of 2009 gives the FDA the authority to regulate tobacco. The Family Smoking Prevention and Tobacco Control Act prohibits flavored cigarettes but does not prohibit flavored non-cigarette tobacco products. The law expressly provides that state and local governments may promulgate regulations for tobacco products that are in addition to or more stringent than federal rules. It states:

"Nothing in this subchapter shall be construed to limit the authority of a ...political subdivision of the State... to enact, adopt, promulgate, and enforce any

law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this subchapter including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age.” Family Smoking Prevention and Tobacco Control Act of 2009, 21 U.S.C.A. § 387p.<sup>1</sup>

The authority of state and local governments to restrict the sale of these products has been upheld in federal court. U.S. Smokeless Tobacco Mfg. Co., et al. v. City of New York, 703 F.Supp.2d 329, 332+, S.D.N.Y. 2012. (Upheld New York City Ordinance that prohibited sale of flavored tobacco product except in tobacco bar).

Florida statutes which prohibit tobacco sales and possession of tobacco by minors apply to flavored tobacco products. In Florida, the Division of Alcoholic Beverage and Tobacco within the Department of Business and Professional Regulation enforces tobacco product regulation provisions in ch. 569, *Florida Statutes*. Section 569.101, *Florida Statutes* prohibits the sale, delivery, bartering, furnishing or giving of tobacco to persons under the age of 18. A violation of this prohibition is a second degree misdemeanor. Section 569.11, *Florida Statutes* prohibits persons under the age of 18 from possessing, directly or indirectly, any tobacco products. Florida section 569.101, *Florida Statutes*, prohibits the sale or giving of tobacco products to persons under 18 years of age.

In 2014, Miami-Dade County passed “Merchandising of Tobacco Products, Flavored Tobacco Products, and Electronic Cigarettes and other Nicotine Dispensing devices”, Section 8A-8. It prevents the sale of flavored tobacco products by persons under the age of 18 by regulating the placement of the products by prohibiting self-service merchandising or any other means of vendor assisted sales. Section 8A-8.3. Enforcement of these provisions is the responsibility of Miami-Dade County. Section 8a-8.4. An earlier draft of the ordinance prohibited the sale of flavored tobacco throughout the county with a civil penalty of \$500, however this draft did not pass.

Many municipalities throughout Florida have passed resolutions urging tobacco retailers to stop the sale and marketing of flavored tobacco products where youth have access to their products, including the West Palm Beach, Fort Lauderdale, Miami Gardens and Opa-locka.

### **Electronic Cigarettes**

Electronic cigarettes, also known as e-cigarettes, are electronic products that allow users to inhale vaporized nicotine, flavor, and other chemicals, without fire, smoke, ash, or carbon dioxide. E-cigarettes and other nicotine dispensing devices are manufactured to resemble cigarettes, cigars or pipes, pens and Universal Serial Bus (USB) memory sticks. Sales of e-cigarettes have grown rapidly in the United States, and after doubling every year since 2008, sales in 2013 accelerated even faster and were projected to reach \$1.7 billion. Consumers are led

---

<sup>1</sup> However, there is an exception to the preservation of state’s authority. “No...political subdivision may enact requires relating to “tobacco product standards, premarket review, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products. Section 387p(a)(2)(A).

to believe that e-cigarettes are a safe alternative to traditional cigarettes, despite the fact that most e-cigarettes contain nicotine and have the potential to be addictive. According to the U.S. Centers for Disease Control and Prevention, 1.8 million middle and high school students have said that they have tried e-cigarettes in 2012, which is double the amount for the previous year.

E-cigarettes are a relatively new device and the law surrounding their regulation is still being refined. In a recent federal case, the Court held that e-cigarettes and other products made or derived from tobacco should be regulated as “tobacco products” and not regulated as drugs/devices unless they are marketed for therapeutic purposes. Sottera, Inc. v. FDA, 627 F.3d 891 (D.C. Cir. 2010). The National Association of Attorneys General issued a letter to the commissioner of the FDA urging the FDA immediately regulate the sale and advertising of e-cigarettes. Federal regulations are currently in development for e-cigarettes.

In 2014, the State of Florida prohibited the sale to or use of e-cigarettes by minors. Sec. 877.112, *Florida Statutes*. In addition, businesses which sell e-cigarettes must post a sign that clearly and conspicuously states “The sale of nicotine products or nicotine dispensing devices to persons under the age of 18 is against Florida law. Proof of age is required for purchase.” Sec. 877.112(10), *Florida Statutes*. The law also prohibits sale of these products through self-service merchandising. Sec. 877.112(11), *Florida Statutes*. Interestingly, the House version of the bill would have included a section to preempt municipalities from regulating the sale e-cigarettes, but this amendment was left out of the enrolled text of the legislation. Thus, municipalities are not preempted from promulgating further regulation on the subject.

Miami-Dade County prohibits the placement of electronic cigarettes and other nicotine dispensing devices in self-service open displays accessible to minors, and also prohibits the sale of e-cigarettes to minors. Sec. 8A-8, Sec. 8CC-10. The law provides a schedule of civil penalties for infractions. In incorporated areas of Miami-Dade, such as the Town of Surfside, enforcement is the responsibility of the municipality. 21-13.1 and 21-13.2, Miami Dade County. Miami-Dade County also passed a resolution which prohibits the use of electronic cigarettes and other nicotine dispensing devices in county owned or operated enclosed indoor workplaces. R-145-14, Miami Dade Board of County Commissioners.

Several municipalities have passed similar ordinances, including the City of Green Cove Springs, the City of Sebastian, the City of Vero Beach, the City of Stuart, and the Town of Orange Park. The University of Florida, Florida State University, the Seminole County School District, and the Bay County School Board, among others, have enacted policies banning the use of e-cigarettes on their campuses and properties.

**Recommendation:** Approve the attached Resolution from the Town to urge local retailers to discontinue flavored tobacco sales where youth have access and for the Town of Surfside to prohibit e-cigarettes in Town indoor workplaces.



**RESOLUTION NO. 15 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, URGING RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS AND E-CIGARETTES IN SURFSIDE, FLORIDA; AND TO PROHIBIT THE USE OF ELECTRONIC CIGARETTES AND OTHER NICOTINE DISPENSING DEVICES IN TOWN OWNED OR OPERATED ENCLOSED INDOOR WORKPLACES; PROVIDING DIRECTION TO THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, MIAMI-DADE COUNTY LEAGUE OF CITIES, AND FLORIDA LEAGUE OF CITIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, representatives from the Tobacco Free Workgroup and Students Working Against Tobacco (SWAT) presented on the dangers of flavored tobacco marketed to children at the February 10, 2015 Town Commission meeting; and

**WHEREAS**, tobacco use is the number one cause of preventable death in the United States, and almost ninety percent of tobacco users started before they were 18 years old; and

**WHEREAS**, each day, more than 4,000 young people try smoking for the first time, and another 2,000 youth become regular daily smokers; and

**WHEREAS**, research from the Harvard School of Public Health determined that tobacco manufactures are targeting youth with flavored products that mask the harsh and toxic properties found in tobacco smoke and tobacco chewing products; and

**WHEREAS**, flavored tobacco products are defined as loose tobacco including snuff flour, plug and twist tobacco, fine cuts, chewing tobacco, snus, shisha tobacco, smoking or snuffing products, and all other kinds and forms of tobacco; and

**WHEREAS**, flavored tobacco products have serious health risks and are not considered safe by the U.S. Food and Drug Administration (FDA). They have become increasingly common in the U.S. and contain flavors like vanilla, orange, chocolate, cherry and coffee. They are widely considered to be “starter” products, establishing smoking habits that can lead to a lifetime of addiction; and

**WHEREAS**, the federal Family Smoking Prevention and Tobacco Control Act of 2009 provides that state and local governments may promulgate regulations for tobacco products that are in addition to or more stringent than federal rules; and

**WHEREAS**, electronic cigarettes, also known as e-cigarettes, are electronic products that allow users to inhale vaporized nicotine, flavor, and other chemicals, without fire, smoke, ash, or carbon dioxide; and

**WHEREAS**, consumers are led to believe that e-cigarettes are a safe alternative to traditional cigarettes, despite the fact that most e-cigarettes contain nicotine and have the potential to be addictive; and

**WHEREAS**, sales of e-cigarettes have grown rapidly in the United States, and after doubling every year since 2008, sales in 2013 accelerated even faster and were projected to reach \$1.7 billion; and

**WHEREAS**, according to the U.S. Centers for Disease Control and Prevention, 1.8 million middle and high school students have said that they have tried e-cigarettes in 2012, which is double the amount for the previous year; and

**WHEREAS**, the recent federal case Sottera, Inc. v. FDA, 627 F.3d 891 (D.C. Cir. 2010) held that e-cigarettes and other products made or derived from tobacco should be regulated as “tobacco products” and not regulated as drugs/devices unless they are marketed for therapeutic purposes; and

**WHEREAS**, numerous municipalities throughout Florida have passed resolutions urging tobacco retailers to stop the sale and marketing of flavored tobacco products where youth have access to their products, including the West Palm Beach, Fort Lauderdale, Miami Gardens and Opa-locka; and

**WHEREAS**, Miami-Dade County passed a resolution which prohibits the use of electronic cigarettes and other nicotine dispensing devices in county owned or operated enclosed indoor workplaces, and several municipalities have passed similar ordinances, including the City of Green Cove Springs, the City of Sebastian, the City of Vero Beach, the City of Stuart, and the Town of Orange Park; and

**WHEREAS**, the Town of Surfside urges Miami Dade County, the Miami-Dade the Miami-Dade County League of Cities, and the Florida League of Cities to support the herein resolution.

**NOW, THEREFORE, BE IT RESOLVED BY 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. Support by the Town of Surfside Town Commission to urge local retailers to discontinue flavored tobacco sales where youth have access:** The Town of Surfside, Florida urges all local retailers who sell tobacco and nicotine products, where youth have access to their flavored tobacco products and e-cigarettes, to discontinue their

sale in order to reduce the exposure to and use of flavored tobacco product and e-cigarettes by Surfside youth.

**Section 3. Support by the Town Commission of the Town of Surfside to prohibit e-cigarettes in Town indoor workplaces:** The Town of Surfside, Florida resolves to prohibit the use of electronic cigarettes and other nicotine dispensing devices in Town owned or operated enclosed indoor workplaces.

**Section 4. Direction to Town Clerk:** The Town Clerk is hereby directed to transmit a copy of this Resolution to the Board of County Commissioners of Miami-Dade County, the Miami-Dade County League of Cities, and the Florida League of Cities.

**Section 5. Implementation.** The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

**Section 6. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Motion by \_\_\_\_\_,

Second by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

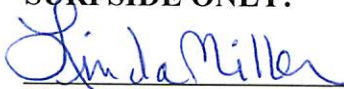
Commissioner Barry Cohen \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Eli Tourgeman \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, 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 #** 3I

**Agenda Date:** May 12, 2015

**Subject:** Contributions for Downtown Harding Avenue Business District Tree Lights

**Background:** Following on the compliments that the Town has received on the recent seasonal lighting of the business district trees, and positive feedback from the business community, the Town retained the lights on the three entrance trees at Harding Avenue and 96<sup>th</sup> Street.

The Town Manager issued two letters to the business community seeking contributions to keep these lights on and maintained through to November when seasonal lighting is traditionally installed.

**Analysis:** To date the following businesses have contributed \$7,000 to this endeavor:

Gray & Sons, 9595 Harding Avenue - \$5,000

Real Estate Transactions International, 9537 Harding Avenue- \$1,000


Oberle Opticians, 9552 Harding Avenue- \$500

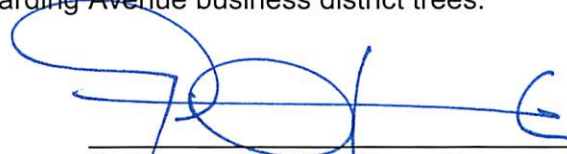
Flanigan's, 9516 Harding Avenue, and Big Daddy's Liquors, 9494 Harding Avenue - \$500

**Budget Impact:** No expense to the Town as the contributed amount covers the cost of this initiative. Any additional contributions received will be utilized on either a permanent lighting solution or the next seasonal installation.

**Staff Impact:** None.

**Recommendation:** The Administration recommends that the Town Commission accept contributions to sustain the lighting of the downtown Harding Avenue business district trees.

  
Duncan Tavares, TEDACS Director

  
Guillermo Olmedillo, Town Manager

**RESOLUTION NO. 15 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING CONTRIBUTIONS TO SUSTAIN THE LIGHTING OF THE DOWNTOWN HARDING AVENUE BUSINESS DISTRICT TREE LIGHTS; PROVIDING AUTHORITY TO THE TOWN MANAGER TO ACCEPT ON BEHALF OF TOWN COMMISSION CONTRIBUTIONS FOR DOWNTOWN HARDING AVENUE BUSINESS DISTRICT TREE LIGHTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, following the compliments from residents, the business community and visitors on the recent seasonal lighting of the business district trees, the Town retained the lights on the three entrance trees at Harding Avenue and 96<sup>th</sup> Street; and

**WHEREAS**, the Town Manager issued two letters to the business community seeking contributions to keep these lights on and maintained through November 2015 when seasonal lighting is traditionally installed; and

**WHEREAS**, to date the following businesses have contributed a total amount of \$7,000 to this endeavor: Gray & Sons, 9595 Harding Avenue - \$5,000; Real Estate Transactions International, 9537 Harding Avenue - \$1,000; Oberle Opticians, 9552 Harding Avenue - \$500; Flanigan's, 9516 Harding Avenue, and Big Daddy's Liquors, 9494 Harding Avenue - \$500; and

**WHEREAS**, the Town Commission authorizes the Town Manager to accept on its behalf contributions for downtown Harding Avenue business district tree lights; and

**WHEREAS**, it is in the best of the Town to accept contributions to sustain the lighting of the downtown district trees.

**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. Accept and Authorization.** The Town Commission hereby accepts the contributions in the amount of \$7,000 for downtown Harding Avenue business district tree lights and authorizes the Town Manager to accept on its behalf contributions for downtown Harding Avenue business district tree lights.

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

**PASSED** and **ADOPTED** on this day \_\_\_\_\_ of \_\_\_\_\_, 2015.

Motion by \_\_\_\_\_,

Second by \_\_\_\_\_.

**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



## Town of Surfside Commission Communication

**Agenda Date:** May 12, 2015

**Subject:** Restructure of Solid Waste Commercial Rates:

- Second reading of an Ordinance amending Section 66-35, "Schedule Of Fees" of the Code of Ordinances to establish a new rate structure for commercial solid waste removal from a flat rate to a per yard fee which shall be effective July 1, 2015
- Resolution establishing a new rate structure for commercial solid waste removal from a flat rate to a per yard fee which shall be effective July 1, 2015

**Background:** The Town provides solid waste collection services to (199) commercial customers up to six days a week with differing pick up schedules based on the needs for each business. The current rate structure used to charge for these services is based on an annual fixed rate basis as shown below.

<u>Service</u>	<u>Rate/Annual</u>
Apartment/Condominium	\$230.90 per apartment
Hotel/Motel	\$97.14 per room
Business 1 <sup>st</sup> Fl.	\$506.38 per business
Business 2 <sup>nd</sup> Fl.	\$254.78 per business
Business other	\$254.78 per business
Commercial	\$1,019.14 per business
Liquor/Food	\$1,522.33 per business
Service Stations	\$3,035.11 per business
Restaurant	\$50.96 per seat
Post Office	\$3,035.11
Bar/Package	\$6,070.23

These flat rates are on an annual basis for unlimited waste pick up and disposal. The current rate structure does not match the cost of service provided to the fee charged. When researching the current rate structure, Public Works found that many commercial accounts were not equitable and the rate structure is not balanced correctly, for example: many of the smaller businesses are paying a higher

rate than the service being rendered. Consequently, many of the larger businesses are being undercharged for the services received.

Staff has contracted with Bell & Associates, an independent consultant to conduct a rate study for residential and commercial solid waste. The attached study matches Staff's concerns of our current rate structure, and recommends a new commercial rate structure based on cubic yards of solid waste picked up and disposed at a rate of \$24.80 per cubic yard.

This would provide a fair and equitable fee structure for the services to the businesses and multi-family buildings. The per cubic yard rates include landfill disposal cost, labor, fuel, dumpster rental and vehicle usage. Currently, the Town utilizes only 2 Cubic Yard dumpsters. As we begin to purchase our own dumpsters, we will be using 2 Cubic Yard and 3 Cubic Yard containers, which are reflected in the new rate schedule.

Public Works held three workshops for the commercial and multi-family customers to explain and provide information about the proposed rate change structure. These workshops were held at Town Hall on the following dates and times:

December 18, 2014, Thursday at 6:30PM

January 14, 2015, Wednesday at 6:30PM

January 22, 2015, Thursday at 10AM

In addition, the Public Works Director met with several Condo managers at their site to review the proposed rate change since they had missed the scheduled workshops.

**Analysis:** The following are examples of actual commercial accounts that compare the annual solid waste fee of the current rate to the proposed rate structure and the annual cost difference to the business. The total annual revenue from commercial customers under the current rate structure is \$813,000 and the projected annual revenue under the proposed commercial rate structure is \$900,000.

	<u>CURRENT RATE</u>	<u>PROPOSED RATE</u>	<u>INCREASE (DECREASE)</u>
CONDOMINIUM*	\$60,786	\$72,896	\$12,110
HOTEL	33,394	42,988	9,594
APARTMENT	29,786	28,121	(1,665)
RESTAURANT	3,862	3,724	(138)
BANK	1,823	1,284	(539)
HAIR SALON	565	642	77
OFFICE – 1 <sup>ST</sup> FLR	3,035	1,284	(1,751)
OFFICE – 2 <sup>ND</sup> FLR	172	161	(11)

\* Based on a 220-unit condominium, the average per unit increase is approximately \$5/month.



The current rates have been in effect since 2008 except and have remained the same for the past seven years.

The proposed adjustment in commercial rates is projected to generate an additional \$87,000 per year in solid waste revenues. On an annualized basis, this equates to an approximate 1.8% annual increase.

During the same period, costs associated with solid waste collection have exceeded this level.

For example, over the past six years, the cost for fuel and the Miami-Dade landfill fees have increased as illustrated in the below table:

<u>Fuel Price Comparison - (Gallon)</u>		<u>Landfill Cost - (Ton)</u>
2009	\$2.05	\$56.59
2010	\$2.81	\$58.19
2011	\$3.88	\$59.89
2012	\$3.98	\$61.74
2013	\$3.59	\$63.65
2014	\$3.77	\$64.96

Fuel costs have increased 84% and the landfill disposal fees have increased by \$8.37 per ton or 15%. Also, personnel costs have increased from \$437,720 in FY 09/10 to \$578,303 in FY 12/13.

A stagnant revenue stream and increase in operating costs prohibits the necessary planning to adequately finance the solid waste function going forward. Of particular concern is the lack of capital reserves to fund our aging fleet of trucks that are 9 to 13 years old.

The recommended Rate Schedule is as follows:

**2 cubic yard rate (\$24.80) per yard**

2cy picked up 1 time per week \$ 215 per month / \$ 2,580 per year

2cy picked up 2 times per week \$ 430 per month / \$ 5,160 per year

2cy picked up 3 times per week \$ 645 per month / \$ 7,740 per year

2cy picked up 4 times per week \$ 860 per month / \$ 10,320 per year

2cy picked up 5 times per week \$ 1,075 per month / \$ 12,900 per year

2cy picked up 6 times per week \$ 1,290 per month / \$ 15,480 per year

**3 cubic yard rate (\$24.80) per yard**

3cy picked up 1 time per week \$ 325 per month / \$ 3,900 per year

3cy picked up 2 times per week \$ 650 per month / \$ 7,800 per year

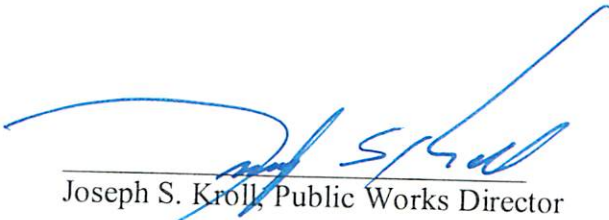
3cy picked up 3 times per week \$ 975 per month / \$ 11,700 per year

3cy picked up 4 times per week \$ 1,300 per month / \$ 15,600 per year

3cy picked up 5 times per week \$ 1,625 per month / \$ 19,500 per year

3cy picked up 6 times per week \$ 1,950 per month / \$ 23,400 per year

**Recommendation:** It is recommended that the proposed commercial rate structure, based on cubic yard of solid waste be approved with an effective date of July 1, 2015.



\_\_\_\_\_

Joseph S. Kroll, Public Works Director



\_\_\_\_\_

Guillermo Olmedillo, Town Manager



\_\_\_\_\_

Donald Nelson, Finance Director

**RESOLUTION NO. 15 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, ESTABLISHING A NEW RATE STRUCTURE FOR COMMERCIAL SOLID WASTE REMOVAL FROM A FLAT RATE TO A PER YARD FEE WHICH SHALL BE EFFECTIVE JULY 1, 2015; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the current rate structure is based on an annual fixed rate basis and has been in effect since 2008; and

**WHEREAS**, the current rate structure does not match the cost of service provided to the fee charged; and

**WHEREAS**, the Public Works Department found that many commercial accounts were not equitable and the rate structure is not balanced correctly, for example many of the smaller businesses are paying a higher rate than the service being rendered and, consequently, many of the larger businesses are being undercharged for the services received; and

**WHEREAS**, Bell & Associates has conducted a rate study for residential and commercial solid waste and has recommended a new commercial rate structure based on cubic yards of solid waste picked up disposed at a rate of \$24.80 per cubic yard; and

**WHEREAS**, Public Works department held three workshops for the commercial and multi-family customers to explain and provide information about the proposed rate change structure; and

**WHEREAS**, it is in the best interest of the Town to adopt the proposed Commercial Solid Waste Rate Schedule at a rate of \$24.80 per cubic yard of solid waste with an effective date of July 1, 2015.

**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 Rate Schedule for commercial solid waste collection services.

- 1) Incorporated herein as Attachment "A" is the Commercial Solid Waste Rate Schedule.

**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 \_\_\_\_\_, 2015.

Motion by \_\_\_\_\_,

Second by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

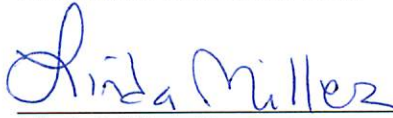
Commissioner Barry R. Cohen \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Marta Olchyk \_\_\_\_\_  
Vice Mayor Eli Tourgeman \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

Attest:

\_\_\_\_\_  
Sandra Novoa, Town Clerk

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

  
\_\_\_\_\_  
Linda Miller, Town Attorney

**Commercial Solid Waste Rate Schedule**

**2 cubic yard rate (\$24.80) per yard**

2cy picked up 1 time per week \$ 215 per month / \$ 2,580 per year  
2cy picked up 2 times per week \$ 430 per month / \$ 5,160 per year  
2cy picked up 3 times per week \$ 645 per month / \$ 7,740 per year  
2cy picked up 4 times per week \$ 860 per month / \$ 10,320 per year  
2cy picked up 5 times per week \$ 1,075 per month / \$ 12,900 per year  
2cy picked up 6 times per week \$ 1,290 per month / \$ 15,480 per year

**3 cubic yard rate (\$24.80) per yard**

3cy picked up 1 time per week \$ 325 per month / \$ 3,900 per year  
3cy picked up 2 times per week \$ 650 per month / \$ 7,800 per year  
3cy picked up 3 times per week \$ 975 per month / \$ 11,700 per year  
3cy picked up 4 times per week \$ 1,300 per month / \$ 15,600 per year  
3cy picked up 5 times per week \$ 1,625 per month / \$ 19,500 per year  
3cy picked up 6 times per week \$ 1,950 per month / \$ 23,400 per year

Any fee under this Schedule which shall be due and remain unpaid for a period of 30 days beyond the due date shall become delinquent. All delinquent fees shall bear a penalty of ten percent for the first 30 days, and an additional penalty of one percent for each month thereafter. In addition, all delinquent fees shall constitute a lien against the premises, which shall become effective and binding as such lien from the date upon which the delinquency is created.



## Town of Surfside Commission Communication

**Agenda Item #:** 3K

**Agenda Date:** May 12, 2015

**Subject:** Town of Surfside Sewage Conveyance Services

**Objective:** To approve the Agreement which will govern the terms and conditions of the transmission of the Town's sewage through Miami Beach to the County treatment facility.

**Background:** Dating back to 1972, the Town of Surfside has collected its sewage via gravity sewer to two sanitary sewer pump stations. These stations then pumped the Town's sewage via pressurized force mains through the City of Miami Beach. The Town of Surfside and Miami Beach entered into an agreement on August 2, 1972 pursuant to Resolution No. 826 to accept the terms and conditions that would govern the sewage transmission agreement. On December 5, 1979 pursuant to Resolution No. 79-16114, the City of Miami Beach and the Town of Surfside terminated the 1972 agreement, not with the intent to discontinue the City's provision of the services to Surfside, but rather to continue to provide them on a month to month basis until new terms and rates could be established. The City of Miami Beach and the Town of Surfside now wish to enter into an agreement to solidify the terms and conditions of this ongoing relationship.

Town of Surfside staff met with City of Miami Beach staff to review the initial draft of the agreement. Over the course of the following year various negotiated version of the agreement were offered. They were dated January 28, 2014, July 30, 2014 and the final draft being dated March 6, 2015.

**Recommendation(s):** It is recommended that the Commission approve the Agreement Between the City of Miami Beach, Florida and The Town of Surfside, Florida to Provide Sewage Conveyance Services. This agreement will not alter the manner in which the sewage is currently transmitted, but will establish written terms and conditions for the governance of these services.

**Budget Impact:** There is no impact to the budget as this item was previously budgeted.

**Growth Impact:** N/A

**Staff Impact:** There are no impacts to the Town of Surfside staff.

Department Head

Town Manager

RESOLUTION NO. 15 - \_\_\_\_\_

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CITY OF MIAMI BEACH TO PROVIDE SEWAGE CONVEYANCE SERVICES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach (“City”) operates a sewage conveyance system for the use and benefits of its inhabitants, and has also historically provided sewage conveyance for disposal services to the neighboring Town of Surfside; most recently, pursuant to an agreement entered into between the City and Surfside, dated August 2, 1972, and approved by the City pursuant to Resolution No. 826; and

**WHEREAS**, on December 5, 1979, pursuant to Resolution No. 79-16114 (and in anticipation of the connection of the City System to the Virginia Key Treatment facility), the City exercised its right to terminate the 1972 Agreement; notwithstanding such termination, however, the City and Surfside’s intent was not to discontinue the City’s provision of the services to Surfside, but rather to continue to provide them on a month to month basis until new terms including, without limitation, new rates under an appropriate rate setting procedure (after the City’s costs could be determined for operation under the new system) could be established; and

**WHEREAS**, the City and Surfside now wish to enter into a new agreement for sewage conveyance for disposal services; particularly insofar as memorializing the new rate of compensation to be paid by Surfside to the City is concerned; and

**WHEREAS**, it is in the best interest of the Town to enter with the City of Miami Beach into an Agreement for sewage conveyance for disposal services.

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

**Section 1. Recitals.** That the above-stated recitals are hereby adopted and confirmed.

**Section 2. Authorization.** The Town Commission hereby authorizes the Mayor to enter into an Agreement for sewage conveyance for disposal services (See Attachment “A”).

**Section 3. Implementation.** The Town Manager or his designee is hereby authorized to take any and all action necessary to implement this Resolution.

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

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

Motion by \_\_\_\_\_,

Second by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

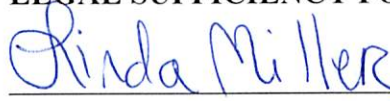
Commissioner Barry Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, Town Clerk

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

  
\_\_\_\_\_  
Linda Miller, Town Attorney



**AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND  
THE TOWN OF SURFSIDE, FLORIDA,  
TO PROVIDE SEWAGE CONVEYANCE SERVICES**

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015 (Effective Date), by and between the **City of Miami Beach, Florida** ("City"), and the **Town of Surfside** ("Surfside").

**WHEREAS**, the City operates a sewage conveyance system (the City System) for the use and benefits of its inhabitants, and has also historically provided sewage conveyance for disposal services to the neighboring Town of Surfside; most recently, pursuant to an agreement entered into between the City and Surfside, dated August 2, 1972, and approved by the City pursuant to Resolution No. 826 (the "1972 Agreement"); and

**WHEREAS**, on December 5, 1979, pursuant to Resolution No. 79-16114 (and in anticipation of the connection of the City System to the Virginia Key Treatment facility), the City exercised its right to terminate the 1972 Agreement; notwithstanding such termination, however, the City and Surfside's intent was not to discontinue the City's provision of the services to Surfside, but rather to continue to provide them on a month to month basis until new terms including, without limitation, new rates under an appropriate rate setting procedure (after the City's costs could be determined for operation under the new system) could be established; and

**WHEREAS**, the City and Surfside now wish to enter into a new agreement ("Agreement") for sewage conveyance for disposal services (hereinafter, the "Services"); particularly insofar as memorializing the new rate of compensation to be paid by Surfside to the City is concerned.

**NOW, THEREFORE**, in consideration of the mutual covenants and obligations set forth herein, the City and Surfside hereby agree as follows:

1. The City shall continue to provide the Services to Surfside, to the extent capacity is available, by means of an existing transmission main from Surfside to the City-owned meters located in the City owned parking lot at 72<sup>nd</sup> Street, located in the City of Miami Beach. The Interlocal Contract Between Miami-Dade County and City of Miami Beach, Florida, dated December 17, 2014, and approved and authorized by the City pursuant to Resolution No. 2014-28655, acknowledges that the sanitary sewage received by the County from the City flows from Surfside, in addition to the Village of Bal Harbour and Town of Bay Harbor Islands. Future flows (i.e. future capacity) from Surfside under this Agreement shall be determined in accordance with, and subject to, the Interlocal Agreement.
2. Notwithstanding the City's agreement to provide the Services, or any other term or condition of this Agreement, Surfside acknowledges that any obligation that the City has to render such Services to Surfside pursuant to this Agreement shall

be limited to, subject and subordinate to, and conditioned upon any agreements, terms, covenants, conditions, and obligations between the City and Miami-Dade County, Florida (the County), whether existing as of the Effective Date or as may exist in the future, pertaining to the County's responsibility to provide sewage disposal service to the City's existing sewer service area (which service area includes and takes into account the flow from Surfside), by means of the existing transmission main from the City to the County's Central District Wastewater Treatment Plant located on Virginia Key (where the combined flow is metered). Surfside further recognizes and acknowledges that the City's standards for the Services provided to Surfside pursuant to this Agreement are also limited to, subject and subordinate to, and conditioned upon any modification(s) as a result of (i) changes to the City's agreement with the County to provide sewage disposal services to the City; and/or (ii) changes to existing or future federal, State, County, and local laws, rules, and regulations.

3. Surfside agrees, and hereby warrants to the City, that it will abide by and be bound by all present and future federal, State, County, and City laws, standards, rules, regulations, permit conditions and other requirements related to sewer service. Surfside acknowledges that the responsibility of the City to provide the Services under this Agreement shall be limited to the flow from Surfside's existing sewer service area(s) (i.e. the flow existing as of the Effective Date of this Agreement).
4. Surfside further agrees and hereby warrants to the City that it shall operate and maintain its sewage collection system (hereinafter referred to as the Surfside System, and which system includes, without limitation, any and all transmission pipe lines, main pipe lines, force mains pumps, pumping stations, meters, and any and all other facilities and equipment appurtenant thereto), and any system extensions thereof, in accordance with the requirements of all applicable federal, State, County, and City laws, rules, regulations, and permit conditions. The operation and maintenance of the Surfside System shall be the sole responsibility and cost of Surfside. The City reserves the right to inspect the Surfside System, as deemed necessary by the City, in its sole discretion and judgment, but at no cost to Surfside, to verify that the Surfside System is being properly maintained and operated in accordance with the above standards and industry standards as outlined in *Wastewater Collection Systems Management*, WEF Manual of Practice No. FD-7, 2009; and *Recommended Standards for Wastewater Facilities*, Health Education Services (a Division of Health Research, Inc.), 2004. The City shall request permission from Surfside to inspect the Surfside System, which permission shall not be unreasonably withheld, conditioned, or delayed. The City shall request permission from Surfside three (3) business days prior to inspection of the Surfside System and shall allow Surfside's representation at City's inspections. Said inspections shall be made at reasonable times and in such manner so as to least disturb Surfside's normal operations.

5. Surfside shall not allow or permit construction or installation of any connections of stormwater mains which allow stormwater to enter the Surfside System. Upon notice or discovery of such interconnections, Surfside shall, at its sole cost and expense, immediately effectuate the lawful disconnection of such interconnections to the City's satisfaction and, at a minimum, in accordance with applicable federal, State, County, and City laws, rules, regulations, and permit conditions. . Surfside hereby agrees to pursue and maintain best efforts, on a regular timely basis, to reduce infiltration and inflow to comply with all local, State, and/or federal ordinances, laws and regulations regarding infiltration and inflow connection or reduction as now in effect or as may be enacted in the future. Surfside agrees that in the event any undue infiltration develops in the Surfside System, it shall make such repairs as may be required by the City in order to remedy such condition.
6. The quantity (i.e. the flow) of sewage handled by the City System for Surfside hereunder shall be measured prior to the entry point to the City System by City owned meters, or any subsequent replacement meters installed by the City, in its sole and reasonable discretion (hereinafter referred to individually as a "Meter" or collectively as the "Meters"). The Meters have been installed in structures located within the Town of Surfside right of way at 501 93<sup>rd</sup> Street and 701 89<sup>th</sup> Street. The City and Surfside shall have the right and opportunity to inspect the Meters. The City shall notify Surfside three (3) business days prior to inspection of the Meters and shall allow Surfside to attend the City's inspections. Said inspections shall be made at reasonable times and in such manner so as to least disturb Surfside's normal operations.
7. The City shall own, operate and maintain the Meters, at its sole cost and expense. The City shall also, at its sole expense, test the accuracy of each Meter, at a minimum, once every three (3) months, or at such other time intervals as it may deem appropriate. The City shall notify Surfside three (3) business days prior to testing of the Meters and shall allow Surfside's representation at City's testing. Said tests shall be made at reasonable times and in such manner so as to least disturb Surfside's normal operations. The City shall provide the results of the tests to Surfside no later than thirty (30) days after each meter is tested.
8. The Meters shall indicate flow with an error not to exceed plus or minus five percent (5%) of full scale reading (true accuracy). If found to be in error – i.e. anything exceeding five percent (5%) of true accuracy - the Meters shall be re-calibrated by the City. If such error of more than five percent (5%) is discovered, bills for the three (3) periods following the prior Meter accuracy test shall be adjusted to reflect the quantity of over-read or under-read flow. In calculating such billing adjustment, it will be assumed by the parties that the inaccuracy existed for the entire time interval between accuracy tests. The billing adjustment(s) shall be made at the same rate in effect during the time interval.

9. Surfside may request, and the City agrees to perform, additional Meter accuracy tests, upon reasonable notice to City and at a reasonable time acceptable to both parties. Said additional testing shall be completed at reasonable times. If the Meter(s) is (are) found to be in error exceeding five percent (5%) true accuracy, it shall be recalibrated by the City as described in the preceding Paragraph 8, and the entire cost for such testing and recalibration shall be paid for by the City. If the Meter(s) is (are) found performing within five percent (5%) true accuracy, the Meter accuracy test shall be paid by Surfside no later than thirty (30) days from receipt of an invoice from the City.
10. In the event of complete or partial failure of any Meter(s) to register, both parties shall mutually agree to establish consumption based on historic monthly average flows for the most recent wet or dry period as defined by the latest Miami-Dade County rate schedule in effect during the Term of this Agreement. The most recent actual readings for a period of three (3) consecutive months of a wet or dry period will be used to represent that corresponding period until the Meter(s) is (are) repaired. The City shall use reasonable commercial efforts to repair a failed Meter within sixty (60) days of a determination by the City that the Meter has completely or partially failed.
11. The City will be under no obligation at any time to perform any re-pumping of sewage delivered to the City System by Surfside.
12. Surfside agrees to pay to the City an amount, as determined by the City, to cover all costs associated with the sewage flow from the Surfside System, per 1,000 gallons of sewage passing through the City's System; which sum shall be payable monthly. The cost of service shall include direct costs of operation, maintenance, depreciation, debt service, and a one and a half percent (1.5%) administrative fee. The actual amount shall be calculated and presented in a written report to the City of Miami Beach Commission during its budget approval process, and approved by City Resolution; provided, however, that the City shall make reasonable commercial efforts to transmit the aforementioned written report to Surfside at least fourteen (14) calendar days prior to the date of the public meeting at which the written report is presented to the City Commission. The City shall also make reasonable commercial efforts to transmit the proposed Resolution to Surfside at least fourteen (14) calendar days prior to the date of the City Commission meeting at which the proposed Resolution is presented to the City Commission. The adopted Resolution shall be transmitted to Surfside as written notice of change of cost of service with an effective date.
13. Billing for services provided in accordance with this Agreement shall be rendered monthly. Invoices will be mailed by the tenth (10th) day of the month following the month for which service has been provided, based on readings of the Meters taken by the City. Amounts billed on such invoices are due when rendered. In the event Surfside disputes a bill, Surfside shall provide the City with written notice of the reasons for non-payment within thirty (30) days of receipt of the bill,

and shall escrow such portion of the bill that is disputed in an interest-bearing account. The parties shall promptly meet and use reasonable good faith efforts to resolve the dispute within forty-five (45) days of the City's receipt of Surfside's notice. Except for any portion of a bill disputed, payment not received by the City on or before twenty-five (25) days after the postmark date of the bill shall be considered past due. All past due invoices shall be subject to a late charge, as established by the City (such charge to reimburse the City for costs in processing and otherwise administering late payments). In addition, per annum interest shall accrue on the past due charges including the late charges at the maximum legal rate provided by Florida law for contracts in which no interest rate is specified, for each day, including Saturdays, Sundays and holidays, from the past due date until the date of receipt by the City. For purposes of this paragraph, date of receipt shall be the date of actual receipt by the City if hand delivered or mailed, or date of transfer to the City's bank, if electronic funds transfer is used.

14. Neither party shall be liable to the other for any failure to perform under this Agreement to the extent such performance is prevented by an event of *force majeure*, including, but not limited to, war, riots, natural catastrophe, or any other event beyond the control of the non-performing party and which could not have been avoided or overcome by the exercise of due diligence; provided that the party claiming the excused performance has (i) promptly notified the other party of the occurrence and its estimated duration; (ii) promptly remedied or mitigated the effect of the occurrence to the extent possible; and (iii) resumed performance as soon as possible.
15. To the extent provided by Florida law, both parties mutually agree to indemnify, defend, and hold harmless each other and their respective officers, agents, contractors, and employees, from any claim, loss, damage, cost, charge, or expense arising out of any acts, action, error, neglect, or omission by such officers, agents, contractors, or employees during the performance of the Agreement, except that neither party, nor its respective officers, agents, contractors, or employees, will be liable under this paragraph for damages arising out of injury or damage to persons or property directly caused by or resulting from the negligence of the other party, or any of its respective officers, agents, contractors, or employees, during the performance of this Agreement.
16. This Agreement shall be governed by the laws of the State of Florida. Any provision hereof found to be unlawful or unenforceable shall be severable and shall not affect the validity of the remaining portions hereof. Any and all suits brought by either party shall be instituted and maintained in any court of competent jurisdiction in Miami-Dade County, Florida. In all such suits, the prevailing party shall be entitled to receive reasonable costs and reasonable attorney's fees. City and Surfside waive any rights either party may have to a trial by jury in any civil litigation related to, or arising out of, this Agreement.

17. All notices required pursuant to the terms hereof may be sent by first class United States Mail, facsimile transmission, hand delivery, or express mail and shall be deemed to have been received by the end of five business days from the proper sending thereof unless proof of prior actual receipt is provided. Surfside shall have a continuing obligation to notify the City of the appropriate persons for notices to be sent pursuant to this Agreement. Unless otherwise notified in writing, notices shall be sent to the following addresses:

- If to the City:

Eric Carpenter, P.E., Director of Public Works  
1700 Convention Center Drive, 4<sup>th</sup> Floor  
Miami Beach, FL 33139

- If to Surfside:

Town Manager  
9293 Harding Avenue  
Surfside, Florida 33154

18. The term of this Agreement (Term) shall be for an initial term of five (5) years, commencing upon execution by the parties hereto, as referenced by the Effective Date on page 1 hereof. This Agreement shall be automatically renewed for subsequent, consecutive terms of five (5) years each, subject to termination by either party, upon one hundred eighty (180) days written notice to the other.

Notwithstanding the preceding paragraph, should Surfside elect at any time during the Term of this Agreement to transmit all or a portion of its current sewage flow (as of the Effective Date), Surfside shall provide the City with written notice of such intent ninety (90) days prior to October 1<sup>st</sup>, so that the City may have time to adequately evaluate and plan its future capacity demands, in order to transmit same to the County as required under the Interlocal Agreement.

19. The City agrees that if, after the Effective Date of this Agreement, it enters into an agreement for the same or substantially similar scope of services with another local government in Florida, which contains terms or conditions pertaining only to fees, charges or costs, that are more favorable than the terms in this Agreement, Surfside may provide the City with written notice explaining how the new agreement is for the same or substantially similar services and how the new agreement contains terms or conditions pertaining only to fees, charges, or costs, that are more favorable than the terms in the Agreement, and requesting to negotiate an amendment to the Agreement (a "New Agreement Notice"). The parties shall act in good faith to negotiate an amendment to the Agreement that addresses, in a manner that is fair and equitable to both parties, the matters raised by Surfside in the New Agreement Notice. If the parties fail to reach

agreement upon an amendment within ninety (90) days of the New Agreement Notice, then Surfside may terminate this Agreement without penalty or early termination fee, subject to the terms and conditions herein, by providing one hundred and eighty (180) days advance written notice to the City. Upon a termination pursuant to this Section, the City shall have no further liability and/or obligation to Surfside.

20. This Agreement constitutes the complete and final expression of the parties with respect to the subject matter hereof and supersedes all prior agreements, understandings, or negotiations with respect thereto. Changes and additions to this Agreement shall be directed by a written amendment signed by the duly authorized representatives of the City and Surfside. No alteration, change, or modification of the terms of this Agreement shall be valid unless amended in writing, signed by both Parties.

**WHEREOF**, this Agreement has been duly executed by the parties hereto as of the day and year first above written.

ATTEST:

**CITY OF MIAMI BEACH, FLORIDA**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

**TOWN OF SURFSIDE**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**TOWN OF SURFSIDE  
Commission Communication**

**Agenda Item #** 4A1

**Agenda Date:** March 10, 2015 / April 14, 2015 / May 12, 2015

**From:** Commissioner Marta Olchyk

**Subject:** Amending Chapter 54 “Prohibited Noises”, specifically Section 54-77  
“Waiver of Division Provisions”

---

**Background:** I have asked the Town Administration and Town Attorney’s Office to research and review construction schedule activities for the development projects in Town and to provide recommendations to clarify which events and construction activities require a waiver from the Town noise ordinance.

**Analysis:** At the February 10, 2015 Town Commission meeting, the Town Commission discussed the noise from on-going construction activity and recommended an amendment to the Code to authorize the Town Manager to prescribe reasonable conditions on the construction activities necessary to minimize adverse effects upon the community.

**Recommendation:** For the Town Commission to approve the Ordinance amending Chapter 54 “Prohibited Noises,” specifically Section 54-77 “Waiver of Division Provisions.”



ORDINANCE NO. 15 - \_\_\_\_

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY AMENDING SECTION 54-77 “WAIVER OF DIVISION PROVISIONS”; 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 discussed the noise from on-going construction activity and recommended an amendment to the Code to authorize the Town Manager to prescribe reasonable conditions on the construction activities necessary to minimize adverse effects upon the community; and

WHEREAS, the Town Commission held its first public reading on April 14, 2015 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 12, 2015 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

**Sec. 54-77. Waiver of division provisions.**

The town manager shall have the right to waive any or all of the requirements of this division in cases of emergency where the welfare of persons or property may be jeopardized by their strict enforcement; or during special events as provided in Sec. 35-1(a); or construction projects that require continuous activity in order to preserve the integrity of the building structure.

**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 \_\_\_\_\_, 2015.

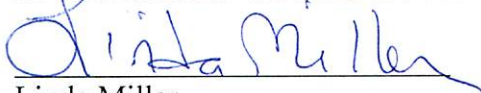
PASSED and ADOPTED on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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



## Town of Surfside Commission Communication

**Agenda Date:** May 12, 2015

**Subject:** Restructure of Solid Waste Commercial Rates:

- Second reading of an Ordinance amending Section 66-35, "Schedule Of Fees" of the Code of Ordinances to establish a new rate structure for commercial solid waste removal from a flat rate to a per yard fee which shall be effective July 1, 2015
- Resolution establishing a new rate structure for commercial solid waste removal from a flat rate to a per yard fee which shall be effective July 1, 2015

**Background:** The Town provides solid waste collection services to (199) commercial customers up to six days a week with differing pick up schedules based on the needs for each business. The current rate structure used to charge for these services is based on an annual fixed rate basis as shown below.

<u>Service</u>	<u>Rate/Annual</u>
Apartment/Condominium	\$230.90 per apartment
Hotel/Motel	\$97.14 per room
Business 1 <sup>st</sup> Fl.	\$506.38 per business
Business 2 <sup>nd</sup> Fl.	\$254.78 per business
Business other	\$254.78 per business
Commercial	\$1,019.14 per business
Liquor/Food	\$1,522.33 per business
Service Stations	\$3,035.11 per business
Restaurant	\$50.96 per seat
Post Office	\$3,035.11
Bar/Package	\$6,070.23

These flat rates are on an annual basis for unlimited waste pick up and disposal. The current rate structure does not match the cost of service provided to the fee charged. When researching the current rate structure, Public Works found that many commercial accounts were not equitable and the rate structure is not balanced correctly, for example: many of the smaller businesses are paying a higher

rate than the service being rendered. Consequently, many of the larger businesses are being undercharged for the services received.

Staff has contracted with Bell & Associates, an independent consultant to conduct a rate study for residential and commercial solid waste. The attached study matches Staff's concerns of our current rate structure, and recommends a new commercial rate structure based on cubic yards of solid waste picked up and disposed at a rate of \$24.80 per cubic yard.

This would provide a fair and equitable fee structure for the services to the businesses and multi-family buildings. The per cubic yard rates include landfill disposal cost, labor, fuel, dumpster rental and vehicle usage. Currently, the Town utilizes only 2 Cubic Yard dumpsters. As we begin to purchase our own dumpsters, we will be using 2 Cubic Yard and 3 Cubic Yard containers, which are reflected in the new rate schedule.

Public Works held three workshops for the commercial and multi-family customers to explain and provide information about the proposed rate change structure. These workshops were held at Town Hall on the following dates and times:

December 18, 2014, Thursday at 6:30PM

January 14, 2015, Wednesday at 6:30PM

January 22, 2015, Thursday at 10AM

In addition, the Public Works Director met with several Condo managers at their site to review the proposed rate change since they had missed the scheduled workshops.

**Analysis:** The following are examples of actual commercial accounts that compare the annual solid waste fee of the current rate to the proposed rate structure and the annual cost difference to the business. The total annual revenue from commercial customers under the current rate structure is \$813,000 and the projected annual revenue under the proposed commercial rate structure is \$900,000.

	<u>CURRENT RATE</u>	<u>PROPOSED RATE</u>	<u>INCREASE</u> <u>(DECREASE)</u>
CONDOMINIUM*	\$60,786	\$72,896	\$12,110
HOTEL	33,394	42,988	9,594
APARTMENT	29,786	28,121	(1,665)
RESTAURANT	3,862	3,724	(138)
BANK	1,823	1,284	(539)
HAIR SALON	565	642	77
OFFICE – 1 <sup>ST</sup> FLR	3,035	1,284	(1,751)
OFFICE – 2 <sup>ND</sup> FLR	172	161	(11)

\* Based on a 220-unit condominium, the average per unit increase is approximately \$5/month.

The current rates have been in effect since 2008 except and have remained the same for the past seven years.

The proposed adjustment in commercial rates is projected to generate an additional \$87,000 per year in solid waste revenues. On an annualized basis, this equates to an approximate 1.8% annual increase.

During the same period, costs associated with solid waste collection have exceeded this level.

For example, over the past six years, the cost for fuel and the Miami-Dade landfill fees have increased as illustrated in the below table:

<u>Fuel Price Comparison - (Gallon)</u>		<u>Landfill Cost - (Ton)</u>
2009	\$2.05	\$56.59
2010	\$2.81	\$58.19
2011	\$3.88	\$59.89
2012	\$3.98	\$61.74
2013	\$3.59	\$63.65
2014	\$3.77	\$64.96

Fuel costs have increased 84% and the landfill disposal fees have increased by \$8.37 per ton or 15%. Also, personnel costs have increased from \$437,720 in FY 09/10 to \$578,303 in FY 12/13.

A stagnant revenue stream and increase in operating costs prohibits the necessary planning to adequately finance the solid waste function going forward. Of particular concern is the lack of capital reserves to fund our aging fleet of trucks that are 9 to 13 years old.

The recommended Rate Schedule is as follows:

**2 cubic yard rate (\$24.80) per yard**

2cy picked up 1 time per week \$ 215 per month / \$ 2,580 per year

2cy picked up 2 times per week \$ 430 per month / \$ 5,160 per year

2cy picked up 3 times per week \$ 645 per month / \$ 7,740 per year

2cy picked up 4 times per week \$ 860 per month / \$ 10,320 per year

2cy picked up 5 times per week \$ 1,075 per month / \$ 12,900 per year

2cy picked up 6 times per week \$ 1,290 per month / \$ 15,480 per year

**3 cubic yard rate (\$24.80) per yard**

3cy picked up 1 time per week \$ 325 per month / \$ 3,900 per year

3cy picked up 2 times per week \$ 650 per month / \$ 7,800 per year

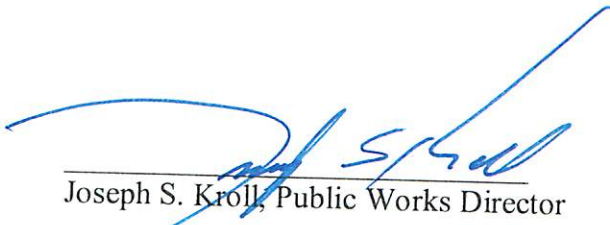
3cy picked up 3 times per week \$ 975 per month / \$ 11,700 per year

3cy picked up 4 times per week \$ 1,300 per month / \$ 15,600 per year

3cy picked up 5 times per week \$ 1,625 per month / \$ 19,500 per year

3cy picked up 6 times per week \$ 1,950 per month / \$ 23,400 per year

**Recommendation:** It is recommended that the proposed commercial rate structure, based on cubic yard of solid waste be approved with an effective date of July 1, 2015.



\_\_\_\_\_

Joseph S. Kroll, Public Works Director



\_\_\_\_\_

Guillermo Olmedillo, Town Manager



\_\_\_\_\_

Donald Nelson, Finance Director

**ORDINANCE NO. 15 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 66-35, "SCHEDULE OF FEES" OF THE CODE OF ORDINANCES TO ESTABLISH A NEW RATE STRUCTURE FOR COMMERCIAL SOLID WASTE REMOVAL FROM A FLAT RATE TO A PER YARD FEE WHICH SHALL BE EFFECTIVE JULY 1, 2015; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 11 of the Town Charter ("Charter") of the Town of Surfside ("Town") gives the Town Commission ("Commission") the power to levy, assess and collect fees; and

**WHEREAS**, the Town provides solid waste collection services to commercial customers up to six days a week with different pick up schedules based on the needs for each business; and

**WHEREAS**, the current rate structure is based on an annual fixed rate basis and has been in effect since 2008; and

**WHEREAS**, the current rate structure does not match the cost of service provided to the fee charged; and

**WHEREAS**, the Public Works Department found that many commercial accounts were not equitable and the rate structure is not balanced correctly, for example: many of the smaller businesses are paying a higher rate than the service being rendered and, consequently, many of the larger businesses are being undercharged for the services received; and

**WHEREAS**, Bell & Associates has conducted a rate study for residential and commercial solid waste and has recommended a new commercial rate structure based on cubic yards of solid waste picked up and disposed at a rate of \$24.80 per cubic yard; and

**WHEREAS**, this new structure would provide a fair and equitable fee structure for the services to the businesses and multi-family buildings; and

**WHEREAS**, it is in the best interest of the Town to adopt the proposed Commercial Solid Waste Rate Schedule at a rate of \$24.80 per cubic yard of solid waste with an effective date of July 1, 2015.

**WHEREAS**, the Town Commission held its first public hearing regarding this Ordinance on April 14, 2015; and

**WHEREAS**, the Town Commission shall have conducted a second duly noticed public

hearing on this Ordinance as required by law on May 12, 2015.

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

**Section 1. Recitals.** The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

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

**Sec. 66-35. - Schedule of fees.**

The Town Commission shall adopt by resolution a Commercial Solid Waste Rate Schedule.

~~(a) The following schedule of fees and charges to be imposed upon property owners and tenants, or both, will be collected as follows:~~

~~(1) Single-family residence, \$246.82 per annum, on a yearly basis with payment due October 1 of each year.~~

~~(2) Duplex, \$246.82 per annum, per unit, on a yearly basis with payment due October 1 of each year.~~

~~(3) Apartments, \$230.90 per apartment per annum, payable quarterly from date of billing.~~

~~(4) Hotels, motels, \$87.43 per room per annum, payable quarterly from date of billing.~~

~~(5) Business area, except pay apartments, hotels, motels and commercial establishments listed under the exceptions which follow, \$455.74 per annum, payable quarterly 30 days from date of billing, per 12½ feet of frontage on Harding Avenue. If a business is located at street level, \$229.30 per annum per such business unit, if a business is located above street level, \$172.20 per annum per such business unit. Any footage in multiples of other than 12½ front feet shall be prorated.~~

~~(6) Other areas. All businesses located outside the Harding Avenue business district that have direct public access from the street shall be charged the same as if located on Harding Avenue. Businesses with public access through a lobby or other nonstreet entrances shall be charged as if located above street level on Harding Avenue. All professional offices with lobby type access shall be charged \$229.30 for each 2,500 square feet or fraction thereof.~~

~~(7) Exceptions:~~

~~a. The following commercial establishments shall be charged \$917.23 per annum per 12½ feet of frontage on Harding Avenue: Clothing and clothing accessory stores, department, variety and drug stores; general or special merchandise stores, art, gift and photographic shops; bakeries and florists. Any footage in multiples of other than 12½ front feet shall be prorated.~~

~~b. The following shall be charged \$1,370.10 per annum per 12½ feet of frontage on Harding Avenue: Liquor package stores; food products other than restaurants and lunch counters. Any footage in multiples of other than 12½ front feet shall be prorated.~~

~~c. Service stations, \$2,731.60 per annum, per each business.~~

~~d. Restaurant and lunch counters, \$45.88 per seat, per annum.~~

~~e. Post office, \$3,035.11 per annum.~~

~~f. Bar and package store combinations, \$5,463.21 per annum.~~



~~(b) Any fee under this section which shall be due and remain unpaid for a period of 30 days beyond the due date shall become delinquent. All delinquent fees shall bear a penalty of ten percent for the first 30 days, and an additional penalty of one percent for each month thereafter. In addition, all delinquent fees shall constitute a lien against the premises, which shall become effective and binding as such lien from the date upon which the delinquency is created.~~

**Section 3. Severability.** Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

**Section 4. Conflict.** That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 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 upon final adoption on second reading.

PASSED and ADOPTED on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2015.


PASSED and ADOPTED on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
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 Barry R. Cohen      yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Michael Karukin      yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Marta Olchyk      yes \_\_\_\_\_ no \_\_\_\_\_

Vice Mayor Eli Tourgeman      yes \_\_\_\_\_ no \_\_\_\_\_

Mayor Daniel Dietch      yes \_\_\_\_\_ no \_\_\_\_\_



**TOWN OF SURFSIDE  
Commission Communication**

**Agenda Item # 4A3**

**Agenda Date: May 12, 2015**

**From: Linda Miller, Town Attorney  
Jean K. Olin, Esq., Special Counsel**

**Subject: Ordinance Amending Town of Surfside Code Chapter 26 entitled "Elections", by Creating Section 26-13 thereof entitled "Supplemental Qualifying Period".**

---

**Background:** Pursuant to the Town of Surfside's November 4, 2014 Special Election, five amendments to the Town's Charter were approved by the electorate, including provisions related to Charter section 105(8) governing "Vacancy in Candidacy": this particular Charter amendment established, in part, a "Supplemental Qualifying period" to address those instances in which Commission seats remain unfilled due to either an insufficient number of candidates having qualified for election and/or due to the death, withdrawal or removal of a qualified candidate after the original qualifying period has ended. The amended text of Charter section 105(8) expressly provided that: "The Town shall by ordinance establish the number of days (no less in number than as advised by the Miami-Dade County Elections Department) prior to the election date by which no further supplemental qualifying period shall occur." Accordingly, and as a housekeeping matter, this Ordinance has been prepared for the purpose of codifying the ending date for the Town's supplemental qualifying period.

**Analysis:** Inasmuch as the Charter amendments approved last November were premised upon the Town's stand-alone election (i.e., Countywide election issues are not on ballot), the attached Ordinance establishes the cut-off date for the Town's Supplemental Qualifying period with regard to the Town's stand-alone elections<sup>1</sup>. Since the Miami-Dade County Elections Department has advised the Town Clerk and Town Attorney that (with regard to the Town's stand-alone elections) the County requires final candidate names by no later than 30 days prior to the Town's Election for Mayor and/or Commissioner, the attached ordinance proposes that any supplemental qualifying period end no later than 35 days prior to the Town's election, thus allowing the Town Clerk time to administer the processing of qualifying petitions.

**Recommendation:** The Town Attorney recommends that the Town Commission approve the attached Ordinance amending Town Code Chapter 26 "Elections," via the creation of Code section 26-13 "Supplemental Qualifying Period".

---

<sup>1</sup> For those Town elections that may be held concurrent with Countywide elections, see companion item 4B5 on tonight's Town Commission agenda, dealing with the issues of proposed changes in related qualifying dates.

**ORDINANCE NO. 15 – \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING TOWN OF SURFSIDE CODE CHAPTER 26 “ELECTIONS”, BY ADDING THERETO SECTION 26-13 ENTITLED “SUPPLEMENTAL QUALIFYING PERIOD”, FOR THE PURPOSE OF ESTABLISHING BY ORDINANCE, (PURSUANT TO TOWN CHARTER SECTION 105(8)) THAT NO FURTHER SUPPLEMENTAL QUALIFYING PERIOD SHALL BE ESTABLISHED IF A VACANCY IN CANDIDACY OCCURS WITHIN THIRTY-FIVE (35) DAYS PRIOR TO THE DATE OF AN ELECTION FOR THE OFFICE OF TOWN COMMISSIONER OR MAYOR; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CODE AND EFFECTIVE DATE.**

**WHEREAS**, on November 4, 2014, the Town’s voters approved five amendments to the Surfside Town Charter, including an amendment to Charter section 105(8) “Vacancy in Candidacy”, which established a “Supplemental Qualifying period” to address those instances in which Commission seats remain unfilled due to either an insufficient number of candidates having qualified for election and/or due to the death, withdrawal or removal of a qualified candidate after the original qualifying period has ended; and

**WHEREAS**, Charter section 105(8) expressly provided that: “The Town shall by ordinance establish the number of days (no less in number than as advised by the Miami-Dade County Elections Department) prior to the election date by which no further supplemental qualifying period shall occur”; and

**WHEREAS**, the Miami-Dade County Elections Department advised the Town Clerk and Town Attorney during last year’s Charter Review process that with regard to the Town’s stand-alone elections<sup>1</sup>, the County requires final candidate names by no later than 30 days prior to the Town’s Election for Mayor and/or Commissioner; and

**WHEREAS**, this Ordinance has thus been prepared as a housekeeping matter for the purpose of providing that the Town’s Supplemental Qualifying Period shall end no later than 35 days prior to the Town’s election, thus allowing the Town Clerk time to administer the processing of qualifying petitions.

**NOW THEREFOR BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, THAT:**

---

<sup>1</sup> For those Town elections that may be held concurrent with Countywide elections, see companion item 4B5 on tonight’s Town Commission agenda, dealing with the issues of proposed changes in related qualifying dates.

**Section 1. Recitals.** The above-referenced recitals are confirmed, adopted, and incorporated herein by reference.

**Section 2. Code Amendment.** That the Code of Ordinances of the Town of Surfside, Florida, Chapter 26 thereof entitled "Elections" is hereby amended by adding thereto the following Section 26-13 entitled "Supplemental Qualifying Period", reading as follows:

**Section 26-13. Supplemental Qualifying Period.**

Pursuant to provisions of Town Charter section 105(8), a supplemental qualifying period shall commence for five (5) business days beginning on the first business day immediately following a vacancy in candidacy for Town elected office. No further supplemental qualifying period shall thereafter be established if a vacancy in candidacy occurs within thirty-five (35) days prior to the date of the election for the office of Town Commissioner or Mayor.

**Section 3. Notification to Miami-Dade County.** The Town Clerk is directed, upon adoption of this Ordinance on second and final reading, to notify the Miami-Dade County Elections Department of the subject Code amendment, and transmit official copies of this Ordinance to the Miami-Dade County Manager and Miami-Dade County Elections Supervisor.

**Section 4. 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 5. 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 6. 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 as set forth in Section 2 above, 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 7. Effective Date.** This Ordinance shall be effective upon final adoption on second reading.

**PASSED and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015

---

Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, CMC, Town Clerk

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

*Linda Miller*

\_\_\_\_\_  
Linda Miller, Town Attorney

On Final Reading Moved by: \_\_\_\_\_

On Final Reading Seconded by: \_\_\_\_\_

**VOTE ON ADOPTION:**

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



**TOWN OF SURFSIDE  
Commission Communication**

**Agenda Item:** 4A4

**Agenda Date:** May 12, 2015

**From:** Guillermo Olmedillo, Town Manager

**Subject:** An Ordinance of the Town Commission of the Town of Surfside, Florida amending pursuant to Florida Statute sections 100.3605(2) and 166.021(4), Section 101 of the Town of Surfside Charter regarding “Qualifying for Elected Office” with limited applicability to establishment of qualifying dates for the Town’s March 15, 2016 General Election, and establishing end date for supplemental qualifying period for said March 15, 2016 Election; providing for severability, conflict, inclusion in Town Charter/Code, notification to County and effective date.

---

**Background:** The Miami-Dade County Elections Department (“DOE”) has notified the Town that due to recent Legislative changes rescheduling the State’s 2016 Presidential Preference Primary Election to March 15, 2016, the Town will need to consider either changing the date of its March 15, 2016 General Election or retaining said date and changing the Town’s qualifying dates, all in order to accommodate the DOE’s December 22, 2015 deadline date by which the Town must provide DOE with candidate names. (See attached correspondence from DOE to Town.) In this regard, DOE has also provided the Town with alternative election dates, for consideration by the Town Commission.

Town Attorney Linda Miller and Special Legal Counsel Jean Olin have further prepared a Memo in response to specific questions pertaining to this issue, and have prepared an outline of DOE’s suggested alternative election dates along with related proposed qualifying dates to assist in the Commission’s evaluation of this matter (said Memo also attached).

**Analysis:** As will be fully explained during Commission consideration of this agenda item, I recommend that the Town Commission retain the March 15, 2016 General Election date, which in turn will require the Town to change the qualifying dates for such Election due to the fact that Charter section 101’s qualifying period (i.e., 45-65 days prior to Election) cannot be met in light of DOE’s above-referenced December 22, 2015 qualifying deadline. In this regard, the Town Attorney has advised me that Charter-established qualifying dates (as well as election dates and language regarding change in terms necessitated by such changes in election dates) may be accomplished via ordinance, and has prepared the attached Ordinance amending Charter section 101’s qualifying dates for the Town’s March 15 2016 General Election, reflecting a qualifying period commencing on November 17, 2015 and ending on December 7, 2015 (see

Ordinance for full detail<sup>1</sup>). Should the Commission adopt the attached Ordinance, I suggest that after the March 15, 2016 election has occurred, the Town Commission review the issue of whether to change the Town's General election date permanently to coincide with Countywide elections or to retain stand-alone elections, at which time the Mayor and Commissioners will have the benefit of hindsight in evaluating the advantages/disadvantages associated with having the Town's General Election on a Countywide ballot.

**Recommendation:** I recommend that the Town Commission approve the attached Ordinance amending section 101 of the Town Charter with limited applicability to establishment of qualifying dates for the Town's March 15, 2016 General Election, and establishing end date for supplemental qualifying period for said March 15, 2016 Election.

---

<sup>1</sup> The proposed Ordinance establishes further detail, including end date for any supplemental qualifying period related to the Town's March 15, 2016 General Election.



Sandra Novoa

**From:** Lopez, Carolina D. (Elections) <LOPEZC@miamidade.gov>  
**Sent:** Thursday, March 19, 2015 5:52 PM  
**To:** Annery Gonzalez; Al Davis; Barbara Herrera; Billy Y. Urquia; Carmen J. Garcia, CMC; Carolina Montealegre; Conchita H. Alvarez, CMC; Debra E. Eastman, MMC; Dwight S. Danie, MSL; Elizabeth Sewell, CMC; Ellisa L. Horvath, MMC; Erika Gonzalez-Santamaria; Guido H. Inguanzo, CMC; Herlina Taboada; Jane A. Hines; Jennifer A. Evelyn; Joanna Flores, CMC; Lissette Perez; Marbelys Fatjo, Esq.; Maria C. Camara; Maria L. Joffee; Maria M. Menendez, CMC, FCRM; Marie O. "Val" Schmidt, CMC; Marilane R. Lima; Maritza Fernandez; Marjorie Tejeda-Castillo, CMC; Marlene Marante; Meighan J. Alexander, CMC; Michael A. Etienne, Esq.; Pamela L. Latimore, CMC; Rafael E. Granado; Ronetta Taylor, MMC; Sandra Novoa; Stephanie Thomas; Suzanne S. Hitaffer, CMC; Teresa M. Soroka, MMC; Thelisca Louis; Todd B. Hannon; Walter J. Foeman; Yvonne P. Hamilton Suarez, Vivian (Elections); Reyes, Zeida (Elections); Innocent, Vanessa (Elections)  
**Cc:**  
**Subject:** FW: Presidential Preference Primary Date  
**Attachments:** Ballot Issues Deadlines - 2016 Elections.pdf

FYI, the 2016 Presidential Preference Primary will now be held on 03/15/16 (two weeks later). In light of the date change, the updated Ballot Issues Deadlines for the 2016 Election Cycle is attached. Thank you

Regards,  
**Carolina D. Lopez**  
**Deputy Supervisor of Elections**  
**Government Affairs Division**  
**Miami-Dade County Elections Department**  
 2700 NW 87<sup>th</sup> Avenue  
 Miami, Florida 33172  
 305-499-8409 Office  
 305-495-7557 Mobile  
<http://www.miamidade.gov/elections>  
*"Delivering Excellence Every Day"*

**From:** Holland, Gary J. [mailto:Gary.Holland@DOS.MyFlorida.com]  
**Sent:** Thursday, March 19, 2015 5:49 PM  
**To:** SOEContacts  
**Subject:** Presidential Preference Primary Date

Dear Supervisors and staff:

Governor Scott has signed into law [HB 7035](#), which provides that the Florida Presidential Preference Primary (PPP) is to be held on the third Tuesday in March of the presidential election year. So, the PPP will be held on March 15, 2016.

We will revise the "Dates to Remember" publication accordingly in the near future

Regards,

*Gary J. Holland*  
 Assistant Director, Division of Elections  
 Florida Department of State  
 R.A. Gray Building, 500 S. Bronough Street

Tallahassee, FL 32399-0250

Phone: 850-245-6200

Fax: 850-245-6217

*Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, this email and any that you sent that generated this response may be subject to public disclosure.*

@ItsWorkingFL



The Department of State is committed to excellence.  
Please take our [Customer Satisfaction Survey](#).

## 2016 BALLOT ISSUES DEADLINES

Should a municipality have a scheduled election or wish to conduct a special election along with the countywide 2016 Presidential Preference Primary, Primary and General Elections, the deadlines listed below must be followed, in order to allow sufficient time for ballot preparation and to meet State-mandated deadlines to mail absentee ballots to overseas voters.

Note that per F.S. 100.151, "...the governing authority of a municipality shall not call any special election until notice is given to the supervisor of elections and his (her) consent obtained as to a date..." Once approval is obtained from the supervisor of elections, the resolution and/or ordinance to call a special election must be passed to meet the deadlines listed below.

<p style="text-align: center;"><b>2016 SCHEDULED COUNTYWIDE ELECTIONS</b></p>	<p style="text-align: center;"><b>DEADLINE FOR CANDIDATE QUALIFYING TO END</b></p>	<p style="text-align: center;"><b>DEADLINE TO SUBMIT RESOLUTION AND/OR ORDINANCE TO THE SUPERVISOR OF ELECTIONS FOR CHARTER AMENDMENTS OR ANY OTHER QUESTIONS</b></p>
<p style="text-align: center;"><b>PRESIDENTIAL PREFERENCE PRIMARY ELECTION March 15, 2016</b></p>	<p style="text-align: center;">No later than Tuesday, <b>December 22, 2015</b></p>	<p style="text-align: center;">No later than Tuesday, December 22, 2015</p>
<p style="text-align: center;"><b>PRIMARY ELECTION August 30, 2016</b></p>	<p style="text-align: center;">No later than Friday, June 24, 2016 <i>(Same as Federal, State, and County offices)</i></p>	<p style="text-align: center;">No later than Friday, June 10, 2016</p>
<p style="text-align: center;"><b>GENERAL ELECTION November 8, 2016</b></p>	<p style="text-align: center;">No later than Friday, September 2, 2016</p>	<p style="text-align: center;">No later than Tuesday, August 9, 2016</p>

Should you have any questions or need additional information, please contact Zeida Reyes, Elections Coordination Manager, at 305-499-8405 or e-mail at [zeidar@miamidade.gov](mailto:zeidar@miamidade.gov).

CL: 03/19/15

Town Clerk  
*MDCMCA Immediate Past President*

Town of Surfside  
9293 Harding Avenue  
Surfside, Florida 33154  
Phone (305) 861-4863 Ext. 226  
Fax (305) 861-1302  
[snovoa@townofsurfsidefl.gov](mailto:snovoa@townofsurfsidefl.gov)



**From:** Lopez, Carolina D. (Elections) [<mailto:LOPEZC@miamidade.gov>]  
**Sent:** Tuesday, March 24, 2015 1:12 PM  
**To:** Sandra Novoa  
**Cc:** Townsley, Penelope (Elections); White, Christina (Elections); Suarez, Vivian (Elections); Reyes, Zeida (Elections)  
**Subject:** RE: Town of Surfside Charter Sec. 105

Good afternoon Sandra,

As a follow-up to our telephone conversation on Friday, I wanted to touch base regarding the upcoming March 15, 2016 Surfside General Municipal Election.

As you already know, Governor Scott signed into law HB 7035 last week, which provides that the Florida Presidential Preference Primary Election (PPP) is to be held on the third Tuesday in March of the presidential election year. To that end, the statewide Presidential Preference Primary next year will now be held on March 15, 2016.

In light of this change, a revised 2016 Ballot Issues Deadlines was circulated to city clerks last week included information on when ballot content for the three countywide elections in 2016 were due to our office (email attached herewith). Specific to the 2016 PPP, the State deadline to certify the names of presidential candidates to the Supervisors of Elections is December 22, 2015. Municipalities wishing to add ballot content to this election have the same deadline. Adherence to these deadlines are imperative to the Department's ability to fulfill statutory requirements.

The Town of Surfside may preserve the current municipal election date so long as the final ballot content is received by the aforementioned deadline. Given our timeline, please let us know if you can accommodate our deadlines, otherwise the election would not be available to the municipality as currently scheduled. Alternatively, the following dates are

currently available pursuant to [F.S. 101.75](#):

- Tuesday, February 16, 2016
- Tuesday, April 5, 2016
- Tuesday, April 12, 2016

While this change is beyond our control, we look forward to working with you to ensure a successful municipal election in 2016.

Regards,

**Carolina D. Lopez**  
**Deputy Supervisor of Elections**  
**Government Affairs Division**  
**Miami-Dade County Elections Department**

2700 NW 87<sup>th</sup> Avenue

Miami, Florida 33172

305-499-8409 Office

305-495-7557 Mobile

<http://www.miamidade.gov/elections>

"Delivering Excellence Every Day"

**From:** Sandra Novoa [<mailto:snovoa@townofsurfsidefl.gov>]

**Sent:** Friday, March 20, 2015 9:58 AM

**To:** Lopez, Carolina D. (Elections); Reyes, Zeida (Elections)

**Subject:** Town of Surfside Charter Sec. 105

Good morning Carolina and Zeida,

Attached please find the section of the Town Charter that the Town Attorney will be speaking about.

Thank you,



**Sandra Novoa, CMC**

Town Clerk

*MDCMCA Immediate Past President*

Town of Surfside

9293 Harding Avenue

Surfside, Florida 33154

Phone (305) 861-4863 Ext. 226

Fax (305) 861-1302

snovoa@townofsurfsidefl.gov



NOTE: Florida Public Records Law provides that most written communications to or from Municipal employees regarding town business are public records, available to the public and media upon request. Therefore, this e-mail message may be subject to public disclosure.

**From:** "Lopez, Carolina D. (Elections)"

<LOPEZC@miamidade.gov>

**Subject:** FW: Presidential Preference Primary Date

**Date:** March 19, 2015 5:53:34 PM EDT

**To:** Annery Gonzalez <cwmanneryg@bellsouth.net>, Al Davis <estepb@miamishoresvillage.com>, Barbara Herrera <Barbara.Herrera@cityofdoral.com>, "Billy Y. Urquia" <burquia@coralgables.com>, "Carmen J. Garcia, CMC" <cgarciac@cityofsweetwater.fl.gov>, Carolina Montealegre <cmontealegre@villageofelportal.org>, "Conchita H. Alvarez, CMC" <calvarez@keybiscayne.fl.gov>, "Debra E. Eastman, MMC" <deastman@cutlerbay-fl.gov>, "Dwight S. Danie, MSL" <ddanie@ci.miami.fl.us>, "Elizabeth Sewell, CMC" <esewell@cityofhomestead.com>, "Ellisa L. Horvath, MMC" <clerk@balharbour.org>, Erika Gonzalez-Santamaria <gonzaleze@miamisprings-fl.gov>, "Guido H. Inguanzo, CMC" <inguanzo@pinecrest-fl.gov>, Herlina Taboada <ltaboada@townofmedley.com>, "Jane A. Hines" <jhines@sibfl.net>, "Jennifer A. Evelyn" <flacityclerk@aol.com>, "Joanna Flores, CMC" <jflores@Opalockafl.gov>, Lissette Perez <lperez@goldenbeach.us>, "Marbelys Fatjo, Esq." <mrubio@hialeahfl.gov>, "Maria C. Camara" <villageclerk@biscayneparkfl.gov>, "Maria L. Joffee" <mjoffee@cityofhialeahgardens.com>, "Maria M. Menendez, CMC,"

FCRM" <MMenendez@southmiamifl.gov>, "Marie O. \\'Val\'  
Schmidt, CMC" <mschmidt@cityofsweetwater.fl.gov>, "Marilane R.  
Lima" <mlima@icvps.org>, Maritza Fernandez <vgclerk@aol.com>,  
"Marjorie Tejada-Castillo, CMC" <tejedam@miamilakes-fl.gov>,  
Marlene Marante <mmarante@bayharborislands.net>, "Meighan J.  
Alexander, CMC" <malexander@palmettobay-fl.gov>, "Michael A.  
Etienne, Esq." <metienne@northmiamifl.gov>, "Pamela L.  
Latimore, CMC" <Pamela.Latimore@citynmb.com>, "Rafael E.  
Granado" <RafaelGranado@miamibeachfl.gov>, "Ronetta Taylor,  
MMC" <rtaylor@miamigardens-fl.gov>, Sandra Novoa  
<snovoa@townofsurfsidefl.gov>, Stephanie Thomas  
<sthomas@northmiamifl.gov>, "Suzanne S. Hitaffer, CMC"  
<hitaffers@miamisprings-fl.gov>, "Teresa M. Soroka, MMC"  
<tsoroka@cityofaventura.com>, Thelisca Louis  
<lthelisca@northmiamifl.gov>, "Todd B. Hannon"  
<thannon@miamigov.com>, "Walter J. Foeman"  
<wfoeman@coralgables.com>, "Yvonne P. Hamilton"  
<yvonne.hamilton@nbvillage.com>  
**Cc:** "Suarez, Vivian (Elections)" <VIVIANS@miamidade.gov>,  
"Reyes, Zeida (Elections)" <zeidar@miamidade.gov>, "Innocent,  
Vanessa (Elections)" <INNOCEN@miamidade.gov>

FYI, the 2016 Presidential Preference Primary will now be held on 03/15/16 (two weeks later). In light of the date change, the updated Ballot Issues Deadlines for the 2016 Election Cycle is attached. Thank you

Regards,  
**Carolina D. Lopez**  
**Deputy Supervisor of Elections**  
**Government Affairs Division**  
**Miami-Dade County Elections Department**  
2700 NW 87<sup>th</sup> Avenue  
Miami, Florida 33172  
305-499-8409 Office  
305-495-7557 Mobile  
<http://www.miamidade.gov/elections>  
*"Delivering Excellence Every Day"*

**From:** Holland, Gary J. [mailto:Gary.Holland@DOS.MyFlorida.com]  
**Sent:** Thursday, March 19, 2015 5:49 PM  
**To:** SOEContacts

**Subject:** Presidential Preference Primary Date

Dear Supervisors and staff:

Governor Scott has signed into law [HB 7035](#), which provides that the Florida Presidential Preference Primary (PPP) is to be held on the third Tuesday in March of the presidential election year. So, the PPP will be held on March 15, 2016.

We will revise the "Dates to Remember" publication accordingly in the near future.

*Regards,*

*Gary J. Holland*  
*Assistant Director, Division of Elections*  
*Florida Department of State*  
*R.A. Gray Building, 500 S. Bronough Street*  
*Tallahassee, FL 32399-0250*  
**Phone: 850-245-6200**  
**Fax: 850-245-6217**

*Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, this email and any that you sent that generated this response may be subject to public disclosure.*

@ItsWorkingFL



The Department of State is committed to excellence.  
Please take our [Customer Satisfaction Survey](#).



**MEMO**

**To: Mayor Daniel Dietch and Town Commissioners**

**Town Manager Guillermo Olmedillo**

**Town Clerk Sandra Novoa**

**From: Linda Miller, Town Attorney**

**Special Counsel Jean K. Olin, Esq.**

**Date: April 14, 2015**

**Re: Proposed Changes to Town's Election/Qualifying Dates.**

The following responses relate to questions recently posed to the Town Attorney regarding the matter of proposed changes to the Town's election date, qualifying dates and related holdover of elected officials' terms of office, said matters to be discussed more fully at the Town Commission's April 14, 2015 Commission meeting<sup>1</sup>:

**1. Must we follow Miami-Dade's deadline of Dec 22, 2015 for the March 2016 Ballot?**

The County's December 22, 2015 deadline date by which the Town must provide candidate names to the County's Department of Elections is premised upon Florida Statute section 103.101 (3): "...The Department of State shall, no later than the third Tuesday after the first Monday in December of the year preceding the presidential preference primary, certify to each supervisor of elections the name of each candidate for political party nomination to be printed on the ballot." The County Supervisor of Elections has duty to print ballots and discretion with regard to the proper conduct related to printing of the ballots--absent a showing that the County DOE has abused its discretion, the County's decision of related deadlines will control.

**2. If the Town moved the election to February 2016, what would be the qualifying date?**

Under existing Charter section 101, the qualifying date would be as follows:

- For DOE's proposed February 16, 2016 election: December 13, 2015 to January 2 2016<sup>2</sup>.

**3. If the Town moved the election to April 2016, what would be the qualifying dates? Also, how does this affect "holdover" terms for current Elected Officials?**

Under existing Charter section 101, the qualifying dates would be as follows:

- For DOE's proposed April 5, 2016 election: January 31, 2016 to February 20, 2016.
- For DOE's proposed April 12, 2016 election: February 7, 2016 to February 27, 2016.

The above qualifying dates, as well as holdover of terms necessitated by change of the Town's election date, would be addressed in a Town ordinance changing the election date.

**4. Would it be possible to move the election to November 2016? If the Town moved the election to November 2016, what would be the qualifying dates? Also, how does this affect "holdover" terms for current Elected Officials?**

Subject to County DOE's approval (required by State statute), it would be possible to move the Town's election to November 2016, which change would be accomplished by ordinance.

**Note:**

--A November 2016 election date would not be stand-alone because November 8, 2016 is date on which County conducts its General Election involving Federal, State and County matters (i.e., US Presidential election, plus there are also presently 16 other municipalities in Miami-Dade County that have local elections scheduled for that date).

--The DOE has established a September 2, 2016 deadline date for candidate qualifying for the November 8, 2016 Election, therefore were the Town's election be moved to November 8, 2016, the Town would need to establish its qualifying period to end no later than September 2, 2016.

<sup>1</sup> See attached outline reflecting detail pertaining to proposed agenda item discussions.

<sup>2</sup> Not including ending period for supplemental qualifying, to be addressed in Ordinance amending Town Code Chapter 26. See agenda item 4B4, Town Commission's April 14, 2015 Commission agenda.

<b>ELECTION DATES</b>	<b>QUALIFYING DATES</b>	<b>ELECTION RESULTS</b>
<b>Feb. 16, 2016:</b> STAND-ALONE DOE alternative date.	➤ December 13, 2015 through January 2, 2016 <sup>3</sup>	Nonfinal results available on Election night; Final results available on Friday following Election.
<b>April 5, 2016:</b> STAND-ALONE DOE alternative date.	➤ January 31, 2016 through February 20, 2016	“ “
<b>April 12, 2016:</b> STAND-ALONE DOE alternative date.	➤ February 7, 2016 through February 27, 2016	“ “
<b>March 15 2016<sup>4</sup>:</b> NOT STAND-ALONE Presidential Preference Primary Election--Federal, State and County.	(Per DOE no later than December 22, 2015):  ➤ November 17, 2015 through December 7, 2015 <sup>5</sup>	Nonfinal results available on Election night; Final results available 10 days following Election day.
<b>August 30, 2016:</b> NOT STAND-ALONE Primary Election--Same as Federal, State and County.	(Per DOE no later than June 24, 2016):  ➤ May 20, 2016 through June 9, 2016	Nonfinal results available on Election night; Final results available 7 days following Election day.
<b>November 8, 2016:</b> NOT STAND-ALONE General Election--Federal, State and County.	(Per DOE no later than September 2 2016):  ➤ July 29, 2016 through August 18, 2016	Nonfinal results available on Election night; Final results available 10 days following Election day.

<sup>3</sup> The qualifying dates (excluding supplemental qualifying) for proposed stand-alone elections are consistent with qualifying dates established in Town Charter section 101 (i.e., 45-65 days prior to Election).

<sup>4</sup> The proposed qualifying dates for non stand-alone Town elections have been calculated using Charter's qualifying periods by way of analogy.

<sup>5</sup> Other relevant dates are set forth specifically within the related proposed Ordinance. See agenda item 4B5, Town Commission's April 14, 2015 Commission agenda.



miamidade.gov

Elections
2700 NW 87th Avenue
Miami, Florida 33172
T 305-499-8683 F 305-499-8547
TTY 305-499-8480

April 6, 2015

Sandra Novoa, CMC
Town Clerk
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154

Dear Ms. Novoa:

Please accept this letter as a follow-up to recent communications held with staff regarding the March 15, 2016 Surfside General Municipal Election.

As you are aware, Governor Scott signed HB 7035 into law on March 19, 2015. This legislation provides that the Florida Presidential Preference Primary Election (PPP) is to be held on the third Tuesday in March of the presidential election year. To that end, the statewide PPP next year will be held on March 15, 2016, which coincides with the Town of Surfside's General Municipal Election.

In light of this change, a revised 2016 Ballot Issues Deadlines was provided to city clerks on March 19, 2015 that outlined when ballot content is due to our office for the three countywide elections in 2016. Specific to the 2016 PPP, the State deadline to certify the names of presidential candidates to the Supervisors of Elections is December 22, 2015. Municipalities wishing to add ballot content to this election are afforded the same deadline. Adherence to these deadlines is imperative to the Department's ability to fulfill statutory requirements and conduct a successful countywide election.

The Town of Surfside may preserve the current municipal election date so long as the final ballot content is received by the aforementioned deadline. Please let us know if you can accommodate our deadlines. Otherwise, the March 15, 2016 election date will be unavailable for the Town of Surfside's General Municipal Election. Pursuant to Section 101.75, Florida Statutes, the municipality was also provided with the following alternate election dates: Tuesday, February 16, 2016, Tuesday, April 5, 2016, and Tuesday, April 12, 2016.

To assist the Town of Surfside, enclosed is a summary of key deadlines associated with these alternate municipal dates and the three countywide elections in 2016 as requested by Jean Olin, Special Counsel to the Town of Surfside.

While this new development is beyond the control of the Elections Department, I look forward to working with the Town of Surfside to ensure a successful municipal election in 2016. In the meantime, if you have any questions, please contact me or Carolina Lopez, Deputy Supervisor of Elections over Government Affairs, at 305-499-8409.

Regards,

Penelope Townsley
Supervisor of Elections

Enclosure

cc : Linda Miller, Town Attorney
Jean Olin, Special Counsel

Delivering Excellence Every Day

**MIAMI-DADE COUNTY ELECTIONS DEPARTMENT  
SUMMARY OF PERTINENT DEADLINES FOR 2016 ELECTIONS**

<b>Election Type</b>	<b>Election Date</b>	<b>Municipal Deadline to provide Elections with Final Candidates*</b>	<b>Municipal Deadline to provide Elections with Final Ballot Questions*</b>	<b>Unofficial Results Due**</b>	<b>Official Results Due**</b>
Municipal Election	Tuesday, February 16, 2016	Monday, January 04, 2016	Friday, December 18, 2015	Tuesday, February 16, 2016 (end of canvassing)	Friday, February 19, 2016 (end of canvassing)
Municipal Election	Tuesday, April 5, 2016	Monday, February 22, 2016	Friday, February 05, 2016	Tuesday, April 05, 2016 (end of canvassing)	Friday, April 08, 2016 (end of canvassing)
Municipal Election	Tuesday, April 12, 2016	Monday, February 29, 2016	Friday, February 12, 2016	Tuesday, April 12, 2016 (end of canvassing)	Friday, April 15, 2016 (end of canvassing)
Presidential Preference Primary Election	Tuesday, March 15, 2016	Tuesday, December 22, 2015	Tuesday, December 22, 2015	Saturday, March 19, 2016 (noon)	Sunday, March 27, 2016 (noon)
Primary Election	Tuesday, August 30, 2016	Friday, June 24, 2016	Friday, June 10, 2016	Friday, September 02, 2016 (noon)	Tuesday, September 06, 2016 (5:00 pm)
General Election	Tuesday, November 08, 2016	Friday, September 02, 2016	Tuesday, August 09, 2016	Saturday, November 12, 2016 (noon)	Sunday, November 20, 2016 (noon)

\* The Town of Surfside's Charter provides that candidate qualifying will end by the 43rd day before the election. In addition, the deadline to place a question on the ballot is 60 days before the election to ensure that the text is translated promptly and provided to the municipality for adhering legal advertisements as required by law.

\*\* Results for countywide elections are dictated by Florida Statutes:

F.S. 102.141(5) states that "The canvassing board shall submit ... unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the third day after any primary election and no later than noon on the fourth day after any general or other election ..." In addition, F.S. 102.112(2) states that "Returns must be filed by 5 p.m. on the 7th day following a primary election and by noon on the 12th day following the general election ..."

**ORDINANCE NO. 15 – \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING PURSUANT TO FLORIDA STATUTE SECTIONS 100.3605(2) AND 166.021(4), SECTION 101 OF THE TOWN OF SURFSIDE CHARTER REGARDING “QUALIFYING FOR ELECTED OFFICE” WITH LIMITED APPLICABILITY TO ESTABLISHMENT OF QUALIFYING DATES FOR THE TOWN’S MARCH 15, 2016 GENERAL ELECTION, AND ESTABLISHING END DATE FOR SUPPLEMENTAL QUALIFYING PERIOD FOR SAID MARCH 15, 2016 ELECTION; PROVIDING FOR SEVERABILITY, CONFLICT, INCLUSION IN TOWN CHARTER/CODE, NOTIFICATION TO COUNTY AND EFFECTIVE DATE.**

**WHEREAS**, Section 105(1) of the Town of Surfside Charter provides that the Town’s General Election for election of the Mayor and Town Commissioners shall be held “on the third Tuesday in March in every even numbered calendar year”, with the next General Election thus scheduled for March 15, 2016, and with related qualifying periods set forth in Charter section 101<sup>1</sup>; and

**WHEREAS**, pursuant to the attached correspondence from the Miami-Dade County Elections Department (“DOE”), the Town must consider changing its General Election date and/or related qualifying dates due to the Legislature’s recent change of date for Presidential Preference Primary Election which is now to be held on the third Tuesday in March of each presidential election year, such that the statewide Presidential Preference Primary next year will now be held on the same March 15, 2016 date as the Town’s General Election; and

**WHEREAS**, in light of this change, should the Town intend to retain its March 15, 2016 General Election date, the qualifying periods set forth in Town Charter must be changed in order to accommodate the DOE’s December 22, 2015 deadline date by which names of candidates for the Town’s General Election must be provided to County DOE; and

---

<sup>1</sup> Section 101 of the Town Charter provides, in relevant part, that: “Any citizen who has the qualifications for the office of mayor or commissioner of the town, as provided in section 6 of this Charter, may nominate himself or herself or may seek to qualify for office by paying twenty five dollars as a qualifying fee simultaneously with the filing of all qualifying documents including a petition for this purpose signed by not less than twenty-five qualified electors with the Town Clerk not more than sixty-five days and not less than forty-five days prior to the election date,.... Upon the Clerk’s receipt of the Miami Dade County Elections Department’s certificate as to the petition’s sufficiency, the Town Clerk shall then promptly forward the certificate on to the candidate, along with the petition if it has been found to be insufficient. Such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate, not less than forty days before the election. ...” (Emphasis added). See, also related Charter section 105(8) providing that: “...The Town shall by ordinance establish the number of days (no less in number than as advised by the Miami-Dade County Elections Department) prior to the election date by which no further supplemental qualifying period shall occur”.

**WHEREAS**, pursuant to Florida Statute sections 100.3605(2) and 166.021(4), municipalities in the State of Florida are permitted to change by ordinance Charter provisions regarding “the selection of election dates and qualifying periods for candidates and for changes in terms of office necessitated by such changes in election dates”; and

**WHEREAS**, the Town Manager, having conferred with the Town Attorney and Special Legal Counsel, Town Clerk and DOE, has determined that it is in the Town’s best fiscal interest to retain its March 15, 2016 General Election date and that the related qualifying dates for such Election be changed as specifically set forth below, with the issue of changing post-March 2016 Town of Surfside General election/qualifying dates to be reconsidered by the Town Commission after said Election in order to afford it opportunity to evaluate the advantages/disadvantages associated with Town General Election placement on a Countywide ballot.

**NOW THEREFOR BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, THAT:**

**Section 1. Recitals.** The above-referenced recitals are confirmed, adopted, and incorporated herein by reference.

**Section 2. Change in Qualifying Dates.** That with regard to the Town’s March 15, 2016 General Election, Charter section 101’s qualifying periods are hereby changed to establish a qualifying period to **commence on November 17, 2015 and to end on December 7, 2015** (i.e., 119 to 99 days prior to the Election), with any amended qualifying petition (as otherwise permitted pursuant to Charter section 101) to be filed by no later than December 11, 2015.

**Section 3. Establishing End of Supplemental Qualifying Period.** That with regard to the Town’s March 15, 2016 General Election, the end date for any supplemental qualifying period shall be December 17, 2015.

**Section 4. 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 5. 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 6. Incorporation into the Charter.** The provisions of Section 2 of this Ordinance dealing with the limited change in qualifying date for the Town’s March 15 2016 General Election, shall become and be made a part of Town Charter section 101, and all remaining language in Charter dealing with qualifying for office not otherwise in conflict with and/or expressly referred to in this Ordinance shall apply to said March 15, 2016 Election. The Town Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Town Charter in order to accomplish such intention, and sections of this Ordinance may be may be implemented into the Charter via footnote, or renumbered or re-lettered to accomplish such intentions, and the word “ordinance” may be changed to “Section”, or other appropriate word.

**Section 7. Inclusion in the Code of Ordinances.** The provisions of Section 3 of this Ordinance dealing with the establishment of date by which supplemental qualifying period shall end shall become and be made a part of Chapter 26 of the Town of Surfside Code of Ordinances. The Town Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Town Code in order to accomplish such intention, and sections of this Ordinance may be implemented into the Code via footnote, or renumbered or re-lettered to accomplish such intentions, and the word "ordinance" may be changed to "Section", or other appropriate word.

**Section 8. Notification to Miami-Dade County.** The Town Clerk is directed, upon adoption of this Ordinance on second and final reading, to notify the Miami-Dade County Elections Department of the subject changes in qualifying dates, and transmit official copies of this Ordinance to the Miami-Dade County Manager and Miami-Dade County Elections Supervisor.

**Section 9. Effective Date.** This Ordinance shall be effective upon final adoption on second reading.

**PASSED** and **ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

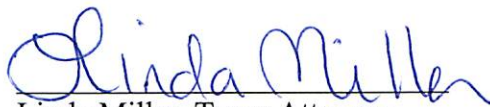
**PASSED** and **ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, CMC, Town Clerk

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

  
Linda Miller, Town Attorney

On Final Reading Moved by: \_\_\_\_\_

On Final Reading Seconded by: \_\_\_\_\_

**VOTE ON ADOPTION:**

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





## Town of Surfside Commission Communication

**Agenda #** 4B1  
**Agenda Date:** April 14, 2015  
**Subject:** Water Supply Facilities Work Plan  
**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** In 2005 the Florida Legislature enacted significant changes to Florida Statute (F.S.) Chapter 163 – Intergovernmental Resources and Chapter 373 – Water Resources to address the State’s water supply needs. These changes required a stronger link between regional water supply plans prepared by water management districts and comprehensive plans prepared by local governments. In addition, improved coordination between local land use planning and local water supply planning was mandated.

Chapter 163 F.S. and Chapter 373 F.S. requires that the Town of Surfside identify how future water supply needs will be met through the preparation of a Water Supply Facilities Work Plan (Work Plan). The Work Plan must have a minimum planning horizon of 10 years and must be incorporated into the Town of Surfside Comprehensive Plan. The Work Plan must be completed within 18 months of the South Florida Water Management District (SFWMD) adopting or updating its own Lower East Coast (LEC) regional water supply plan.

The most recent update to the SFWMD regional LEC water supply plan was prepared in September 2013. As such, the Town must update its Water Supply Facilities Work Plan and any other corresponding chapters within its Comprehensive Plan by March 2015. The updates which are currently proposed by staff will serve to meet the requirements of the Florida Statutes.

**Requested Action:** Approval of an update to the Town’s Water Supply Facilities Work Plan and corresponding amendments to the Town’s Comprehensive Plan as it relates to potable water supply as required by Chapter 163 and Chapter 373 of Florida State Statutes. The Local Planning

Agency is required to review and make a recommendation on the proposed Work Plan to be forwarded to the Town Commission for final action.

Only the sections of each element of the Comprehensive Plan related to water supply are amended.

**Budget Impact:** \$7,500 was funded in the FY14-15 Budget

**Growth Impact:** N/A

**Staff Impact:** N/A

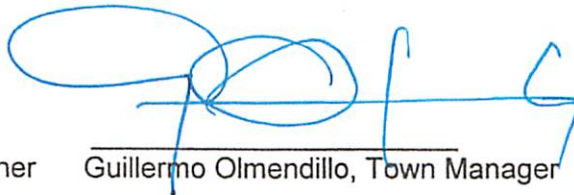
**Staff Recommendation:** Staff recommends the Town Commission approve this ordinance on first reading.

**Exhibits:**

1. Revised Town of Surfside's Water Supply Facilities Work Plan
2. Revised Comprehensive Plan Chapters



\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner



\_\_\_\_\_  
Guillermo Olmendillo, Town Manager

**ORDINANCE NO. 15 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN'S WATER SUPPLY FACILITIES WORK PLAN AND APPLICABLE ELEMENTS WITHIN THE TOWN'S COMPREHENSIVE PLAN RELATING TO WATER SUPPLY PLANNING; PROVIDING FOR INCLUSION IN THE TOWN OF SURFSIDE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3167, Florida Statutes, requires each local government to address in its Comprehensive Plan, the water supply sources necessary to meet and achieve the existing and projected water use demand for an established planning period; and

**WHEREAS**, the Town of Surfside recognizes the need for integration between land use planning and water supply planning; and

**WHEREAS**, Section 163.3177, Florida Statutes, requires that local governments prepare and adopt at least a 10-Year Water Supply Facilities Work Plan and to update the Work Plan, at a minimum, every five years; and

**WHEREAS**, in order to reflect recent updates to state and regional Water Supply Facilities Work Plans, the Town desires to amend its Water Supply Facilities Work Plan and related elements within the Town's Comprehensive Plan; and

**WHEREAS**, pursuant to Section 90.17 of the Town Code, the Planning and Zoning Board is designated as the Local Planning Agency for the Town; and

**WHEREAS**, the Planning & Zoning Board in its capacity as the Local Planning Agency, has reviewed proposed amendments to the Future Land Use Element of the Comprehensive Plan as substantially contained herein and recommended approval to the Town Commission on March 26, 2015; and

**WHEREAS**, on May 12, 2015, the Town Commission has reviewed the recommendation of the Planning and Zoning Board and, after duly noticed public hearings in accordance with the Florida Statutes and the Town Code, finds that this Ordinance is in the best interest and welfare of the residents of the Town.

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

**Section 1. Recitals.** The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2. Recommendation of Approval by the Local Planning Agency.** The Planning and Zoning Board, in its capacity as the Local Planning Agency, has reviewed the proposed amendments to the Town’s Comprehensive Plan and recommends approval by the Town Commission.

**Section 3. Amendment of Water Supply Facilities Work Plan.** The Town Commission hereby adopts an amendment to its Water Supply Facilities Work Plan and also incorporates by reference its Water Supply Facilities Work Plan into its Comprehensive Plan as supporting data and analysis for the amendments adopted in this Ordinance. A copy of the Water Supply Facilities Work Plan is provided in “Exhibit A.”

**Section 4. Amendment of the Town’s Comprehensive Plan.** The Town Comprehensive Plan is hereby amended as provided in Exhibit “B,” which is attached hereto and made a part of this Ordinance.

**Section 5. Severability.** Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

**Section 6. Conflict.** That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 7. Effective Date.** This Ordinance shall be effective thirty one days after the state Department of Economic Opportunity notifies the Town that the plan amendment package is complete, or if timely challenged, on the date a final order is issued by the Department of Economic Opportunity or Administration Commission finding the Plan Amendment in compliance in accordance with Section 163.3184, Florida Statutes.

PASSED and ADOPTED on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

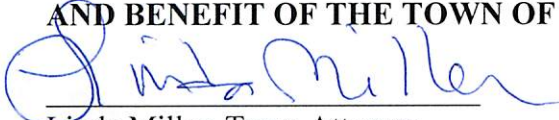
PASSED and ADOPTED on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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



## Town of Surfside Commission Communication

**Agenda #** 4B2  
**Agenda Date:** May 12, 2015  
**Subject:** Practical Difficulty Variance  
**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background** Charlie Ness, a town resident, requested an addition at their existing single family home. The Town code limits lot coverage to 40% and Mr. Ness requested to exceed the lot coverage limits. Lot coverage is defined as *the percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures, or portions thereof; provided however that allowable exclusions, as described under "floor area," shall not be included in determining the building area.*

The exclusions to lot coverage mean that they will not count towards the 40% maximum. The exclusions are as follows:

- a. Basement space when used for parking of vehicles, as provided in the design standards for underground parking in this Code.
- b. Accessory water tanks or cooling towers.
- c. Uncovered steps and exterior balconies.
- d. Interior balconies. The width of an interior balcony shall not be greater than the depth.
- e. Covered or uncovered terraces, patios, breezeways, or porches which are open on two (2) sides.

It should be noted that although the exclusions above do not count towards the maximum 40% lot coverage, they will count towards a property's maximum impervious area, which is 65%. Meaning, that 35% of a lot must remain "green."

Mr. Ness spoke at the September 9, 2014 Town Commission meeting under the Good and Welfare portion of the agenda and asked the Town Commission to change the code to increase lot coverage of single family homes from 40% to 47.5% to enable him to build his addition. The Commission directed Staff to place this request on the Planning and Zoning Board's agenda for discussion.

This was reviewed by the Planning and Zoning Board at the September 30, 2014 meeting. The board directed staff to return with language that accommodated this request, but provided parameters and graphics to explain the code provision.

At the October 14, 2014 Town Commission meeting, the Commission directed staff to consider the option of prohibiting an expansion of the second story if a homeowner takes advantage of a maximum lot coverage of 50% on the first story.

This was further discussed at the December 9, 2014 Town Commission meeting. The Town Commission directed staff to revisit this topic by offering a method whereby the Town Commission could approve a lot coverage request on a case by case basis. Staff explained that the existing variance provisions in the code require an applicant to demonstrate an unnecessary or undue hardship. In the case of Mr. Ness, he would not be able to demonstrate this hardship.

Staff reviewed other municipalities codes and found that some jurisdictions have multiple variance standards which differentiate between an unnecessary hardship and a "practical difficulty." In the case of a variance, a practical difficulty is a standard which is similar to but less rigorous than the unnecessary and undue hardship standard. This was discussed at the January Planning and Zoning Board meeting and the board recommended adding requirements on landscaping. Staff recommends the following language.

**Analysis:** A practical difficulty variance is a relaxation of the terms or provisions of the Zoning Code which is less rigorous than the unnecessary and undue hardship standard. The proposed text relating to practical difficulty variances shall only be applicable to lot coverage for single family homes located on single platted lots in the H30B zoning district. The standard provides for a variance where a literal enforcement of a zoning regulation will create a practical difficulty in the use of the parcel of land for the purpose or in the manner for which it is zoned, considering the following factors:

- a. How substantial the variance is in relation to the requirement sought to be varied;

- b. Whether an adverse change will be produced in the character of the neighborhood;
- c. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
- d. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

**Budget Impact:** N/A

**Growth Impact:** N/A

**Staff Impact:** N/A

**Staff Recommendation:** Staff recommends the Town Commission approve this ordinance on first reading.



\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner



\_\_\_\_\_  
Guillermo Olmendillo, Town Manager



**ORDINANCE NO. 15 – \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING “SECTION 90-36 VARIANCES”; SPECIFICALLY AMENDING “90-36.1 GENERAL VARIANCES” TO MODIFY THE CODE TO PROVIDE FOR A PRACTICAL DIFFICULTY VARIANCE; 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 code limits lot coverage to 40%; and

**WHEREAS**, lot coverage is defined as the percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures, or portions thereof; provided however that allowable exclusions, as described under "floor area," shall not be included in determining the building area; and

**WHEREAS**, at the October 14, 2014 Town Commission meeting, the Commission directed staff to consider the option of prohibiting an expansion of the second story if a homeowner takes advantage of a maximum lot coverage of 50% on the first story; and

**WHEREAS**, on December 9, 2014 the Town Commission directed staff to offer a method whereby the Town Commission could approve a request to allow lot coverage greater than 40% on a case by case basis; and

**WHEREAS**, staff after research has determined that variance standards may differentiate between an unnecessary hardship and a “practical difficulty” and in the case of a variance, a practical difficulty is a standard which is similar to but less rigorous than the unnecessary and undue hardship standard; and

**WHEREAS**, practical difficulty variances were discussed at the January 29, 2015 Planning and Zoning Board meeting and the Board recommended adding landscaping requirements to any approval of additional lot coverage under a practical difficulty standard; and

**WHEREAS**, the Town Commission held its first public hearing on May 12, 2015; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on May 28, 2015 with due public notice and input; and

**WHEREAS**, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on June 9, 2015; and

**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 Ordinances of the Town of Surfside, Section 90-36. Variances is hereby amended as follows:

90-36.1 General variances.

(1) *Purpose, definition, scope and limitations.*

- a. Unnecessary and undue hardship variance. An unnecessary and undue hardship variance is a relaxation of the terms or provisions of the Zoning Code of the Town of Surfside (zoning code) where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the zoning code would result in unnecessary and undue hardship on the property. As used in this section, a variance is authorized only for lot coverage, dimensions of yards, setbacks, other open spaces, building spacing, parking, or loading requirements.
- b. Practical difficulty variance. A practical difficulty variance is a relaxation of the terms or provisions of the Zoning Code which is less rigorous than the unnecessary and undue hardship standard. Practical difficulty variances shall only be applicable to lot coverage for single family homes located on single platted lots in the H30B zoning district. The standard provides for a variance where a literal enforcement of a zoning regulation will create a practical difficulty in the use of the parcel of land for the purpose or in the manner for which it is zoned, considering various factors set forth in paragraph (9) below.

(2) *Uses and height of structures not subject to variance.* A variance is authorized only as set out in subsection (1).

- a. Under no circumstances shall the town commission grant a variance that would allow a use of property that is not allowed within the zoning district under the Town of Surfside Comprehensive Plan and the zoning code.
- b. Under no circumstances shall the town commission grant a variance that would allow height of development and structures within the Town of Surfside that exceeds the maximum building heights that are set out in the Town of Surfside Comprehensive Plan or the zoning code, whichever provisions are more restrictive.

(3) *Nonconforming uses and structures not grounds for granting variance.* Nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and permitted use of lands, structures or buildings in any other district, shall not be considered grounds for granting a variance.

(4) *Town manager not authorized to vary terms of section.* The town manager or designee has no authority to relax the terms of this section. Authority to grant variances is lodged solely with the town commission.

(5) *Application requirements.* An application for a general variance shall be filed by the owner of the property upon which the variance is requested or the owners designated representative. The following shall, at minimum, be required to support a variance application:

- a. Statements of ownership and control of the property, executed and sworn to by the owner or owners of 100 percent of the property described in the application, or by tenant or tenants with the owners' written, sworn consent, or by duly authorized agents evidenced by a written power of attorney if the agent is not a member of the Florida Bar.
- b. The written consent of all utilities and/or easement holders if the proposed work encroaches into any easements.
- c. Survey less than one year old (including owner's affidavit that no changes have occurred since the date of the survey). A survey over one year is sufficient as long as the property has not changed ownership and the owner provides an affidavit that no changes change occurred since the date of the survey.
- d. Site plan indicating the existing and proposed structures.
- e. A map indicating the general location of the property.

(6) *Staff review.* The town manager or designee shall review the application to determine whether the proposed variance complies with the general purpose and standards set forth herein. The town manager or designee shall compile a written staff report summarizing the facts regarding the application, including all relevant documents. The complete staff report shall be transmitted to the planning and zoning board and to the town commission.

(7) *Review by planning and zoning board and by the town commission.* The town manager or designee shall schedule the general variance application for a meeting of the planning and zoning board. The planning and zoning board shall conduct one public hearing on the general variance application, review the application, and make recommendations to the town commission for final action. The town manager or designee shall then schedule the variance application, including the recommendation of the planning and zoning board, for a meeting of the town commission.

a. *Public hearing.* The town commission shall hold one public hearing on the variance application.

b. *Action by the town commission.* In considering whether to approve or deny the application, the town commission shall review the application, the purposes and standards set forth in this section, the staff report, the recommendation of the planning and zoning board, and relevant evidence, including oral and written comments received at the public hearing. No variance shall be granted except upon the affirmative vote of at least four members of the town commission.

(8) *Standards of review for an unnecessary and undue hardship variance.* The town commission shall approve an unnecessary and undue hardship variance only if the variance applicant demonstrates by clear and convincing evidence that all of the following are met and satisfied:

- a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;
- b. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

- c. Literal interpretation of the provisions of the zoning code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning code and results in unnecessary and undue hardship on the applicant;
- d. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the town comprehensive plan or the zoning code;
- e. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;
- f. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;
- g. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and
- h. The requested variance is in harmony with the general intent and purpose of the town comprehensive plan and the zoning code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

(9) Standards of review for a practical difficulty variance. The town commission shall approve a practical difficulty variance if it finds, based on substantial competent evidence, that following factors demonstrate that a practical difficulty exists:

- a. How substantial the variance is in relation to the requirement sought to be varied;
- b. Whether an adverse change will be produced in the character of the neighborhood;
- c. Whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and
- d. Whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.

(9) (10) Conditions and restrictions. The town commission may impose such conditions and restrictions upon the premises benefited by any variance as may be necessary to comply with the standards set out in this Section, and to prevent or minimize adverse effects on other property in the neighborhood. Violation of such conditions and restrictions, when made a part of the terms under which any variance is granted, shall be deemed a violation of the zoning code, and shall constitute grounds for revocation of the variance.

- a. A condition of granting a practical difficulty variance shall be for the property to meet or exceed the landscape requirements in Chapter 90, Article VIII of the Town's Code of Ordinances.

(10)(11) Expiration of approval. The approval of any variance shall be void if the applicant does not obtain a building permit or other development order to implement the variance within 24 months after the granting of the variance. An applicant who has obtained approval of a

variance may request an extension of this time period within the original approval period. The town commission may grant one or more extensions for a period of up to a total of six months for good cause shown by the applicant.

~~(11)~~ (12) *Amendments and alterations to approved variances.* Any expansion to an approved variance and any addition to or expansion of an existing variance shall require the same application, review, and approval as required under this Section for the original variance.

**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 upon final adoption on second reading.

**PASSED and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

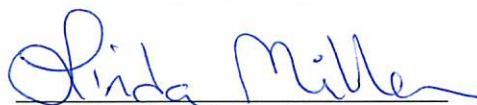
**PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, CMC, Town Clerk

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

  
\_\_\_\_\_  
Linda Miller, Town Attorney

On Final Reading Moved by: \_\_\_\_\_

On Final Reading Seconded by: \_\_\_\_\_

**VOTE ON ADOPTION:**

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



## Town of Surfside Commission Communication

**Agenda #** 4B3  
**Agenda Date:** May 12, 2015  
**Subject:** Residential Sheds  
**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background :** The zoning code limits sheds to 70 square feet and requires Planning and Zoning Board approval. Staff was approached in June of 2013 by a resident wanting a shed larger than the code limited square footage. Staff prepared a memo and potential code change to increase the size of a shed to 100 square feet and allow sheds to be approved administratively, if they were not located on a street side of the lot.

The Planning and Zoning Board discussed this proposal and agreed that the Board was not interested in sheds larger than 70 square feet, and even discussed requiring shorter sheds, while accommodating the same cubic area as the 70 square foot permitted sheds. Staff attempted to research these types of sheds, but they were not the standard shed and the code modification was not pursued.

Staff has been approached by a different resident requesting a shed larger than 70 square feet and has asked for this topic to be placed on the agenda for the Board's discussion.

**Analysis:** 90-54.7 A ~~total~~ shed, the area of which does not exceed 70 100 square feet and the height of which does not exceed 10 feet, shall be permitted in a rear yard and shall provide landscaping at the discretion of the Design Review Board. An applicant may appeal the decision of the Design Review Board relating to a requirement to install landscaping to the Town Commission at the next available Town Commission meeting. A shed is subject to the following minimum setbacks:

(a) Rear: Five feet.

*(b) Side and secondary frontage (corner): Per zoning designation.*

**Budget Impact:** N/A

**Growth Impact:** N/A

**Staff Impact:** N/A

**Staff Recommendation:** Staff recommends the Town Commission approve this ordinance on first reading.



\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner



\_\_\_\_\_  
Guillermo Olmendillo, Town Manager



ORDINANCE NO. 15 – \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND AMENDING “SECTION 90-54 ACCESSORY BUILDINGS AND STRUCTURES IN THE H30A AND H30B DISTRICTS”; AND SPECIFICALLY AMENDING SECTION 90-54.7 RELATED TO SHEDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the zoning code limits sheds to 70 square feet and requires Planning and Zoning Board approval; and

**WHEREAS**, the Board recommended that the area of the shed shall not exceed 100 square feet and the height of which shall not exceed 10 feet and shall provide landscaping at the discretion of the Design Review Board; and

**WHEREAS**, the Board recommended that an applicant may appeal the decision of the Design Review Board relating to a requirement to install landscaping to the Town Commission; and

**WHEREAS**, the Town Commission held its first public hearing on May 12, 2015 having complied with the notice requirements required by Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on May 28, 2015 with due public notice and input; and

**WHEREAS**, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on June 9, 2015.

**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:

\*\*\*

90-54.7 A tool shed, the area of which does not exceed 70 100 square feet and the height of which does not exceed 10 feet, shall be permitted in a rear yard and shall provide landscaping at the discretion of the Design Review Board. An applicant may appeal the decision of the Design Review Board relating to a requirement to install landscaping to the Town Commission at the next available Town Commission meeting. A shed is subject to the following minimum setbacks:

- (a) Rear: Five feet.
- (b) Side and secondary frontage (corner): Per zoning designation.

\*\*\*

**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 upon adoption on second reading.

**PASSED and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

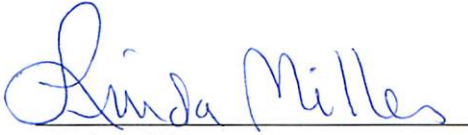
---

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 Barry R. Cohen      yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Michael Karukin      yes \_\_\_\_\_ no \_\_\_\_\_

Commissioner Marta Olchyk      yes \_\_\_\_\_ no \_\_\_\_\_

Vice Mayor Eli Tourgeman      yes \_\_\_\_\_ no \_\_\_\_\_

Mayor Daniel Dietch      yes \_\_\_\_\_ no \_\_\_\_\_



## Town of Surfside Commission Communication

**Agenda Item #:** 5A

**Agenda Date:** May 12, 2015

**Subject:** Seawall Inspection Condition Report & Florida Inland Navigation District (FIND) Grant Funding Opportunities

**Objective:** To request Commission approval to seek additional funding from the Florida Inland Navigation District (FIND) to complete the Town-wide Seawall Replacement Project.

**Background:** The Florida Inland Navigation District (FIND) was established to manage the inland channels along Florida's eastern seaboard. One method of maintaining this important resource is via the Waterways Assistance Program. In the last 23 years FIND has provided over \$142 Million in grant funding assistance to local governments via the Waterways Assistance Program.

The Town applied for and received grant funding from FIND in the amount of \$494,445.00 for the 2014 funding cycle. This 50/50 match funding is allowing the Town to currently reconstruction 5 of the 10 town owned seawalls that were in need of repair. The Town has requested that CGA apply for additional funding in the 2015 funding cycle to complete the remaining 5 seawalls to complete the replacement project.

**Analysis:** The current project will replace 5 walls within the original budget. With the increased funding from FIND and the Town's matching fund (FIND provides 50/50 match funding) the remaining 5 walls would be able to be replaced.

**Budget Impact:** The proposed design, permitting, preparation of construction documents, inspection and grant application costs total \$51,400.00. The estimated construction costs total \$844,500.00. The goal of the FIND grant application will be to obtain a grant for 50% (max allowable) of the construction costs, thus making the total final budget impact to the Town \$473,650.00.

**Growth Impact:** N/A

**Staff Impact:** The design, permitting, preparation of construction documents, inspection and grant application work will be completed by Calvin, Giordano & Associates, Inc. (CGA), the impact on staff will be minimal.

**Recommendation:** It is recommended that the Town Commission approve a resolution granting the Town Manager authority to submit a grant application package to the Florida Inland Navigation District for the Waterways Assistance Program.



Guillermo Olmedillo, Town Manager

**RESOLUTION NO. 15 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING ASSISTANCE UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, AUTHORIZING CALVIN GIORDANO AND ASSOCIATES, INC. (“CGA”) TO PREPARE GRANT APPLICATIONS; PROVIDING AUTHORIZATION TO THE TOWN MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the deteriorated condition of the bulkheads located at various street ends has created a dangerous situation putting both public and private property at risk; and

**WHEREAS**, the Town Commission of the Town of Surfside (“Town”), Florida approved by Resolution No. 12-2103 the Project Bulkhead Inspection (CGA Project No. 12-4952) and granted the Town Manager the authority to submit a grant application to the Florida Inland Navigation District (“FIND”) for the Waterways Assistance Program; and

**WHEREAS**, the Attorney’s Certifications of Title for the ten (10) parcels involved in the FIND Grant for the Seawall Restoration Project are attached as “Composite Exhibit “A””; and

**WHEREAS**, the Town received grant funding from FIND in the amount of \$494,445.00 for the 2014 funding cycle which allows the Town to currently reconstruct five (5) of the ten (10) Town owned seawalls that were in need of repair; and

**WHEREAS**, the Town has requested that CGA apply for additional funding in the 2015 funding cycle to complete the remaining five (5) seawalls to complete the replacement project; and

**WHEREAS**, the proposed design, permitting, preparation of construction documents, inspection and grant application costs total \$51,400.00; and

**WHEREAS**, the estimated construction costs total \$844,500.00; and

**WHEREAS**, the goal of the FIND grant application will be to obtain a grant for 50% (max allowable) of the construction costs, thus making the total final budget impact to the Town \$473,650.00; and

**WHEREAS**, Florida Inland Navigation District financial assistance is required for the program mentioned above.

**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. Authorization.** The Town Commission hereby authorizes the Town Manager to submit an application to the Florida Inland Navigation District in the amount of 50% of the actual cost of the project on behalf of the Town.

**Section 3. Certification and Approval.** The Town of Surfside approves and certifies the following:

1. That the Town will accept the terms and conditions set forth in FIND Rule 66B-2 F.A.C. and which will be a part of the Project Agreement for any assistance awarded under the attached proposal.
2. That the Town is in complete accord with the proposal and that it will carry out the Program in the manner described in the proposal and any plans and specifications attached thereto unless prior approval for any change has been received from the District.
3. That the Town has the ability and intention to finance its share of the cost of the project and that the project will be operated and maintained at the expense of said Town for public use.
4. That the Town will not discriminate against any person on the basis of race, color or national origin in the use of any property or facility acquired or developed pursuant to this proposal, and shall comply with the terms and intent of the Title VI of the Civil Rights Act of 1964, P.L. 88-352 (1964) and design and construct all facilities to comply fully with statutes relating to accessibility by handicapped persons as well as other federal, state and local laws, rules and requirements.
5. That the Town will maintain adequate financial records on the proposed project to substantiate claims for reimbursement.
6. That the Town will make available to FIND if requested, a post-audit of expenses incurred on the project prior to, or in conjunction with, request for the final 10% of the funding agreed to by FIND.

**Section 4. Reserve Final Approval.** The Town Commission reserves final approval of the construction phase of the Seawall Restoration Project until its true cost of construction and the amount of grant funds is known.

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

**PASSED** and **ADOPTED** on this day \_\_\_\_\_ of \_\_\_\_\_, 2015.

Motion by \_\_\_\_\_,

Second by \_\_\_\_\_.

**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



**WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.**

MITCHELL BIERMAN, P.A.  
NINA L. BONISKE, P.A.  
MITCHELL J. BURNSTEIN, P.A.  
JAMIE ALAN COLE, P.A.  
STEPHEN J. HELFMAN, P.A.  
GILBERTO PASTORIZA, P.A.  
MICHAEL S. POPOK, P.A.  
JOSEPH H. SEROTA, P.A.  
SUSAN L. TREVARTHEN, P.A.  
RICHARD JAY WEISS, P.A.  
DAVID M. WOLPIN, P.A.

DANIEL L. ABBOTT  
LILLIAN M. ARANGO  
GARY L. BROWN  
JONATHAN M. COHEN  
IGNACIO G. DEL VALLE  
JEFFREY D. DECARLO  
CHAD S. FRIEDMAN  
ALAN L. GABRIEL  
DOUGLAS R. GONZALES  
EDWARD G. GUEDES  
JOSEPH HERNANDEZ  
JOSHUA D. KRUT  
MATTHEW H. MANDEL  
JOHN J. QUICK  
ANTHONY L. RECIO  
BRETT J. SCHNEIDER  
CLIFFORD A. SCHULMAN  
ABIGAIL WATTS-FITZGERALD  
LAURA K. WENDELL  
JAMES E. WHITE

**ATTORNEYS AT LAW**  
A PROFESSIONAL LIMITED LIABILITY COMPANY  
INCLUDING PROFESSIONAL ASSOCIATIONS

MIAMI-DADE OFFICE  
2525 PONCE DE LEON BOULEVARD  
SUITE 700  
CORAL GABLES, FLORIDA 33134

TELEPHONE 305-854-0800  
FACSIMILE 305-854-2323  
WWW.WSH-LAW.COM

BROWARD OFFICE  
200 EAST BROWARD BOULEVARD • SUITE 1900  
FORT LAUDERDALE, FLORIDA 33301  
TELEPHONE 954-763-4242 • FACSIMILE 954-764-7770

\*OF COUNSEL

ADRIAN J. ALVAREZ  
SARA E. AULISIO  
SONJA C. DARBY  
ROBERT H. DE FLESCO  
BROOKE P. DOLARA  
RAQUEL ELEJABARRIETA  
ERIC P. HOCKMAN  
HARLENE SILVERN KENNEDY\*  
KAREN LIEBERMAN\*  
JOHANNA M. LUNDGREN  
MIA R. MARTIN  
ALEIDA MARTÍNEZ MOLINA\*  
KATHRYN M. MEHAFFEY  
ROBERT A. MEYERS\*  
MATTHEW PEARL  
TIMOTHY M. RAVICH\*  
AMY J. SANTIAGO  
GAIL D. SEROTA\*  
JONATHAN C. SHAMRES  
ESTRELLITA S. SIBILA  
ALISON F. SMITH  
ANTHONY C. SOROKA  
EDUARDO M. SOTO  
JOANNA G. THOMSON  
PETER D. WALDMAN\*  
SAMUEL I. ZESKIND

March 26, 2013

**VIA FEDERAL EXPRESS**

Mr. David Frodsham, P.E.  
Calvin, Giordano & Associates, Inc.  
560 Village Blvd., Suite 340  
West Palm Beach, Florida 33409

**Re: Surfside Seawall Restoration Project/Attorney's Certifications of Title**

Dear David:

Enclosed please find the five (5) executed and original Attorney's Certifications of Title for the ten (10) parcels involved in the FIND Grant for the Seawall Restoration Project.

Should you need anything further in connection with this matter, please do not hesitate to contact me. Thank you for your assistance with this Project.

Very truly yours,

  
Lillian M. Arango

LMA/lr

cc: Linda Miller, Esq., Town Attorney  
Roger Carlton, Town Manager  
Ignacio G. del Valle, Esq.

**ATTACHMENT E-7**

**ATTORNEYS CERTIFICATION OF TITLE 2013  
(See Rule 66B-2.006(4) & 2.008(2) FAC)**

OFFICE OF THE TOWN OF SURFSIDE ATTORNEY  
Outside Special Counsel  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
2525 Ponce de Leon Blvd., Suite 700  
Coral Gables, Florida 33134

March 26, 2013

RE: Town of Surfside – Seawall Restoration Project

TO WHOM IT MAY CONCERN:

I, Lillian M. Arango, am an Attorney with Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. the Special Outside Counsel to the Town of Surfside, Florida. I hereby state that I have examined a copy of a County Quit Claim Deed from Dade County, Florida, a political subdivision of the State of Florida, to Town of Surfside, a municipality under the laws of the State of Florida, recorded on April 4, 1994, in Official Records Book 16306, Page 0287, of the Public Records of Miami-Dade County, Florida, conveying title to the following described properties:

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A  
PART HEREOF (Collectively, the “Property”)

I have also examined documents from the Miami-Dade County Property Appraiser showing that the parcels comprising the Property, with the folio numbers set forth in Exhibit “A”, are listed on the tax rolls as belonging to the Town of Surfside.

Finally, I have also examined the Plats for the Property showing that the Property consists of street ends located within platted public roads or rights-of-way. I have further ascertained from the Town of Surfside by Affidavit executed by the Town Manager, Roger Carlton, dated March 26, 2013, that said roads have been continuously, uninterruptedly and regularly maintained by the Town of Surfside pursuant to Section 95.361, Florida Statutes, as necessary for this opinion.

FIND Form No. 94-26 (effective date 5-25-00)

This property is what is now called “Street End at Carlyle Avenue and 88<sup>th</sup> Street”, “Street End at Froude Avenue and 88<sup>th</sup> Street”, “Street End at 92<sup>nd</sup> Street and Bay Drive” and “Street End at 93<sup>rd</sup> Street and Bay Drive” for the Town of Surfside’s Seawall Replacement Project.

Based on the information reviewed as stated in this opinion, and Section 95.361, Florida Statutes, it is my opinion that the Property consists of street ends within public roads or rights-of-way pursuant to Section 95.361, Florida Statutes, with the Town of Surfside having the responsibility of improving and maintaining same, including the seawalls which are a part thereof.

Very truly yours,



Lillian M. Arango

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
Special Outside Counsel to the Town of Surfside, Florida

EXHIBIT "A"

PROPERTY

1. Carlyle Avenue (formerly known as Fourth Street), South of 88<sup>th</sup> Street (Bay Drive), within Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, Miami-Dade County, Florida.

Miami-Dade County Property Appraiser, Folio Number 14-2235-005-4160

2. Froude Avenue (formerly known as Seventh Street), South of 88<sup>th</sup> Street (Bay Drive), within Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, Miami-Dade County, Florida.

Miami-Dade County Property Appraiser, Folio Number 14-2235-005-4150

3. Lot "A" at the Foot or end of 92nd Street (formerly known as Quamash Street), West of Bay Drive, facing Biscayne Bay, within Plat of Altos Del Mar No. 5, Plat Book 8, Page 92, Miami-Dade County, Florida.

Miami-Dade County Property Appraiser, Folio Number 14-2235-006-2970

4. Lot "A" at the foot or end of 93<sup>rd</sup> Street (formerly known as Rose Street), West of Bay Drive, facing Biscayne Bay, within Plat of Altos Del Mar No. 5, Plat Book 8, Page 92, Miami-Dade County, Florida.

Miami-Dade County Property Appraiser, Folio Number 14-2235-006-2950

ATTACHMENT E-7

ATTORNEYS CERTIFICATION OF TITLE 2013  
(See Rule 66B-2.006(4) & 2.008(2) FAC)

OFFICE OF THE TOWN OF SURFSIDE ATTORNEY  
Outside Special Counsel  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
2525 Ponce de Leon Blvd., Suite 700  
Coral Gables, Florida 33134

March 26, 2013

RE: Town of Surfside – Seawall Restoration Project

TO WHOM IT MAY CONCERN:

I, Lillian M. Arango, am an Attorney with Weiss Serota Helfman Pastoriza Cole & Boniske, P.L, the Special Outside Counsel to the Town of Surfside, Florida. I hereby state that I have examined a copy of the Plat of Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, of the Public Records of Miami-Dade County, Florida, establishing the following street ends to be within the public roads or rights-of-way described as follows:

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF (Collectively, the “Property”).

I have also researched the parcels or street ends comprising the Property with the Miami-Dade County Property Appraiser and such parcels are not listed on the tax rolls.

Finally, I have ascertained from the Town of Surfside by Affidavit that said roads have been continuously, uninterruptedly and regularly maintained by the Town of Surfside pursuant to Section 95.361, Florida Statutes, as necessary for this opinion.

This property is what is now called “Street End on 88<sup>th</sup> Street on Isle of Biscaya”, “Street End at Irving Avenue and Bay Drive” and “Street End at 90<sup>th</sup> Street and Bay Drive” for the Town of Surfside Seawall Replacement Project.

FIND Form No. 94-26 (effective date 5-25-00)

Based on the information reviewed as stated above, and Section 95.361, Florida Statutes, it is our opinion that the Property consists of street ends within public roads or rights-of-way pursuant to Section 95.361, Florida Statutes, with the Town of Surfside having the responsibility of improving and maintaining same, including the seawall which is a part thereof.

Very truly yours,



Lillian M. Arango

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
Special Outside Counsel to the Town of Surfside, Florida

EXHIBIT "A"

PROPERTY

1. End of 88<sup>th</sup> Street on Isle of Biscaya, within Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, Miami-Dade County, Florida.
2. South end of Bay Drive, and South of Irving Avenue, within Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, Miami-Dade County, Florida.
3. End of 90<sup>th</sup> Street (formerly known as Avondale), West of Bay Drive, facing Biscayne Bay, within Second Amended Plat of Normandy Beach, Plat Book 16, Page 44, Miami-Dade County, Florida.

**ATTACHMENT E-7**

**ATTORNEYS CERTIFICATION OF TITLE 2013**  
**(See Rule 66B-2.006(4) & 2.008(2) FAC)**

OFFICE OF THE TOWN OF SURFSIDE ATTORNEY  
Outside Special Counsel  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
2525 Ponce de Leon Blvd., Suite 700  
Coral Gables, Florida 33134

March 26, 2013

RE: Town of Surfside – Seawall Restoration Project

TO WHOM IT MAY CONCERN:

I, Lillian M. Arango, am an Attorney with Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. the Special Outside Counsel to the Town of Surfside, Florida. I hereby state that I have examined a copy of a County Quit Claim Deed from Dade County, Florida, a political subdivision of the State of Florida, to Town of Surfside, a municipality under the laws of the State of Florida, recorded on April 4, 1994, in Official Records Book 16306, Page 0287, of the Public Records of Miami-Dade County, Florida, conveying title to the following described property:

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF (the “Property”).

Finally, I have also examined the Plat for the Property showing that the Property consists of a street end located within a platted public road or right-of-way. I have further ascertained from the Town of Surfside by Affidavit executed by the Town Manager, Roger Carlton, dated March 26, 2013, that said road has been continuously, uninterruptedly and regularly maintained by the Town of Surfside pursuant to Section 95.361, Florida Statutes, as necessary for this opinion.

This property is what is now called "Street End at 94<sup>th</sup> Street and Bay Drive” for the Town of Surfside’s Seawall Replacement Project.



Based on the information reviewed as stated above, and Section 95.361, Florida Statutes, it is our opinion that the Property consists of a street end within a public road or right-of-way pursuant to Section 95.361, Florida Statutes, with the Town of Surfside having the responsibility of improving and maintaining same, including the seawalls which are a part thereof.

Very truly yours,



Lillian M. Arango  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
Special Outside Counsel to the Town of Surfside, Florida

EXHIBIT "A"

PROPERTY

Lot "A" at the foot or end of 94th Street (formerly known as Smilax Street), West of Bay Drive, facing Biscayne Bay, within Plat of Altos Del Mar No. 5, Plat Book 8, Page 92, Miami-Dade County, Florida.

**ATTACHMENT E-7**

**ATTORNEYS CERTIFICATION OF TITLE 2013  
(See Rule 66B-2.006(4) & 2.008(2) FAC)**

OFFICE OF THE TOWN OF SURFSIDE ATTORNEY  
Outside Special Counsel  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
2525 Ponce de Leon Blvd., Suite 700  
Coral Gables, Florida 33134

March 26, 2013

RE: Town of Surfside – Seawall Restoration Project

TO WHOM IT MAY CONCERN:

I, Lillian M. Arango, am an attorney with Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., the Special Outside Counsel to the Town of Surfside, Florida. I hereby state that I have examined a copy of the Plat of ALTOS DEL MAR NO. 6, Plat Book 8, Page 106, of the Public Records of Miami-Dade County, Florida, establishing the following street end to be within the platted public road or right-of-way described as follows:

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF (the “Property”).

I have also researched the parcel or street end comprising the Property with the Miami-Dade County Property Appraiser and such parcel is not listed on the tax rolls.

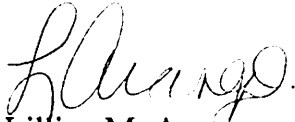
Finally, I have ascertained from the Town of Surfside by Affidavit executed by the Town Manager, Roger Carlton, dated March 26, 2013, that said road has been continuously, uninterruptedly and regularly maintained by the Town of Surfside pursuant to Section 95.361, Florida Statutes, as necessary for this opinion.

This property is what is now called "Street End at 95<sup>th</sup> Street and Bay Drive" for the Town of Surfside’s Seawall Replacement Project.

FIND Form No. 94-26 (effective date 5-25-00)

Based on the information reviewed as stated above, and Section 95.361, Florida Statutes, it is our opinion that the Property consists of a street end within a public road or right-of-way pursuant to Section 95.361, Florida Statutes, with the Town of Surfside having the responsibility of improving and maintaining same, including the seawall which is a part thereof.

Very truly yours,



Lillian M. Arango

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

Special Outside Counsel to the Town of Surfside, Florida

EXHIBIT "A"

PROPERTY

End of 95<sup>th</sup> Street (formerly known as Tulip Street), West of Bay Drive, facing Biscayne Bay, within Plat of Altos Del Mar No. 6, Plat Book 8, Page 106, Miami-Dade County, Florida.

## ATTACHMENT E-7

### ATTORNEYS CERTIFICATION OF TITLE 2013 (See Rule 66B-2.006(4) & 2.008(2) FAC)

OFFICE OF THE TOWN OF SURFSIDE ATTORNEY  
Outside Special Counsel  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
2525 Ponce de Leon Blvd., Suite 700  
Coral Gables, Florida 33134

March 26, 2013

RE: Town of Surfside – Seawall Restoration Project

TO WHOM IT MAY CONCERN:

I, Lillian M. Arango, am an Attorney with Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., the Special Outside Counsel to the Town of Surfside, Florida. I hereby state that I have examined two (2) Warranty Deeds for the Property: (a) Warranty Deed from Edward Center and Esther Center, husband and wife, to the Town of Surfside, a municipal corporation existing under the laws of the State of Florida, recorded December 4, 1954, in Official Records Book 4031, Page 62, of the Public Records of Miami-Dade County, Florida, conveying the fee simple interest to the property described below as (i); and (b) Warranty Deed from Max Orovitz, joined by his wife, Ruth Orovitz, and Dan B. Ruskin, joined by his wife, Mollie K. Ruskin, to the Town of Surfside, a municipal corporation, recorded on December 5, 1955, in Official Records Book 4208, Page 334, of the Public Records of Miami-Dade County, Florida, conveying the fee simple interest to the property described below as (ii):

- (i) Lots 8, 9, 10 and 11, Block 14, of ALTOS DEL MAR NO. 6, according to the Plat thereof, recorded in Plat Book 8, at Page 106, of the Public Records of Miami-Dade County, Florida; and
- (ii) All of Lot 12, Block 14, of ALTOS DEL MAR NO. 6, according to the Plat thereof, recorded in Plat Book 8, at Page 106, of the Public Records of Miami-Dade County, Florida, except the North sixteen (16) feet, as measured at right angles to the north line thereof.

(collectively, the “Property”).

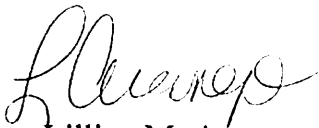
FIND Form No. 94-26 (effective date 5-25-00)

I have also examined a document from the Miami-Dade County Property Appraiser showing that the property is listed on the tax rolls under Folio No. 14-2235-007-2610 as belonging to the Town of Surfside. The Property is a public park known as "Surfside Park."

This Property is what is now called "Surfside Park" within the Town of Surfside's Seawall Replacement Project.

Based on the information reviewed as stated in this opinion, it is our opinion that the Town of Surfside owns the Property.

Very truly yours,



Lillian M. Arango

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

Special Outside Counsel to the Town of Surfside, Florida

STATE OF FLORIDA            )  
  ) SS:  
COUNTY OF MIAMI-DADE )

**AFFIDAVIT OF TOWN MANAGER, ROGER CARLTON,**  
**TOWN OF SURFSIDE, FLORIDA**

BEFORE ME, the undersigned authority, personally appeared Roger Carlton, who, after being by me first duly sworn, deposes and states as follows:

1. My name is Roger Carlton, Town Manager of the Town of Surfside, Florida (“Surfside”). I have personal knowledge of the facts contained in this Affidavit.
2. As of September 14, 2010, I have been the Town Manager of Surfside. As Town Manager, I oversee and coordinate the Public Works Department, who is responsible for public works projects within Surfside, including maintenance, repairs, upgrades and improvements to public roadways and rights-of-way within Surfside.
3. That this Affidavit is made in connection with certain street ends within public roadways and rights-of-way located within Surfside, as described in Exhibit “A” attached hereto and made a part hereof (the “Property”). The Property is the subject of a Grant Application under the Florida Inland Navigation District Waterways Assistance Program for repairs to municipal bulkheads or seawalls located at various street ends.
4. That the street ends or Property described in Exhibit “A” attached hereto are within public roadways or rights-of-way within Surfside.
5. Prior to and during my tenure with Surfside, Surfside has continuously, uninterruptedly and regularly performed inspections, maintenance, repairs, improvements, replacements and resurfacings of the said public roadways and rights-of-way, including removal of debris, drainage and gutter facilities and work, landscaping maintenance, mowing and trimming of all street ends or the Property as part of the said public roadways.
6. Surfside has so maintained and repaired the said public roadways and rights-of-way, including the street ends or Property described in Exhibit “A” attached hereto.



FURTHER AFFIANT SAYETH NAUGHT.

Signed, sealed and delivered this 26 day of March, 2013.

Roger Carlton, Town Manager  
Town of Surfside, Florida

Sworn to and subscribed before me this 26 day of March, 2013, by Roger Carlton, as Town Manager of the Town of Surfside, Florida, a Florida municipal corporation, on behalf of the corporation, and who is personally known to me or has produced \_\_\_\_\_ as identification and who did take an oath.

Notary Public, State of Florida

MARISOL RODRIGUEZ

Print Name of Notary

Commission No. EE 210202

Commission Expires: JUL 22, 2016





**Town of Surfside  
Town Commission Meeting  
March 10, 2015  
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Avenue, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**Agenda #:** 8A  
**Date:** March 10, 2015  
**From:** Daniel Dietch, Mayor  
**Subject:** Sustainability Committee

---

**Objective:** To move forward with establishing a Sustainability Committee to identify and champion a range of sustainability opportunities and make recommendations to the Town Commission for implementation.

**Consideration:** Surfside has been a leader in developing a wide range of sustainability initiatives that focus on mitigation, adaptation and resiliency related to the impacts of climate change as well as programs that demonstrate a culture of environmental stewardship. Such activities are fundamental to promoting and maintaining a well-informed and capable community. Much of our work has been loosely connected and could benefit from a more comprehensive vision and strategy that could be managed through an engaged committee. This is evidenced by the recent work of the Sand Project Community Monitoring Committee as well as relationships that have been developed with organizations such as the CLEO Institute, Surfrider Foundation, and the Youth Environmental Alliance and many others to promote sustainability.

At the February 10, 2015 meeting, the Commission directed the Town Manager to create a draft Charter for the Sustainability Committee to move forward with the formation of the Committee's framework. The Commission suggested that this Committee will be composed of Surfside residents. Town staff seeks direction and input on this Charter from the Commission.

All Committees shall have a mission statement developed by the Town Commission. There are two types of Committees that may be established by resolution of the Town Commission: Continuing Committees and Ad hoc Committees. Continuing Committees exist until abolished by the Commission. Alternatively, Ad hoc Committees shall expire when the Ad hoc Committee reports to the Commission that it's designated goal or goals have been accomplished.

## Sustainability Committee Charter

The following draft Sustainability Committee Charter establishes the framework to constitute and convene a Continuing Committee under the administrative leadership of the Town Manager.

**Purpose:** The purpose of the Surfside Sustainability Committee is to strengthen the resiliency of our community, improve resources, prevent harm to the natural environment, protect human health and benefit the social, economic and environmental wellbeing of the community for present and future generations. The Town of Surfside has been a leader in developing a wide range of sustainability initiatives, and the Sustainability Committee will foster a more comprehensive vision and strategy of environmental stewardship policies and procedures.

**Membership:** The Committee will be composed of five members who are registered qualified electors of Miami-Dade County whose legal residence is in the Town of Surfside. The Mayor will appoint one member and each Commissioner will appoint one member. The Committee must be composed of two members who live in single-family homes in the residential district, two members from multi-family homes (condos/apartments), and one member from the Surfside business district. The Commission shall designate one member of the Commission to serve as liaison between the Committee and the Town Commission.

**Goals:** The goals of the Committee shall include, but not limited to the following:

1. Adapting and mitigating to sea level rise and climate change
2. Stewardship of the beach for the residents, visitors and future generations
3. Expanding opportunities for renewable and sustainable energy sources and reducing the Town's carbon footprint
4. Promoting green and sustainable building, construction and operations
5. Protecting environmental and public health
6. Protecting, restoring and creating green spaces
7. Promoting water sustainability through water conservation programs and education
8. Improving alternative transportation and mobility
9. Reducing waste and increasing reuse and recycling
10. Reducing pollution in water, air and soil
11. Increased environmental awareness and stewardship of our treasured ecosystems

**Organization:** The Committee will meet once a month. In addition to appointed members, the Committee will include participation and presentations from experts and representatives from agencies, non-profits, educational institutions, municipalities and others. The Committee meetings will be open to members of the public. The Committee will comply with all applicable provisions of law on the Florida Sunshine Law, public hearings, public notice and all applicable code of ethics and conflict of interest laws.

**Tasks:** The Committee will:

1. Draft a Town Sustainability Plan with goals and objectives.
2. Evaluate progress toward meeting these goals through measurable benchmarks of success.
3. Receive and evaluate input on experts on a variety of issues to formulate recommendations.

**Duration:** This Committee may either be a Continuing Committee or an Ad hoc Committee. If it is a Continuing Committee, it will exist until abolished by the Town Commission. The expiration date for an Ad-hoc Committee shall be designated at the time of formation. If it is an Ad hoc committee, it will expire when it reports to the Commission that it's designated goal or goals have been accomplished. The terms of appointment will be coterminous with the terms of the Town Commission which will expire at the March 2016 election. As sustainability is a long term initiative, it is suggested to establish a Continuing Committee.



## Town of Surfside Discussion Item

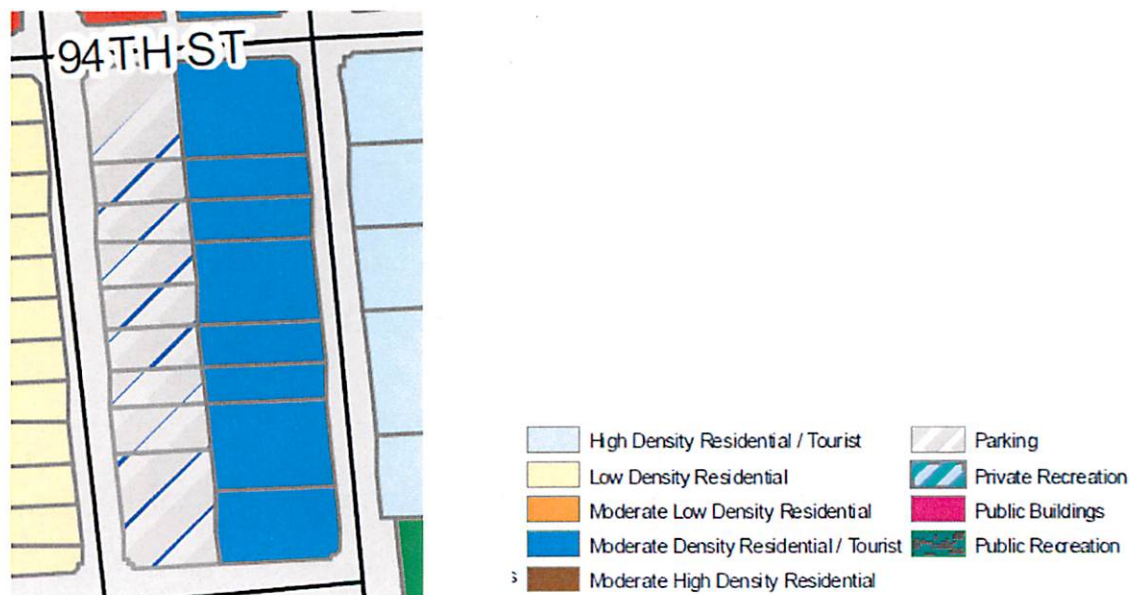
Agenda Item # 8B  
Date: April 14, 2015  
From: Commissioner Barry Cohen  
Re: 94<sup>th</sup> Street Parking Structure Land Use/Zoning Analysis

---

I requested the Town Manager and Town Planner to provide information regarding a Parking Structure Land Use/Zoning Analysis for the 94<sup>th</sup> Street Lot and the following overview is provided:

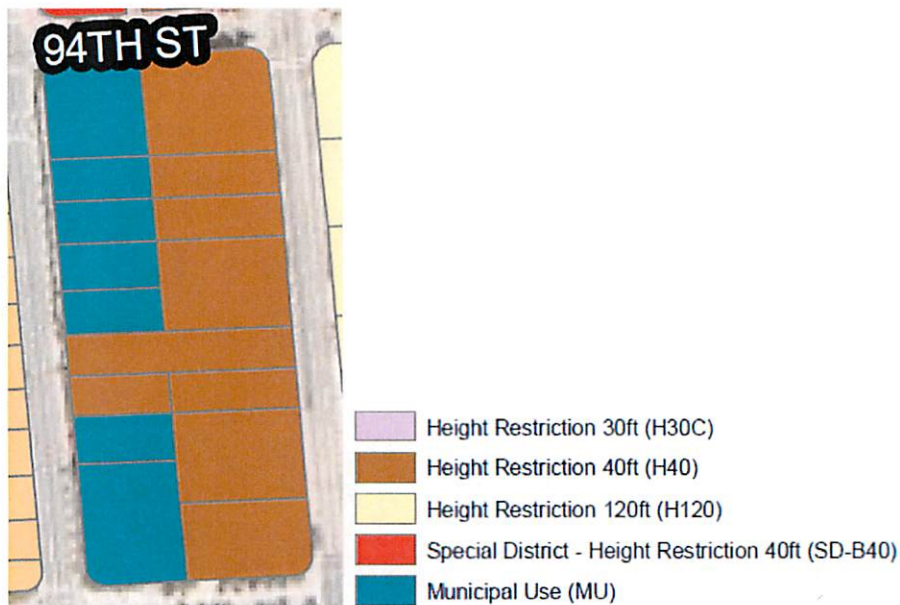
### 94<sup>TH</sup> STREET LOT:

The Future Land Use Designation for the parcels on the east side of Harding Avenue is "Parking" which has a Floor Area Ratio of 3.0 and a maximum height of 40 feet. The only permitted use is parking. A three story parking garage could be constructed on this site with no need for a land use change.



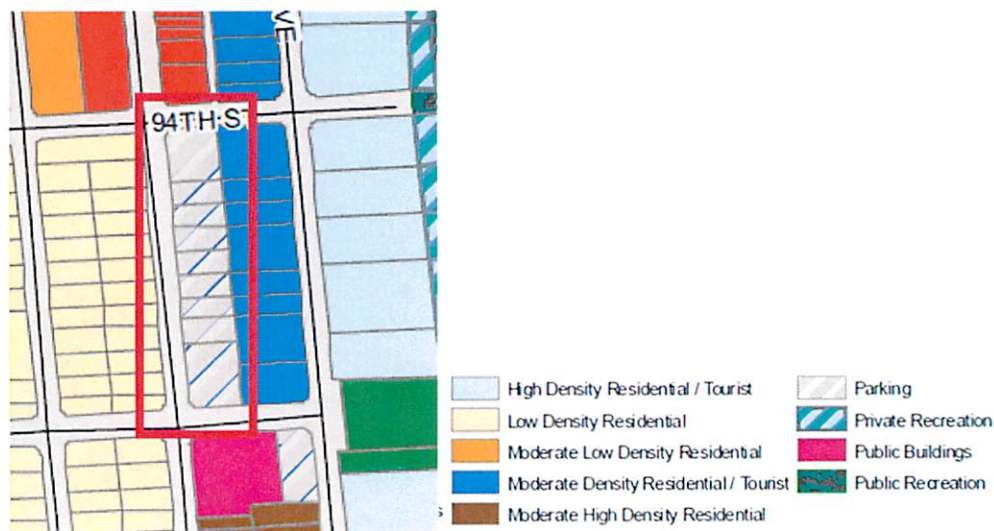
The Zoning Districts for the parcels which make up the 94<sup>th</sup> Street lot are zoned Municipal (MU), which permits parking structures.

A three story parking garage could be constructed on this site with no need for a land use change or zoning change.



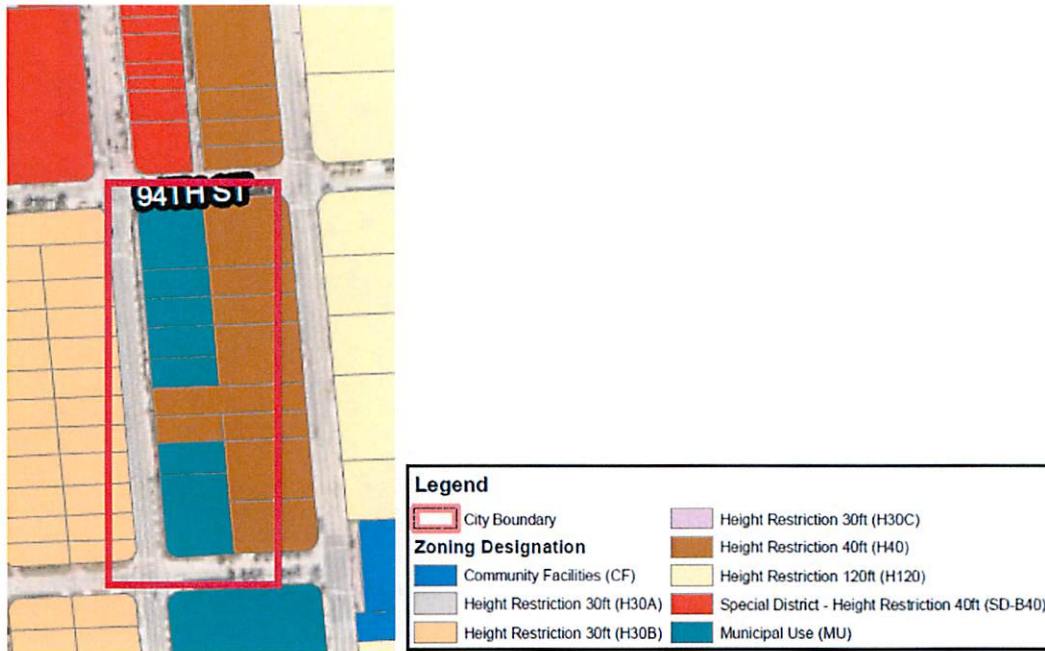
### BLOCK BETWEEN 94<sup>TH</sup> STREET & 93<sup>RD</sup> STREET ON HARDING

The Future Land Use Designation of the entire block between 94<sup>th</sup> street and 93<sup>rd</sup> street on Harding Avenue is "Parking" which has a Floor Area Ratio of 3.0 and a maximum height of 40 feet. The only permitted use is parking. A three story parking garage could be constructed on this site with no need for a land use change. The FAR for retail in the Town is the same as parking, therefore, if the Town wanted to include retail in this area, a land use plan amendment would be required.



The zoning of the existing parking lots (94<sup>th</sup> Street Lot and Town Hall Lot) is Municipal (MU). Two lots in between have a residential zoning designation of H40. Because the underlying land use is already parking, only a zoning change

will be required if the intent is to create a garage from 94<sup>th</sup> Street to 93<sup>rd</sup> Street along Harding Avenue. Again, if retail is desired, the zoning change would need to include the additional uses.



**Summary:**

Parking lot boundary	Zoning change	Land use change	Referendum
1. 94 <sup>th</sup> Street Lot – Garage Only	No	No	No
94 <sup>th</sup> Street Lot with retail	Yes	Yes	No
2. 93 <sup>rd</sup> to 94 <sup>th</sup> Street Lot – Garage Only	No	No	No
93 <sup>rd</sup> to 94 <sup>th</sup> Street Lot with retail	Yes	Yes	No



**Town of Surfside  
Commission Communication**

**Agenda Item #** 8C

**Agenda Date:** April 14, 2015

**Subject:** Parking Lot Parking Structure Update

**Background:** On March 10, 2015 the Town Commission directed the Administration to proceed with negotiations to purchase the Post Office Building from its owner. Lambert Advisory, the Town's consultant for this project, met with the property owner on March 12, 2015 (Attachment A). The property owner adamantly restated his position that he is not interested in selling the building and will only entertain a partnership with the Town. The particulars of said partnership are outlined in the Commission Communication provided on March 10, 2015.

**Analysis:** In an effort to explore all options for this site, the Administration has also analyzed the Eminent Domain process. The Town Planner is providing a Parking Structure Land Use and Zoning Analysis for each of the Town owned parking lots in an effort to provide the Town Commission with information pertaining to all of the Town owned parking lots (Attachment B).

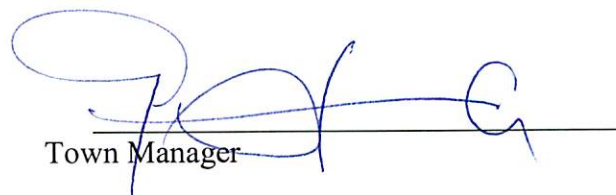
Utilizing Lambert Advisory's expertise under the already approved agreement, the Town could issue an Invitation To Negotiate / Request For Proposals (ITN/RFP) for all of the Town owned parking lots. The Town Commission could then choose the best suitable option(s) provided by the private sector. Then all viable responses could be presented to the Town Commission by the end of this year.

**Budget Impact:** N/A

**Staff Impact:** N/A

**Recommendation:** The Town Administration is recommending the focus shift from the Post Office site to all other available sites for a parking structure and is seeking Town Commission approval in issuing an ITN/RFP.

  
TEDACS Director

  
Town Manager



## Lambert Advisory

1201 Brickell Avenue  
Miami, FL 33131  
Phone: 305-503-4099  
E-Mail: [plambert@lambertadvisory.com](mailto:plambert@lambertadvisory.com)  
Web: [www.lambertadvisory.com](http://www.lambertadvisory.com)

**To:** Mr. Duncan Tavares, Town of Surfside  
**From:** Eric Liff, Lambert Advisory  
**Date:** March 17, 2015  
**Re:** Post Office Site Parking Garage (Discussion with Property Owner)

## Memo

As agreed upon by the Town of Surfside, FL Town Commission (Town Commission) on March 10, 2015, Lambert Advisory (Lambert) was direct to contact the property owner of the Surfside Post Office site (PO Site Owner). In a phone conversation with Leonard Spodek (Manager, Florida Postal Holdings, LLC) on March 12, Lambert discussed the Town Commission's directive to engage the PO Site Owner related to the Town's potential acquisition of the Surfside PO Office site. Lambert conveyed the Town's desire to purchase the property and, notably, expressed how important the site would be to accomplishing the Town's long-term commitment to provide critical additional parking to its resident and business community. Furthermore, it was stated that the Town would act in its best interest to ensure that any potential acquisition would be fair and equitable to all parties. However, as has been the position of the Post Office owner repeatedly during past correspondence with the Town, he explicitly stated again that he has "absolutely no interest" in selling the property, nor conduct any further conversation as to the Town's request related to this matter.

Please let me know if you have any questions.

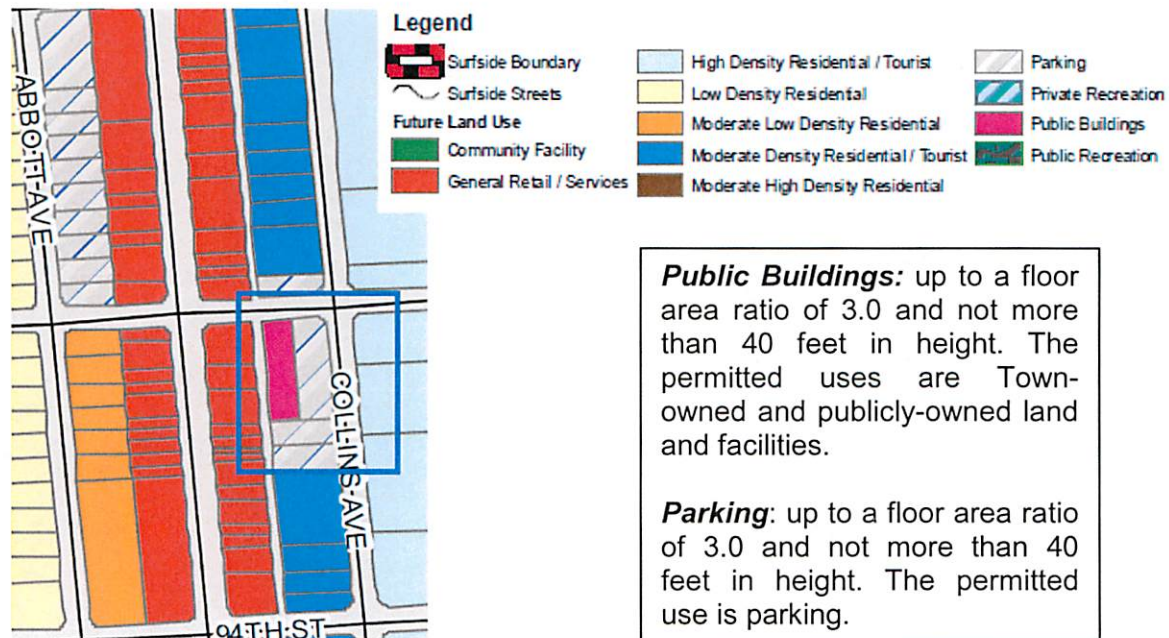


## MEMORANDUM

To: Guillermo Olmedillo, Town Manager  
 From: Sarah Sinatra Gould, AICP, Town Planner  
 Date: April 14, 2015  
 Re: Parking Structure Land Use/Zoning Analysis

### POST OFFICE LOT:

The land use on the post office lot is split between "Parking" and "Public Buildings." Please see the map below:

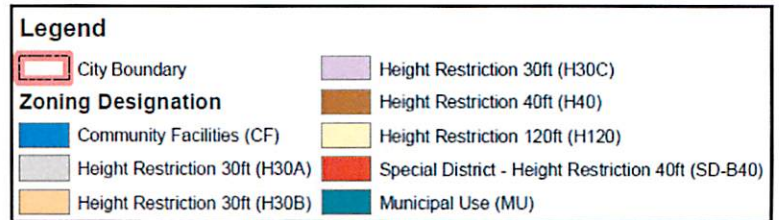
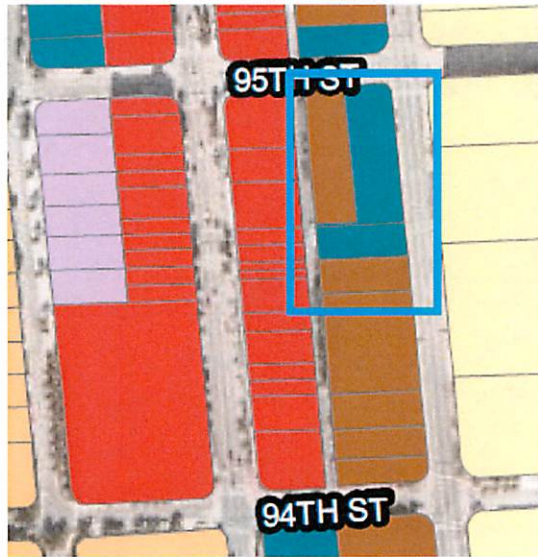


Since the floor area ratio (FAR) for both land use categories is 3.0, no increase in intensity would result from relocating the post office anywhere throughout the property. However, a land use change would be required to permit the post office outside of the area designated "Public Buildings." The land use change required is a Comprehensive Plan Map Amendment reviewed by the Planning and Zoning Board sitting as the Local Planning Agency, two readings at the Town Commission and reviews by the State agencies.

There is a 40 foot height limitation on this site, which will permit a three story garage with rooftop parking.

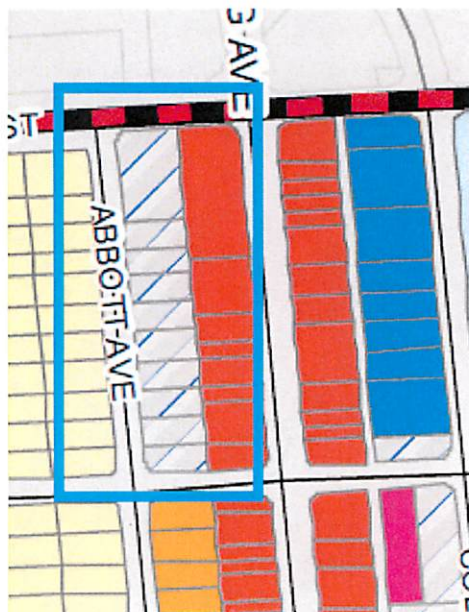
The property is zoned Municipal (MU), except for the southernmost parcel, which is zoned H40. This site would require a rezoning to MU. This process requires review by the Planning and Zoning Board sitting as the Local Planning Agency and two readings at the Town Commission. Below is the zoning map indicating the site is zoned MU and H40.

If the Town wished to add commercial uses, such as retail, restaurant and offices to this site, a zoning and land use change would be required to change the property to SD-B40 and the land use to General Retail.



**ABBOTT LOT:**

The Abbott Lot's land use designation is "Parking." The Comprehensive Plan permits an FAR of 3.0 with a 40 foot height designation. Please see the map below:



This site is zoned MU, which permits parking structures. The following is the zoning map.



Legend	
	City Boundary
	Community Facilities (CF)
	Height Restriction 30ft (H30A)
	Height Restriction 30ft (H30B)
	Height Restriction 30ft (H30C)
	Height Restriction 40ft (H40)
	Height Restriction 120ft (H120)
	Special District - Height Restriction 40ft (SD-B40)
	Municipal Use (MU)

The only permitted use in this category is parking. If the Town wishes to proceed with a parking structure only, no changes are required and the Town can proceed with preparing a site plan for the parking structure.

#### FOUR LOTS BETWEEN 94<sup>TH</sup> AND 95<sup>TH</sup> STREET ON ABBOTT

The Future Land Use Designation of the entire block between 94<sup>th</sup> street and 95<sup>th</sup> street on Abbot Avenue is "Moderate Low Residential" which only permits residential development. The addition of a garage will require an FAR calculation, which results in the need for an increase in intensity.



	High Density Residential / Tourist		Parking
	Low Density Residential		Private Recreation
	Moderate Low Density Residential		Public Buildings
	Moderate Density Residential / Tourist		Public Recreation
	Moderate High Density Residential		

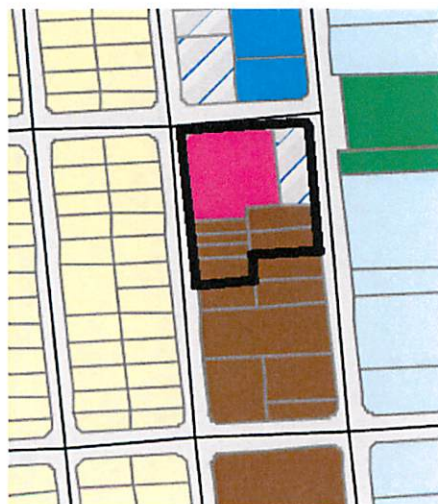
The zoning of these lots is H30C which only permits residential.



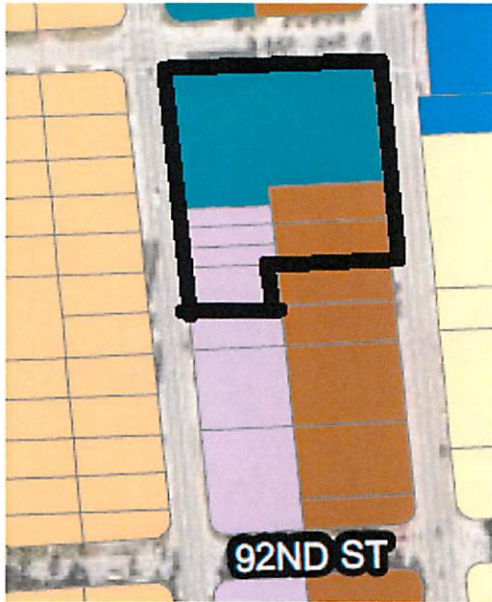
Therefore, a garage at this location will require a referendum, a land use change and a zoning change.

**TOWN OWNED PROPERTY BETWEEN 92<sup>ND</sup> AND 93<sup>RD</sup> STREET**

The Future Land Use Designation include “Public Buildings and Grounds” as well as “Moderate High Density Residential” which only permits residential development. The addition of a garage will require an FAR calculation, which results in the need for an increase in intensity.



The zoning of these lots includes Municipal, H30C and H40.



Therefore, a garage at this location will require a referendum, a land use change and a zoning change.

If a parking structure is constructed at any location, the following zoning code criteria shall apply:

**Sec. 90-49.4. Structured parking garages.**

The following requirements apply to all structured parking garages.

a. Overall form.

- (1) For every 50 feet of a building wall in any direction, there shall be a three-foot minimum change in wall plane; and
- (2) For every 100 feet of a building wall parallel to the public right of way, there shall be a minimum ten-foot wide and minimum three-foot deep separation of wall plane; and
- (3) Façade treatments fronting a public right-of-way shall provide architectural treatments consistent with and compatible to those across the public right-of-way or abutting properties and consistent with immediate buildings.
- (4) For the first ten feet of height along all blank walls, a minimum of 80 percent landscape coverage, such as a vine or hedges, shall be installed and maintained.
- (5) For façades above the first ten feet, a minimum of 50 percent landscape coverage, such as vines or planters, shall be installed and maintained.
- (6) All vegetative coverage shall be maintained and watered appropriately to sustain health and coverage indefinitely without adverse impact to the structure.
- (7) Service areas and mechanical equipment associated with a primary use are permitted.

b. Ground floor level façade.

(1) Façades shall not provide wall openings greater than eight feet in any direction, except for ingress and egress purposes. All wall openings, except for ingress and egress purposes, shall be separated by a minimum five-foot wide wall.

**90-91.2 Required buffer landscaping adjacent to streets and abutting properties:**

On any proposed, redeveloped site, or open lot providing a vehicular use area for H30C, H40, H120, adjacent or contiguous to H40, or municipal plots where such area is abutting street(s) and/or property lines, including dedicated alleys, landscaping shall be provided between such area and such perimeters as follows:

(1) A flat ground level or bermed strip of land at least ten feet in depth, located along all the property lines of abutting street(s) and abutting property line(s) shall be landscaped. Such landscaping shall include three trees for each 50 linear feet or fraction thereof. The first tree shall be set back from the intersection of the ingress/egress and the street. The setback area shall be limited to groundcover only. In addition, a hedge, berm, wall or other durable landscape barrier shall not create a sight hazard by being placed along the inside perimeter of such landscape strip and shall be maintained at a maximum height of three feet, if contiguous to a pedestrian walkway, to meet crime prevention through environmental design (CPTED) principles. If such durable barriers including walls or fences are of nonliving material, it shall be screened to the height of the durable barrier with a hedge along the street side of such barrier. If a fence or wall is utilized along an abutting property line it must be installed at the property line and screened to the height of the durable barrier with a hedge from the inside. The remainder of the required landscape area shall be landscaped with turf grass, groundcover or other landscape treatment, excluding paving, turf grass not to exceed the maximum amount allowable in the xeriscape requirements. This buffer may not be counted toward meeting the interior landscape requirements.

**Summary:**

Parking lot boundary	Zoning change	Land use change	Referendum
1. Post Office Lot – Garage Only	Yes	Yes	No
Post Office Lot with retail	Yes	Yes	No
2. Abbott Lot – Garage Only	No	No	No
Abbott Lot with retail	Yes	Yes	No
3. Abbott Ave between 94 <sup>th</sup> and 95 <sup>th</sup> street – Garage or retail	Yes	Yes	Yes
4. 92 <sup>nd</sup> to 93 <sup>rd</sup> Street – Town owned property – Garage or retail	Yes	Yes	Yes



# Town of Surfside Commission Communication

**Agenda Item #** 9A

**Agenda Date:** May 12, 2015

**Subject:** Newspaper Advertisement Cost Analysis

**Background:** The Town Clerk's office has to advertise legal notices in the newspapers on a monthly basis per Florida Statutes. Some of the notices we advertise are Ordinances in Second Reading, Zoning in Progress, Comp Plan Amendments and Election Notices. There are two newspapers that the Town uses for these legal notices, Miami Herald and the Daily Business Review. For the last couple of years there have been questions about the notices being advertised more frequently in the Daily Business Review than the Miami Herald being Miami Herald the most common and the most circulated newspaper.

**Analysis:** The Town Clerk's office has conducted a cost analysis from October 1, 2014 – February 27, 2015 (Attachment A). The cost to advertise seven (7) notices in the Miami Herald was \$17,105 and the cost to advertise twelve (12) notices in the Daily Business Review was \$2,527.06.

**Budget Impact:** Based on the information, if the Town Commission would rather see all public notices in the Miami Herald instead of the Daily Business Review, it is projected to be an annual cost of approximately \$75,000. The current budget amount for Legal Advertisement is \$20,000.

**Staff Impact:** N/A

**Recommendation:** Staff recommends to continue advertising in the most economical way.

---

Sandra Novoa, CMC, Town Clerk

---

Guillermo Olmedillo, Town Manager



# Cost Analysis

## Miami Herald Vs. Daily Business Review 10/01/2014 - 09/30/2015

<b>Miami Herald</b>		
<b>Date</b>	<b>Purpose</b>	<b>Total</b>
10/5/2014	Notice of Special Election	\$1,688.00
10/5/2014	Notice of Special Election	\$4,470.00
10/16/2014	Notice of Special Election	\$3,410.00
10/16/2014	Notice of Special Election	\$1,428.00
10/30/2014	Sample Ballot	\$1,428.00
10/30/2014	Sample Ballot - Spanish	\$3,410.00
2/19/2015	Zoning in Progress	\$1,271.00
<b>Total</b>		<b>\$17,105.00</b>

<b>Daily Business Review</b>		
<b>Date</b>	<b>Purpose</b>	<b>Total</b>
10/3/2014	Special Municipal Election	\$225.24
10/3/2014	Special Municipal Election - Sp	\$260.88
10/16/2014	Special Municipal Election - Sp	\$261.85
10/16/2014	Special Municipal Election	\$241.11
10/28/2014	RFP 2014-009	\$133.54
10/30/2014	Sample Ballot - Elections	\$718.85
10/24/2014	RFP 2014-008	\$147.31
11/3/2014	Second Reading Ordinances	\$98.71
11/28/2014	Second Reading Ordinances	\$124.15
12/29/2014	First Reading Ordinances	\$91.26
2/23/2015	RFP 2015-001	\$86.73
2/25/2015	Second Reading Ordinances	\$137.43
<b>Total</b>		<b>\$2,527.06</b>

Combined Miami Herald and Daily Business Review Expenditures = \$19,632.06

**2014/2015 Budget allocation - \$20,000**

# Cost Analysis

## Miami Herald Vs. Daily Business Review

### 10/01/2014 - 09/30/2015

The deadlines for the Miami Herald paper are:

Publication Day:	<u>Sunday</u>	<u>Monday</u>	<u>Tuesday</u>	<u>Wednesday</u>	<u>Thursday</u>	<u>Friday</u>	<u>Saturday</u>
Main Paper :	Friday	Friday	Friday	Monday	Tuesday	Wednesday	Thursday
Neighbors :	Wednesday				Friday		

The deadlines for the Daily Business Review paper are: 48 hours except on holidays

The Town has been advertising notices in the Daily Business Review since 12/07/1999



# Town of Surfside Commission Communication

**Agenda Item #:** 9B

**Agenda Date:** May 12, 2015

**Subject:** Traffic Management Plan – Short Term Solutions

**Background:** The Town Commission held a Special Commission Meeting on April 27, 2015 to discuss short term and long term solutions to the traffic concerns in Town. Traffic experts from Miami-Dade County, the Florida Department of Transportation, and Calvin, Giordano and Associates presented information and answered questions for the Town Commission and the residents. The Town Commission directed the Town Manager to develop a plan of action for short term solutions that can be implemented immediately to relieve the traffic congestion issues.

The following measures have been executed:

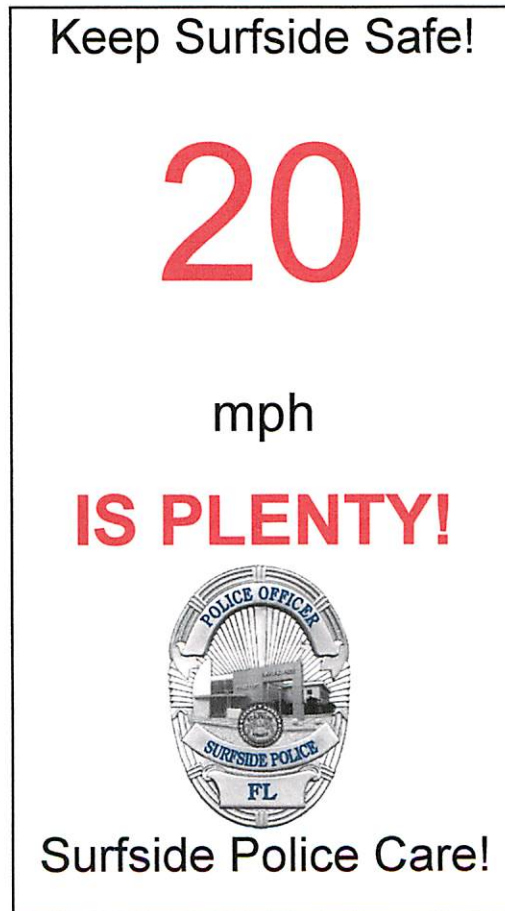
- Two decoy police vehicles have been deployed in the high traffic residential neighborhoods and will be rotated between 89 Street and 95 Street.
- A minimum of one Police Officer has been assigned during rush hours Monday through Friday on Byron Avenue to enforce traffic violations and control traffic congestion. Additional Officers will be assigned, staffing permitted, to Byron Avenue during peak traffic volume hours and between calls for service. Officers on overtime will also be assigned if needed.
- Lane closures on Harding and Collins Avenue are opened to traffic during morning and afternoon rush hours.
- A traffic management plan meeting with command officers from Surfside, Bal Harbour, and Bay Harbor Islands Police Departments was held on April 28, 2015 to coordinate traffic control among the three towns.
- The traffic signals on the state roads have been synchronized. Vehicle and pedestrian traffic loop detections as recommended by both traffic studies would further assist with vehicular movement along the state roads. The cost is approximately \$31,000 for the installation at five signals.
- Surfside, Bal Harbour, and Bay Harbor Islands have developed traffic control plans for critical incidents within their own jurisdictions. These plans have been implemented in the past during traffic blockage from bridge closures, fires, crashes involving serious injury or fatality, and gas leaks.
- Police Officers will execute temporary lane closures if necessary in the residential neighborhood upon authorization of the police command staff.
- FDOT has completed a study on a new traffic signal at 96 Street and Abbott Avenue and removing the traffic signal at 96 Street and Byron Avenue and denied it. FDOT will take a second review at the request of the Town Commission.

- Staff will review intersections in need of stop signs and request approval through Miami-Dade County.
- Staff will request FDOT to install U-Turn sign on 96 Street near Bay Drive.
- Staff will develop signage to designate residential neighborhoods.

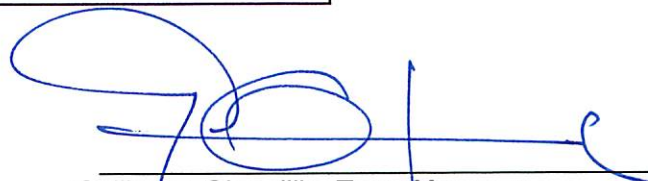
Additional traffic details will operate routinely in the following areas:

- Bay Drive - Speeding.
- Surfside Blvd (91 Street) – Speeding.
- A1A Collins and Harding Avenues – Speeding.
- 88 Street & Byron Avenue – Calming device violations.
- No thru trucks on the restricted residential streets.

An informational pamphlet will be created that officers can distribute on traffic stops to provide safe driving tips and cooperation among residents, for example:



  
David Allen, Chief of Police

  
Guillermo Olmedillo, Town Manager



**TOWN OF SURFSIDE  
DISCUSSION ITEM**

**Agenda Item #** 9C

**Agenda Date:** April 14, 2015

**From:** Guillermo Olmedillo, Town Manager

**Subject:** Clarification of Town Policies and Procedures for Representation of Town of Surfside and Town Commission Recognition Policies and Procedures

---

**Background:** Over the past three months, I have had the opportunity to review the Town's policies and procedures. In light of this review, there are several points for clarification and discussion.

**1. Representation of Town of Surfside:**

Presently, the language in Section 2-208 only addresses instances when the Commission as a whole desires to have a representative at meetings, conferences, etc. However, it does not address instances when a member of the commission wants to attend such events.

Section 2-208, Rule 9.01 provides:

“Whenever the commission deems it necessary or desirable that the commission shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, or departments, agencies or officials of the town government, the presiding officer may designate members of the commission to represent the commission at such meetings, conferences or other occasions, with the consent of the designee. A majority of the commissioners then present may disapprove any such appointment. Such representatives shall have no power to act for or on behalf of the commission, or to make any commitment or binding obligation on behalf of the commission or the town. Such representatives shall report to the commission with regard to such meeting, conference or other occasion.”

**Recommendation:** Add language to require the Commission's majority approval for an individual Commission member's request to attend meetings, seminars, conferences or other occasions.

## **2. Town Commission Recognition Policies and Procedures.**

The Town Commission has various ways to recognize citizens and staff, including, but not limited to the Key to the Town, Commemorative Coins, Community Center Bricks and Proclamations.

Recently, it came to my attention that the Town does not have clear policies and procedures to guide such recognition. Article IV. "Rules of Procedure for the Town Commission" only provides general guidance.

Rule 6.05 under Section 2-205 states that:

"Matters may be placed on the agenda by any town commissioner, the manager, the town attorney and the clerk of the commission."

Rule 6.06(c) under Section 2-205 provides:

"Ordinances, resolutions and other matters and subjects requiring action by the commission may be introduced and sponsored by a member of the commission, except that either the manager or the town attorney may present ordinances, resolutions and other matters or subjects to the commission for consideration, and any commissioner may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered."

**Recommendation:** Prepare an amendment to Section 2 of the Town Code, establishing an official recognition and nominating process to be considered by the Town Commission. Attached please find Request for Policy and Procedures form.

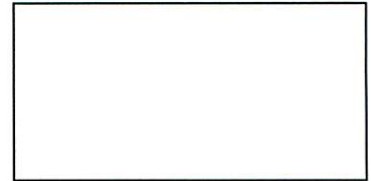


# TOWN OF SURFSIDE

## PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN REQUEST FORM

OFFICE OF THE TOWN CLERK

Request for: Proclamation \_\_\_ Certificate \_\_\_ Key \_\_\_ Coin \_\_\_ (check one)



Date of Request: \_\_\_\_\_

Name of Requestor: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Phone / E-Mail: \_\_\_\_\_

Name of Individual / Organization to be honored:  
\_\_\_\_\_

Title for Proclamation or Certificate:  
\_\_\_\_\_

Date of Recognition: \_\_\_\_\_

Reason for Recognition (*Please attach 4 – 6 "whereas clauses" as draft text for a Proclamation*):  
\_\_\_\_\_

Document is to be:

- Presented at a Commission Meeting in \_\_\_\_\_ (month / year)
- Presented at the following event \_\_\_\_\_ (*Please attach event information to the request form*)
- Picked up by \_\_\_\_\_ on \_\_\_\_\_ (date)

**Administrative Use Only**

Proclamation \_\_\_\_\_ Certificate \_\_\_\_\_ Key \_\_\_\_\_ Coin \_\_\_\_\_

Approved: Yes \_\_\_ No \_\_\_ If no, state reason: \_\_\_\_\_

Approved Date: \_\_\_\_\_

Date Submitted for Mayor's Signature: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Completed by: \_\_\_\_\_



# TOWN OF SURFSIDE

## PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN

### POLICY AND PROCEDURE

#### OFFICE OF THE TOWN CLERK

Page 1 of 2

#### **PROCLAMATIONS AND/OR COINS**

Proclamations and/or Coins are ceremonial documents issued by the Mayor with the consent of the Town Commission that recognize, celebrate, and honor extraordinary achievements. They may include but are not limited to the citizens of the Town of Surfside; residents of Miami-Dade County, certain organizations' occasions of importance and significance; days that are noteworthy or historically significant; and special events. Proclamations are not automatically renewed and are limited to one (1) recipient per event, per calendar year.

Proclamations and/or Coins will not be issued for matters of political controversy; ideological or religious beliefs or individual conviction; and campaigns or events contrary to Town policies, espousing hatred, violence, or racism. Proclamations are strictly honorary and they are issued as a courtesy. In addition, they are not legally binding and do not constitute an endorsement by the Town of Surfside.

#### **CERTIFICATES OF RECOGNITION AND/OR ACHIEVEMENT**

Certificates of Recognition and/or Achievement, which are inclusive of any other similar type of recognition, are honorary documents issued by the Mayor that may be used to honor special events or individuals. These may include but are not limited to conferences; conventions; seminars; professional celebrations; retirements; family reunions; community celebrations; award ceremonies; college graduations; significant birthdays; anniversaries and other achievements. Certificates of Recognition and/or Achievement are not automatically renewed and are limited to one (1) recipient per event, per calendar year.

#### **KEY TO THE TOWN**

The Key to the Town is an honor bestowed by the Mayor with the consent of the Town Commission upon esteemed residents, visitors, and others whom, the Town wishes to honor. A key to the Town is strictly honorary.

#### **POLICY AND PROCEDURE**

The Mayor, Town Commission members, individuals and organizations seeking a Proclamation, Certificate, Coin or Key to the Town shall submit their request in writing to the Town of Surfside Office of the Town Clerk. Requestors may use the Town's Proclamation, Certificate, Coin and Key to the Town Request Form or a letter to submit their request.

02/17/2015





# TOWN OF SURFSIDE

## PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN POLICY AND PROCEDURE OFFICE OF THE TOWN CLERK

Page 2 of 2

The Proclamation, Certificate, Coin and Key to the Town Request Form is available on the Town's website at [www.TownofSurfsidefl.com](http://www.TownofSurfsidefl.com) and at the Office of the Town Clerk via telephone at (305) 561-4863 or via e-mail at [snovoa@townofsurfsidefl.gov](mailto:snovoa@townofsurfsidefl.gov).

Request letters must include the following information:

- Contact person's first and last name, address, telephone number, and e-mail address (if available).
- The name and date of the day, week, month or event to be proclaimed or recognized.
- A brief summary and/or background of the event, organization, or person.
- Draft text for the proclamation including 4 – 6 "whereas" clauses.
- Date to be presented and/or when needed.
- An indication of whether the Proclamation, Certificate, Coin or Key to the Town is to be mailed, picked-up, or if the requestor wishes to have this presented at a Commission Meeting.

Upon the Town Commission's approval of a Certificate, Coin, Proclamation and/or Key to the Town, The Mayor, Commission members and Town Manager shall be invited to attend the event at which the Certificate, Coin, Proclamation and/or Key to the Town is to be awarded if other than at the scheduled Commission Meeting.

Note: Submission of a request for a Proclamation, Certificate, Coin or Key to the Town requires approval by the Town Commission.

02/17/2015