



**Town of Surfside
Town Commission Meeting
July 12, 2011
7 p.m.**

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

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch
- G. Employees of the Quarter** **Tim Milian, Paul Gioia, Bill Evans** – Roger M. Carlton, Town Manager
- H. Police Officer of the Month** **Antonio Mesa** -David Allen, Chief of Police

2. Quasi-Judicial Hearings (None)

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

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

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

- A. Budget to Actual Summary as of April 30, 2011** – Martin Sherwood, Finance Director **Page 1-2**
- *B. Town Manager’s Report (Points of Light)** – Roger M. Carlton, Town Manager **Page 3-11**
- *C. Town Attorney’s Report** – Lynn M. Dannheisser, Town Attorney **Page 12-16**
- D. Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page 17-19**
- E. Miami-Dade Fire Rescue Report** – Roger M. Carlton, Town Manager **Page 20-32**
- F. Beautification Committee Meeting June 13, 2011 Notes-** Commissioner Marta Olchyk **Page 33-34**

**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.*

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

***1. Repeal of Moratorium – Lynn M. Dannheisser, Town Attorney Page 35-72**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING ORDINANCE 2011-1571 “TEMPORARY MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR NON- RETAIL, NON-RESTAURANT USES FOR THE PROPERTIES GENERALLY LOCATED BETWEEN 96TH AND 94TH STREET AND HARDING AVENUE” AS WAS FURTHER DELINEATED IN THE MAP ATTACHED AS EXHIBIT “A” TO ORDINANCE 2011-1571; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

[This Ordinance repeals the moratorium on downtown uses that are non-retail, non restaurant and acknowledges a package of recommendations from the Downtown Vision Advisory Committee.]

***2. Special Events Permit – Lynn M. Dannheisser, Town Attorney Page 73-80**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING CHAPTER 35 “EVENTS” AND ARTICLE I “SPECIAL EVENTS” AND SPECIFICALLY CREATING SECTIONS 35-1 “PERMITS FOR SPECIAL EVENTS”, SECTION 35-2 “EXEMPTIONS”; SECTION 35-3 “ENFORCEMENT AND SPECIAL EVENTS RECYCLING”; AND 35-4 “COORDINATION WITH TOWN POLICE DEPARTMENT” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance requires the issuance of permits for special events in order to regulate and address issues such as additional policing, imposition of bonds or insurance coverage, traffic and noise.]

***3. Vacant Storefronts - – Lynn M. Dannheisser, Town Attorney Page 81-88**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS; SECTION 14-52 COMMERCIAL

STANDARDS ESTABLISHED RELATING TO THE APPEARANCE OF VACANT STOREFRONTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance provides for the installation of regulated window coverings in vacant storefronts designed to give an appealing and uniform appearance.]

- *4. Newsracks – Lynn M. Dannheisser, Town Attorney Page 89-98**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS” AND SPECIFICALLY ARTICLE III “PROPERTY MAINTENANCE STANDARDS”; CREATING SECTION 14-57 “NEWSRACKS ON PUBLIC RIGHTS-OF-WAY” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance regulates the size, placement and appearance of newsracks throughout the Town for aesthetic and safety purposes.]

- *5. Retirement Plan Opt Out – Roger M. Carlton, Town Manager Page 99-103**
AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE CODE TO REVISE THE DEFINITION OF EMPLOYEE TO PERMIT CHARTER OFFICERS TO OPT OUT OF THE PLAN; AMENDING SECTION 2-174 TO CREATE A MECHANISM FOR CHARTER OFFICERS TO OPT OUT OF THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

[This Ordinance permits Charter Officers to opt out of the Town’s pension plan. Both Charter Officers have previously contractually opted out. This codifies a situation already in place.]

B. First Readings Ordinances
NONE

- 5. Resolutions and Proclamations (*Set for approximately 9:00 p.m.*) (*Note: Depends upon length of Good and Welfare*)**

- A. Proposed Ad-Valorem Budget Millage for Fiscal Year 2011-2012 – Roger M Carlton, Town Manager Page 104-109** (Note, the Miami-Dade Property Appraiser has recently announced the final value of a mill and additional information has come in since the budget workshop which will be discussed when this item comes up.)

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

- B. Expansion of Gambling Initiative –Mayor Daniel Dietch Page 110-112**
A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, OPPOSING ANY INITIATIVE TO AMEND FLORIDA’S CONSTITUTION TO ALLOW CASINO GAMBLING IN SURFSIDE; PROVIDING FOR AN EFFECTIVE DATE.

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

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

- 7. Town Manager and Town Attorney Reports**

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

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

- 8. Unfinished Business and New Business (Set for approximately 9:15 p.m.)**

NONE

- 9. Mayor, Commission and Staff Communications (Set for approximately 9:30 p.m.)**

A. Community Center Fee Structure for Non Residents – Commissioner Marta Olchyk Page 113

B. Collins Avenue Sewer Main Project Traffic Management Plan- Roger M. Carlton, Town Manager and Assistant Police Chief John Di Censo Page 114-173

C. End of Session Report- Fausto Gomez, Legislative Consultant Page174-184 (SET FOR TIME CERTAIN AT 7:30PM)

D. Streetscape –Tree lined – Tree Canopy for 88th, 95th streets and Surfside Boulevard Vice Mayor Joe Graubart Page 185

E. Contributions/Donations/Gifts accepted by the Town of Surfside- Vice Mayor Joe Graubart Page 186

10. Adjournment

Respectfully submitted,



Roger M. Carlton

Town Manager

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

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

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

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

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

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2010/2011
As of APRIL 30, 2011
58% OF YEAR EXPIRED (BENCHMARK)

Agenda Item # 3A

Page 1 of 2

Agenda Date: July 12, 2011

| GOVERNMENTAL FUNDS | ACTUAL | ANNUAL BUDGETED | % BUDGET | |
|---|--------------------|--------------------|-------------|---|
| GENERAL FUND | | | | |
| REVENUE | \$6,559,941 | \$8,817,819 | 74% | A |
| EXPENDITURES | \$4,566,503 | \$8,817,819 | 52% | |
| Net Change in Fund Balance | \$1,993,438 | | | |
| Fund Bal.-Beg. of FY(audited assigned+unassigned) | \$2,867,867 | | | |
| Fund Balance-April 30, 2011 | <u>\$4,861,305</u> | | | |
| RESORT TAX | | | | |
| REVENUE | \$77,599 | \$123,010 | 63% | B |
| USE OF RESTRICTED FUND BALANCE | | \$19,800 | 58% | |
| EXPENDITURES | \$86,373 | \$142,810 | 60% | |
| Net Change in Fund Balance | -\$8,774 | | | |
| Fund Balance-Beg. of Fiscal Year (audited) | \$179,035 | | | |
| Fund Balance-April 30, 2011 | <u>\$170,261</u> | | | |
| POLICE FORFEITURE/CONFISCATION | | | | |
| REVENUE | \$54,212 | \$25,000 | 217% | C |
| USE OF RESTRICTED FUND BALANCE | | \$20,000 | 58% | |
| EXPENDITURES | \$25,993 | \$45,000 | 58% | |
| Net Change in Fund Balance | 28,218 | | | |
| Fund Balance-Beg. of Fiscal Year (audited) | \$71,825 | | | |
| Fund Balance-April 30, 2011 | <u>\$100,043</u> | | | |
| TRANSPORTATION SURTAX | | | | |
| REVENUE | \$92,134 | \$156,415 | 59% | D |
| USE OF RESTRICTED FUND BALANCE | | \$80,285 | 58% | |
| EXPENDITURES | \$56,305 | \$236,700 | 24% | |
| Net Change in Fund Balance | 35,829 | | | |
| Fund Balance-Beg. of Fiscal Year (audited) | \$416,500 | | | |
| Fund Balance-April 30, 2011 | <u>\$452,329</u> | | | |
| CAPITAL PROJECTS | | | | |
| REVENUE | \$70,497 | \$139,660 | 50% | |
| USE OF COMMITTED FUND BALANCE | | \$4,000,000 | 58% | |
| EXPENDITURES | \$3,301,148 | \$4,139,660 | 80% | |
| Net Change in Fund Balance | (3,230,651) | | | |
| Fund Bal.-Beg. of FY(audited committed+assigned) | \$4,888,357 | | | |
| Fund Balance-April 30, 2011 | <u>\$1,657,706</u> | | | |

NOTES:

- A. Timing Difference - FY 2011 ad valorem property tax revenues are remitted to the Town primarily from mid-November to March
- B. Timing Difference - Includes only the Oct-Mar resort taxes. April resort taxes are collected in May. However, the 4% bed tax collections are higher than anticipated and was increased in June with the mid-year budget resolution
- C. Forfeiture revenue fluctuates widely-the Town received a \$15,036 and a \$39,091 payment during the months of January and March, respectively. Higher than anticipated budgeted revenues was increased in June with the mid-year budget resolution
- D. Timing Difference - Includes only the Oct-Mar CITT revenues. April is not received until late July 2011

ENTERPRISE FUNDS

ACTUAL

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

WATER & SEWER

| | | | |
|---|--------------------|--------------|-----|
| REVENUE | \$1,789,659 | \$3,331,303 | 54% |
| USE OF NET ASSETS/LOAN PROCEEDS | | \$8,138,300 | 58% |
| EXPENDITURES | \$1,215,266 | \$11,469,603 | 11% |
| Change in Net Assets* | \$574,393 | | |
| Unrestricted Net Assets-Oct 1 (audited) | \$440,000 | | |
| Unrestricted Net Assets-Apr 30, 2011 | <u>\$1,014,393</u> | | |

MUNICIPAL PARKING

| | | | |
|---|--------------------|-------------|------|
| REVENUE | \$351,048 | \$305,600 | 115% |
| USE OF NET ASSETS | | \$2,179,836 | 58% |
| EXPENDITURES | \$707,329 | \$2,485,436 | 28% |
| Change in Net Assets* | (\$356,281) | | |
| Unrestricted Net Assets-Oct 1 (audited) | \$2,043,034 | | |
| Unrestricted Net Assets-Apr 30, 2011 | <u>\$1,686,753</u> | | |

SOLID WASTE

| | | | |
|---|------------------|-------------|-----|
| REVENUE | \$993,575 | \$1,291,343 | 77% |
| EXPENDITURES | \$623,707 | \$1,291,343 | 48% |
| Change in Net Assets* | \$369,867 | | |
| Unrestricted Net Assets-Oct 1 (audited) | \$77,491 | | |
| Unrestricted Net Assets-Apr 30, 2011 | <u>\$447,358</u> | | |

STORMWATER

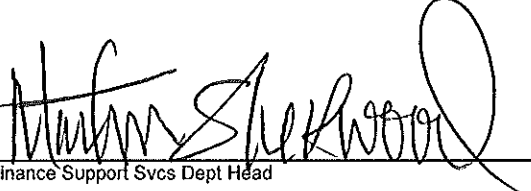
| | | | |
|---|------------------|-------------|-----|
| REVENUE | \$292,417 | \$487,000 | 60% |
| USE OF NET ASSETS/LOAN PROCEEDS | | \$1,353,442 | 58% |
| EXPENDITURES | \$126,623 | \$1,840,442 | 7% |
| Change in Net Assets* | \$165,794 | | |
| Unrestricted Net Assets-Oct 1 (audited) | \$40,626 | | |
| Unrestricted Net Assets-Apr 30, 2011 | <u>\$206,420</u> | | |

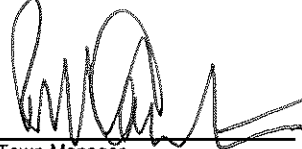
NOTES:(con't)

* the change in net assets excludes financial impact from Capital Assets

E. Underage due to delay in commencement of Infrastructure/Capital Outlay projects (\$8.1 mill for water/sewer, \$1.4 mill for stormwater, \$2.1 mill for parking)

F. Timing difference: Billing (and the resulting revenue) for the entire fiscal year pertaining to Residential (non-condominium) customers are recorded in October


 Finance Support Svcs Dept Head


 Town Manager



**Town of Surfside
Town Commission Meeting
July 12, 2011 - 7:00 p.m.**

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

POINTS OF LIGHT
After Action Items

1. Downtown Vision project

Current Status: The Downtown Vision Advisory Committee (DVAC) met for the eighth time on June 9, 2011. The Town Commission was presented with the vision recommendations as a package with the first reading of the ordinance rescinding the Moratorium Ordinance on June 14, 2011. Second reading, is set for the July 12, 2011 Commission meeting. The next DVAC meeting is set for Wednesday July 20, 2011. Two of the DVAC recommendations relative to creating a plan for the alleys east and west of Harding and the design of a “wayfarer” signage program were approved on the June 14, 2011 Town Commission agenda as an element of the project to upgrade the parking lots town wide (95th Street upgrade and expansion is complete).

2. Land Acquisition

Current Status: Staff continues to monitor the Delgado property to determine if BankUnited has any interest in selling. The northern single family house between the 93rd and 94th Street parking lots has been sold to a private party.

3. Water, Sewer and Storm Drainage project: Final review of the construction documents is underway by Town Attorney Lynn Dannheisser.

Current Status: It is anticipated that the project will begin in early August 2011 starting on the South end of Town. An initial approach has been made to Miami Beach officials regarding the use of the vacant lot on Collins Avenue east of North Shore Park as a construction staging area. Negotiations with Bal Harbour Village continue regarding the final cost of Surfside’s share of the force main on Collins Avenue. That project will begin in July 2011. A separate memo explaining the project construction process is included on this Town Commission agenda. The discussions with FPL regarding the undergrounding conduit for the future are also underway and pricing for the installation is being negotiated with the selected contractor Ric Man International. Further discussion of the additive alternates will occur in approximately 12 months when we know if any funds remain available in the contingency account.

4. Concession stand

Current Status: The agreement with David Jacobson, Import International LLC dba Surf Café, was approved retroactively on the June 14, 2011 Town Commission agenda. Mr. Jacobson has worked very hard to provide a quality product. The breakfast business has been slow, however, the evening

business exceeds expectations as many families are having “dinner out” at the Community Center while enjoying the two pools. What could be better?

5. Red light cameras: Police Chief David Allen and Assistant Chief John DiCenso manage the implementation of Red Light Cameras program.

Current Status:

Red Light Camera Safety Program

Citations issued through June 24, 2011 – 4,648 (176 to be reviewed)

Revenue from inception to June 17, 2011 - \$153,951.93

88th Street and Harding Avenue – 1,157

88th Street and Collins Avenue – 419

90th Street and Collins Avenue - 440

93rd Street and Collins Avenue – 1,981

96th Street and Collins Avenue – 651

The disposition of the most recent court cases on the Red Light Cameras was as follows:

23 cases were set for trial, 19 were granted continuances, 3 were found guilty and one was dismissed.

This item will not appear on the Points of Light after this month. Staff will monitor the impact on ticket issuance resultant from the force main construction program and report to the Town Commission if necessary. Item completed.

6. Photo/film permit program

Current Status: The Town Commission approved the Film and Photo Ordinance on second reading during the June 14, 2011 Town Commission meeting. Guidelines and an amended application form are set for use by the appropriate Town departments in early July. Outreach to the film/photo shoot industry through local and state film offices will follow. The advisory group will be established this summer.

7. Circulator bus: Town Manager Roger Carlton will review the potential linking of the Surfside circulator bus with other communities to allow residents transportation to the Sunny Isles library and possible other destinations: Mayor Daniel Dietch

Current Status: After a number of meetings with Bay Harbor Islands, Bal Harbour and Sunny Isles Beach, it has been determined that the greatest opportunity for enhancement is to link with Sunny Isles Beach to allow our riders to use Sunny Isles Beach’s route which goes to the mainland with stops at Aventura Mall, Mt. Sinai Medical Center North, Costco and the Aventura Publix shopping center. The details of this and an Interlocal Agreement which defines how their riders will be allowed to use our route to Mt. Sinai Hospital and how our riders will be allowed to use their route will be presented to the Town Commission on the August 9, 2011 agenda. This has been delayed a month based on the

impact on staff time of opening the Community Center and the shortened schedule for preparing for the July 12, 2011 Town Commission meeting.

8. Community Garden: Mayor Daniel Dietch

Current Status: A meeting with Town Staff, Ready-To-Grow and Surfside resident Randall Rubin was held on June 1, 2011 to discuss logistics and a timeline for the Community Garden's start-up, the formation of a resident Garden Club, and incorporating Endlessly Organic's contributions to this initiative. It was decided that a second meeting is needed by mid-June to finalize all details. Due to scheduling issues the follow-up meeting was pushed back to mid-July. The garden is scheduled for completion during September 2011.

9. Farmers Market: Mayor Daniel Dietch

Current Status: - The Surf-Bal-Bay Farmers Market began on Kane Concourse in Bay Harbor Islands on Sunday June 12, 2011 from 9 am – 3 pm. The market rotates between Bay Harbor Islands and Surfside every week.

The Surf-Bal-Bay Farmers Market was well attended on June 12, 2011 in Bay Harbor Islands. Despite extensive outreach and media coverage, the following market on June 19 in Surfside did not see the same level of patronage. The opening of the Community Center that day may have had an adverse effect on the attendance. More outreach to the communities will be conducted prior to the next two market dates which have been scheduled for Surfside, 95th St/Collins Avenue, July 3, 17, 31, 2011 and Bay Harbor Islands, Kane Concourse, July 10 and 24, 2011.

10. Fresh Produce Buyers Club: Mayor Daniel Dietch

Current Status: The club Endlessly Organic, a resident owned company, will distribute the bi-weekly produce to local subscribers from the breezeway of the new Community Center starting the first week of July. In exchange for the use of the space, Endlessly Organic will work with area farmers to provide seeds and mentoring to the Garden Club/Community Garden. Eventually programming at the Community Center will include healthy food cooking demonstrations provided by Endlessly Organic.

11. Feral Cat and Dog Feces Concerns: Mayor Daniel Dietch

Current Status: A report was included in the Town Commission March 8, 2011 agenda. The Town Manager will develop ordinances and meet with stakeholders regarding the dual issues once the major initiatives of the Community Center and water/sewer/storm drainage projects are stabilized. The Town Attorney has begun developing the ordinances and is searching nationwide for model programs.

12. Tourist Resort Tax Auditor program received a \$6000 allocation in the FY 10/11 Budget

Current Status: The resort tax ordinance was approved on second reading during the June 14, 2011 Town Commission meeting. The RFP to select the auditors will be advertised in early July 2011. The education program will begin in July as well with full implementation scheduled for October 2011.

13. Municipal parking lot renovation program: \$428,000 has been allocated in the FY 10/11 Budget for paving, sealing, restriping, concrete curb repairs, litter receptacles, improved lighting and landscaping and drainage services.

Current Status: This lot renovation and study of the Harding alleys and location identifier signs has been awarded to Florida Transportation Engineering, the firm recommended by the selection committee. This Points of Light will be incorporated in the Downtown Vision Points of Light in the future. Item completed.

14. Document imaging and scanner software: This \$26,500 project was funded in the FY 10/11 Budget

Current Status: The contract award for this equipment was awarded during the June 14, 2011 Town Commission meeting. The project will be installed over the summer and Mike Garcia will be assigned lead responsibility once the new code enforcement director is retained.

15. Bike Racks/Bus Benches/Shelters: Mayor Daniel Dietch

Current Status: Town Manager Roger Carlton and Parks and Recreation Director Tim Milian have met to discuss the development of a comprehensive bicycle program for Surfside. We also have the bus benches and shelters on our horizon and will report on all three amenities in the near future. Four bike racks will be installed. One at the Community Center, one at the 95th Street parking lot and two others at locations to be determined.

16. Clean up/update/enhance Town Website content: Commissioner Michael Karukin

Current Status: The RFP was approved with amendments on the June 14, 2011 Town Commission agenda, the RFP has been advertised. Bid opening is scheduled for August 22, 2011. Award is expected during the September 13, 2011 meeting.

17. Electric Car Charging Stations

Current Status: Staff has obtained the City of Sunny Isles Beach RFP and will meet with the selected vendor to determine if we should use the Sunny Isles Beach process. This item has been put on hold until the new Sunny Isles Beach city manager is on board. It is expected that staff will make a recommendation to the Town Commission in August 2011.

18. Crossing Safely at 93rd and Collins/Harding

Current Status: Assistant Chief of Police John DiCenso, Public Works Director Bill Evans and Town Manager Roger Carlton met with FDOT pedestrian safety coordinator Carlos Sarmiento to seek a pedestrian safety upgrade to the two intersections prior to opening of the Community Center. New pedestrian crossing warning signage and pedestrian crosswalk striping has been completed. The “time remaining” sign was adjusted for safer crossing. Staff will monitor the situation while the force main construction is underway on Collins Avenue and make adjustments as necessary. Item completed.

19. FPL and AT&T to review leaning poles: Vice Mayor Joe Graubart

Current Status: A meeting was held with FPL in May 2011. Their policy is that a pole may lean up to 17 degrees unless it is in danger of falling. Apparently, the aesthetics are not the issue. A report regarding undergrounding all utilities in Surfside appeared on the April 12, 2011 Town Commission agenda and was deferred until the May 10, 2011 meeting due to the long agenda. The outcome of the meeting with FPL executives is that the contract award for the water/sewer/storm drainage project approved during the June 14, 2011 Town Commission meeting included provisions to install conduit at intersections so that in the event an undergrounding project is approved in the future, conduit will be ready to avoid having to break the pavement. Regarding the short term issue, staff will photograph every pole leaning excessively in Surfside during July and meet again with FPL to determine if corrective action can be taken.

20. Citizen's Academy: This program is similar to the Police Academy in that Surfside residents are given the opportunity to learn the roles and responsibilities of each department in an interactive and informal setting over a series of evening sessions.

Current Status: The Town is investigating the possibility of working with FIU's Metropolitan Center to develop a seven week program consisting of two hour sessions once a week. Surfside residents would attend sessions devoted to such items as the differences in governmental authority, how the Town operates (budgeting and services provided) and code enforcement. Further information will be provided once scheduling and costs are established. If the Town Commission concurs, this program could begin in Fall 2011.

21. Building Relationships between the Condo Residents and Single Family Homes

Current Status: The Tourist Bureau Director will work with Commission Kopelman to create programs and activities in the new Community Center that will bring the Town's two distinct communities together.

Ideas for such programs are also being investigated by the Parks & Recreation Committee. One member has met with a Surf Club member to discuss a possible event at the club. All programming will be reviewed and approved by the Parks & Recreation Director upon his assessment of the ability to initiate programming in the new center.

22. Senior Assistance Program

Current Status:

The Police Department has contact information for their Seniors in Surfside Program that checks on their welfare and offer services from Miami-Dade County. The June Gazette advertised that there is a group of residents who will help seniors with chores or hurricane preparation. The contact information will be provided to Julia Magnani or Richard Iacobacci after the volunteers have completed an application and background check with the Human Resources Director. The Police Department has sponsored several Community Emergency Response Team (CERT) three day courses. The participation by residents has been minimal. Miami-Dade County will be requested to offer another CERT class this summer.

23. Feasibility of Surfside sharing Bal Harbour’s street sweeper: Mayor Daniel Dietch

Current Status: The first cost estimate submitted by Bal Harbour was too high and negotiations to lower the price were unsuccessful. Public Works Director Bill Evans has negotiated a more reasonable price with Sunny Isles Beach and an Interlocal Agreement will be presented to the Town Commission in July. The cost will be \$12,000 annually for once per week service. Now that the Community Center has opened and the contract negotiations with Ric Man International are nearly complete, staff will initiate this program during July 2011.

24. Ceremony and Plaque Commemorating the Ten Year Anniversary of 9/11: Vice Mayor Joe Graubart

Current Status: The Police Department will coordinate this special event at the Community Center. Bal Harbour, Bay Harbor Islands, and Indian Creek Village will participate in the event. The Town Manager of Bay Harbor Islands (retired NYPD Commander on scene on 9-11-01) will be the guest speaker. There will be a multi-agency police honor guard to present the colors. The Miami-Dade Fire Rescue Department will have a ladder truck to display the American flag in front of the Community Center. The Fire Department will deploy its fire boat in the ocean behind the Community Center. Police Marine Patrol boats will also participate by the ocean side.

25. Bike Rental Station: Vice Mayor Joe Graubart

Current Status: Based on a request from Vice Mayor Joe Graubart, and building on inquiries made by the Tourism, Economic Development and Community Services Director, the Town is investigating the feasibility of working with Deco Bike (www.decobike.com) on installing a bike rental station similar to the those installed on Miami Beach.

26. eReaders for Community Center: Commissioner Ted Kopelman

Current Status: Based on a request from Commissioner Ted Kopelman, the Town will incorporate eReaders into the addition room of the Community Center. Furniture has been installed and patrons will be able to check out Kindle type devices. Further information will be provided once costs and operational procedures are established. At the June 14, 2011 Commission Meeting, Commissioner Kopelman and his wife Polly stated that they will donate two e-readers to this initiative. Outreach to the business community to sponsor subsequent e-readers has started with the help of Parks & Recreation Committee member Barbara McLaughlin.

27. Tenth Mile Markers on the Beachwalk Hardpack: Mayor Daniel Dietch

Current Status: This request is being investigated and a recommendation will be made during the August 9, 2011 Town Commission meeting.

28. e-Waste Collection Event Prior to Hurricane Season: Mayor Daniel Dietch

Current Status: Miami Dade County will not provide the service, but can recommend qualified vendors to assist. Staff will discuss options to move this forward as well as explore opportunities to team with Bay Harbor Islands and Bal Harbour Village. A report will be made in August, 2011.

29. FPL Electric and Cable Underground Conversion of Existing Overhead Service Lines

Current Status: In a recent meeting with FPL officials, it was determined that they would accept our contractor for the water/sewer/storm drainage project installing conduit that would be placed at intersections in the single family neighborhood to allow future undergrounding. FPL will provide the conduit. The \$69,000 cost of the study required by FPL will be included in the contract award for the water/sewer/storm drainage project which was approved on the June 14, 2011 Town Commission meeting agenda. This item will be incorporated in the Water/Sewer/Storm Drainage Point of Light starting in August 2011.

30. Resident Parking Program

Current Status: The Town Commission approved the changes to the Resident Parking Program during the June 14, 2011 meeting. The changes will be effective October 1, 2011. A meeting with the Town Manager, Town Clerk, and Police Department is scheduled for mid July to develop the new procedures for the program.

31. Short Term Rentals Ordinance

Current Status: Staff met with the Town Attorney to discuss implementing the ordinance which was adopted on second reading May 10, 2011. The implementation including a public information program will occur over the summer and will begin October 1, 2011 in conjunction with business license renewals.

32. Resort Tax Ordinance

Current Status: This item will be combined with the Points of Light on resort tax auditing in future Points of Light reports.

33. New Crime Prevention Initiatives: Mayor Daniel Dietch

Current Status:

The following crime prevention initiatives were approved by the Town Commission at the May and June Commission meetings. Implementation has begun.

- Citizens Patrol – trained residents who will work directly with the Police Department to be the eyes and ears of the community and report suspicious activity
- Crime Watch – Eye on Surfside neighborhood watch signs installed in the residential area
- Bike with the Chief – residents join the Chief and other police officers on a recurring bicycle ride through the residential area to get to know their police department and identify crime problems and quality of life issues
- Crime Prevention Expo – a fair at the 96th Street Park to demonstrate to our residents the latest crime prevention techniques
- Crime prevention through environmental design – landscaping, lighting, and physical barriers at the entrances to residential areas enhance safety and deter criminal activity. The entrance features to major sheets will be designed by the same firm that is designing the “way farer” signs and the alleys east and west of Harding Avenue

34. Urinating on the beach/ sea grapes

Current Status: The Police Department has not received any complaints of this nature. The police officers and lifeguards have been advised of this concern and will monitor. If observed, enforcement actions will be taken.

35. Kite Surfers/beach safety concerns

Current Status: Recommendations from the Police Department and the Parks and Recreation Department were made to the Town Manager. The Police Department met June 21, 2011 with three representatives of the kite surfers (two are Surfside residents). There are eight in the group. We discussed the safety concern and they understand and wish to cooperate. The kite surfing season is over for them for the summer months. We suggested a designated area away from the beachgoers when the season returns. Other cities have these areas and the kite surfers police themselves. The area recommended is behind the undeveloped area of Surf Club where there are few beachgoers. It would be 100 yards wide and outside the buoy line. The reps will meet with the group and develop specific guidelines to present to the Police Department at our next meeting.

The following items have been completed. These items have been deleted from the June 2011 Points of Light report.

3. Town Commission and Planning and Zoning Board joint meeting: A resolution of the Town of Surfside, Florida, calling for a joint meeting between the Town Commission and Planning and Zoning Board to create a process to identify the issues to be reconsidered in the Zoning Code (Ordinance no. 10-1558); authorizing Commissioner Michael Karukin to enter into negotiations with the Petition Committee challenging Ordinance No. 10-1558; authorizing the Town Manager and Town Attorney to do all things necessary to effectuate the terms of this resolution; providing for an effective date.

Current Status: The first project to complete the new process, Transacta Lanai located at 92nd Street between Harding and Collins Avenues, was approved by the Town Commission on May 10, 2011. The second project, Beach House Hotel, has started its review process. The Design Review Group which verifies compliance with all codes met on June 15, 2011 at 1:30 p.m. with the new Development Impact Committee tentatively scheduled for June 28, 2011 at 1:30 p.m. The Development Impact Committee meeting will be advertised and televised. In the future, the Points of Light will include information regarding scheduled meetings of the Development Impact Committee to increase Town Commission awareness of pending large scale projects. Item completed.

27. Community Center Grand Opening Pin Design

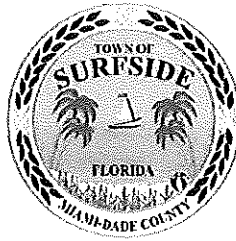
Current Status: The attached pin design has been recommended by the Parks and Recreation Committee through the Parks and Recreation Department. Pins will be given away as a memento throughout Grand Opening Ceremony events. The pins have been received. Item completed.

29. Tree Trimming – Mayor Dietch

Current Status: All trees in Surfside either in the Town’s right of way or FDOT’s right of way have been inventoried for FEMA purposes. We have also completed the trimming process. Nearly thirty residents utilized the contractor at their own expense to remove dead trees or trim dangerous trees. Item completed.

30. 75th Anniversary Time Capsule

Current Status: The Time Capsule has been delivered. The contents of the capsule will be items that were selected by the 75th Anniversary Committee. “Burying” the Time Capsule will be one of the Grand Opening events.



TOWN OF SURFSIDE
Office of the Town Attorney


MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
 Town Attorney

Telephone: 305 993-1065

MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney 

CC: Roger M. Carlton, Town Manager
 Debra E. Eastman, M.M.C., Town Clerk

DATE: July 12, 2011

SUBJECT: Town Attorney Monthly Update for July, 2011

The following **Ordinances and Resolutions** have been prepared (and/or reviewed and researched) or other advice rendered regarding the issues contained in them. In the case where agreements are attached, those contracts have also been drafted and/or reviewed and revised this month:

Moratorium
 Zambelli Resolution
 Laserfiche Resolution
 Special Events/Recycling Ordinance
 Budget resolution
 Anti-Gambling Resolution

The Town Attorney has attended and/or rendered advise for the following meetings:

June 14, 2011 Commission Meeting
 June 15, 2011 DRG meeting
 June 23 2011 Infrastructure Rehabilitation Project Meeting
 June 23, 2011 Budget Workshop
 June 28, 2011 Labor negotiations
 June 28, 2011 Executive Session Davis v Surfside
 June 30, 2011 Development Impact Committee
 June 30, 2011 Planning & Zoning Meeting

Development Impact Committee Meeting – June 30, 2011

The Town Attorney attended a site visitation and responded to various requests for code interpretation by Applicant and Planners.

Items discussed: Beach House property and potential development agreement and site plan approval.

Planning & Zoning Meeting - June 30, 2011

The following items were heard:

Request of the Tenant (JGB Bank) for Property located at 9585 Harding Avenue for exterior façade upgrades and interior alterations.

Town Manager and Town Clerk Issues

All legal issues related to bid award for Infrastructure Rehabilitation Project and preparation of addendum to the contract based on Commission decisions.

Discussed Delgado Property with Harold Rifas for follow-up with Bank United.

Continued advice on the Community Center, feral cats, code enforcement, and collective bargaining issues.

Implementation issues on short term rentals.

Building Department/Code Enforcement:

The Town Attorney researched the issue of whether the Town must provide valet handicapped parking at the Community Center and determined that the Surfside Community Center is not a valet parking facility and/or provide valet parking services pursuant to Florida Statute § 11-4.1(e).

On-going preparation for Special Master Hearing scheduled for August 11, 2011.

Follow-up work re Photo/film Program.

Human Resources Department:

The Town Attorney has worked with the Town Manager and Human Resource Director on several issues including merit pay increase impasse and Davis litigation.

Finance Department:

Preparation for 2011/2012 Budget Workshop

Review of Florida Department of Revenue 2011 TRIM Compliance Workbook.

Research statutory requirements for instituting policies relating to requirements of large currency transaction reports.

Preparation of Budget Resolutions.

Police Department:

Continuing Court challenges to constitutionality of Red Light Camera Citation.
Incidences relating to condominium association meetings and police involvement

Public Works:

Assist and advise Public Works Director on all procurement, water sewer and other capital improvement projects and community center matters.
Review new Landscaping RFP.
Interlocal agreement for street sweeper

Parks and Recreation and Community Center issues:

Summer Camp issues regarding camper health and waiver.
Prepare medical waiver.
Review Surf Club agreement.

Tourist Bureau:

Follow-up with Tourist Bureau and Downtown Visionary Committee.
Review and preparation of RFP for Resort Tax Auditor.
Follow-up with Community Garden Project
Reviewed Decobike Agreement

Litigation:

John Davis v. Town of Surfside Case No. 07-17286 CA 08, Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. This case has been consolidated as to discovery with a previous case filed by a former sergeant in the Town's police department. The Court denied the Motion to Consolidate both cases for trial. The trial in this case has been continued until October 24, 2011. An Executive Session was held on June 28, 2011.

Young Israel of Bal Harbour, Inc. v. Town of Surfside Civil Action No. 1:10-cv-24392 in the United States District Court for the Southern District of Florida. On December 10, 2010, Young Israel served a complaint alleging the Town Zoning Code imposes a substantial burden on Young Israel in violation of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA). Young Israel asks the Court to grant the following: a preliminary and permanent injunction against the Town and to enjoin the Town from taking any action to prevent, hinder or interfere in any manner with construction of the proposed synagogue; a permanent injunction ordering the Town to adopt amendments to the Town Zoning Code and to issue permits and licenses as are necessary to permit construction of the proposed synagogue; a judgment for \$5,000,000 plus interest and costs for actual and punitive damages; a judgment for attorney's fees; and any further relief the Court deems just and proper.

This matter is covered by The Florida League of Cities which has approved counsel to assist in the defense of this case. The Town's lawyers filed a Motion to Strike and Motion to Dismiss. Plaintiff, Young Israel filed a Memorandum in Opposition to Defendant's Motion to Strike and a

with outside counsel Replies to Plaintiff's opposition memos. The Court denied the Motion to Strike and the Town has filed a Request for Oral Argument.

American Enterprise Bank v Bishop Partners, LLC, Surfside et.al Case No. 11-07139 CA 04 filed in Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. The case involves a mortgage foreclosure action against Defendants who owned property in Surfside. It appears that Surfside has been named as a defendant due to an unsatisfied lien on a Surfside property due to a code violation relating to a failure to pull a building permit. Investigation is on-going.

Hapuarachchi v Surfside The Court denied Hapuarachchi's motion for return of forfeited currency.

Florida League of City Cases:

We monitor, coordinate witnesses and assist with requests for discovery with League counsel on cases that are covered by the FMIT. In addition to Young Israel (see above), we assist counsel with the following FMIT cases:

Warren Blum v. Town of Surfside Case No. 02-19134 CA 08

This action commenced in 2001 against the Town, former Town Manager, Rodriguez and former Police Chief, Boemler. Blum, a former police officer alleges breach of contract, violation of policeman's bill of rights and fraud in the inducement. A Motion for Continuance has been filed and we await a new trial order. Pursuant to the FMIT policy, the Town is responsible for only the \$5,000 deductible. FMLA counsel and the Town Attorney's office have been in frequent contact to discuss this matter and as of this date, no settlement has been reached. A hearing on Co-Defendant, Larry Boemler's motion to dismiss for failure to prosecute and motion for sanctions is scheduled for August 8, 2011.

Dina Agin v. Town of Surfside Case No. 07-41974 CA 30

Dina Agin filed a complaint seeking damages for injuries allegedly arising from a trip and fall accident due to a defective condition on the property/premises/sidewalk near the corner of 96th Street and Bay Drive in the Town of Surfside. We have assisted League counsel with discovery and document requests and on-going case development issues. Bal Harbour Village has been dismissed as a party. Trial has been re-set for the 3 week period commencing October 17, 2011. Plaintiff's attorney moved the court for a continuance to 2012 because she is a snow bird and to conduct further discovery. Surfside argued that the Town is prepared, there has been more than enough discovery conducted by FDOT and the Plaintiff, and the trial should not be delayed to 2012 on a 2007 case. The Town Attorney continues to assist Florida League of Cities counsel with on-going discovery requests and trial preparation. The case has been re-set for trial on October 17, 2011.

Special Matters:

Discussions with outside counsel. (Harold Rifas, Richard Sarafan, Nancy Stroud)
Research on special assessment districts
Evaluating certain Charter issues and new legislation relating to same.
New property acquisitions and foreclosure and research eminent domain issues
Potential private public partnership issues

Beach House Hotel density and other zoning inquiries from hotels and other property owners
Procurement Research
Feral Cat Program research
Land use research
Sustainability webinar

Continued monitoring of legislation out of Tallahassee and Miami Dade County.



TOWN OF SURFSIDE

9293 Harding Avenue
Municipal Building
9293 Harding Avenue
Surfside, Florida 33154
(305) 861-4863
(305) 861-1302

Daniel Dietch
Mayor

Joe Graubart
Vice Mayor

Marta Olchyk
Commissioner

Michael Karukin
Commissioner

Edward Kopelman
Commissioner

Roger M. Carlton
Town Manager

TOWN OF SURFSIDE PROJECTS PROGRESS REPORT CALVIN, GIORDANO & ASSOCIATES. INC. July, 2011

1. **Community Center** –A successful Grand Opening Celebration was held on June 19, 2011. At the Grand Opening more than 1,000 residents enjoyed fun in the sun, including tours of the facility, food and beverages and a fireworks display. The Community Center is up and running and issuing IDs to residents (over 1,200 issued to date).

Project Close Out –The Community Center was issued a Temporary Certificate of Occupancy (TCO). This TCO states that all major items are completed at the facility, but that many non life safety items remain to be completed. West Construction and their subcontractors will continue to work for the next 30 days to complete the “punch list” of items which need to be addressed. The “punch list” will have input from a compilation of many different disciplines including consultants and staff to ensure the Town receives a complete project which exceeds their expectations. To date this list contains over 210 items. After every issue is addressed on the “punch list” to the Town’s satisfaction, a Certificate of Occupancy (CO) will be issued.

Simultaneously with the completion of the “punch list” items staff will be working with the remaining administrative issues including delay claims, pending change orders (additive and deductive) and liquidated damages. Finally, West Construction will issue the final “Close Out” paperwork which will include organized binders containing warranty information, as-built drawings, training binders and instructional information for all equipment and materials installed in the Community Center.

2. **Planning and Community Development** – The Planning Department reviewed a site plan application for a hotel at 9449 and 9418 Collins Avenue. The Development Review Group (DRG), which consisted of a technical review of the plans, held a second meeting with the applicant on June 15 and 16, 2011. A Development Impact Committee (DIC) meeting was held to review and develop conditions and contributions from the project on June 30, 2011. This site plan and accompanying conditional use application could tentatively be scheduled for the July Planning and Zoning Board meeting and tentatively for the September Town Commission meeting. Additionally, Staff will present an application for a new storefront and sign to the Planning and Zoning Board/Design Review Board on June 30, 2011 for the property located at 9585 Harding Avenue. Planning Staff also prepared a PowerPoint presentation on design elements for awnings within the downtown area per the direction of the Downtown Vision Advisory

Committee (DVAC). Staff is currently working on awning design guidelines for the next DVAC meeting. Planning staff continues to answer general zoning calls and emails from the public and to review building permits for conformance with the zoning code.

3. **Website, Information Technology, TV Broadcasts** - Cabling and installation of the phone system was completed in both the Community Center and Town Hall as of June 13, 2011. The migration to the new phone system took place on June 17, 2011, with training occurring from June 13- June 16 for all town users. IT received the laptop order for the Police Department on June 21, 2011 and will begin deploying the laptops soon. Two new desktop computers were set up for Police Dispatch. In addition, IT and Parks and Recreation completed the installation of hardware, software and training program for Rec-Trac. The Rec-Trac system will be utilized by the Community Center operating staff and will eventually be located at the Community Center. Voice & Data cabling for rough inspection at the Community Center was completed on May 18, 2011, and the final completion, including wall jacks and rack panels was completed on May 26, 2011. Atlantic Broadband cable internet was installed at the Community Center on June 8, 2011. DVR cameras were installed on June 14, 2011 to monitor pool and Community Center activity. Police dispatch was given a screen to monitor the Community Center cameras during off-hours. The Virtual Private Network (VPN) between Town Hall and the Community Center was completed on June 23, 2011 and communication now exists between both sites.

4. **Public Utilities / Engineering** –The Town Manager made a contract award nomination including analysis of additive alternatives and the Bal Harbour Force Main Project during the June 14, 2011 Town Commission Meeting. The Commission awarded the project to Ric-Man International as the responsive low bidder, and agreed to the scope of the base bid and its FPL item, including contributing to the Bal Harbour Force Main Project. Staff is currently working to complete the contract execution, issuance of bonds and insurance paperwork. The Notice to Proceed (NTP) is anticipated to be issued on August 1, 2011 with construction beginning immediately after. Staff is also working with the Contractor to finalize the Phasing Plan. Once this plan is completed it will be advertised on the website for resident review. The public information project website will be updated frequently during this process.

Stormwater System

Construction plans and specifications – 100% complete. Plans have been reviewed by staff and Citizen’s Oversight Committee.

Permits – All permits obtained except contractor DERM permit and contractor FDEP well permit.

Construction schedule – Bids received April 28, 2011, with anticipated construction duration goal of 16.5 months. The project includes an “early bonus system” to achieve this ambitious schedule.

Funding Status:

| <u>Grant</u> | <u>Status</u> | <u>Probability</u> |
|----------------------------------|--------------------|--------------------|
| FDEP Grant \$873,500 | In place | 100% |
| FDEP Grant \$125,000 | In place | 100% |
| FDEP Grant \$100,000 | In place | 100% |
| In Place Funding Subtotal | \$1,098,500 | |

| | | |
|--|---|------|
| FEMA/PDM Grant \$2,949,550 | Re-application occurring | 10 % |
| SFWMD Grant \$570,000 | In Process -Funding Potential Significantly Reduced | 5 % |
| FDEP State Revolving Fund Loan \$2,771,000 | In process | 50% |
| In Process Funding Subtotal | \$6,290,550 | |

Sanitary Sewer Collection System

Construction plans and specifications – 100% complete. Plans have been reviewed by staff and Citizen’s Oversight Committee. The Improvements being completed on the Sanitary Sewer System are required per a consent decree with Miami-Dade County.

Permits – All permits related to the Sanitary Sewer System Improvements have been applied for and issued with the exception of the permit for the Dry Sewer Line, which was a late addition to this project. A permit application for this work has been submitted to the proper agencies for review and approval.

Construction schedule – Bids received April 28, 2011, with anticipated construction duration goal of 16.5 months. The project includes an “early bonus system” to achieve this ambitious schedule.

Water Distribution System

Construction plans and specifications – 100% complete. Plans have been reviewed by staff and Citizen’s Oversight Committee.

Permits – WASD, DERM and HRS approvals have been obtained.

Construction schedule – Bids received April 28, 2011, with anticipated construction duration goal of 16.5 months. The Project includes an “early bonus system” to achieve this ambitious schedule.

Grant status - Miami-Dade (GOB) Building Better Community Bonds \$829,000 – In place

Stormwater Master Maintenance

Last month, CGA Staff assisted the Town by submitting the Annual Report Form for individual NPDES permits. The stormwater drainage system is being cleaned and maintained on a yearly basis as required by the National Pollution Discharge Elimination System Permit. Repairs and replacement program coincide with the Florida Department of Environmental Protection Stormwater project and grants.

- 5. Neighborhood Improvements** - The Neighborhood Improvement-“Additive Alternate” items were presented to the Town Commission prior to being competitively bid as part of the Utility Rehabilitation Project. The Base Bid, Additive Alternates and Bal Harbor Sewer Force Main Project have been reviewed by the Citizen’s Oversight Committee. During the June 14, 2011 Commission Meeting, the Commission voted to contribute to the Bal Harbor Force Main Project. The staff also received further direction from the Commission to move forward with the project and to re-visit the additive alternates, other than FPL, at a later time, when a more accurate estimate of the contingency fund can be made.



RECEIVED

FEB 10 2011

Miami-Dade Fire Rescue Department
 Office of the Fire Chief
 9300 N.W. 41st Street
 Doral, Florida 33178-2414
 T 786-331-5000 F 786-331-5101

miamidade.gov

January 31, 2011

Honorable Daniel Dietch, Mayor
 Town of Surfside
 9293 Harding Avenue
 Surfside, FL 33154

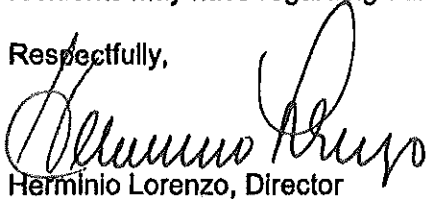
Honorable Mayor Dietch:

Miami-Dade Fire Rescue (MDFR) is privileged and honored to continue to serve as your municipal fire-rescue department. Attached is the annual report summarizing the services MDFR provided to the Town of Surfside for 2010. MDFR's overall complement of front-line response apparatus and personnel provides a depth of service unparalleled in the Southeast United States for the benefit and protection of your community.

The Town of Surfside's residents can rest assured that their fire-rescue services are delivered by a department that was recognized in August 2010 as an Internationally Accredited Agency by the Commission on Fire Accreditation International (CFAI). This honor makes MDFR one of only 148 agencies to achieve this status and is the largest accredited fire-rescue department in the Southeast United States and the second largest in the Nation.

We welcome the opportunity to serve you and to make a presentation of this report to your Town Council should you desire it. Please feel free to contact my office directly or any of the Operations Division Chiefs that serve your municipality if you require additional information or would like to discuss our service. Attached is my contact information as well as that of the Operations Division Chiefs serving you. I am always available to address any questions or concerns that you or your residents may have regarding our services.

Respectfully,


 Herminio Lorenzo, Director

Attachment

c: Roger M. Carlton, Town Manager
 Alina T. Hudak, Assistant County Manager

305-375-5311
 Manager@MiamiDade.gov



Always Ready, Proud to Serve.

We protect people, property and the environment by providing responsive professional and humanitarian fire rescue services essential to public health, safety and well-being.

Miami-Dade Fire Rescue (MDFR) originated as a single-unit fire patrol in 1935 and has grown into the largest fire rescue department in the Southeast and among the top ten largest in the nation. With a response territory of 1,905 square miles and a resident population of more than 1.7 million, MDFR responds to over 235,000 calls for assistance annually making it one of the busiest departments in the nation. More than 2,500 employees staff 131 front-line units throughout 65 fire rescue stations and several administrative facilities serving residents, businesses, and visitors 24 hours a day, 7 days a week, 365 days a year. In addition to providing transport services through 50 front-line rescue units, MDFR provides emergency air transport service within Miami-Dade County to State-approved Trauma Centers via two full-time rescue helicopters.

MDFR is considered one of the most elite fire rescue departments in the country and is recognized around the world for its exemplary service. Firefighters are skilled in fire suppression technology, and advanced life-support rescue units are capable of providing pre-hospital care to heart-attack patients and stroke victims. MDFR has more specialized response units than any other fire-rescue department in the southeastern United States. The department provides air-rescue transport and airport rescue firefighting and has dedicated units for marine services (shipboard firefighting and dive rescue), ocean rescue, technical rescue (vehicle extrication and confined-space rescue), hazardous materials mitigation, and urban search and rescue. The department also maintains the Florida Antivenin Bank and provides inspections and code enforcement services.

MDFR distinguishes itself from other fire-rescue departments in a number of areas. MDFR offers a higher level of service providing more Advanced Life Support (ALS) suppression units than most departments and a greater level and grade of response staff. Over 90% of MDFR's units are staffed and equipped to provide ALS services. MDFR staffs

four firefighters on suppression units and three firefighter paramedics on rescue units.

Since Fiscal Year 2000-2001, MDFR has opened 13 new fire-rescue stations, placed 27 new front-line response and 12 new Basic Life Support (BLS) transport units into service, and upgraded 18 units from BLS to Advance Life Support (ALS). These new services reduce response in these stations' territories and enhanced patient care by providing continuity of service.

MDFR is recognized as one of the most proactive pre-hospital emergency medical service providers in the world. MDFR was first in the nation to establish a Stroke Center Coalition and Care Network for state-of-the-art stroke care. Through the efforts of MDFR, Miami Dade residents have the highest survival rates after a blocked coronary artery in the nation. MDFR established the Miami-Dade STEMI (ST-Elevation Myocardial Infarction) Network. STEMI, typically referred to as a blocked coronary artery, is the leading cause of death in the United States and the leading cause of death for women in the United States. Hospitals within the STEMI network are required to restore blood flow to patient's blocked artery within 90 minutes from arrival of paramedics to the patient. This timely intervention significantly reduces patient's chances for permanent damage or death and increases their likelihood for a normal quality of life. The STEMI network has reduced the time it takes to restore blood flow to a patient from approximately 2 hours and 15 minutes to 60 minutes.

In August 2010, MDFR achieved International Accreditation Agency status by the Commission on Fire Accreditation International (CFAI), which is part of the Center for Public Safety Excellence, Inc. The department is one of only 148 agencies to achieve this status by CFAI and is now the largest accredited fire-rescue department in the Southeast and the second largest in the Nation.



Always Ready, Proud to Serve.

We protect people, property and the environment by providing responsive professional and humanitarian fire rescue services essential to public health, safety and well-being.



Everyday MDR operations field personnel have hundreds of opportunities to exceed our customers' expectations while fulfilling our service demands. MDR's commitment to providing the highest quality service to our community continuously fosters an atmosphere of service excellence and constant improvement. Employees routinely "go the extra mile" for our customers. MDR's Elder-Links program was the result of a community need identified by our Operations field personnel in 1995 to assist the elderly population. The program received numerous accolades and became a model for other emergency medical services departments. Because of this program, scores of elderly receive far more than traditional emergency medical service. Operations field personnel responding to an incident not only address a patient's immediate medical treatment but also assess living conditions and needs.

These are our strengths, derived from personal dedication to providing the very best fire-rescue service, as confirmed by the expressed approval of those we serve. We are individually committed and collectively exemplify our mission: Always Ready, Proud to Serve. MDR continually challenges our employees to deliver excellence every day and to strive for ways to better assist you, our residents and customers.





Miami-Dade Fire Rescue Department
Services to
The Town of Surfside

The Town of Surfside, in the northeastern part of Miami-Dade County, spans an area of 1.0 square miles and is bordered by the Atlantic Ocean to the east, the City of Miami Beach to the south, Indian Creek Village and the Town of Bay Harbor Islands to the west, and Bal Harbour Village to the north (Attachment I). The Town incorporated on May 18, 1935 and has been part of the Miami-Dade Fire Rescue Service District since 1973 when its Fire Department merged with MDRF. Based on 2009 U.S. Census estimates, the Town has a residential population of 4,707, with under 2,000 households.

The Town of Surfside contributed over \$2.6 million of revenue to the Fire District in Fiscal Year 2010-2011 and is served by one (1) fire-rescue station and three (3) front-line units (Table I).

Table I
MDRF Expenses and Revenues Fiscal Year 2010-2011
Town of Surfside

| Stations | Engines | Rescues | Operating Costs for Units | Property Tax Revenue |
|---------------------|----------|----------|---------------------------|----------------------|
| Haulover Station 21 | 2 | 1 | \$6,600,000 | |
| Total: | 2 | 1 | \$6,600,000 | \$2,617,120 |

During calendar years 2009 and 2010, MDRF dispatched 2,744 units to 1,506 emergency calls received from the Town of Surfside. Table II depicts incidents MDRF responded to within the Town during this time period.

Table II
MDRF Responses to the Town of Surfside
Calendar Years 2009 and 2010

| Call Type | Incidents | |
|-------------------------------|--------------|--------------|
| | 2010 | 2009 |
| Life Threatening | 422 | 400 |
| Non-Life Threatening | 184 | 148 |
| Structure and Other Fire | 97 | 103 |
| Other | 51 | 101 |
| Total Incidents | 754 | 752 |
| Total Units Dispatched | 1,350 | 1,394 |

The Town of Surfside is primarily served by MDRF's Haulover Station 21 which provided 95% of the responses into the Town as depicted in Table III.

Table III
MDRF Stations/Units responding into the Town of Surfside
Calendar Years 2009 and 2010

| Responses Provided By: | 2010 | | 2009 | |
|------------------------|------------|-------------|------------|-------------|
| | Incidents | % | Incidents | % |
| Station 21 - Haulover | 720 | 95% | 713 | 95% |
| Other Stations | 34 | 5% | 39 | 5% |
| Total | 754 | 100% | 752 | 100% |

As depicted on Attachment I, there are seven (7) stations within six (6) miles of the Town of Surfside which house two (2) Battalion Chiefs; six (6) rescues; seven (7) suppression units, two which are BLS Engines, one ALS Engine, two 60-foot ALS Aerials, one 75-foot BLS Ladders, and one 100-foot BLS Platform; and two (2) BLS Squads (Table IV). These units exceed the NFPA recommended for responding to both high and medium occupancies.

Table IV
MDRF Stations Within Six Miles of the Town of Surfside

| Name | Miles to Town of Surfside | Apparatus | Staffing |
|--|---------------------------|---|--|
| Planned Station 76 - Bay Harbor 9665 Bay Harbor Terrace | 0.64 | Planned Rescue - 1 | |
| Station 21 - Haulover 10500 Collins Avenue | 1.04 | BLS Engine - 1 100' BLS Platform - 1 Rescue - 1 Rigid Hull Inflatable Boat - 1 | 4 FF/EMT 4 FF/EMT 3 FF/PARA |
| Station 20 - North Miami East 13100 NE 16 Avenue | 3.01 | ALS Engine - 1 Rescue - 1 | 2 FF/PARA 2 FF/EMT 3 FF/PARA |
| Station 10 - Sunny Isles 175 - 172nd Street | 3.41 | Rescue - 1 60' ALS Aerial - 1 | 3 FF/PARA 2 FF/PARA 2 FF/EMT |
| Station 27 - North Bay Village 7903 East Drive | 3.53 | BLS Engine - 1 Rescue - 1 | 4 FF/EMT 3 FF/PARA |
| Station 78 - Eastern Shores 16435 NE 35 Avenue | 4.00 | BLS Squad - 1 | 1 FF/PARA 1 FF/EMT |
| Station 22 - Interama 15655 Biscayne Boulevard | 4.48 | 75' BLS Ladder - 1 Rescue - 1 BLS Squad - 1 | 4 FF/EMT 3 FF/PARA 1 FF/PARA 1 FF/EMT |
| Station 31 - North Miami Beach 17050 NE 19 Avenue | 5.93 | Rescue - 1 60' ALS Aerial - 1 | 3 FF/PARA 2 FF/PARA 2 FF/EMT |

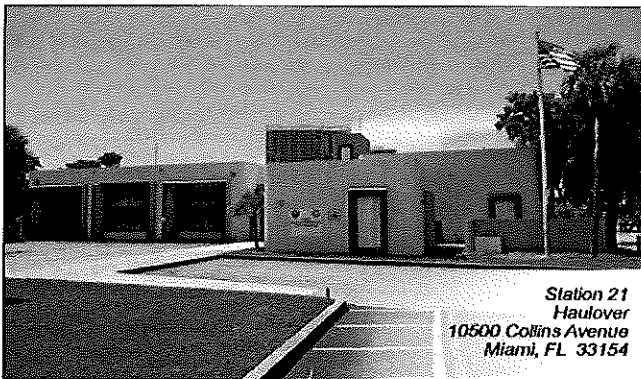
Notes: FF/PARA = Firefighter Paramedic, FF/EMT = Firefighter Emergency Medical Technician



Miami-Dade Fire Rescue Department
Services to
The Town of Surfside

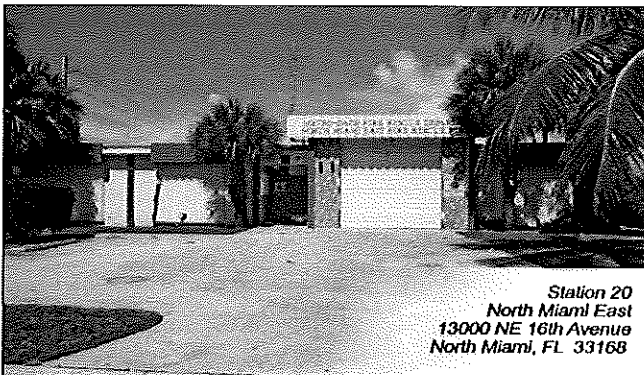
In addition, MDRF plans to construct one (1) additional station 0.64 miles northwest of the Town of Surfside. MDRF is constructing Bay Harbor Station 76. This two (2) bay, 7,500 square foot fire-rescue station will be a build-out next to the Town of Bay Harbor Islands' municipal government center located at 9665 Bay Harbor Terrace.

MDRF's closest Rescue unit is 1.04 miles north of the Town of Surfside at MDRF Haulover Station 21.



Haulover Station 21 serving the Town of Surfside

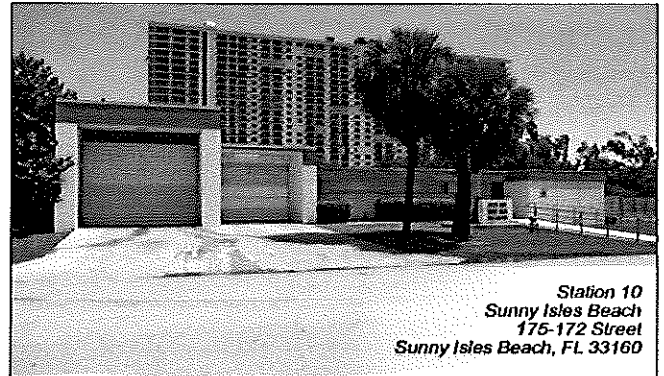
MDRF's next closest medical response unit is located 3.01 miles west of the Town at MDRF North Miami East Station 20, which houses one (1) Rescue and one ALS Engine.



North Miami East Station 20 serving the Town of Surfside

Less than six (6) miles away, MDRF has five (5) other stations: Sunny Isles Station 10 is 3.41 miles north of the Town of Surfside; North Bay Village Station 27 is 3.53 miles southwest of the Town; Eastern Shores

Station 78 is 4.00 miles northwest of the Town; Interama Station 22 is 4.48 miles northwest of the Town; and North Miami Beach Station 31 is 5.93 miles northwest of the Town.



Sunny Isles Station 10 serving the Town of Surfside

As a result, within six (6) miles of the Town of Surfside, MDRF has 15 front-line response units, nine (9) of which are ALS units including six (6) rescues and three (3) suppression units. Daily there are 50 firefighters on duty, 26 which are certified paramedics assigned to these units.

Structure Fires

Based on structure and unit information provided by the Miami-Dade County Property Appraiser, the Town of Surfside has 1,156 single-family and duplex units, 2,571 multi-family and condo units, and 63 commercial, industrial, and other structures. The majority of the commercial, industrial, and other units would require a high-hazard response to a structure fire incident in the Town. As a result, on an initial dispatch to a structure fire, 24 firefighters and two (2) command chiefs would be required.

Based on MDRF's current dispatch protocol, MDRF would dispatch three (3) suppression units, one (1) aerial (platform, ladder or aerial), one (1) rescue, and one (1) Battalion Chief, exceeding NFPA's recommended dispatch to a structure fire at a medium-hazard occupancy. If MDRF determines that it is a working fire, MDRF also would dispatch another Battalion Chief, a Safety Officer, an Air



Miami-Dade Fire Rescue Department
Services to
The Town of Surfside

Truck, a Command Van and a Fire Investigator to the incident. To a structure fire at a high-hazard occupancy, MDRF's initial dispatch would also surpass NFPA's recommended response. MDRF would dispatch four (4) suppression units, two (2) aerials (platform, ladder or aerial), two (2) rescues, and two (2) Battalion Chiefs. MDRF would dispatch additional support as noted to a working fire.

During 2010, MDRF dispatched more than 130 firefighters and 51 units to structure fire incidents in the Town of Surfside. For example, on March 15, 2010 MDRF dispatched eight (8) units, equating to 23 firefighters, three (3) Engines, one (1) Ladder, one (1) Platform, one (1) Rescue, and two (2) Battalion Chiefs to extinguish a fire at an apartment building located at 9364 Collins Avenue.

Medical Emergencies

NFPA Standard 1710 sets guidelines for service response to Emergency Medical Services (EMS) and fire calls. ALS units should, 90 percent of the time, arrive at an incident within eight (8) minutes of the time an EMS call is received.

MDRF has 50 frontline rescue units, each staffed by three (3) State of Florida certified paramedics. MDRF offers patient transportation options. Patients with life-threatening emergencies will be transported to the closest appropriate medical facility within Miami-Dade or Broward County. MDRF will transport patients without life-threatening emergencies to the medical facility of their choice. MDRF also has EMS Captains who act as patient advocates in ensuring the timely transfer of patients to Miami-Dade and Broward County medical facilities.

Customer Feedback

For the past two years, MDRF has been surveying the quality and effectiveness of our EMS. The survey instrument (Attachment II), which is sent to 20% of MDRF EMS patients monthly, allows respondents to

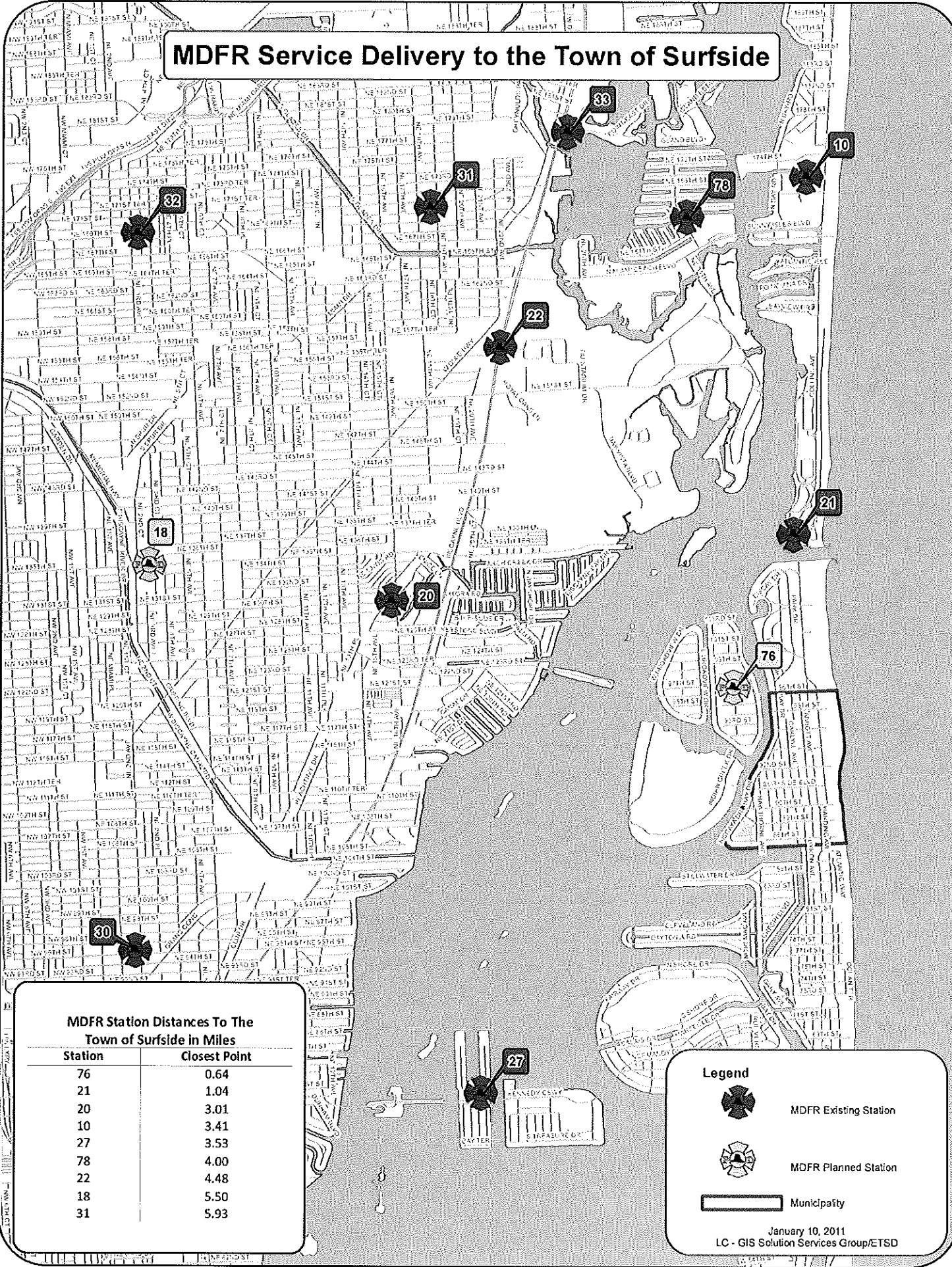
rate the quality of their experience between one (1) and five (5), with one being strongly dissatisfied and five being strongly satisfied with the service. Unlike other survey instruments used by Miami-Dade County, this survey continuously monitors the opinions of the service we deliver the prior month rather than taking a "snapshot" of the service at a particular time. The survey also provides the respondent a section for additional comments. Overall, 10% of patients sent surveys (or 5,411 respondents) have returned completed surveys during calendar years 2009 and 2010, rating MDRF's services as follows for each question:

- 1) MDRF responded to your needs in a timely manner: 4.83
- 2) MDRF explained your treatment options to you: 4.72
- 3) MDRF treated you in a professional manner: 4.88
- 4) MDRF met your expectations when you requested assistance: 4.84

The overall score from all respondents is 4.82. During calendar years 2009 and 2010, 23 residents from the Town of Surfside have rated MDRF with an overall score of 4.73 (Attachment III), expressing a high degree of satisfaction with the service provided by their fire-rescue service.



MDFR Service Delivery to the Town of Surfside



MDFR Station Distances To The Town of Surfside in Miles

| Station | Closest Point |
|---------|---------------|
| 76 | 0.64 |
| 21 | 1.04 |
| 20 | 3.01 |
| 10 | 3.41 |
| 27 | 3.53 |
| 78 | 4.00 |
| 22 | 4.48 |
| 18 | 5.50 |
| 31 | 5.93 |

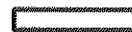
Legend



MDFR Existing Station



MDFR Planned Station



Municipality

January 10, 2011
LC - GIS Solution Services Group/ETSD



Miami-Dade Fire Rescue Department
Office of the Fire Chief
9300 N.W. 41st Street
Doral, Florida 33178-2414
T 786-331-5000 F 786-331-5101

miamidade.gov

Dear Valued Customer:

Recently, Miami-Dade Fire Rescue (MDFR) had the opportunity to serve you in your time of need. MDFR's mission is to protect people, property, and the environment by providing responsive professional and humanitarian fire-rescue services essential to public health, safety, and well-being. Our firefighter paramedics are dedicated to providing the best possible care to Miami-Dade County's residents and visitors. In order to assure that we continue to achieve our mission and improve our service to you, we value your opinion regarding your experience with MDFR. Please take a few minutes to complete the brief survey and return it in the enclosed postage-paid envelope.

Please visit us at www.miamidade.gov/mdfr/ to learn more about the specialized and diverse services offered by MDFR as well as answers to the most frequently asked questions regarding fire-rescue services.

As Director of Miami-Dade Fire Rescue, I thank you for taking the time to complete this survey. Your responses will ensure we continue to provide you the highest available level of care. As your fire-rescue department we are Always Ready and Proud to Serve You.

Sincerely,

A handwritten signature in black ink, appearing to read "Herminio Lorenzo". The signature is fluid and cursive, with a large initial "H" and "L".

Herminio Lorenzo, Director
Miami-Dade Fire Rescue Department

La traducción en español se encuentra en el reverso de esta carta.
Tanpri gade sou do lè sa-a pou jwenn vèsyon Kreyòl la.

Estimado cliente:

El Departamento de Bomberos y Rescate de Miami-Dade (MDFR, por su sigla en inglés) tuvo la oportunidad de prestarle sus servicios cuando usted los necesitó. El objetivo del MDFR es proteger a los residentes, a las propiedades y al medio ambiente mediante la prestación de servicios de bomberos y rescate profesionales y humanitarios con respuesta a las necesidades de los residentes del condado que son esenciales para la salud, la seguridad y bienestar públicos. Nuestros bomberos y paramédicos se dedican a prestar el mejor servicio posible a los residentes y visitantes del Condado de Miami-Dade. Para continuar realizando nuestros objetivos y mejorar aun mas nuestros servicios, valoramos su opinion sobre la experiencia que usted tuvo con el MDFR. Por favor sírvase dedicarle unos minutos a llenar la siguiente encuesta y háganosla llegar en el sobre adjunto de franqueo pagado.

Sírvase acudir a www.miamidade.gov/mdfr/ para que se entere de mas detalles acerca de los diversos servicios especializados que presta el MDFR así como de las respuestas dadas a las preguntas que se hacen con mas frecuencia sobre los servicios de bomberos y rescate.

Como Director del Cuerpo de Bomberos y Rescate de Miami-Dade, le agradezco el haberse tomado el tiempo necesario para llenar esta encuesta. Sus respuestas garantizarán el que continuemos prestando el nivel de atencion mas alto posible. Comó su departamento de bomberos y rescate, nosotros siempre estamos listos y orgullosos de prestarle nuestros servicios.

Atentamente,

Herminio Lorenzo, Director del Cuerpo Bomberos y Rescate de Miami-Dade

Trè chè kliyan:

Resamman, Depalman Ponpye ak Sekou Miami-Dade (MDFR) te jwenn opòtinite pou sèvi w lè w te nan bezwen. Misyon MDFR se pou pwoteje pèp la, pwopriyete yo, ak anviwonman an nan bay sèvis sekou pwofesyonèl rapid e imanità ki esansyèl a sante piblik, sekirite ak byennèt. Teknisyen Medikal ljans Ponpye nou yo konsakre yo a bay pi bon kalite swen posib a rezidan ak vizitè Konle Miami-Dade yo. Pou asire ke nou konlinye akonpli misyon nou ak amelyore sèvis nou ba w yo, opinyon w de eksperyans w ak MDFR enpòtan pou nou. Tanpri pran kèlke minit pou ranpli yon ti sondaj epi retounen nan anvlòp deja tenbre ki akonpaye liya.

Tanpri ale sou www.miamidade.gov/mdfr/ pou aprann plis sou divès sèvis ak sèvis espesyalize MDFR ofri yo ak pou jwenn repons a kestyon ki poze pi souvan yo konsènan sèvis ponpye ak sekou.

Anlan Chèf Ponpye Depatman Ponpye ak Sekou Miami-Dade, mwen remèsye w pou tan w pou ranpli sondaj sa-a. Repons w yo va asire ke nou kontinye ba w pi bon kalite swen posib. Anlan depatman ponpye ak sekou, nou Toujou Prè epi Fyè pou Nou Sèvi w.

Ak tout respè,

Herminio Lorenzo, Chef Ponpye Depatman ak Sekou Miami-Dade



Miami-Dade Fire Rescue

Survey Encuesta Apercu

Directions: Please take a moment to answer this survey. Your responses will help MDRF improve services we provide to Miami-Dade County residents. Your identity will remain anonymous unless you provide your contact information at the bottom of this survey. The postage is paid; simply drop it in the mail. Thank You.

Instrucciones: Sírvase dedicar unos minutos para contestar esta encuesta. Sus respuestas ayudarán al Departamento de Bomberos y Rescate (MDRF, su sigla en inglés) a mejorar los servicios que proporcionan a los residentes del Condado de Miami-Dade. Su identidad permanecerá anónima, a no ser que usted provea sus datos personales para ser contactado. El porte de correos está pagado; solo tiene que poner la encuesta en el buzón. Gracias.

Direksyon: Tanpri pran yon ti moman pou reponn a sondaj sa a. Repons w yo va ede MDRF amelyore sèvis yap bay rezidan Konte Miami-Dade yo. Idanlè w ap ret sekrè anmwenske w bay enfomasyon pou kontakte w anba paj sondaj la. Si w ta vle repons w yo rete sekrè sèlman dekolè etikèt ki gen adrès w a anba paj la. Mèsi.

| | | |
|----------------------|------------------------|------------------|
| 1= Strongly Disagree | 1= En total desacuerdo | 1= Vreman Padako |
| 2= Disagree | 2= En desacuerdo | 2= Padako |
| 3= Neutral | 3= Neutral | 3= Neutre |
| 4= Agree | 4= En acuerdo | 4= Dako |
| 5= Strongly Agree | 5= Muy de acuerdo | 5= Totalman Dako |

MDRF responded to your needs in a timely manner.
MDRF atendió sus necesidades a tiempo.
MDRF te reponn a bezwen w byen vit.

1 2 3 4 5

MDRF treated you in a professional manner.
MDRF lo trató de forma profesional.
MDRF te trete w avèk respè.

1 2 3 4 5

MDRF explained your treatment to you.
MDRF le explicó su tratamiento.
MDRF te esplike w tretman w yo.

1 2 3 4 5

MDRF met your expectations when you requested assistance.
MDRF llenó sus expectativas en el momento que usted solicitó asistencia.

MDRF pat desi w de sa w te atann deli lè w te mande asistans.

1 2 3 4 5

OPTIONAL/ OPCION/ PREFERE

Name/nombre/nom _____

Address/dirección/adres _____

City/ciudad/vil _____ State/estado/eta _____ Zip/código postal/kòd postal _____

Phone/teléfono/telefon _____

email/correo electrónico/imel _____

Miami-Dade Fire Rescue

Customer Feedback Results as of January 20, 2011
Emergency Medical Services Provided From January 1, 2009 through December 31, 2010

| Patients from Municipality | 2009 Survey Results | | 2010 Survey Results | | | | | | Combined Survey Results | |
|---|---------------------|-----------------------|---------------------|-------------|-------------|-------------|-------------|-----------------------|-------------------------|-----------------------|
| | Surveys Received | Overall Average Score | Surveys Received | Q1 | Q2 | Q3 | Q4 | Overall Average Score | Total Surveys Received | Overall Average Score |
| Miami-Dade Fire District | | | | | | | | | | |
| Aventura | 80 | 4.82 | 56 | 4.88 | 4.80 | 4.95 | 4.93 | 4.89 | 136 | 4.85 |
| Bal Harbour | 8 | 4.78 | 4 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 12 | 4.85 |
| Bay Harbor Islands | 13 | 4.87 | 5 | 5.00 | 5.00 | 4.20 | 4.20 | 4.60 | 18 | 4.79 |
| Biscayne Park | 4 | 4.63 | 3 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 7 | 4.79 |
| Cutler Bay | 78 | 4.75 | 57 | 4.88 | 4.67 | 4.88 | 4.88 | 4.82 | 135 | 4.78 |
| Doral | 29 | 4.79 | 35 | 4.77 | 4.74 | 4.89 | 4.89 | 4.82 | 64 | 4.81 |
| El Portal | 2 | 5.00 | 3 | 5.00 | 4.67 | 4.67 | 5.00 | 4.83 | 5 | 4.90 |
| Florida City | 11 | 4.64 | 2 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 13 | 4.69 |
| Golden Beach | 1 | 5.00 | 1 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 2 | 5.00 |
| Hialeah Gardens | 27 | 4.84 | 21 | 4.95 | 4.95 | 4.95 | 4.95 | 4.95 | 48 | 4.89 |
| Homestead | 74 | 4.77 | 36 | 4.67 | 4.61 | 4.75 | 4.72 | 4.69 | 110 | 4.74 |
| Indian Creek | 0 | N/A | 0 | N/A | N/A | N/A | N/A | N/A | 0 | N/A |
| Islandia | 0 | N/A | 0 | N/A | N/A | N/A | N/A | N/A | 0 | N/A |
| Medley | 3 | 5.00 | 1 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 4 | 5.00 |
| Miami Gardens | 177 | 4.73 | 108 | 4.69 | 4.60 | 4.79 | 4.70 | 4.70 | 285 | 4.72 |
| Miami Lakes | 31 | 4.77 | 27 | 4.81 | 4.85 | 4.96 | 4.89 | 4.88 | 58 | 4.82 |
| Miami Shores | 16 | 4.56 | 9 | 4.89 | 4.78 | 4.78 | 4.67 | 4.78 | 25 | 4.64 |
| Miami Springs | 26 | 4.86 | 23 | 4.83 | 4.78 | 4.91 | 4.91 | 4.86 | 49 | 4.86 |
| North Bay Village | 4 | 4.88 | 4 | 4.50 | 4.50 | 4.50 | 4.50 | 4.50 | 8 | 4.69 |
| North Miami | 74 | 4.71 | 45 | 4.73 | 4.62 | 4.82 | 4.73 | 4.73 | 119 | 4.72 |
| North Miami Beach | 55 | 4.86 | 32 | 4.84 | 4.84 | 4.94 | 4.88 | 4.88 | 87 | 4.86 |
| Opa-Locka | 33 | 4.82 | 14 | 4.71 | 4.93 | 4.86 | 4.86 | 4.84 | 47 | 4.82 |
| Palmetto Bay | 39 | 4.71 | 30 | 4.83 | 4.70 | 4.87 | 4.80 | 4.80 | 69 | 4.75 |
| Pinecrest | 34 | 4.85 | 15 | 4.73 | 4.67 | 4.80 | 4.73 | 4.73 | 49 | 4.81 |
| South Miami | 17 | 4.59 | 10 | 4.90 | 4.80 | 4.70 | 4.80 | 4.80 | 27 | 4.67 |
| Sunny Isles Beach | 41 | 4.83 | 31 | 4.65 | 4.45 | 4.68 | 4.71 | 4.62 | 72 | 4.74 |
| Surfside | 15 | 4.70 | 8 | 4.88 | 4.75 | 4.75 | 4.75 | 4.78 | 23 | 4.73 |
| Sweetwater | 45 | 4.94 | 23 | 4.83 | 4.87 | 5.00 | 4.96 | 4.91 | 68 | 4.93 |
| Unincorporated Miami-Dade | 2,319 | 4.84 | 1,159 | 4.85 | 4.76 | 4.90 | 4.87 | 4.85 | 3,478 | 4.84 |
| Virginia Gardens | 7 | 4.89 | 2 | 5.00 | 5.00 | 5.00 | 5.00 | 5.00 | 9 | 4.92 |
| West Miami | 20 | 4.90 | 11 | 5.00 | 4.82 | 5.00 | 5.00 | 4.95 | 31 | 4.92 |
| Miami-Dade Fire District | 3,283 | 4.82 | 1,775 | 4.83 | 4.75 | 4.88 | 4.85 | 4.83 | 5,058 | 4.82 |
| Other Miami-Dade Municipalities | | | | | | | | | | |
| Coral Gables | 12 | 4.81 | 4 | 4.25 | 4.50 | 4.00 | 4.00 | 4.19 | 16 | 4.66 |
| Hialeah | 33 | 4.76 | 17 | 4.94 | 4.82 | 4.94 | 4.94 | 4.91 | 50 | 4.81 |
| Key Biscayne | 2 | 4.50 | 0 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 2 | 4.50 |
| Miami | 62 | 4.65 | 35 | 4.86 | 4.66 | 4.89 | 4.80 | 4.80 | 97 | 4.70 |
| Miami Beach | 6 | 4.08 | 9 | 4.67 | 5.00 | 5.00 | 5.00 | 4.92 | 15 | 4.58 |
| Other Miami-Dade Municipalities: | 115 | 4.66 | 65 | 4.82 | 4.74 | 4.86 | 4.82 | 4.81 | 180 | 4.72 |
| Outside Miami-Dade but within the State of Florida | | | | | | | | | | |
| | 67 | 4.8 | 41 | 4.83 | 4.63 | 4.83 | 4.73 | 4.76 | 108 | 4.78 |
| Outside the State of Florida | | | | | | | | | | |
| | 34 | 4.75 | 28 | 4.86 | 4.64 | 4.79 | 4.68 | 4.74 | 62 | 4.75 |
| Outside the United States | | | | | | | | | | |
| | 3 | 4.25 | 0 | N/A | N/A | N/A | N/A | N/A | 3 | 4.25 |
| TOTAL: | 3,502 | 4.81 | 1,909 | 4.83 | 4.74 | 4.88 | 4.84 | 4.82 | 5,411 | 4.82 |

Notes:

- 1) Surveys are sent one month after delivery of emergency medical services.
- 2) Average lag time for responses is 3 weeks.
- 3) Survey Questions
 - Q1: MDRR responded to your needs in a timely manner.
 - Q2: MDRR explained your treatment to you.
 - Q3: MDRR treated you in a professional manner.
 - Q4: MDRR met your expectations when you requested assistance.
- 4) Response Ratings:
 - 1 = Strongly Dissatisfied
 - 2 = Dissatisfied
 - 3 = Neutral
 - 4 = Satisfied
 - 5 = Strongly Satisfied



OFFICE OF THE FIRE CHIEF

Herminio Lorenzo, Fire Chief
9300 NW 41 Street
Doral, FL 33178
Office: 786-331-5118
Cell: 305-321-5570
Email: hloren@miamidade.gov

NORTH OPERATIONS DIVISION OFFICE

2270 NE 186 Street
Miami, FL 33180

Jerome Byrd, Jr., Division Chief
Office: 305-513-7650
Cell: 305-496-3293
Email: byrdj@miamidade.gov

Alan Cominsky, Division Chief
Office: 305-513-7650
Cell: 305-458-1269
Email: alanrc@miamidade.gov

Christine Rogers, Division Chief
Office: 305-513-7650
Cell: 786-525-9912
Email: rogersc@miamidade.gov

June 13, 2011

Town of Surfside Beautification Committee Meeting

David Steinfeld

Jennifer Brilliant

Commissioner Marta Olchyk

Grace Heisling

Adam Markow

Duncan Tavares

1. Duncan Tavares presented a sample storefront window graphic design that includes actual Surfside photos.

Motion to approve vacant store front graphic presented by Duncan Tavares.

The banner on top with "SURFSIDE EST. 1935" text to be managed by installer during installation at individual business premises.

Duncan Tavares to procure images for use on storefronts.

Will meet a dozen or more photographers, and have images voted upon by the Design Review Board.

Results to be sent to the commission for final approval.

An ordinance will be discussed during the commission meeting on June 14.

2. Electronic sign and cones to be remove near CVS on Harding Ave.
3. Marta to request Bill Evans for a recommendation on how to procure plants for Harding Ave.

On May 10, choices from Mike Facarazzo were given, and after a vote by BC members, the Orange Geiger tree was chosen as most favorite.

To return to commission with a report.

4. 1) Custom signage for town, including informative signs pointing to business district.
2) To approach Bill Evans about signage from Bay Harbor and at entry points to Surfside.
5. Ordance for awnings to hang over businesses on Harding Ave.

Committee agrees that a palate of colors reflecting an ocean theme should be chosen for the town, ie: Blues, greens, and dark colors.

6. Big signs for garage sales on weekends (such as in the round about on Byron) should be eliminated / controlled.



TOWN OF SURFSIDE
Office of the Town Attorney

MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
 Town Attorney

Telephone: 305 993-1065

MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney *LD*

CC: Roger M. Carlton, Town Manager
 Debra E. Eastman, M.M.C., Town Clerk

DATE: JULY 12, 2011

SUBJECT: Repeal and Rescission of Temporary Moratorium on Non-Retail and Non-Restaurant Uses in Downtown Business District

Recommendation: It is recommended that the Commission adopt this Ordinance repealing the temporary moratorium in consideration of combined recommendations of the DVAC and with the proviso that a failure as determined by the Town Manager to come to final action may result in the re-imposition by the Town Commission of such moratorium.

Reasons: After years of discussion on the topic among the Planning and Zoning Board, the Town Commission, stakeholders in the Downtown Business District and Town staff, the Town Manager has convened a Downtown Vision Process Advisory Committee ("DVAC") which began to develop, study and create a vision and concept for the zoning district known as SD-B40 located between 96th and 94th Streets and Harding Avenue ("Downtown Business District") and develop a strategy for the revitalization of the District. Because of the need to study issues such as: aesthetic / branding for the downtown, creating a welcoming, pedestrian-friendly environment, streetscaping and landscaping, the creation of a Business Improvement District to help finance improvements and operations, as well as the potential combination of retail, commercial and residential land use that would revitalize and reinvigorate the presently licensed businesses housed in seventy buildings located on approximately six acres of the DBD, the Town Commission enacted on April 12, 2011 a temporary moratorium as a means for maintaining the status quo while problems were analyzed and remedial measures were

discussed and developed. The Town Commission directed the Staff to complete the initial phase of its work in order that the moratorium be removed within 90 days.

The DVAC as outlined in the attached memorandum prepared by Duncan Tavares is proposing a series of initiatives it developed during its eight formal meetings and it was agreed that the rescission of the moratorium could be recommended assuming these initiatives were progressing sufficiently as determined by the Town Manager and approved by the Town Commission.



Town of Surfside Commission Communication

Agenda Item #

Agenda Date: JULY 12, 2011

Subject: Downtown Vision Advisory Committee (DVAC) recommendations regarding rescinding the Moratorium Ordinance and related vision initiatives for the Surfside business district.

Introduction: The release of the Miami Dade County Property Appraiser preliminary tax roll for 2011 on June 1, 2011, and the decrease in property values in Surfside by 6.3 percent and thirty nine percent decrease since 2008, supports the necessity for a proactive approach to diversifying Surfside's the tax base (Att A). The following vision, developed in a broad based community stakeholders' process, is a path to revitalize the downtown business district with the ultimate focus on supporting existing businesses, attracting new businesses and creating an environment that will support the diversification of the tax base.

Background: The Downtown Vision Advisory Committee was formed with Town Commission approval through Commission Memoranda presented at the December 14, 2010 (Att B) and January 18, 2011 (Att C) Commission meetings. Feedback from many residents, committee/board members and downtown business operators/owners formed the consensus that there is a need to reinvigorate the Surfside business district after years of conversation and little tangible action. Further, the Town Commission received and held a workshop regarding a Five Year Financial Plan that demonstrated the need to diversify the Town's source of property tax from the current 80/20 split (residential/commercial) to a more balanced distribution. If the commercial property base is not expanded and upgraded the split could be 90/10 in five years.

Fourteen of the initially proposed members of the DVAC consisted of a representative from each appropriate Town committee/board, a mixture of single family and condominium residents (including both full time and "snow bird" representation), Surfside business owners and operators, as well as representatives from such local organizations as the Surfside Civic Association and the Surfside Business Association. Due to the difficulty experienced in the past with establishing avenues of communication with the downtown property owners, outreach was conducted through existing Surfside business owners/operators. Eventually three names, and accompanying contact information, were recommended as possible members. Of the three repeatedly contacted, only one consistently attended the DVAC meetings. However, active and responsive communication with the downtown property owners has occurred since the inception of the Moratorium Ordinance which temporarily limited building permits to restaurant and retail uses on Harding Avenue from 96th Street to 94th Street.

As the need to strengthen Surfside's downtown as the social, cultural and economic center of the Town was established, the DVAC was directed to return to the Town Commission with a comprehensive vision for the district. Operating on the basis that a thriving downtown can enhance the quality of life for Surfside's residents and improve the visitor experience, the committee continually and passionately addressed such issues as:

- an overall aesthetic / branding for the downtown.
- creating a welcoming, pedestrian-friendly environment.
- streetscaping: landscaping, benches, newspaper vending racks.
- the creation of a Business Improvement District to help finance improvements and operations.
- the relationship of Surfside's downtown to The Bal Harbour Shops and the St. Regis.
- the impact of side walk cafes and the proper means for regulating the use of sidewalks through a Sidewalk Ordinance.
- installation of business locator and appropriate parking signs.
- code enforcement in an effort to improve the curb appeal of the area.
- the creation of a parking structure with focus on the Abbott Avenue lot.
- the potential combination of retail, commercial and residential land use.
- assisting businesses with marketing initiatives.
- retaining the one hundred presently licensed businesses and attracting businesses to the seventy building, six plus acre downtown through landlord and lease cooperation.
- the merits of major capital improvement projects and lessons from the Town's 2006/2007 Charrette.

It is important to note that many of these items are actionable items that the Town Staff are implementing (explained below) and all will be incorporated into a final report for the Town Commission. However, due to the remarkable and recent historic increase in communication involving the DVAC, downtown property owners and Town Staff, it is now appropriate and imperative that the Town Commission be presented with the following high level vision for analysis. These vision initiatives are being presented with unprecedented support of all stakeholders involved in the process to date and within the shortened time of three months as directed by the Town Commission instead of the six month time period established when the moratorium was enacted.

Analysis: The DVAC has met eight times since its inception in February 2011. At each meeting a number of agenda items are discussed with each meeting producing an Actionable Item for the Town Staff to address and return at the following meeting with a status report. Below are the Actionable Items that have been completed and/or are in process:

1) February 15, 2011: Downtown Code Enforcement:

From the very first meeting the DVAC has exhibited a unanimous displeasure in the public and private maintenance of Surfside's downtown. Based on consensus from the committee the Town Code Enforcement identified all external code violations in the downtown business district. Courtesy notices were sent to all applicable business owners/property owners. To date over two thirds of the issued notices are now in compliance or in the process of complying. The Town Manager has assured the committee that all violations would be addressed through the Code Enforcement process until full compliance is achieved. This means that penalties will soon be applied to non-responsive property owners and eventually the matter could go to Special Master. Violations that do not require permits such as clean windows, clean trash behind buildings, remove illegal signs and clean alleys behind stores are eighty percent complete. Violations that require permits such as painting the building, repairing windows and façades as well as exposed electrical wires (etc) are seventy five percent complete.

With the purchase of the Town Commission approved power washer, the gum has been removed by Public Works staff from the sidewalks in the downtown district and the overall appearance of the sidewalks has improved dramatically. All of the palm trees in the district have been pruned, and the parking lot on 95th Street and Collins Avenue, including the extension lot, has been repaved, striped and landscaped. These completed projects are a testament to the Town's response to the DVAC members concerns and to the overall commitment to enhancing the aesthetic of Surfside's downtown.

2) March 10, 2011: Vacant Window Treatment Ordinance:

In order to address the aesthetic look of the ground floor vacant property windows downtown, Town Staff were requested to amend the Town's ordinance that addresses vacant windows. The amended version went before the Planning & Zoning Board at their May 26, 2011 meeting and includes the committee's recommendations. The Planning and Zoning Board unanimously recommended approval of the Ordinance to the Town Commission. The Design Review Board will approve the final aesthetic of the screening and input from the Beautification Committee and DVAC will be provided. First reading is set for the June 14, 2011 Commission meeting. The Town would require downtown property owners to pay for the Town installation of a Town issued external decorative window covering when their ground floor properties are vacant.

3) March 22, 2011: Upgrading Harding Avenue Alleys (please see below).

4) April 14, 2011: Moratorium Ordinance / Property Owners Meeting Update (please see below).

5) April 27 & May 12, 2011: Detailed Vision for Downtown (please see below).

6) May 25: Sidewalk Ordinance addressing café seating and the posting of menus outside.

These initiatives are presented below, prioritized by achievable timelines, in an effort to establish a path forward as required by the Town Commission directive when the DVAC and its mission were established and as a strategy to implement the property tax equity and fairness principles envisioned in the Five Year Financial Plan. It is imperative to note that the following vision package needs further discussion and further vetting by the Planning & Zoning Board and the Town Commission. Nevertheless, there is clear consensus from the above mentioned meetings that these initiatives for downtown, taken as a package, would provide a beneficial blueprint for a revitalized downtown.

SHORT TERM INITIATIVES (six months or less):

Rescind the Moratorium Ordinance: The Town Commission adopted a Moratorium Ordinance on second reading at the April 12, 2011 Commission Meeting. The moratorium restricted the downtown property owners to only renting their ground floor spaces to retail and/or restaurant businesses for six months. The intent of the moratorium was to allow the DVAC enough time to discuss the issue of restricting service industries from the ground floors of downtown buildings and to return to the Town Commission with a recommendation. While the moratorium will sunset at the end of six months from inception, Town Staff were instructed by the Town Commission to return with recommendations from the DVAC within three months. This memorandum and its recommendations meet that time limit.

As a direct result from the enacting of the moratorium, the Town Manager was contacted by upset and concerned downtown property owners regarding the restrictions and a meeting was held with owners on April 26, 2011. Sixteen property owners, a number from the same family trust, representing approximately seventy percent of the buildings downtown were in attendance. During this meeting a series of conceptual initiatives were discussed and approved by consensus from the attendees in exchange for terminating the Moratorium Ordinance prior to its sunset date (Att D).

These initiatives were subsequently presented to the DVAC at the April 27, 2011 meeting and were approved in principle by consensus from those in attendance. Some members at that meeting still expressed their concern for giving up the restrictions on street level service businesses as they strongly felt that this was the only method to achieve the type of dynamic and vibrant downtown that all favor. The DVAC requested Town Staff to return at the next meeting, held on May 12, 2011, with a more specific written statement, including timelines, for ratification by the members so that this vision could be presented to the Town Commission for review at the June 14, 2011 meeting.

At the DVAC meeting on May 12, 2011 a memorandum listing the rescinding of the moratorium with corresponding initiatives to be taken as a package was presented (Att E). Designated representatives of the property owners, accompanied by some of their service oriented tenants and concerned residents, came to the meeting as a reflection of their commitment to the vision. Upon discussion of the initiatives, since approved in principle by the DVAC and the property owners, it became apparent to Town Staff that the division between the various stakeholders was deeper than expected. The DVAC voted six to three to adopt the vision, with the rescinding of the moratorium, but to revisit a plan for restricting ground floor uses to retail and/or restaurants with a distancing/grandfathering provision. As this is a non-negotiable action for the property owners to support all the elements of the DVAC vision, the owners left the meeting quite distressed. Upon further reflection and heated discussion amongst the DVAC it was decided that a second vote should be conducted regarding the vision. This second vote resulted in a seven to two vote in favor of rescinding the moratorium as soon as possible and to approve all of the initiatives presented as a package. The DVAC directed the Town Staff to return at the May 25, 2011 meeting with a more definitive plan of action, including specific timelines and commitment requirements from the various stakeholders, for ratification before presenting to the Town Commission for review at the June 14, 2011 meeting. The consensus from the DVAC members is that while the property owners have the threat of litigation on their side, the Town needed something to bind the property owners to all of the initiatives that they have presently committed to in good faith only.

The Planning & Zoning Board met on May 26, 2011 and thoroughly discussed rescinding the Moratorium Ordinance and the grand vision presented in this memorandum. Understanding that every item needs a multitude of research and discussion and must be vetted through the various Town Departments, Boards, Committees and Town Commission, the Planning & Zoning Board unanimously approved the rescinding of the Moratorium Ordinance and the acceptance of the package of vision initiatives previously approved by the downtown property owners and DVAC that are presented in this memorandum.

Upgrading Alleys: A study of the Town's parking lots and alleys is set to be awarded on June 14, 2011. By way of information, the proposals have already been ranked by the Town selection committee. This study would include the viability of upgrading the alleys, both privately and publicly owned, on both sides of Harding Avenue. The plan would also address the possibility of creating a breezeway from the east side of the Abbott Avenue parking lot through to the west side of Harding Avenue. Financing could be achieved by a joint venture with the property owners of the private alley and the utilization of parking funds. The key commitment suggested by the DVAC is that the study needs to rapidly begin. The next step would be the completion of the consultant selection process and the awarding of the contract by the Town Commission.

Business Improvement District: The Town Manager will continue to meet with the downtown property owners and tenants over the summer to develop a possible Business Improvement District (BID) for the Downtown District. The basic premise of a BID is that the Town agrees to continue to provide a basic level of service and that incremental services such as extra police protection for expanded special events, maintenance for specialty landscaping, downtown marketing programs, cleaning after special events (Att F), and the retention of consultants to secure tenants are funded with a self imposed charge on the owners which is generally passed on to the tenants. The use of these funds is governed by the board of the BID. The process for establishing the District and ensuring that funds are collected and property spent is governed by State law and an agreement with the Town Commission. This initiative will be detailed to the Town Commission in the Fall of 2011.

Facade Upgrading Program: The Town Manager will begin an effort to create a consortium of banks operating in the Downtown District over the summer to develop financing for a facade upgrading program for the district's property owners and businesses. Details regarding this proposal would go to the Town Commission in September, 2011. Proceeds from the Parking Fund could be utilized to reduce the interest on loans granted for facade improvements.

Abbott Avenue Parking Garage Feasibility Study: A feasibility study could address a garage project on the Abbott Avenue parking lot, an upgrade to the alley on the east side of the parking lot to facilitate a more pedestrian friendly environment and access to the Harding Avenue east side businesses, as well as the possibility of rezoning the west side of Abbott Avenue from 95th to 96th Streets to allow very limited commercial use and/or live/work use in the existing homes. An appropriate landscaping buffer on the west side of the Abbott Avenue homes would also be addressed. Upon the recommendation of the Mayor, Town Staff will update the 2007 staff study (Att G) to address whether there is sufficient data that suggests the need for a parking garage and, thus, a formal feasibility study. This updated study will be presented to Town Commission at the July 19, 2011 Commission Meeting. The timeline for this initiative is as follows:

- Seek approval from the Town Commission at the July 19, 2011 Commission Meeting to initiate an independent feasibility study for a parking garage on the Abbott Avenue parking lot if the updated Town Staff study recommends moving forward with this initiative.
- if approved, the Town Administration will utilize the Commission approved group of architects and engineers registered with the Town to compete for the feasibility study with completion expected in October, 2011. Funding would be provided from the Parking Fund and will have no financial effect on the General Fund or the residents of Surfside.

MID TERM INITIATIVES (six months to twelve months):

The Current Forty Foot Height Allowance and Amalgamation of Properties: Presently the buildings in the Downtown District can be forty feet in height. In an effort to encourage property owners to voluntarily seek larger national retail and restaurant tenants for their ground floor properties, buildings could be redeveloped to the maximum four stories presently allowed and would not include restriction regarding residential use. Property owners could voluntarily amalgamate buildings to achieve this initiative.

- Present to the Planning & Zoning Board on June 23, 2011 for discussion.
- Present to the Town Commission on July 19, 2011 for first reading.

Development of an East West Corridor on 95th Street from Abbott Avenue to the Beach: The Development Impact Committee is working on a design theme for this project which could see a significant contribution from the developers of the Beach House property on the west side of Collins Avenue. An improved linkage on both 94th Street to Harding Avenue and on 95th Street will help ensure that this project becomes an asset to downtown and increase business development as well as augment visitor satisfaction for guests of the hotel.

LONG TERM INITIATIVES (twelve months to thirty months):

Rebuilding of Harding Avenue Sidewalks: If the Town Commission determines the need for a garage on the Abbott Avenue parking lot, and the project moves forward to completion, then the Town Administration will address expanding the sidewalks on Harding Avenue between 94th and 96th Streets in the Downtown District by removing the existing parking spaces. This would be feasible as adequate parking would now be available in the new Abbott Avenue garage. A small number of spaces on Harding Avenue would remain for bus lay-bys and a valet parking service. The wider sidewalks would provide more space for outside café seating and enhanced landscaping and streetscaping. The financing of this project is yet to be determined but could be achieved through a joint venture with the Town and an assessment on the downtown properties.

94th Street Parking Garage Feasibility: A feasibility analysis will be accomplished over the summer relative to developing the 94th Street parking lot into a garage with the possible addition of the contiguous properties to the east along Collins Avenue. The intent of this project would be to provide additional parking for a southern anchor to the east side of Harding Avenue and to allow sufficient space for small scale national retail and restaurant opportunities.

Through the actions of the DVAC and the property owners, and with Town Commission support, Surfside's downtown is experiencing an increase in the upgrading and maintenance of the buildings and the public spaces within the district. The Town will continue with Code Enforcement to ensure that this mission achieves its goal of positively impacting the aesthetic environment and image of downtown Surfside. A plan for additional short-term aesthetic upgrades could also be continued as a mission of the DVAC while the mid and long term proposals are in process. The Town will also continue its efforts to increase maintenance of the area such as the steam cleaning of the sidewalks. The FDOT repaving project will also add new crosswalks at all intersections and at the mid-block pedestrian lights.

It is the clear intent of the property owners, DVAC and Town Administration that this Commission Communication reflects a package of ideas that justify the acceleration of the moratorium's termination. The majority of the stakeholders involved in this process to date agree that this represents a vision for an important cooperative approach to a better future for the downtown district. Any disagreement is not about the package presented, it is about the need for regulation to limit certain uses at the street level. Clearly the second vote of the DVAC, as documented earlier in this Commission Communication, reflects willingness to compromise in an effort to move forward.


As your Town Manager, I want to personally thank the members of the DVAC, Tourism Director Duncan Tavares, Planning Director Sarah Sinatra Gould, and the property owners for coming together to vet this vision in a very short time frame as directed by the Town Commission and without the cost of consultants. The vision is a path to sensitively bring our downtown to a more contemporary place without losing its hometown feeling. The vision is also a necessary element of the Town Commission's stated goal of creating property tax equity and fairness through expansion of commercial uses without deteriorating our quality of life. We all look forward to the discussion of this plan perhaps in a joint public workshop of the Planning & Zoning Board and the Town Commission.


Budget Impact: TBD.

Staff Impact: TBD.

Recommendation: In a direct outcome from meeting with the downtown property owners on April 26, 2011 the property owners in attendance have been an active participant in the vision process. While the DVAC started with three downtown property owners as members, and every meeting has been conducted in a televised public forum with every attendee having the opportunity to opine on all discussion items, Town Staff recommends that the Town Commission approve the appointment to DVAC of Mr. Jack Stevens as a representative of the property owners from the April 26, 2011 meeting.

It is understood that this package of initiatives presented in this memorandum must be ratified by the Town Commission before any of the items can proceed. Upon the approval of any or the entire proposed vision package, the initiatives must then be vetted by the appropriate Town Departments before proceeding to the Planning & Zoning Board. The ultimate decision on subsequent implementation remains with the Town Commission. Therefore it is the recommendation of the DVAC and the owners of a majority of the downtown properties that the Town Commission approves the vision in principle to allow for Town Staff to proceed on each item with the intent of eventually returning to the Town Commission for vetting as outlined by the timelines presented. Town Commission will be kept apprised of the process on each initiative through the Town Manager's Points Of Light action document, minutes from the DVAC meetings as well as Planning & Zoning minutes and subsequent progress reports and ordinances.


Department Head


Town Manager

ATTACHMENT A

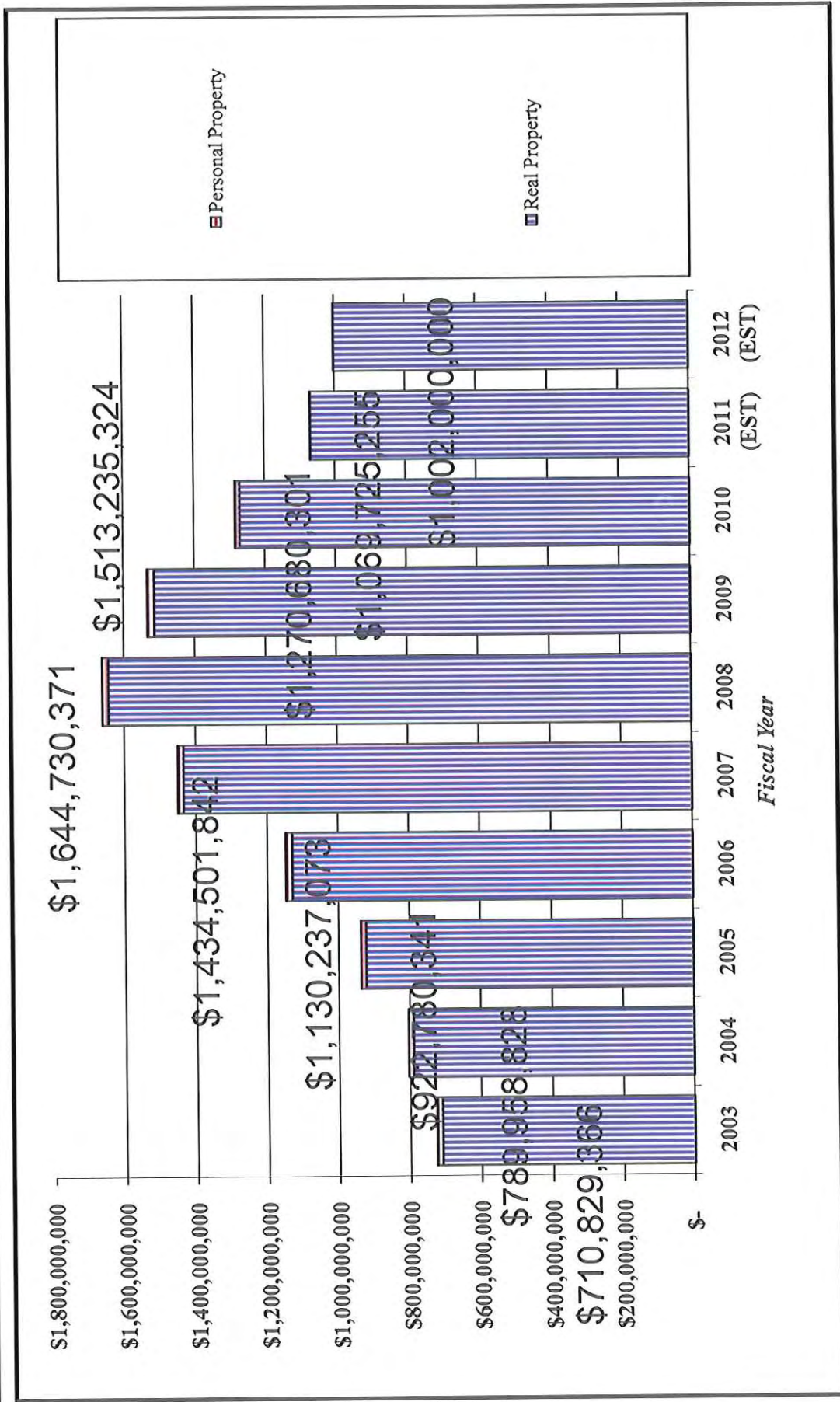
ATTACHMENT A

Town of Surfside, Florida

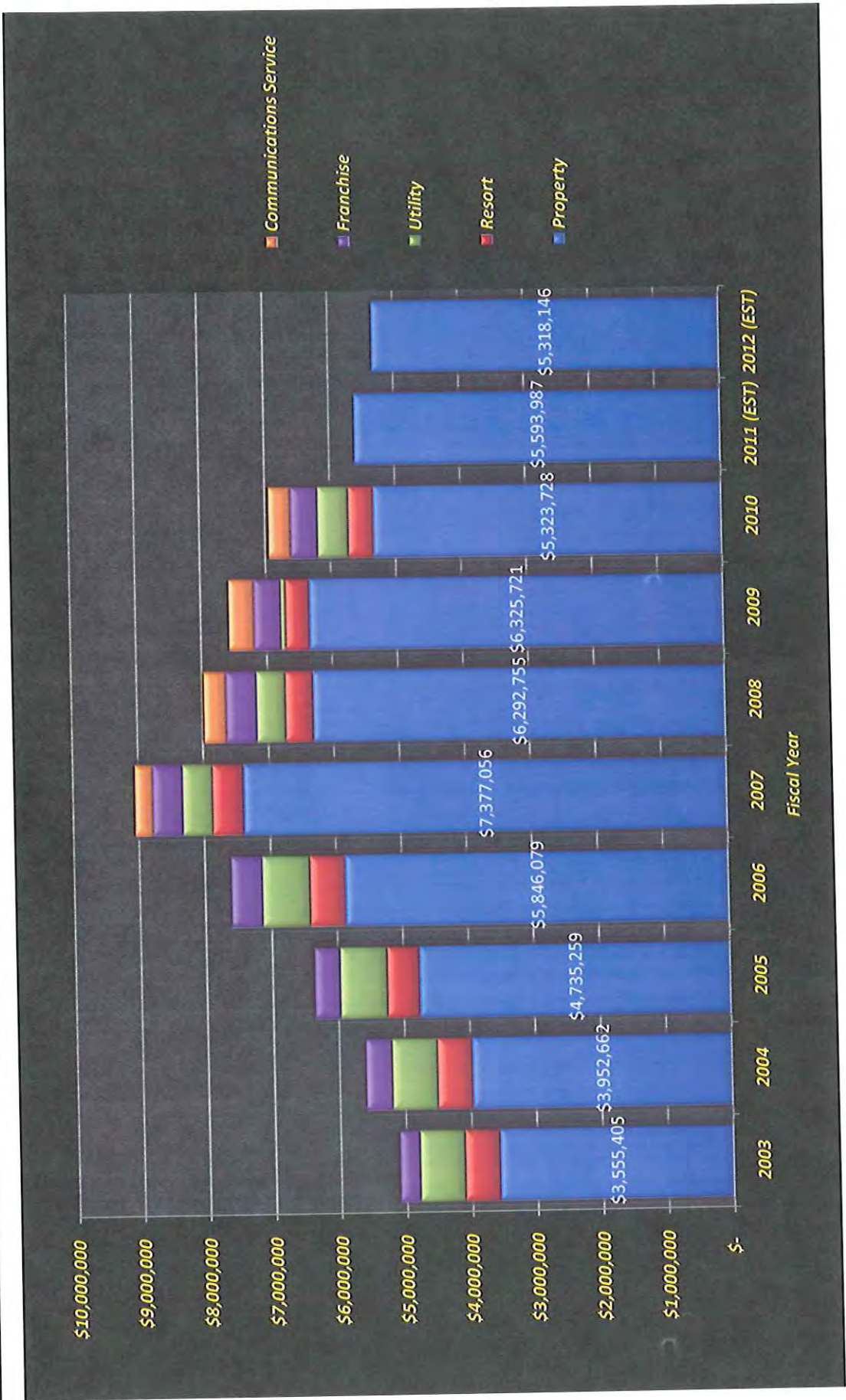
Chart-Total Assessed Value (Unaudited)

Last Ten Calendar Years

(modified accrual basis of accounting)



Town of Surfside, Florida
Chart-Tax Revenues by Source - Governmental Funds (Unaudited)
 Last Ten Fiscal Years
 (modified accrual basis of accounting)



ATTACHMENT B



Memorandum

To: Elected Officials
From: Roger Carlton / Town Manager
Date: 12/6/2010
Re: Moving the Downtown Vision Process Forward

Introduction

During the past three months, substantial input has been given to the Town Manager regarding the need to reinvigorate the Downtown Vision process. This report outlines suggested parameters for the process and establishes a timeline for the Town Commission to review.

There exists a need to strengthen Surfside's downtown as the social, cultural and economic center of the Town. A thriving downtown can enhance the quality of life for Surfside's residents and improve the visitor experience.

Additional tax revenue from a thriving downtown, including increases in the Tourism Resort Tax, adds to the Town's tax base and helps alleviate the ad valorem (property) tax burden on residents.

In order to create a sense of place that encourages business retention and economic development, while retaining and enhancing the characteristics that attract residents and visitors, a plan that reflects the realities of the 21st Century is required.

Previous planning efforts and policies, as well as recent survey results, will be reviewed during this process. This will help avoid the cost of outside consultants.

Background

The Town's 2006/2007 Charrette, through extensive community input, recommended a number of improvements for the downtown area. A Committee comprised of Surfside residents, the Town Manager and a Commission liaison held a series of public meetings to engage the views and future aspirations for the Town as a whole. The final public meeting reviewed each section of the Charrette for detailed comment. The final report was not fully adopted and further direction was not given or implemented.

Many of the listed possible projects that pertain to the downtown district are still relevant discussion items. Of particular note is the desire to create a more pedestrian friendly downtown with mixed-use commercial buildings. Also, the possible need for a parking structure is still widely discussed to this day.

The two blocks on Harding Avenue from 94th to 96th Streets is approximately 6 ¾ acres with over 70 buildings and more than 100 licensed businesses.

Due to unprecedented changing and challenging economic conditions since the Charrette was produced, the necessity for a current shared vision and plan for the downtown district is a timely initiative.

Project Teams

Proposed Steering Committee: Town Manager, Building Official, Planning Manager and Tourist Bureau Director.

Proposed Advisory Committee: Planning & Zoning Chair, Surfside Business Association President/Tourist Bureau Chair, Beautification Chair, a hotelier, two retailers, a service oriented business operator, a single family residential representative and a condominium resident representative.

Timeline

- 1) December 2010/ January 2011 - Interview the Surfside Commissioners and members of the Surfside Business Association regarding their vision for the downtown district.
- 2) Conduct two workshops:
 - i) February 2011 - Steering Committee and Advisory Committee Workshop, open to the public, with the Planning & Zoning, Tourist Board and Beautification Committee in attendance.
 - ii) March 2011 – Public Workshop to present the ideas from the recent survey results, interviews and previous workshop.

Information from the Charrette, the Planning Department, and comparative models used elsewhere (eg Delray Beach) will also be presented.

The objective of the workshops is to incorporate the various stakeholders' vision for the downtown and to form a collective vision for the future.

Some of the discussion items would include, but not be limited to, the following:

- an overall aesthetic / branding
- creating a welcoming, pedestrian-friendly environment
- the installation of benches and bike racks

June 2, 2011

- the creation of a Business Improvement District to help finance improvements and operations
- the role of the Florida Department of Transportation (eg crosswalk replacement in 2011/2012)
- the role of Tourism funding as it relates to successful retail and restaurant establishments
- the relationship to Bal Harbour Shops and the St. Regis
- the impact of side walk cafes and the proper means for regulating the use of sidewalks
- newspaper vending rack regulation
- installation of business locator signs on each block
- code enforcement
- the potential combination of retail, commercial and residential land use
- assisting businesses with marketing initiatives, particularly the use of Social Media, and special events
- retaining and attracting businesses through landlord and lease cooperation

A report listing priorities and a timeline for implementation strategies will be produced from the workshops. This will be presented at the Town Commission Meeting in April 2011.

Cc: Paul Gioia, Building Official
Sarah Sinatra, Planning Manager
Duncan Tavares, Tourism Director

ATTACHMENT C

Memorandum

To: Roger Carlton / Town Manager
From: Duncan Tavares / Tourist Bureau Director
Date: 1/18/2011
Re: Downtown Vision Process Update

Advisory Committee:

- Scarlet Tenen, Planning & Zoning Chair
- Eli Tourgeman, Tourist Board Chair
- David Steinfeld, Beautification Committee Chair
- Ken Arnold, Former Chair Charrette Committee
- Sergio Castion, Surfside Business Association Representative / Condotti Mens Clothing Store Owner
- Ighal Goldfarb, 9520 Harding Avenue Building Owner
- Shep Edelstein, Best Western Oceanfront Resort Owner
- Andy LaBrada, Onarga Apartment Hotel and Event Company Owner
- Jenny Skordilis, The Greek Place
- Jessica Weiss, Serendipity Yogurt Cafe
- Leeann Roth, Luxe Skin Bar Store Owner
- Julia Magnani, Surfside Civic Association / Single Family Home Representative
- Sharon Levy, Home Business Operator / Single Family Home Representative
- Louis Cohen, President of Marbella Condominium Association
- Jackie Murphy, Condominium Resident
- Julie Gordon, Condominium Resident

Discussion of Initiatives for Downtown Success:

- 1) Forming a public-private partnership
 - Partnering with neighboring communities
- 2) Completing a downtown vision
- 3) Produce a market driven business plan
 - Identify your customer base and potential new customers
 - Identify their wants and needs today and in the future
- 4) Develop and market your downtown's unique niche
- 5) Attract new targeted businesses through outreach and hosting/site visits
- 6) Counsel existing businesses on their business plans

June 2, 2011

- 7) Conduct on-going focus groups to provide direction
- 8) Create small scale downtown housing
- 9) Create on-going formal marketing and public relations campaigns
- 10) Incorporate management techniques from the malls – managing a downtown as a business:
 - Forge partnerships
 - Assign someone as a liaison
 - Produce a leasing plan including minimum standards for hours of operation
 - Focus on maintenance issues
 - Identify funding sources
 - Provide sufficient parking and other public services

Design Preferences Discussion Points:

Buildings: What is attractive? What to change?

Colors

Signage

Landscaping / Pedestrian friendly additions

Side walks

Crosswalks

Create a central theme or brand

Are there motivational factors to assist in compliance?

Should a “demonstration” building façade be created?

Forging a partnership with neighboring communities

Pedestrian friendly vs high visibility

Traffic calming

Economic Development Objectives for Downtown:

- Stimulate new activity / Encourage new businesses that will generate Resort and Sales Tax for the Town
- Preserve and stimulate existing businesses
- Diversify the economic base
- Evaluate barriers for change/growth and create sensible and sensitive regulations
- Encourage new businesses that broaden the service offering
- Create an organization that is well funded to enhance the vision



ATTACHMENT D



Downtown Property Owners

Meeting Minutes

April 26, 2011

The meeting started at 6:05pm in the Commission Chambers, 2nd Floor Town Hall.

In Attendance:

Property Owners: Jack Stevens, Dr. Michael Stevens, Helen P. Stevens, Charlotte Stevens, Merry Stevens, Carol Penson, Carol Leinwand, Alex Leinwand, David Kahn, Donald Kahn, Harry Breiter, Estelle Breiter, Sharlane Packar, Christine Justice, Dr. Ilonka Schwartz, Dr. Asher Paoeh.

Town Staff: Roger Carlton, Town Manager; Duncan Tavares, TEDACS Director.

Meeting Discussion:

Jack Stevens thanked the Town Manager for all of his outreach to the property owners and his willingness to hold this meeting.

The Town Manager updated the attendees on the Downtown Vision Advisory Committee's formation, mission and diversity of viewpoints. The fact that the most businesses are voluntarily complying with their code violation notices, seen in such actions as buildings being painted, is a direct result from feedback from this committee. He also discussed the Moratorium's commencement and objectives; while in effect for six months from the April 12, 2011 Commission Meeting, it is expected to sunset within three months. There was a review of Surfside's good financial status and the five year plan with the need for hotel product as the present high tax burden on the residents is only set to increase. The consensus is that downtown must be more contemporary, attractive, lively and a profitable place to conduct business.

The following are ideas that the Town Manager wanted the attendees to discuss*:

- Grandfather existing service oriented businesses on the ground floor for ten years. Property owners would have a six month window of opportunity to exercise this option upon the sun setting of the Moratorium.
- The number of non retail and restaurant spaces on the ground floor will be limited by distance requirements.
- Property owners could build up to four stories with the option of having residential units on the upper floors.

- Property owners could amalgamate their holdings by a Unity of Title to increase the building frontage to 200 feet so that additional floors, with the elevators and ADA compliance, could be achieved. The larger ground floor space would then be attractive to national retailers and restaurants.
- The Town would build a garage on the Abbott Street lot. With easements from the property owners, the alley would then be upgraded with utilities buried underground. This would create an attractive area to access the businesses on that block of Harding Avenue. The ground floor of the garage would have retail space.
- Eliminate Harding Avenue street parking, leave bus lay-bys, and add a valet parking option. The sidewalks could then be widened for sidewalk cafés. This would create a better pedestrian environment with better landscaping and streetscaping.
- Initiate a façade upgrading program.
- Form a Business Improvement District (BID) with commitments from the business owners and the Town.

*N.b. these ideas are not the expressed views of the Commission, Planning & Zoning Board or any other committee.

Comments:

- Do not approve of the “grandfathering” item as all of my tenants would go out of business after 10 years.
- The restrictions should not be implemented in the present economic situation. The Town Manager stated that this is the time to help downtown. In a better economy no one is interested in these matters.
- The demographics of the area do not support the existing types of retail. “Mon & Pops” can barely survive and they are the best bet for the area.

Jack Stevens made a presentation, with photos of various downtown buildings, highlighting their inability to host service businesses due to lack of available space and lack of ADA compliance. There are thirty one existing ground floor tenants that would need to close if the ten year “grandfathering” is imposed. The property owners would never agree to Unity of Title. He also stated that the property owners were never given due process to represent their views to the Town Commission when the Moratorium was on the agenda due to conflicting information received from the Town. Donald Kahn concluded for the group, that in the spirit of working together, the attendees support the following:

- The formation of a BID.
- A downtown façade upgrading program.
- The building of a garage at Abbott.
- Allowing for four stories with residential and possible other uses.

He stated that the group does not support the following:

- The “grandfathering”/ten year lease requirement.
- Managing types of businesses by distance limitations.

These are non-starters for the group and are contentious issues. If these items are removed from the equation then there exists a co-operative environment to achieve a better downtown.

The Town Manager confirmed that the following are supported by the attendees:

- Limit parking on Harding Avenue (as outlined above) with wider sidewalks once a garage is built on Abbott as mentioned above. Jack Stevens dissented on the limited Harding Avenue parking.
- A focused marketing effort for retail and restaurants financed by BID and/or parking funds.
- A 94th Street garage with retail on the ground floor.
- 95th Street enhancement project from Abbott to the beach.

All attendees agreed to a quarterly meeting as a means of keeping informed and as a method to achieve common goals.

The meeting adjourned at 8:15 pm.

ATTACHMENT E



Memorandum

To: Downtown Vision Advisory Committee Members
From: Roger Carlton / Town Manager
Date: 5/12/2011
Re: Proposed initiatives from downtown property owners and DVAC members

Following the adoption of the Moratorium Ordinance by the Town Commission on April 12, 2011, the Town Manager met with downtown property owners on April 26, 2011. From this meeting a series of conceptual initiatives were discussed and approved by general consensus from the attendees in exchange for terminating the Moratorium Ordinance prior to its sunset date. These initiatives were subsequently presented to this committee at the April 27, 2011 meeting and were approved in principle by general consensus from those in attendance. They are presented here for summary purposes in an effort to establish a path forward as required by the Town Commission directive when the Downtown Vision Advisory Committee (DVAC) and its mission were established.

1) Moratorium Ordinance:

The Town Attorney will provide a "Letter of Intent" document, for acceptance by the downtown property owners and DVAC members, outlining the conceptual items (listed below #2- 7). This conditional document will be presented by the Town Manager to the Town Commission at the June 14, 2011 meeting with the recommendation to rescind the Moratorium Ordinance before its sunset date in October 2011 and before the Town Commission's mandate to return with a recommendation by July 2011.

2) Abbott Street Parking Garage Feasibility:

The Town Manager will seek approval from the Town Commission at the June 14, 2011 Commission Meeting to initiate a feasibility study for a parking garage on the Abbott Avenue parking lot. If approved, the Town Administration will utilize the Commission approved group of architects and engineers registered with the town to compete on a feasibility study by August 2011. The feasibility study will address the garage project, the alley upgrade as well as rezoning the west side of Abbott Avenue from 95th to 96th Streets to allow commercial use in the existing homes. An appropriate landscaping buffer on the west side of Abbott Avenue homes would also be addressed.

3) Rebuilding of Harding Avenue Sidewalks:

If the Town Commission determines the need for a garage and the project moves forward to completion, the Town Administration will address expanding the sidewalks on Harding Avenue between 94th and 96th Streets in the Downtown District by removing the existing parking spaces. This would be feasible as adequate parking would now be available in the new Abbott Avenue garage. A small number of spaces on Harding Avenue would remain for bus lay-bys and a valet parking service. The wider sidewalks would provide more space for outside café seating and enhanced landscaping and streetscaping. The financing of this project is yet to be determined but could be achieved through a joint venture with the Town and an assessment on the downtown properties.

4) Upgrading Alleys:

A study of the Town's parking lots and alleys is set to be awarded on June 14, 2011. By way of information, the proposals have already been ranked by the Town selection committee. This study would include the viability of upgrading the alleys, both privately and publicly owned, on both sides of Harding Avenue. The plan would also address the possibility of creating a breezeway from the east side of the Abbott Avenue parking lot through to the west side of Harding Avenue. Financing could be achieved by a joint venture with the property owners of the private alley and the utilization of parking funds.

5) Support the Forty Foot Height Allowance:

Presently the buildings in the Downtown District can be forty feet in height. In an effort to encourage property owners to voluntarily seek larger national retail and restaurant tenants for their ground floor properties, buildings could be redeveloped to the maximum four stories presently allowed and would not include any restrictions regarding residential use. Property owners could voluntarily amalgamate buildings to achieve this initiative. This discussion is presently on-going with the DVAC and would need to go to before the Planning & Zoning Board and Town Commission.

6) Facade Upgrading Program:

The Town Manager will begin an effort to create a consortium of banks operating in the Downtown District over the summer to develop financing for a facade upgrading program for the district's property owners and businesses. Details regarding this proposal would go to the Town Commission in September, 2011. Proceeds from the Parking Fund could be utilized to reduce the interest on loans granted for facade improvements.

7) Business Improvement District:

The Town Manager will continue to meet with the downtown property owners over the summer to develop a possible Business Improvement District for the Downtown District. This initiative will be presented to the Town Commission in the Fall of 2011.

8) 94th Street Parking Garage Feasibility:

A feasibility analysis will be accomplished over the summer relative to developing the 94th Street parking lot into a garage with the possible conjunction of the contiguous properties along Collins Avenue. The intent of this project would be to rent additional parking for a southern anchor to the east side of Harding Avenue and to allow sufficient space for small scale national retail and restaurant opportunities.

While it is important to note that many of the above proposed initiatives have multiyear timelines for completion, if approved by the Town Commission, there are other initiatives that have had an immediate and on-going impact in the Downtown District. Through the actions of this committee, Surfside's downtown is experiencing an increase in the upgrading and maintenance of the buildings in the district. The Town will continue with Code Enforcement to ensure that this mission achieves its goal of positively impacting the aesthetic environment and image of downtown Surfside. A plan for additional short-term aesthetic upgrades could also be continued as a mission of this committee while the long-term proposals are in process.

It is the clear intent of the property owners, DVAC and Town Administration that this memorandum reflects a package of ideas that justify the acceleration of the Moratorium's termination. While these ideas are not contractual between those involved in formulating this conceptual action plan, all of the mentioned stakeholders agree that this represents a good faith vision of an important cooperative approach to a better future for the Downtown District. It is understood that all of these initiatives must be reviewed by the Town Commission. Upon the approval of any or all of the proposed ideas must then be vetted by the appropriate Town Departments before proceeding to the Planning & Zoning Board. The ultimate decision on subsequent implementation remains with the Town Commission.

ATTACHMENT F

Coconut Grove Business Improvement District Makes Innovative Changes in Operations

Grove BID Becomes First Florida Client of Nationally Recognized Provider "Block by Block"

BY MELISSA NOBLES

Beginning June 1, Coconut Grove will be the first improvement district within Florida to welcome the successful Block by Block operations management company to its streets. The announcement of the partnership comes as the Coconut Grove Business Improvement District (BID) celebrates its two-year anniversary.

Block by Block, a complete service provider managing safety, cleaning and hospitality programs for improvement districts, currently serves 33 communities throughout the U.S. It attends exclusively to improvement districts and has branched a concept unlike any other in the operations business: "Downtown Ambassadors."

The Downtown Ambassadors team is carefully selected and trained to exceed in both security and sanitation services. However, unlike many other workers in such fields, the Downtown Ambassadors are also trained as hospitality agents, creating a friendly environment for neighborhood visitors.

Manny Gonzalez, Director of Operations for the Coconut Grove BID, cites Block by Block's BID-focused approach and impressive set of references as a major contributor to their hiring. Particularly, Block by Block's work with the Waterfront Partnership of Baltimore, MD is a success story the Grove is looking to model after.

"Since hiring Block by Block, Downtown Ambassadors have achieved promoting the Waterfront as a destination for local and regional visitors," said Gonzalez. "Like the Grove, they also established events to attract and entertain

visitors while maintaining operation programs in the core business center."

Sanitation ambassadors will be on hand to sweep, collect litter, remove graffiti and weeds, and clean public fixtures. Simultaneously, security ambassadors will be stationed at the Grove's three information kiosks, on bike and on foot to patrol the area and visit local merchants to maintain constant communication. Ambassadors will be identified by exclusively branded Coconut Grove BID uniforms.

Yet, regardless of position, the unique service provided by all ambassadors will be their knowledge and enthusiasm to engage the public, by providing directions or even recommendations for restaurants, alongside their duties.

"There are a lot of great companies in South Florida, but what Block by Block is going to do here is going to change the way improvement districts do business."

"Where else could you find a company that trains its security and sanitation workers to also provide cordial services and educate tourists with community messages right on the street,"



said David Collins, executive director of the Coconut Grove BID. "This is truly an evolutionary step up for Coconut Grove, and really the City of Miami."

Keeping up that progressive spirit, the Coconut Grove BID has built on the strong foundation it laid back in 2009. This past April the group celebrated its two year anniversary and the series of new business that has resulted from those efforts.

Leading the list is Paragon Grove 13, Miami's newest cinema complex. It was recently rated the best theater in Miami by AOL and The Miami Heat's Chris Bosh's proclaimed it as his theatre of choice in a recent Ocean Drive Magazine issue.

Also shining examples of the "new Grove" are restaurants Peacock Garden Café and Lulu. Both come as result of their respective owners deciding to expand their businesses inside the Grove Business District, instead of elsewhere. Architectonica, an international brand name in architecture, joins the list of creative heavyweights that have returned to what is commonly becoming known as "Miami's Silicone Valley of design and arts firms."

The Coconut Grove BID attributes success stories like these as strong indicators of the benefits, merchants and prospective tenants see in the BID's individual programs. By adding the components offered by Block by Block to existing programs, like the current partnership with City of Miami Police Department and its direct radio communication system, it won't be long before the Grove begins to see more recognition and accolades similar to that of "Safest Neighborhood in Miami."

"There are a lot of great companies in South Florida, but what Block by Block is going to do here is going to change the way improvement districts do business," said Collins. "Instead of just going through the motions, Block by Block offers a truly personal touch translating into more and happier visitors."

The Coconut Grove BID exists to improve the quality and financial success of the Grove's commercial core. It enhances Grove parking, lighting, sanitation, marketing, and safety, as well as supporting special events. For more information on the Coconut Grove BID, visit www.coconutgrove.com or call 305-461-5506.

ATTACHMENT G

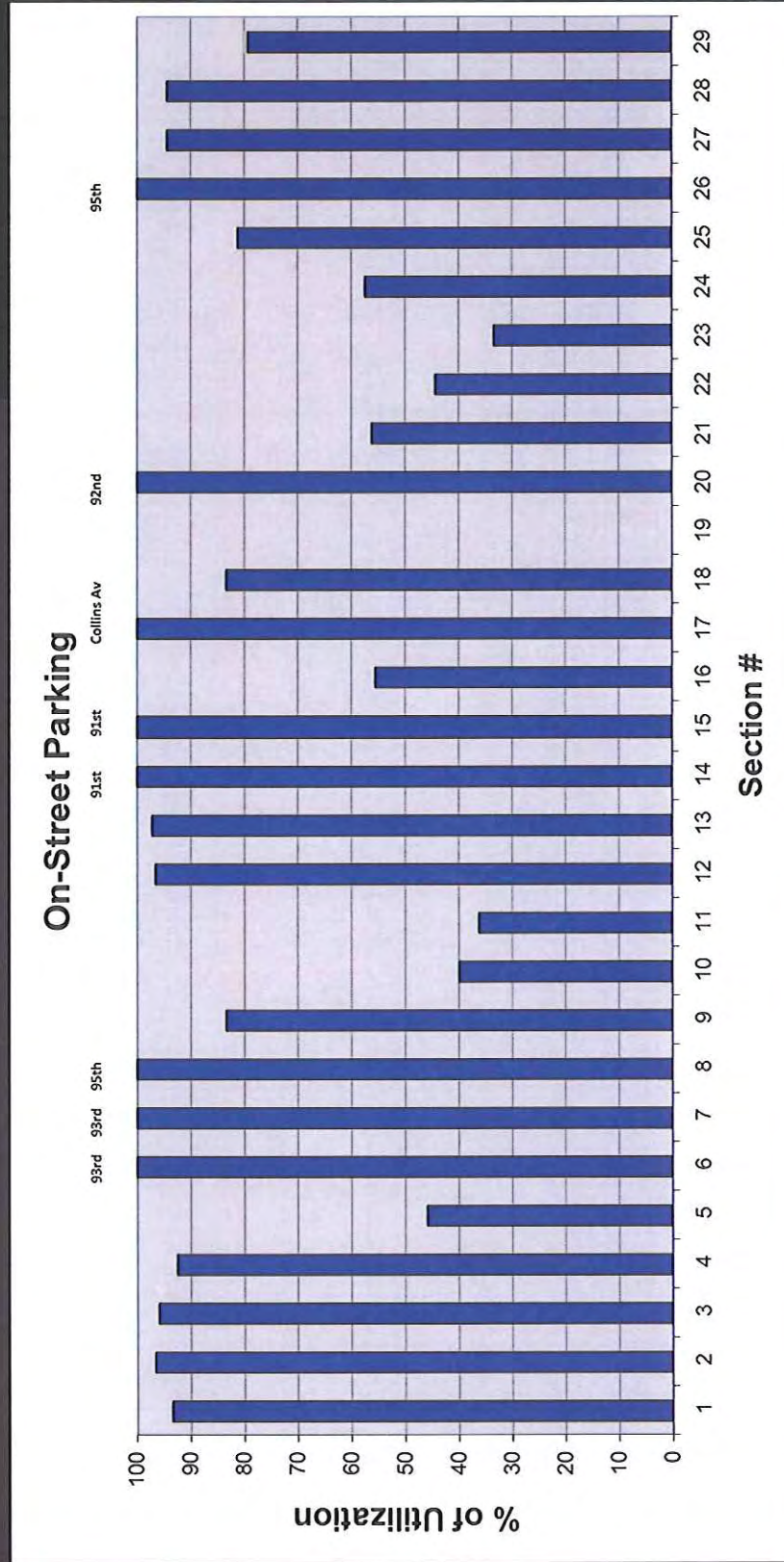
Parking Inventory



Parking Inventory On-Street Sections



On-Street Parking Utilization



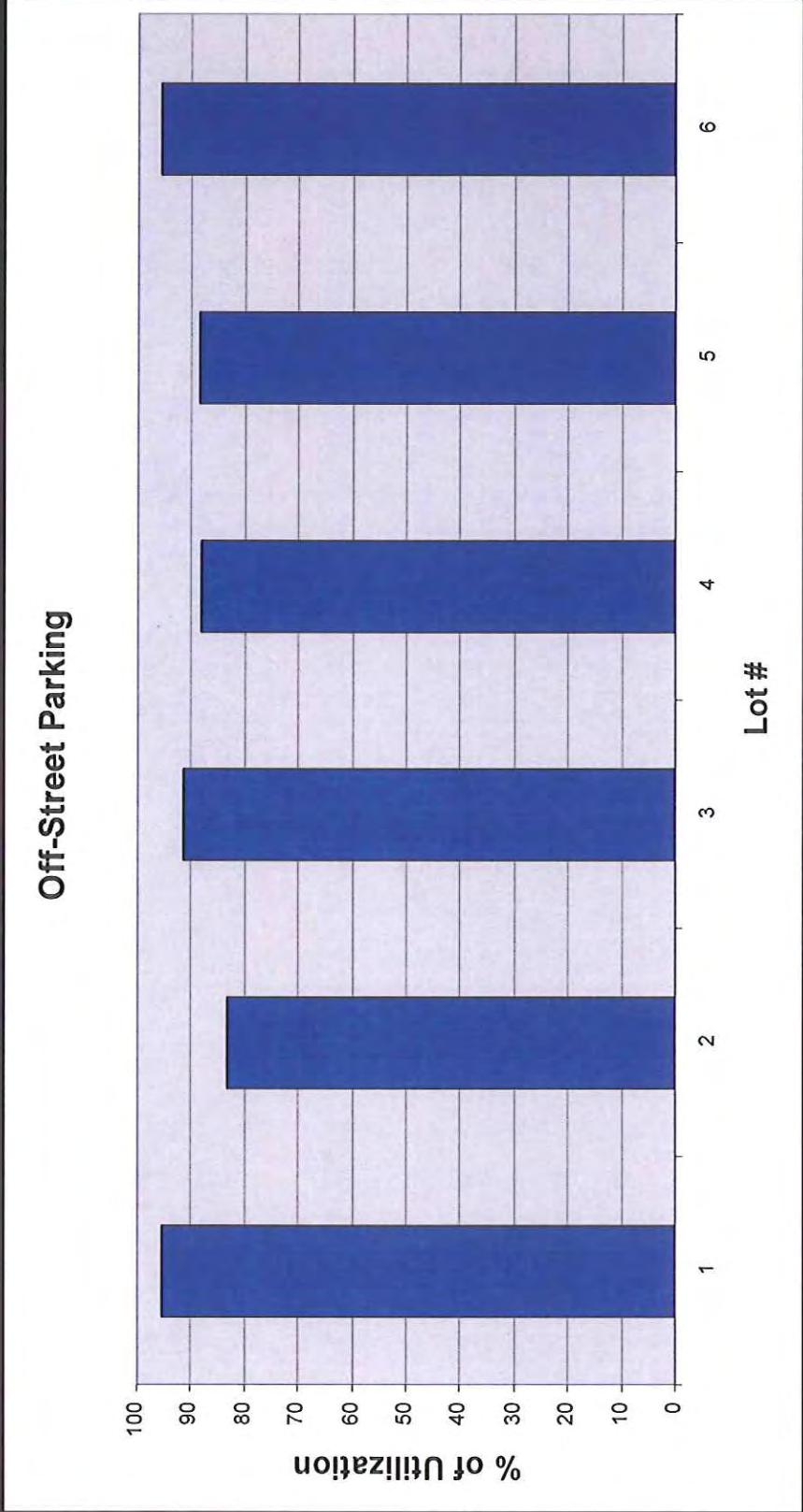
April 20, 2007 between 1:00 pm and 3:00 pm

Parking Inventory Off-Street Sections



- Parking supply is mainly located on the North-East quadrant of the town (Commercial Area)

Off-street Parking Utilization



April 12, 2007 Between 2:00pm and 5:00 pm

ORDINANCE NO. 2011 _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, REPEALING ORDINANCE 2011-1571 “TEMPORARY MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR NON- RETAIL, NON-RESTAURANT USES FOR THE PROPERTIES GENERALLY LOCATED BETWEEN 96TH AND 94TH STREET AND HARDING AVENUE” AS WAS FURTHER DELINEATED IN THE MAP ATTACHED AS EXHIBIT “A” TO ORDINANCE 2011-1571; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”), pursuant to ordinance 2011-1571, imposed a temporary moratorium for the purpose of developing a strategy for the revitalization of the SD-B40 located between 96th and 94th Streets and Harding Avenue (hereinafter referred to as the “Downtown Business District” or “DBD”); and

WHEREAS, the Downtown Vision Advisory Committee (“DVAC”) together with staff including the Town Planners and interested property owners and after eight (8) formal meetings have developed an working agreement on several initiatives to address the need to revitalize and reinvigorate the DBD that includes the vision for an appropriate mix of retail, restaurant and non-retail uses as well as other projects; and

WHEREAS, the Town Manager, the Town Attorney, Town Planner and other staff shall begin the work associated with these initiatives for the Downtown Business District and assuming the progress and implementation of these initiatives, once approved by the Town Commission, Staff no longer sees the necessity for a temporary moratorium so long as these initiatives continue to progress;

WHEREAS, the Planning and Zoning Board on May 26, 2011 recommended this rescission and repeal of the downtown moratorium to the Town Commission;

WHEREAS, it is now in the best interest and welfare of the Town to so rescind the imposed temporary moratorium; and

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

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby made a specific part of the Ordinance.

Section 2. Temporary Moratorium Repealed. Ordinance 2011-1571 is hereby repealed and the temporary moratorium rescinded.

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

PASSED and ADOPTED on first reading this 14th day of June, 2011.

PASSED and ADOPTED on second reading this ____ day of _____, 2011.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, M.M.C., Town Clerk

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



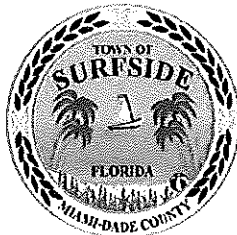
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

| | | |
|-----------------------|-----|----|
| Mayor Dietch | yes | no |
| Vice Mayor Graubart | yes | no |
| Commissioner Karukin | yes | no |
| Commissioner Kopelman | yes | no |
| Commissioner Olchyk | yes | no |



TOWN OF SURFSIDE
Office of the Town Attorney

MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
 Town Attorney

Telephone: 305 993-1065

MEMORANDUM

TO: Town Commission
FROM: Lynn M. Dannheisser, Town Attorney *LMD*
CC: Roger M. Carlton, Town Manager
 Debra E. Eastman, M.M.C., Town Clerk

DATE: JULY 12, 2011

SUBJECT: Special Events Permit Ordinance

RECOMMENDATION: It is recommended the Commission adopt this ordinance on special event permitting.

REASONS: Special events such as fairs, arts, art-centered performances, festivals, concerts, marathons, downtown promotions, sporting and beach activities that bring citizens and tourists together in the Town to share a day, a week or an hour of community fun are encouraged since they create opportunities for neighbors and others to interact, celebrate, enrich people's lives, promote inclusiveness, promote tourism and business development, and in general help weave together the fabric of the community.

These events, however, have the potential to create certain health, safety, and welfare issues for the community if not properly planned for. The Town has been issuing special event permits on an ad hoc basis but Staff now recommends a more formalized and uniform process applicable to all. This ordinance purports to codify the special permitting process. This will allow the Town to address such issues that might include planning for additional staffing and/ or police services, having proper insurance coverage and/or bonds in place from the sponsors of the events, and having the town indemnified, providing necessary traffic co-ordination, and noise and crowd control issues. This process allows the Town to become aware of the event, plan for it so that it minimizes potential adverse impacts and recoups costs, as necessary. It also requires an event sponsor to coordinate with

the Police Chief and grants the Town Manager the authority to promulgate reasonable rules and procedures relating to the issuance and revocation of permits.

ORDINANCE NO. 11- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CREATING CHAPTER 35 “EVENTS” AND ARTICLE I “SPECIAL EVENTS” AND SPECIFICALLY CREATING SECTIONS 35-1 “PERMITS FOR SPECIAL EVENTS”, SECTION 35-2 “EXEMPTIONS”; SECTION 35-3 “ENFORCEMENT AND SPECIAL EVENTS RECYCLING”; AND 35-4 “COORDINATION WITH TOWN POLICE DEPARTMENT” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, special events such as fairs, arts, art-centered performances, festivals, concerts, marathons, downtown promotions, sporting and beach activities and others, bring citizens and tourists together in the Town to share a day, a week or an hour of community fun and help weave the fabric of our community by creating opportunities to interact, celebrate, enrich people's lives, promote inclusiveness, and promote tourism.

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to establish guidelines for special event permitting in order to address health safety and welfare issues including but not limited to planning for additional staffing and/ or police services, having proper insurance coverage in place from the sponsors of the events, and having the town indemnified, providing necessary traffic co-ordination, and noise and crowd control issues.

WHEREAS, The Town Commission held its first public reading on June 14, 2011 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

Ordinance No. _____

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on July 12, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

Chapter 35. Events

Article I. Special Events.

Section 35-1. Permits for special events.

- a) Authorized. Upon written application to the Town Manager or designee submitted a minimum of ten days prior to an event at which noise levels are expected to violate Chapter 54 of this Code, the prohibitions or hour restrictions contained herein may be modified subject to such conditions as the Town Manager may impose. The decision of the Town Manager shall be final and not subject to appeal, except by writ of certiorari in accordance with law.
- b) Application. The application for a permit under this section shall contain the following information:
 - 1) The name, date of birth, address and telephone number of the person who will be in charge of the activity or event for which a permit is requested;
 - 2) The name of the person or entity seeking the permit;
 - 3) The exact date and time or period of time for which the permit is sought;
 - 4) The exact location of the activity or event for which a permit is requested; and
 - 5) A description of the activity or event for which a permit is requested.
- c) Contents. Permits issued under this section shall specify the date and time during which the activity or event authorized by the permit may be conducted.
- d) Administrative procedures. The Town Manager is hereby authorized to promulgate reasonable rules and procedures for application for, issuance and revocation of such permits. These rules and procedures shall serve to implement the intent and purpose of

Ordinance No. _____

this article so that necessary and beneficial activities may occur while providing for protection of the public.

- e) Criteria for issuance; bond. Issuance of a permit under this section shall be based on a determination by the Town Manager or designee that the activity or event for which a permit is requested does not constitute a threat to public safety, constitute a danger or impediment to the normal flow of traffic, or constitute a potential disturbance of the peace and quiet of persons outside the premises where the activity or event is located. A permit application indicating the use of a temporary structure shall comply with the terms of Section 90-36.1 of the Code. The Town Manager or his designee may require that a bond be posted in an amount sufficient to secure the costs of cleanup, repair or replacement of damage or destruction of property, and the bond shall be subject to forfeiture for purposes of paying any such costs.
- f) Indemnification. The applicant for a permit to hold a special event shall agree to indemnify and hold harmless the Town, its agents and employees, for any and all claims caused by or arising out of the activities permitted. In certain potentially hazardous situations, as determined by the Town Manager, the applicant shall provide an appropriate policy of insurance to protect the Town from liability policy of insurance to protect the Town from liability that may result from the special event.

Section 35-2. Exemptions.

The terms and prohibitions of this article shall not be applied to or enforced against:

- a) Any motor vehicle, motorboat or other vehicle of the Town, the County or the State or licensed public utility vehicle within the Town while engaged in necessary public business.
- b) Excavation or repairs of streets, sidewalks, highways, streetlights or utilities, by or on behalf of the Town, the County or the State, or performance of such work during the night if the public welfare and convenience renders it impossible to perform such work during the day.
- c) A reasonable use of amplifiers or loudspeakers in the course of public addresses or gatherings which are noncommercial in character, noise generated in the course of a special activity or event which has obtained a permit pursuant to section 35-1, noise generated for the purpose of alerting persons to the existence of an emergency, or noise generated in the performance of emergency work.
- d) Government sponsored special events.

Section 35-3. Enforcement And Recycling

A. Enforcement

Ordinance No. _____

1. Permits shall be maintained at the site on which the special event occurs. Upon request of any police officer or code compliance officer of the Town, the owner, lessee of the property or other representative of the special event, shall produce such permit for inspection.
2. Persons engaged in a special event without a permit, or otherwise in violation of a permit, this section or the special events requirements and guidelines provided for herein, shall be subject to enforcement by Town police or code enforcement officers, through the issuance of immediate cease-and-desist orders, the violation of which may subject the offender to arrest, and/or enforcement as provided under the Town Code, and/or notices of violation referred to special masters, who have authority to issue fines or enforce compliance, as provided for in Chapter 15 of this Code. Police or code enforcement officers will coordinate enforcement with Town departments as deemed necessary. As an alternate and supplemental remedy, the Town may enforce this section by injunctive relief in any court of competent jurisdiction, and in such circumstance the Town shall be entitled to recover its reasonable attorneys' fees and costs. For repeat offenders, the Town manager or designee may decline to issue permits to such person or entity for one year, or such other period as the Town Manager deems appropriate.

B. Minimum Standards for Recycling at Special Events.

- a) Any person seeking a permit for a special event within the Town of Surfside shall complete and submit with their permit application to Public Works a Special Event Recycling Plan. In addition, promotional literature, signage and temporary event announcements shall contain information about recycling at the temporary event.
- b) The Town shall review the Recycling Plan and determine whether the plan includes reasonable measures to promote recycling, especially for paper, cardboard, and beverage containers made of plastic, glass and aluminum.
- c) The Town Manager or designee shall be allowed to attend the temporary event at no charge, solely for the purpose of assisting with and verifying the recycling efforts.
- d) If the temporary event will not generate more than one, ninety-six (96) gallon container of non-separated solid waste for disposal, an administrative variance may be requested from the requirements to collect recyclable materials. The Town Manager will establish a procedure for the consideration of an administrative variance from the requirements in this section if the Town Manager concludes a good faith effort has been made to satisfy the requirements herein.
- e) The permittee shall provide at least one recyclable materials collection container for each solid waste container provided at the temporary event. The recyclable materials collection containers shall be clearly labeled and placed in the same locations as each solid waste container. The permittee shall arrange for the contents of the recyclable materials collection containers to be delivered to a recycling center or similar facility.
- f) If the permittee self-hauls recyclables from temporary events to a recycling center or similar facility, the permittee shall deliver a copy of the recycling center/facility receipt to the Town by fax, e-mail or mail within 30 days of the event.
- g) All temporary event organizers are encouraged to hold a pre-event recycling workshop for vendors and volunteers.

Ordinance No. _____

Section 35-4. Coordination with Town Police Department.

- a) For the safety of participants, volunteers, and other attendees, police may be necessary for the special event. If within the judgment of the Town Manager, police presence is required, a special event permit applicant shall be required to coordinate scheduling of the special event in advance with the Town of Surfside Police Department.
- b) If a private security firm or individuals associated with the event are acting as security guards, the event promoter shall indicate same in the special event application. The Police Department will also coordinate with each promoter how many Town police officers the promoter will need to hire for street closure and other responsibilities. All races/walks will be required to hire Town police officers in order to help close the roads and monitor street closings.
- c) The cost for providing off-duty police services will vary based on whether the event is a Town-sponsored event or a privately sponsored event. For privately sponsored events, the applicant will contact the Police Chief’s Office and speak to the Police Chief or his designee. The Police Chief will determine the number of officers needed and will provide the applicant with an off-duty police detail contract, which must be completed and turned in as quickly as possible. The estimated fee for off-duty police services will be determined when the Police Chief receives a finalized site map. Payments will be billed by the Chief’s Office according to the off-duty police detail contract.

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

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

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

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

Ordinance No. _____

PASSED and ADOPTED on first reading this 14th day of June, 2011.


PASSED and ADOPTED on second reading this ____ day of _____, 2011.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, M.M.C., Town Clerk

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



Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

| | | |
|-----------------------|-----------|----------|
| Mayor Dietch | yes _____ | no _____ |
| Vice Mayor Graubart | yes _____ | no _____ |
| Commissioner Karukin | yes _____ | no _____ |
| Commissioner Kopelman | yes _____ | no _____ |
| Commissioner Olchyk | yes _____ | no _____ |

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item #: 4A3

Agenda Date: JULY 12, 2011

Subject: Vacant Storefront Ordinance

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

Background: The Downtown Vision Advisory Committee (DVAC) has been tasked by the Town Commission with reviewing issues of concern in the business district. One of the initial ideas for improving the business district was to change the negative look and impact of vacant storefronts. The Committee spent considerable time discussing techniques to improve the overall look of these storefronts and to minimize the impact of vacant businesses, which has resulted in the proposed ordinance.

The ordinance requires a window covering to be installed on the exterior of the storefronts within seven days of vacancy of a business. The Town will hire a licensed and insured contractor to complete the installation. The Town will bill the property owners for the installation, but the window covering itself will be complimentary.

At the request of landlords and rental agents, decorative displays of merchandise or signage advertising the future tenant are also permitted, but cannot extend more than three feet into the vacant store. These items may be located in displays or a cut out of the window-screening not to exceed more than 25% of the store front. The remainder of the storefront shall consist of the Town approved screening. Real estate signs that meet the Town's code criteria will continue to be permitted.

The following is an example of the draft template that the Town is considering:



Recommendation: The Planning and Zoning Board heard this ordinance at their May 26, 2011 meeting and unanimously recommended approval of the Ordinance to the Town Commission. The Design Review Board will approve the final aesthetic of the screening and input from the Beautification Committee will be provided.

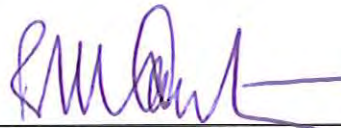
Budget Impact: The Town will hire an outside contractor to complete the installation and bill the property owners for the cost of the contractors work. Therefore, no impact to the budget is anticipated. While this is an operational program, the reimbursement process is similar to the cost sharing program in which property owners fund the cost of the installation and the Town funds the cost of the material.

Growth Impact: The proposed Ordinance does not encourage growth. Instead, it provides an attractive appearance for the business district when vacancies occur. See attached articles for information on similar programs in other jurisdictions.

Staff Impact: N/A



Sarah Sinatra Gould, Town Planner



Roger M. Carlton, Town Manager

Big cover-up downtown: Firm aims to hide empty stores behind ad glitz

BY CATHERINE LACKNER

If the concept takes off, vacant storefronts downtown will soon sport colorful, high-end advertising. Directors of Miami's Downtown Development Authority like the idea, but they want to reduce other types of advertising they consider unattractive.

"We didn't invent the concept," said Ray Lee, managing partner of Inwindow Outdoor, a company that sells and installs the advertising panels. "You can see it in old photos of New York City."

The company sells advertising to upmarket clients like BMW, Dom Perignon, Lufthansa and others. The landlord makes money, the City of Miami collects a permit fee and the buildings are less likely to be defaced, Mr. Lee said. He estimates the city could take in as much as \$600,000 per year.

"These are challenging times for landlords," he told the authority's directors Friday. "The property is vacant, but you still have your carrying costs. You have to make sure the asset doesn't depreciate. The neighbors have a hard time being next to a vacant storefront." The panels would be installed only at the ground level and the



'Half of these absentee landlords' properties look horrendous.'

Jose Goyanes

maximum advertising term would be 90 days.

"How are we going to police it?" asked board member Jerome Hollo.

"We know when their 90 days are up," said Dakota Hendon, a project manager with Miami's Building and Zoning Department. "It's code enforcement."

"We all know that doesn't happen," Mr. Hollo replied.

Director Jose Goyanes suggested, and the board agreed, that the downtown authority install its own covering on the inside of the windows so that, after the exterior ad's term has expired, there would

still be some sort of cover.

"Half of these absentee landlords' properties look horrendous," he said.

"What can we do about taking the pay phones and newspaper boxes off the streets?" Mr. Hollo asked. "You can't walk on some of the sidewalks, and that's important if we want to be the pedestrian-friendly city we say we want to be."

"And what about the hot dog carts?" quipped Mr. Goyanes, a restaurant owner.

"I can support this," said Marc Sarnoff, authority chairman and Miami city commissioner. "There are a ton of unused newsstands. They don't even get serviced."

The board decided that a new urban design standards ordinance addressing those advertising issues — and attempting to clear the sidewalks — should be presented to the city commission.

"But," warned Mayor Tomás Regalado, who attended the meeting, "you know how the commission works. You have to finish this by the June meeting. The commission doesn't meet regularly [during the summer] and in September, forget about anything but the budget."

The last word

High streets paper over the recession with the help of fake shop fronts

Emma Jacobs looks at a solution to the scourge of vacant stores

Amid the rundown charity shops, fast-food restaurants and pawn shops on a high street in the south-east of England, a pristine boutique stands out. The shop sign lettering is gold, in an old-fashioned font. The store's shelves display one-punt tins of tea, tony cups and a few mugs. Yet there are no sales staff and customers are not welcome. For this is a fake shop front - life-size photographs of an imaginary tea shop are stuck to the windows, designed to revitalise the area by concealing derelict properties.

Fake businesses such as this one are springing up in city centres across the UK. Local authorities hope that the colourful, graphic designs taped inside the windows will lure in a range of shop types - from hairdressers to delicatessens - will conceal the impact of the recession and restore vitality to increasingly derelict high streets.

Peter, clad in jeans and a navy polo shirt, passes the virtual tea shop in Chislehampton, Kent, with his two children. A 16-year-old unemployed 16-year-old like it. "It looks better than it did. It's in danger of not even being a high street [but] just a load of charity shops," he says. "I don't like the area any more. It's dirty and dangerous - it feels like

a dead-end town". Matt, 39, a salesman at neighbouring Barbonos Computers, says empty shops ruin businesses because high vacancy rates mean high street becomes a shopping mall for commuters. "Over time, more and more small shops are going into administration," he says. "People aren't spending money because of the recession and, if they are, they tend to shop

online. The high street in general is in decline." The percentage of shops lying vacant in Gillingham is 16.9 per cent, according to the Local Data Company, above the UK average of 14.6 per cent. In Gillingham, that is considerably more than just over 5 per cent at the end of 2008. Matthew Hopkinson, LDC director, says: "The sad reality is that the number of vacant shops is

increasing. In certain areas of the country, high streets may die." This week, it was announced that Mary Forster, the British TV retail guru, is to carry out a government-backed project to help revive the decline of the high street. Announcing the appointment, David Cameron, prime minister, said: "The high street should be at the very heart

of every community, bringing people together, providing essential services and creating jobs and investment; so it is vital that we do all that we can to ensure they thrive." Midway council, which commissioned the Kent project, says it has received expressions of interest from a number of retailers wanting to occupy the space.

Paul Murphy, a chartered surveyor and co-founder of Shopjacket, which installs fake shop fronts, has spent two days with a US company looking to roll out the idea there. He believes the shop fronts, which cost from £1,700 and are made from foam board, will be a boon for high streets. "I don't see them as an end in themselves, but as a recognition there is a problem". He adds: "We always get a rough ride from traders initially. But, at the very least, it attracts publicity."

New Economics Foundation, a think-tank and author of a report called "Close Towns", says fake shops are an interesting initiative but to be more creative. The high vacancy rate, she says, should be seen as an opportunity to re-imagine the high street. "City centres can be about more than just shopping", she says. "The recession provides opportunities for locals to engage with the town through recycling shops or festivals."



Mr Hopkinson agrees: "People are slowly coming to terms with the idea that well-thought-out shops might be worth permanently shutting down shops in high streets and concentrating retail in smaller areas."

Elizabeth Cox, head of connected economy at the

Before and after: local authorities hope life-size pictures can help mask dereliction and restore vitality to shopping districts

ORDINANCE NO. 11- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 14 BUILDINGS AND BUILDING REGULATIONS; SECTION 14-52 COMMERCIAL STANDARDS ESTABLISHED RELATING TO THE APPEARANCE OF VACANT STOREFRONTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Commission has attempted to create regulations to address the specific needs of the this unique community and continues to amend these regulations as they may best suit the needs of the community; for the health, safety and welfare of the Town including the fact that in this economic environment, the Town may be experiencing an increase in vacancies in the downtown business district which will adversely impact the exterior appearance of these properties and this ordinance is an attempt to remediate this issue; and

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on May 26, 2011 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on July 12, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

Sec. 14-52. Commercial standards established.

(a) The exterior appearance of all commercial property shall be maintained so as to prevent deterioration or blight.

(1) All exterior building surfaces shall be free of chipping, pitting, cracking, discoloration, peeling or fading.

(2) All exterior signs shall be in good repair and free of chipping, pitting, cracking, peeling, fading or discoloration. Lighted signs shall have all lights working. All signs shall be maintained in a safe, presentable and good structural condition, which shall include the replacement of defective parts, repainting, cleaning and other acts required for the maintenance of the sign. The area around the base of the sign shall be kept free of weeds and debris. If a sign does not comply with the above standards, the town manager or designee may require its removal.

(3) Doors and windows shall be free of cracked or discolored glass or corroded frames. All doors and windows shall be maintained in a safe, presentable and good structural condition, which shall include the replacement of defective parts, repainting, cleaning and other acts required for maintenance of the doors and/or windows.

(4) All awnings shall be without tears or holes and be free of dirt, discoloration, fading or cracking. Any lettering or painted surface on awnings shall conform to subsection (a)(2) of this section. All hardware, supports and poles shall be straight, free of rust, and in good condition.

(5) If any property is vacant for more than ~~15~~ 7 days, all glass surfaces visible to the public shall be clean and the interior of such vacant store shall be screened from public view in one of the following two ways until property is occupied:

a. All glass surfaces visible to the public shall be covered with a Town approved window exterior screening white-colored, 60-pound weight paper, which is available at the Town’s Building Department. (sample of acceptable material on file with the building department). This provision does not preclude the placing of a real estate sign on the premises, pursuant to the requirements in Section 90-74.1. The Town will utilize a licensed and insured installer to attach the screening to the glass of the said property and request reimbursement for the installation from the property owner; or

b. Decorative displays of merchandise currently available within the town, merchandise of the future tenant of the vacant store, signage advertising the future tenant, public service displays or festival and current holiday displays extending as much as three feet into the vacant store shall may be located in displays or a cut out of the windows screening not to exceed more than 25% of the store front which shall have approval from the Town Manager. A copy of the lease shall be provided when seeking Town Manager approval to advertise the future business. The remainder of the storefront shall consist of the Town approved screening. Such screening shall consist of ~~white-colored, 60-pound weight paper~~ the Town approved window exterior screening that is available in the

Town's Building Department. The Town will utilize a licensed and insured installer to attach the screening to the glass of the said property and request reimbursement for the installation from the property owner. Such screening shall be mounted on a freestanding partition, attached to a wood frame or affixed by other temporary means.

(6) If any property is vacant for more than 15 7days, appropriate exterior nighttime lighting shall be provided.

(7) All sidewalk overhangs attached to commercial buildings shall be structurally sound and free of rust, discoloration, peeling, chipping, cracking, fading, sagging or dirt. All lettering or signage on overhangs shall conform to the requirements provided in subsection (a)(2) of this section.

(8) No air conditioner or heating or cooling device shall be installed so as to be visible from the street, or so as to discharge condensation onto the sidewalk or street.

(9) Every merchant, storekeeper or operator of a business in the city Town shall sweep, hose down or cause to be swept and hosed down the sidewalks adjoining his respective place of business and shall remove gum and other sticky substances from the sidewalks, and continuing such actions as often as necessary thereafter to keep the area clean, on each day such business shall be operated. The sweepings shall be picked up and not swept into the gutter.

(10) Every restaurant shall provide a cigarette disposal receptacle permitted by law. The cigarette receptacle shall be kept clean and sanitary. The contents shall be regularly emptied and the contents shall not be swept into the gutter.

(b) The town manager is empowered and authorized to require compliance with this section within 30 days of written notice. Failure to comply shall be punishable as provided in section 1-8.

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

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

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

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

PASSED and ADOPTED on first reading this ____ day of _____, 2011.

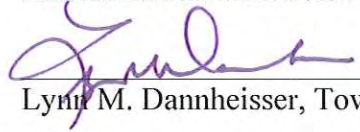
PASSED and ADOPTED on second reading this ____ day of _____, 2011.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, M.M.C., Town Clerk

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



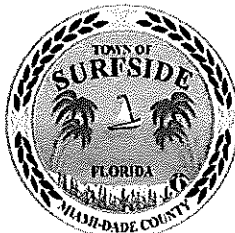
Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

| | | | | |
|-----------------------|-----|-------|----|-------|
| Mayor Dietch | yes | _____ | no | _____ |
| Vice Mayor Graubart | yes | _____ | no | _____ |
| Commissioner Karukin | yes | _____ | no | _____ |
| Commissioner Kopelman | yes | _____ | no | _____ |
| Commissioner Olchyk | yes | _____ | no | _____ |



TOWN OF SURFSIDE
Office of the Town Attorney

MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
 Town Attorney

Telephone: 305 993-1065

MEMORANDUM

TO: Town Commission

FROM: Lynn M. Dannheisser, Town Attorney

CC: Roger M. Carlton, Town Manager
 Debra E. Eastman, M.M.C., Town Clerk

DATE: JULY 12, 2011

SUBJECT: Newsrack Ordinance

RECOMMENDATION: This ordinance has been transmitted and recommended by the Planning & Zoning Board (as well as the Downtown Vision Advisory Committee).

REASONS: This ordinance addresses the placement, type, appearance, servicing, and insuring of newsracks on public rights-of-way as a means of improving the overall aesthetics of the Town and addressing the visual blight from unsightly newsracks.

In addition to carrying out part of the vision adopted by the DVAC, making newsracks uniform in size and placement, also provides for pedestrian and driving safety by allowing for proper width on sidewalks to conform to handicapped and other town, state, and federal regulations. It reduces unnecessary exposure to personal or property damage including from hurricanes by regulating the strength of the specs for newsracks while at the same time addressing potential legal claims by the publications by treating all newspaper publications equally regardless of their size, content, circulation, or frequency of publication.

This ordinance is modeled upon the Coral Gables ordinance which has withstood several court challenges. A copy of that decision is attached for convenient reference and reflects the legal issues which had to be considered in creating this regulation.

In this ordinance, the public works director is responsible for review and approval of these devices. Each newspaper who wishes to utilize a rack must make application and secure approval for site location, provide insurance, and select and utilize equipment that meet certain specifications including size, use of certain materials and color (black), installations standards, and removal requirements.

ORDINANCE NO. 11-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" AND SPECIFICALLY ARTICLE III "PROPERTY MAINTENANCE STANDARDS"; CREATING SECTION 14-57 "NEWSRACKS ON PUBLIC RIGHTS-OF-WAY" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town of Surfside ("Town") proposes to amend its Code of Ordinances to address a recognized need to regulate the placement, type, appearance, servicing, and insuring of newsracks on public rights-of-way for the health, safety and welfare of the Town ; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the fence, walls and hedges regulations on May 26, 2011 with due public notice and input; and

WHEREAS, the Town Commission held its first public hearing on June 14, 2011 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on July _____, 2011.

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

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

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

Sec. 14-57. Newsracks on Public Rights-of-Way.

(a) Scope. The provisions of this section shall govern the placement, type, appearance, servicing, and insuring of newsracks on public rights-of-way. No newsracks shall be permitted except in accordance with the provisions of this article.

(b) Purpose. The purpose of this section is to promote the public health, safety and welfare through the regulation of placement, type, appearance, servicing, and insuring of newsracks on public rights-of-way so as to:

- (1) Provide for pedestrian and driving safety and convenience.
- (2) Restrict unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into or egress from any residence or place of business, or from the street to the sidewalk by persons exiting or entering parked or standing vehicles.
- (3) Provide for public and property safety during hurricane conditions.
- (4) Provide reasonable access for the use and maintenance of poles, posts, traffic signs or signals, hydrants, mailboxes and access to locations used for public transportation purposes.
- (5) Relocate and/or replace newsracks which result in a visual blight and/or excessive space allocation on the public rights-of-way or which unreasonably detract from the aesthetics of store window displays, adjacent landscaping and other improvements, as well as to have abandoned newsracks removed.
- (6) Maintain and protect the values of surrounding properties.
- (7) Reduce unnecessary exposure of the public to personal injury or property damage.
- (8) Treat all newspapers equally regardless of their size, content, circulation, or frequency of publication.
- (9) Maintain and preserve freedom of the press.
- (10) Cooperate to the maximum extent with newspaper distributors.

(c) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Equivalent newsrack: Any newsrack of the same size, dimensions and style of the specified newsrack.

If demand warrants or warranted demand: When the measured newspaper stack height needed to meet the newspaper publisher's or distributor's peak annual distribution at the requested newsrack location, as proven by the newspaper publisher or distributor, exceeds 14 inches.

Newsrack: Any type of unmanned device for the vending or free distribution of newspapers or news periodicals.

Public right-of-way: Any public street, highway, sidewalk, parkway or alley.

(d) Certificate of Compliance Required. No person shall place, affix, erect, construct or maintain a newsrack without first obtaining a one-time only certificate of compliance for each newsrack in accordance with the provisions of this article.

(e) Application and Issuance of Certificate of Compliance.

(1) Issuing Authority. The issuing authority and coordinator shall be the public works director. The public works director is responsible for fairly coordinating and administering the physical placement of newsracks of the type and location herein specified, and upon compliance herewith is responsible for issuing the certificates of compliance.

(2) Approving Authorities. The approving authorities shall be the public service director, the parking director and the public works director. The public service director shall provide review and approval only as to compliance with section 62-162(8). The parking director shall provide review and approval only as to compliance with section 62-162(10). The public works director shall provide review and approval coordination with the public service director and the parking director, as well as review and approval only as to comply with subsections (c), (e) through (g) of this section, and sections 62-156 through 62-161, and 62-162(1) through (7), (9).

(3) Applications. The applicant shall file with the public works director a written application for an installation certificate of compliance that shall contain the following information:

(i) The name, address and telephone number of the applicant who is the owner and/or principal in responsible charge of the newsrack.

(ii) The name, address and telephone number of a responsible person whom the Town may notify or contact at any time concerning the applicant's newsracks.

(iii) The number of newsracks and the proposed location of each shown on a drawing provided by public works as in subsection (4) of this section.

(iv) Names of newspapers or periodicals to be contained in each newsrack.

(v) Type or brand of newsracks, including an illustration and description of the newsrack and mount if other than a single pedestal, TK-80PM or K-80PM SHORACK or FN-80SP (with or without equivalent coinbox attachment) with special pedestal mount and 14-inch square base plate (mandated) or TK-80 or K-80 SHORACK or FN80LB (with or without equivalent coinbox attachment) with special pedestal mount and 14-inch square base plate (allowed only if demand warrants at the installation location), or equivalent, as per subsection (j).

(4) Procedure. The public works department shall:

- (i) Develop a map of a large enough scale to show general town-wide locations of newsracks by each publisher or distributor.
- (ii) Request a list of proposed newsrack locations, marked on the above map, from each distributor.
- (iii) Prepare a scale drawing or aerial photograph of each newsrack location showing the position and name of each newsrack at that location.
- (iv) Obtain approvals of the above newsrack drawings from the parking director and the public service director.
- (v) Obtain confirmation approvals of the above approved newsrack drawings from each distributor.
- (vi) Have the public works survey crew, following certificate of compliance issuance, then mark placement locations with a template so that installation crews will have no problem.

(5) Issuance of Certificate of Compliance. Upon a finding by the public works director that the applicant is in compliance with the provisions of this section and having received the required approvals from the parking director and public service director, the public works director shall cause to be issued a certificate of compliance for installation by the newspaper publishing company. Such issuance shall be made within five working days of the Town's receipt of the completed application.

(6) Denial of Certificate of Compliance. If a certificate of compliance for some newsrack location applied for shall be denied, the applicant shall be notified within five working days of the Town's receipt of the completed application. The applicant shall be advised of the specific cause of such denial by the public works director, who will suggest alternative locations therefor. The applicant may reapply for substitute alternative location at no additional certificate of compliance fee.

(7) Additional Certificate of Compliance. If at any time initial application for an installation certificate of compliance a publisher wishes to install additional newsracks, then subsections (3) and (4) of this section are to be repeated in accordance with the provisions of this section. Under subsection (f), any additional returnable bond deposit required will credit any amount still on account. Additional certificate of compliance fees shall be in accordance with subsection (g), except that the \$50.00 publisher's fee is waived if previously paid.

(f) Insurance.

(1) Prior to the issuance of a certificate of compliance by the public works director, the applicant shall furnish to the public works director a certificate of insurance and a one-

time only returnable bond deposit, both in specific accordance with the terms of section 14-30, except that returnable bonding amounts for newsrack installations shall be:

TABLE INSET:

| TOTAL PROPOSED NEWSRACKS | TOTAL RETURNABLE BOND |
|--------------------------|-----------------------|
| 1 to 4 | \$150.00 |
| 5 to 10 | \$300.00 |
| 11 to 20 | \$500.00 |
| 21 and up | \$700.00 |

(2) Reasonable evidence of equivalent self-insurance coverage may be substituted by the applicant for the above certificate of insurance.

(3) Insurance under subsection (f) shall run continuously with the presence of the applicant's newsrack in town rights-of-way, and any termination or lapse of such insurance shall be a violation of this section, subject to appropriate remedy by the code enforcement division

(g) Fees. There shall be a one-time only certificate of compliance fee in the amount established by the town commission for each newspaper publisher. Failed inspections are subject to a re-inspection fee in the amount established by the town commission. All of the above fees will be used to defray administrative expenses relating to this section only, and any revenues over expenses remaining after the implementation of this section will be returned to the newspaper publishers in proportion to their respective contributions.

(h) Appeals. Any applicant who has been denied a certificate of compliance pursuant to the provisions of this section may file an appeal with the town commission by requesting in writing to the town manager appearance before the commission to review such denial. The appeal shall be heard by the commission within 30 days of the filing of the appeal or at the next regularly scheduled agenda, whichever occurs first. The decision of the commission on appeal is subject to judicial review as provided by the laws of the state.

(i) Placement Generally. Subject to the prohibitions set forth in subsection (l), newsracks shall be placed parallel to and not less than 18 inches nor more than 24 inches from the edge of the curb. Newsracks placed near the wall of a building must be placed parallel to and not more than six inches from the wall

(j) Installation and Maintenance.

(1) Newsracks shall be single pedestal TK-80PM or K-80PM SHORACK or FN-80SP (with or without equivalent coinbox attachment) with special pedestal mount and 14-inch square base plate (mandated) or TK-80 or K-80 SHORACK or FN-80LB (with or without equivalent coinbox attachment) with special pedestal and 14-inch square base plate (allowed only if demand warrants at the installation location) or equivalent.

(2) Newsrack equipment shall be in gloss black. The height of the cabinet top of all newsracks shall be 39 inches above the finished grade level.

(3) Newsracks shall carry no cardholders or advertising, but may display the name, with lettering and background of any colors, of the newspaper being dispensed, in spaces in the locations and sizes set forth below:

(i) On the front of the newsrack, the lettering size shall not exceed 1 3/4 inches height. The lettering shall be placed within a colored-band space not exceeding 2 1/2 inches in height above the door hinge.

(ii) On the sides and back of the newsrack, the lettering size shall not exceed 2 1/2 inches in height. The lettering shall be placed within a colored-band space not exceeding 4 1/2 inches in height and beginning one inch from the top of the newsrack.

(4) Newsracks for free newspapers may omit the coinbox and may have the pull bar welded to the door to produce an "honor rack."

(5) Newsracks shall be maintained in good working order at all times, freshly painted and with unbroken hoods.

(6) Mounts shall be bolted in place through four standard holes in the base plate in accordance with standards provided in subsection (k). Newsrack cabinet tops shall be installed and checked for level; a water-soluble, paintable, ten-year calk of gloss brown color shall be applied and wiped to seal around the base plate and the mounting surface.

(k) Newsrack Mounting Standards. The following standards shall be applicable to the mounting of newsracks in this town:

(1) Foundation four-inch minimum concrete, 2,500 psi (28-day strength), class I.

(2) Two-inch minimum concrete edge distance for bolts.

(3) One-half-inch chamfer all concrete edges.

(4) Three-eighths-inch diameter hot-dipped galvanized hex bolt mounts, three-inch minimum imbedding, threads down, through four corners of the pedestal base.

(l) Specific Prohibitions. No newsrack shall be placed, installed, used or maintained:

(1) Within five feet of any marked crosswalk.

(2) Within ten feet of any unmarked crosswalk.

(3) Within ten feet of any fire hydrant, fire callbox, police callbox or other emergency facility.

(4) Within five feet of any driveway.

(5) Within five feet ahead of, and 15 feet to the rear of any sign marking a designated bus stop, measured along the edge of pavement.

(6) Within two feet of any bus bench, or plaza bench.

(7) At any location whereby the clear space for passageway of pedestrians is reduced to less than six feet.

(8) Where a vertically protruding member of the newsracks is on or within 12 inches of any area improved with lawn or hedges or within three feet of flowers or trees.

(9) Within three feet of any display window of any building abutting the sidewalk or parkway or in such a manner as to impede or interfere with the reasonable use of such window display purpose, or within five feet of a building entrance.

(10) On or within two feet of signs, parking meters, street lights or utility poles

(m) Enforcement Procedures – Nonconforming Newsracks. Within 150 days of the effective date of the ordinance from which this article is derived and at any time thereafter, any newsrack in violation of any provision of this section shall be subject to remedy and due process under the code enforcement board.

(n) Enforcement Procedures – Abandoned Newsracks.

(1) If any newsrack installed pursuant to this section does not contain the publication specified therefor within a period of forty-eight (48) hours after release of the current issue, the code enforcement division may deem the newsrack abandoned and take appropriate action for an ordinance violation. In addition, a newsrack shall be deemed abandoned when no publication is in the newsrack for a period of more than seven consecutive days.

(2) In the event a newspaper publishing company or its distributor desires to voluntarily abandon a newsrack location, the distributor shall notify the public works director, completely remove the newsrack and mount, and restore the public right-of-way to a safe condition, leaving no holes or projections in the mounting surface.

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

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

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be

renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "Section" or other appropriate word.

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

PASSED and ADOPTED on first reading this _____ day of _____, 2011.

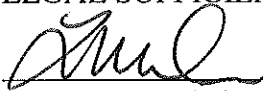
PASSED and ADOPTED on second reading this ____ day of _____, 2011.

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Lynn M. Dannheisser, Town Attorney

On Second Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

| | | |
|-----------------------|-----------|----------|
| Mayor Dietch | yes _____ | no _____ |
| Vice Mayor Graubart | yes _____ | no _____ |
| Commissioner Karukin | yes _____ | no _____ |
| Commissioner Kopelman | yes _____ | no _____ |
| Commissioner Olchyk | yes _____ | no _____ |



Commission Communication

Agenda #: 4A5

Date: JULY 12, 2011

Subject: Amending Section 2-171 of the Code Relating to Charter Officers Ability to Opt out of the Pension Plan

Background: The Town of Surfside sponsors a defined benefit retirement plan for Town employees. There are two sources of contributions for the Plan... the Town and employee contributions. The Town is required to contribute amounts as mandated by State Statute and determined by an actuary. The employee contribution for General employees is 5% if contributing 5% prior to February 1, 2003 – otherwise 6% and for Police Officers 8% of their covered compensation (basic salary or wages paid by the Town for services rendered including regular longevity pay and Section 457 deferred compensation, if any, but excluding any bonuses, overtime or any other non regular payment).

Contributions from all sources are deposited in a special trust fund. The employees and their dependents are the beneficiaries. The money in this trust fund is set aside to pay benefits and expenses of the plan. The assets of the trust fund are invested by the Pension Board. The plan is significantly more than 100 percent funded as of the March quarterly report.

In order to be an eligible member of the Plan you must be a Police Officer or other employee of the Town. Your employment must be full-time, as determined by the Town. Part time, temporary and employees under contract for a defined period or for a particular service are not eligible to participate. Charter Officers (Town Manager and Town Attorney) have been permitted to participate in the plan; however, both current Charter Officers do not participate in the plan and receive their retirement to their own defined compensation plans.

Budget Impact: There is a timing difference in regards to employer contribution. An opt out requires an immediate contribution by the Town. To not opt out provides the Town with a one year delay in employer contribution as determined by the actuary for the prior fiscal year. Additionally the amount of opt out is based on the negotiated contract, where the not opt out is based on a Town wide blended rate.


Analysis: The proposed amendment provides for further clarification to the *employee* definition providing Charter Officers with the right to opt out of the plan at any time as described in Section 2-174. If a Charter Officer elects to opt out of the plan, all of his/her contributions shall be refunded at the applicable interest rate applied by the Board. Employee contributions may be rolled over into another tax qualified plan.

The proposed amendment is necessary because there is no specific authorization to allow the opt out although the practice has been allowed based on the Employment Agreements for the two Charter Officers. The ordinance amendment has been reviewed by the Pension Board attorney and is recommended by the Pension Board.

Staff Impact: N/A

Recommendation: Adopt the ordinance amendment to codify and existing practice.


Yamileth Slate-McCloud
Human Resources Director


Roger M. Carlton
Town Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SURFSIDE; RELATING TO THE RETIREMENT PLAN FOR EMPLOYEES OF THE TOWN OF SURFSIDE; AMENDING SECTION 2-171 OF THE CODE TO REVISE THE DEFINITION OF EMPLOYEE TO PERMIT CHARTER OFFICERS TO OPT OUT OF THE PLAN; AMENDING SECTION 2-174 TO CREATE A MECHANISM FOR CHARTER OFFICERS TO OPT OUT OF THE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside sponsors a defined benefit retirement plan for town employees;

WHEREAS, Charter Officers have been permitted to participate in the Plan;

WHEREAS, not all Charter Officers necessarily want to participate in the Plan;

WHEREAS, the Pension Board and the Commission of the Town of Surfside have concluded that the adoption of this amendment is in the best interests of the citizens and taxpayers of the Town;

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Surfside:

Section 1. SECTION 2-171, Definitions, is hereby amended and to be read as follows:

Sec. 2-171. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means any regular officer or employee who is employed by the Town on a full-time basis whose customary employment is for 32 hours or more per week and for six months or more per year. Employees serving on a part-time basis and persons employed under contract for

Ordinance No. _____

a definite period or for the performance of a particular special service shall not be eligible for participation in the plan. Charter officers (the Town Manager and Town Attorney) shall have the right to opt out of the Plan, as described in Section 2-174.

Section 2. SECTION 2-174, Membership, is hereby amended and to be read as follows:

Sec. 2-174. Membership.

(a) Any person who becomes an employee shall become a member of the plan as a condition of employment. Contributions required by such employee shall begin with the first payroll period after he becomes an employee. Each person who is an employee of the town as of June 1, 1996 and whose membership in the plan had been prohibited because he was over 52 years of age at the time he became an employee, shall have an irrevocable option to become a member of the plan on June 1, 1996. Such employee who elects to become a member shall begin contributing to the plan with the first pay period beginning after May 31, 1996 and shall earn creditable service after May 31, 1996. No credit shall be given for service prior to June 1, 1996.

(b) Upon withdrawal from service, upon request of the member his accumulated contributions shall be refunded to him and he shall thereupon cease to be a member of the plan.

(c) As Charter Officers, the Town Manager and Town Attorney shall have the right to opt out of the Plan at any time. If a Charter Officer elects to opt out of the plan, all of his or her employee contributions shall be refunded at the applicable interest rate applied by the Board. Employee contributions may be rolled over into another tax qualified plan.

Section 3. All sections or parts of sections of the Town Code, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same, are hereby repealed to the extent of such conflict.

Section 4. Should this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

Section 5. It is the intention of the Commission of the Town of Surfside that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Ordinance No. _____

Section 6. This ordinance shall become effective upon final passage.

PASSED AND ADOPTED ON FIRST READING, this ____ day of _____, 2011.

PASSED AND ADOPTED ON SECOND READING, this ____ day of _____, 2011.

DANIEL DIETCH, MAYOR

ATTEST:

Debra Eastman, MMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

Lynn M. Dannheisser, Town Attorney

Moved by: _____
Second by: _____

Vote:

| | |
|------------------------------|----------------|
| Mayor Dietch | yes ___ no ___ |
| Vice Mayor Joe Graubart | yes ___ no ___ |
| Commissioner Marta Olchyk | yes ___ no ___ |
| Commissioner Michael Karukin | yes ___ no ___ |
| Commissioner Edward Kopelman | yes ___ no ___ |

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item # 5A

Agenda Date: JULY 12, 2011

Subject: Proposed Ad-Valorem Budget Millage for Fiscal Year 2011-2012.

Objective: To adopt a preliminary Budget Millage rate for Fiscal Year 2011-2012.

Recommendation: It is recommended that the Town Commission adopt the preliminary budget Ad-Valorem maximum millage at 5.5000.

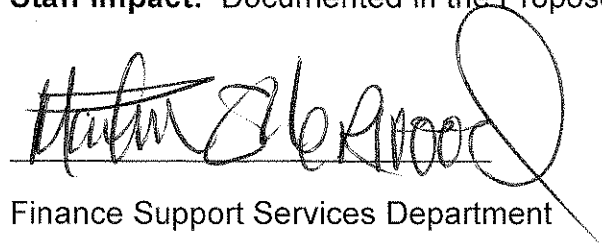
Background: The Town of Surfside received the 2011 Certification of Taxable Value from the Miami-Dade County Property Appraiser on July 1, 2011. The Town must now establish a proposed (not-to-exceed) millage that can be mailed with the TRIM notice, date, time, and location of our public budget hearings to all property owners. The deadline for returning our proposed millage for our 2011-2012 budget to the Property Appraiser, Tax Collector and Florida Department of Revenue is July 29, 2011.

Analysis: Establishing a preliminary Budget millage rate that requires a maximum majority vote (3 out of 5 members and also known as the simple majority rate) will enable the Town Commission to evaluate the entire proposed FY 2011-2012 operating and capital improvement recommendations while also receiving public discussion and input during our scheduled budget workshops and hearings. Since the rates are a not-to-exceed rate, it can be lowered but not raised without certain extraordinary actions. Raising the rate after the setting of the TRIM notice amount of 5.5000 mills would require the expense of an additional first class mailing to all Surfside property owners.

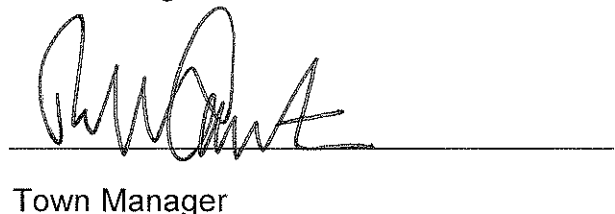
Budget Impact: Documented in the Proposed FY 11/12 Budget

Growth Impact: Documented in the Proposed FY 11/12 Budget

Staff Impact: Documented in the Proposed FY 11/12 Budget



Finance Support Services Department



Town Manager

| FY 11/12 Millage Maximums and Related Information (Based on Estimated Assessment Information) | | | | |
|--|---------------------------|----------------------------|---|---|
| Millage Name | Votes Required | Maximum Millage | Total Resulting Net Revenues | Net Revenue Change (from Proposed Budget Book) |
| New Rate Needed to Match Proposed Budget Book (including personal property) | 3 | 5.5000 | \$5,235,450 | \$0 |
| FY 10/11 Adopted Rate | 3 | 5.6030 | \$5,333,496 | \$98,046 |
| Town of Surfside Historic Rate | 3 | 5.6030 | \$5,333,496 | \$98,046 |
| Aggregate Roll-up Rate | 3 | 5.8928 | \$5,609,356 | \$373,906 |
| Maximum Majority Vote (Adjusted Roll-up) | 3 | 6.2908 | \$5,988,213 | \$752,762 |
| Maximum Super Majority Rate | 4 | 6.9199 | \$6,587,053 | \$1,351,603 |
| Unanimous | 5 | 10.0000 | \$9,519,000 | \$4,283,550 |

Examples of the impact of the Proposed Millage Rate (5.5000) on properties of various values and exemption status are on the following page.

Detailed Examples of Impact on Property Valuations

Example for Commercial and Residential Properties With No Exemptions at Multiple Values

| | | | | | |
|--|---|-----------|-----------|-----------|-----------|
| Commercial / No Exemption FY 10/11 Tax Levy at Adopted 5.6030 mills | Property Taxable Value FY 10/11 | \$250,000 | \$350,000 | \$400,000 | \$450,000 |
| | | \$1,401 | \$1,961 | \$2,241 | \$2,521 |
| Commercial / No Exemption FY 11/12 Tax Levy at Proposed 5.500 mills | Projected Property Taxable Value FY 11/12 (-6.5%) | \$233,750 | \$327,250 | \$374,000 | \$420,750 |
| | | \$1,286 | \$1,800 | \$2,057 | \$2,314 |
| Surfside Property Tax Reduction for Commercial and Residential Properties With No Taxable Exemptions | | \$115 | \$161 | \$184 | \$207 |

Example for Homestead (Less than 5 years) Where Assumed Market Value is Lower Than Assessed Value

| | | | | | |
|---|---|-----------|-----------|-----------|-----------|
| Residential / Homestead Exemption FY 10/11 Tax Levy at Adopted 5.6030 mills | Property Assessed Value FY 10/11 | \$250,000 | \$350,000 | \$400,000 | \$450,000 |
| | | \$200,000 | \$300,000 | \$350,000 | \$400,000 |
| | Property Taxable Value FY 10/11 With \$50,000 Reduction | \$1,121 | \$1,681 | \$1,961 | \$2,241 |
| Residential / Homestead FY 11/12 Tax Levy at Proposed 5.500 mills | Projected Property Assessed Value FY 11/12 (-6.5%) | \$233,750 | \$327,250 | \$374,000 | \$420,750 |
| | | \$183,750 | \$277,250 | \$324,000 | \$370,750 |
| | Property Taxable Value FY 11/12 with \$50,000 Reduction | \$1,011 | \$1,525 | \$1,782 | \$2,039 |
| | Residential / Homestead FY 11/12 Tax Levy at Proposed 5.500 mills | \$110 | \$156 | \$179 | \$202 |

Example for Homestead (Greater than 5 Years) Where Assumed Market Value is Greater than Assessed

| | | | | | |
|---|---|-----------|-----------|-----------|-----------|
| Residential / Homestead Exemption FY 10/11 Tax Levy at Adopted 5.6030 mills | Property Assessed Value FY 10/11 | \$250,000 | \$350,000 | \$400,000 | \$450,000 |
| | | \$175,000 | \$245,000 | \$280,000 | \$315,000 |
| | Assumed Save Our Home Save Our Homes Taxable Value | \$981 | \$1,373 | \$1,569 | \$1,765 |
| FY 11/12 Maximum increase to FY 10/11 Taxable Valuation for SOH (1.5%) | Residential / Homestead Exemption FY 10/11 Tax Levy at Adopted 5.6030 mills | \$177,625 | \$248,675 | \$284,200 | \$319,725 |
| | | \$977 | \$1,368 | \$1,563 | \$1,758 |
| | Residential / Homestead FY 11/12 Tax Levy at Proposed 5.500 mills | \$4 | \$5 | \$6 | \$6 |
| | Surfside Property Tax Reduction for Save or Home Exempt Property | | | | |

RESOLUTION NO. 11-_____

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

WHEREAS, on or about July 1, 2011, the Honorable Pedro J. Garcia, The Property Appraiser of Miami-Dade County, Florida served upon the Town of Surfside (the "Town"), a "Certification of Taxable Value" certifying to the Town its 2011 taxable value; and

WHEREAS, the provisions of Section 200.065, Florida Statutes, require that within thirty-five (35) days of service of the Certification of Taxable Value upon a municipality, said municipality shall be required to furnish to the Property Appraiser of Miami-Dade County the proposed operating millage rate, the current year rolled-back rate, and the date, time and place at which a first public hearing will be held to consider the proposed millages and the tentative budget; and

WHEREAS, the Town Commission desires to announce the dates of the first and second public hearings to the Property Appraiser of Miami-Dade County; and

WHEREAS, the Town Commission has reviewed the figures supplied by the Property Appraiser of Miami-Dade County and conferred at a public meeting with the Town Attorney and that being otherwise fully advised in the premises.

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

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. That the proposed operating Millage Rate for the first public hearing shall be ___ mills, which is \$__ dollars per \$1,000.00 of assessed property within the Town of Surfside for the 2010/2011 fiscal year.

Section 3. That the current year rolled-back rate, computed pursuant to 200.065 Florida Statutes, is ___ dollars per \$1,000.00.

Section 4. That the proposed operating millage rate is lesser than the rolled-back rate by ___%.

Section 5. That the date, time and place of the first and second public hearings are hereby set by the Town Commission as follows:

Date: September __, 2011
Time: 5:01 p.m.
Place: Surfside Town Hall
9293 Harding Avenue
Surfside, Fl 33154

Date: September __, 2011
Time: 5:01 p.m.
Place: Surfside Town Hall
9293 Harding Avenue
Surfside, Fl 33154

Section 6. That pursuant to the Florida Statutes, and the rules and regulations of the Florida Department of Revenue, the Town Clerk is hereby directed to attach the original Certification of Taxable Value to a certified copy of this resolution and serve the same upon the Honorable Pedro J. Garcia, Property Appraiser of Miami-Dade County before August 4, 2011.

Resolution No. 11- _____

Section 7. Effective Date. That this Resolution shall be effective immediately upon adoption.

PASSED and **ADOPTED** on this ____ day of ____, 2011.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

| | |
|------------------------------|-------|
| Commissioner Michael Karukin | _____ |
| Commissioner Edward Kopelman | _____ |
| Commissioner Marta Olchyk | _____ |
| Vice Mayor Joseph Graubart | _____ |
| Mayor Daniel Dietch | _____ |

Daniel Dietch, Mayor

Attest:

Debra E. Eastman, MMC
Town Clerk

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

Lynn M. Dannheisser
Town Attorney

Resolution No. 11- ____



**Town of Surfside
Town Commission Meeting
July 12, 2011
7 p.m.**

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

RESOLUTION COVER MEMORANDUM

Title: **Opposition any Initiative to Amend Florida's Constitution to Allow the Expansion of Casino Gambling**

Objective: That the Surfside Town Commission approve the enclosed resolution opposing the expansion of casino gambling in the State of Florida generally, and in the Town of Surfside specifically.

Consideration: This past session, the Florida Legislature considered options to expand casino gambling in the State of Florida. The initiative was not advanced, but may be considered again in the future. More recently, the Miami Herald sold its property to a gaming interest.

I believe that the expansion of casino gambling is contrary to the interest of Surfside and believe that it is our responsibility to be clear with our residents, State Legislators, and other interested parties that we, as a community, are not supportive of any expansion of casino gambling in the State of Florida generally, and in the Town of Surfside specifically and that further actions to oppose the expansion of casino gambling should be explored by our Town Manager and Town Attorney and reported back to the Town Commission by October 2011.

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, OPPOSING ANY INITIATIVE TO AMEND FLORIDA'S CONSTITUTION TO ALLOW CASINO GAMBLING IN SURFSIDE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida allows and regulates gambling;

WHEREAS, local news articles have reported that a committee, financed by local developers, is lobbying for State legislation to approve destination casinos within Miami-Dade county; and

WHEREAS, the Town Commission is opposed to expansion of casino gambling in the State of Florida generally, and in the Town of Surfside, specifically, and

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

Section 1. Recitals. The above-stated recitals are hereby incorporated into this resolution by reference.

Section 2. Direction to Town Manager and Town Attorney. In view of the concern of the Town Commission with regard to the prospect of expanded casino gambling the State of Florida and specifically within the Town of Surfside, the Town Manager and the Town Attorney are hereby directed to investigate and research any and all methods to oppose and prevent casino gambling in Miami- Dade County and the Town of Surfside and report back to the Town Commission at the October Commission meeting.

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

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

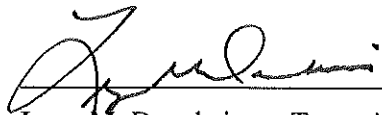
Commissioner Michael Karukin _____
Commissioner Edward Kopelman _____
Commissioner Marta Olchyk _____
Vice Mayor Joseph Graubart _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Debra E. Eastman, MMC
Town Clerk

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



Lynn M. Dannheisser, Town Attorney



MEMORANDUM

TO: Mayor and Members of the Town Commission

FROM: Marta Olchyk, Commissioner

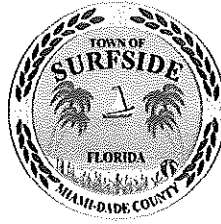
SUBJECT: Community Center Fee Structure for Non Residents

DATE: July 12, 2011

Congratulations to all of us for successfully completing the Community Center and for a wonderful opening event. The feedback I have been receiving is very positive. In order to continue this progress with adequate funds I believe it is time to review and initiate a fee structure for non residents that achieves three goals:

- 1) Achieves revenue that will help to reduce the burden on taxpayers and provide funds to expand programming to various groups including seniors.
- 2) Improves good will with our neighbors and many residents who have extended families that do not live in Surfside.
- 3) Increases utilization in periods when we have capacity. While reviewing this request, the potential for renting the rooms through special events should also be considered.

I would expect that the Parks and Recreation Committee would give us their input and that a report with recommendations will be made during the August Town Commission meeting.



Town of Surfside
Commission Communication

Agenda Item # 9B

Agenda Date: July 19, 2011

Subject: Collins Avenue Sewer Main Project

Background: On July 9, 2011, pending FDOT approval, work is scheduled to begin on the Collins Avenue Sewer Main Project. The project will involve directional drilling under Collins Avenue for the installation of the 16" force main running from 96th Street to 72nd Street in Miami Beach.

The entire project is expected to be completed by September 2011 with work in Surfside being completed in approximately 45 days. Work will be conducted 24 hours a day/ seven days a week. The attached power point presentation describes the project in detail.

This project will require that three bore pits be utilized on Collins Avenue at the following locations:

- 9400 - 9500 block
- 9300 block
- 8900 block

Each bore pit will remain open for approximately two weeks. During this time the two eastern lanes of Collins Avenue between the pits will be closed to vehicular traffic. The parking lane on the west side of Collins Avenue will be used as a lane of traffic so that there will be two lanes of traffic open at all times. The contractor will stagger the location of the pits to accommodate traffic flow.

The contractor for this project, T B Landmark Construction, will work with the Police Department to schedule off-duty police officers for traffic control. Pedestrian traffic along Collins Avenue will not be interrupted and residents will have access to their condominiums at all times. The street ends along Collins Avenue will be accessible to vehicular and pedestrian traffic.

The FDOT will be doing public service announcements and have an electronic message board set up. In addition, the contractor will establish a hotline to answer questions regarding the project. The number for the hotline has not been released pending final project approval.

Staff will post information about the project on the Town's website and Cable Channel. Flyers will be distributed to businesses and condominiums along Collins Avenue and the Town's electronic message board will be used to inform residents of the anticipated traffic delays resulting from the construction project. Staff will work closely with the Bal Harbour and Miami Beach Police Departments throughout the project.

Budget Impact: The cost of this project to the Town of Surfside is projected to be \$1.5 to 1.7 million. The final amount is still being negotiated with the Village of Bal Harbour staff.

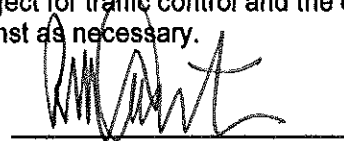
Analysis: The installation of the 16" force sewer main is a critical component of the Town's water and sewer infrastructure improvement. The project will provide redundancy to our 70 year old force main under Byron Avenue.

Staff Impact: Off-duty police officers will be assigned to this project for traffic control and the contractor will provide a bank of funds upon which the Town will draw against as necessary.



John Di Censo

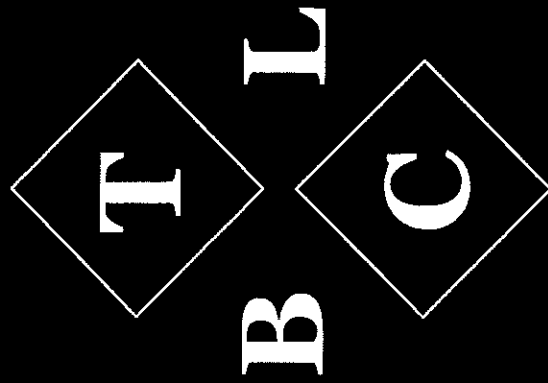
Assistant Chief



Roger M. Carlton

Town Manager

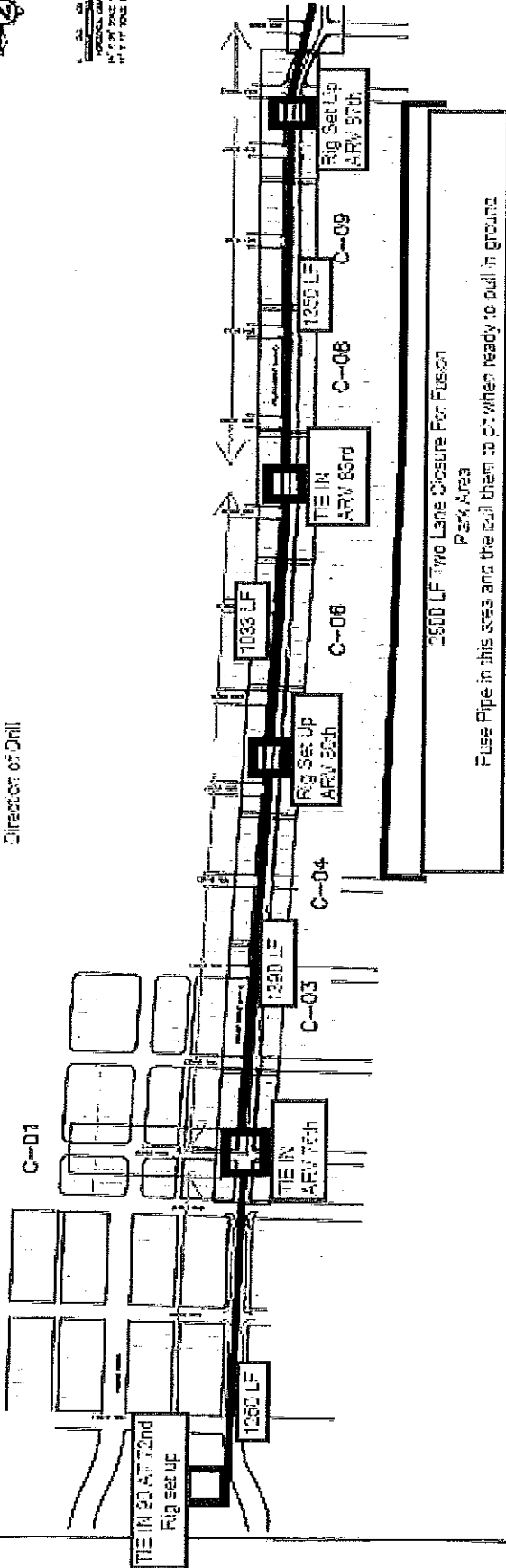
CONSTRUCTION ON
COLLINS AVE



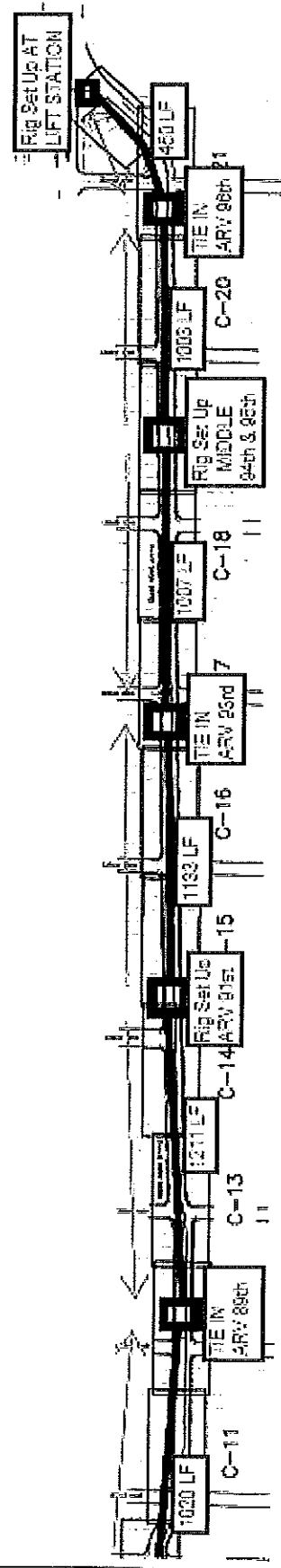


1" = 20' 0"
 1" = 100' 0"
 1" = 1000' 0"
 1" = 10000' 0"

Arrows Indicate
 Direction of Drill



2500 LF Two Lane Closure For Fusion Park Area
 Fuse Pipe in this area and the pull them to pt when ready to pull in ground.



Rig Side Boxes 2 Lane x 200 LF
 Rig Side Boxes 2 Lane x 200 LF

When pipe is ready for pulling in the ground, take from staging area to pit and barricade both sides of lane for pipe pull, as pipe is pulled in ground then we can open the lane as we go.

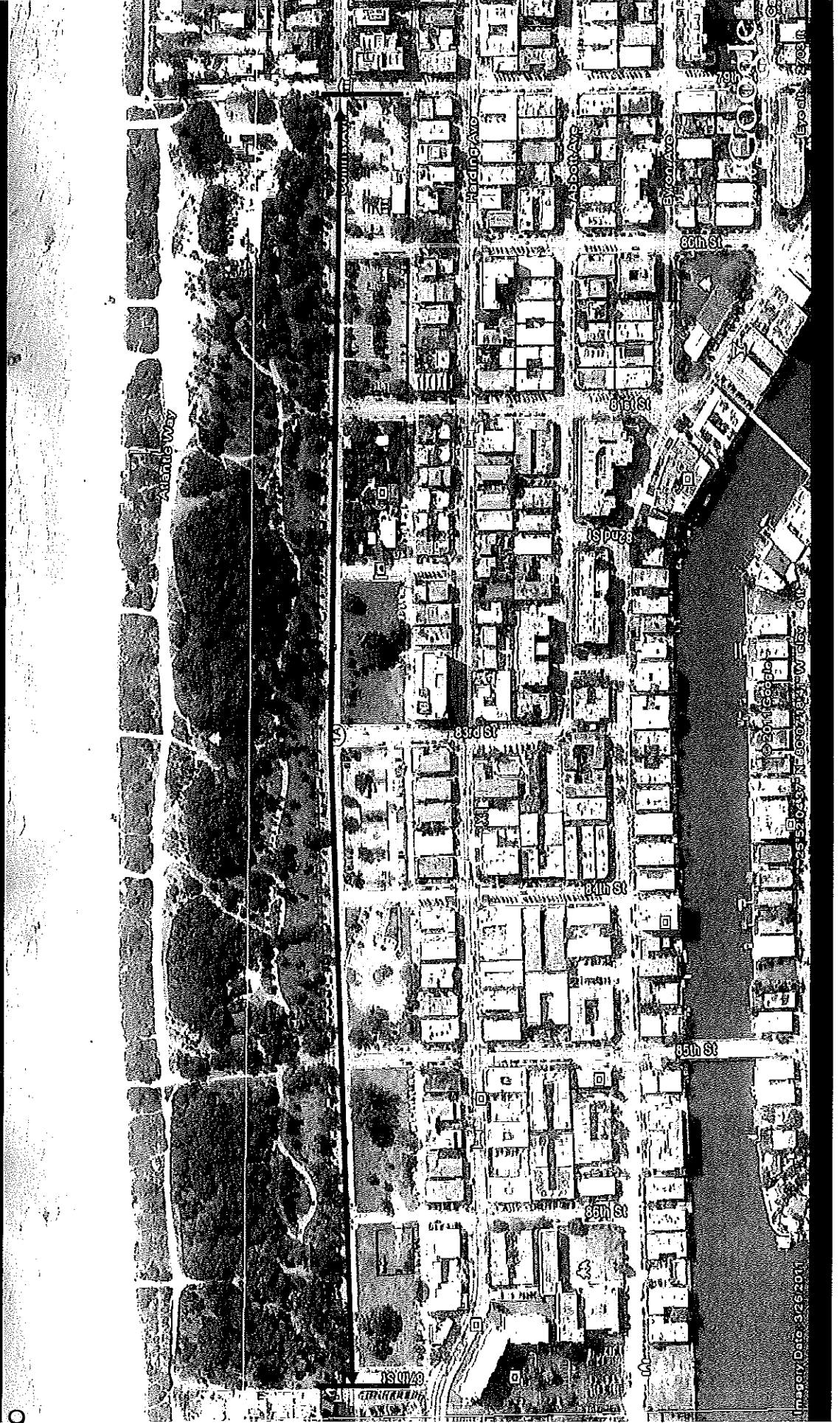
| | | | | |
|--|--|---|---|-----------------|
| | VILLAGE OF BALL HARBOUR BALL HARBOUR, FLORIDA | PROJECT NO. 09-1566 REV SHEET & SITE PLAN | E.A. HARBOUR PROJECT FORCE MAIN IMPROVEMENTS REV SHEET & SITE PLAN | 09-1566 G-02 |
| | | | | |
| | CRAIG A. SMITH & ASSOCIATES 10000 W. BOULEVARD SUITE 200 BOCA RATON, FLORIDA 33433 (561) 991-1111 www.craigasmith.com | | E.A. HARBOUR PROJECT FORCE MAIN IMPROVEMENTS REV SHEET & SITE PLAN | 09-1566 G-02 |
| | | | | |

- TB Landmark will be installing a 16" HDPE Forcemain down the center of the North bound side of Collins Ave (A1A).
- Construction will start at 72nd Street and continue to 96th Street.
- Construction will be accomplished by Horizontal Directional Drilling (HDD), along with some Open Lay (OL) activity.
- There will be dual lane closures during the process, primarily the center lane and the East lane. Two lanes will remain open for local traffic.
- This presentation will help explain how the process will take place.

Staging Area From 79th Street to 87th Street

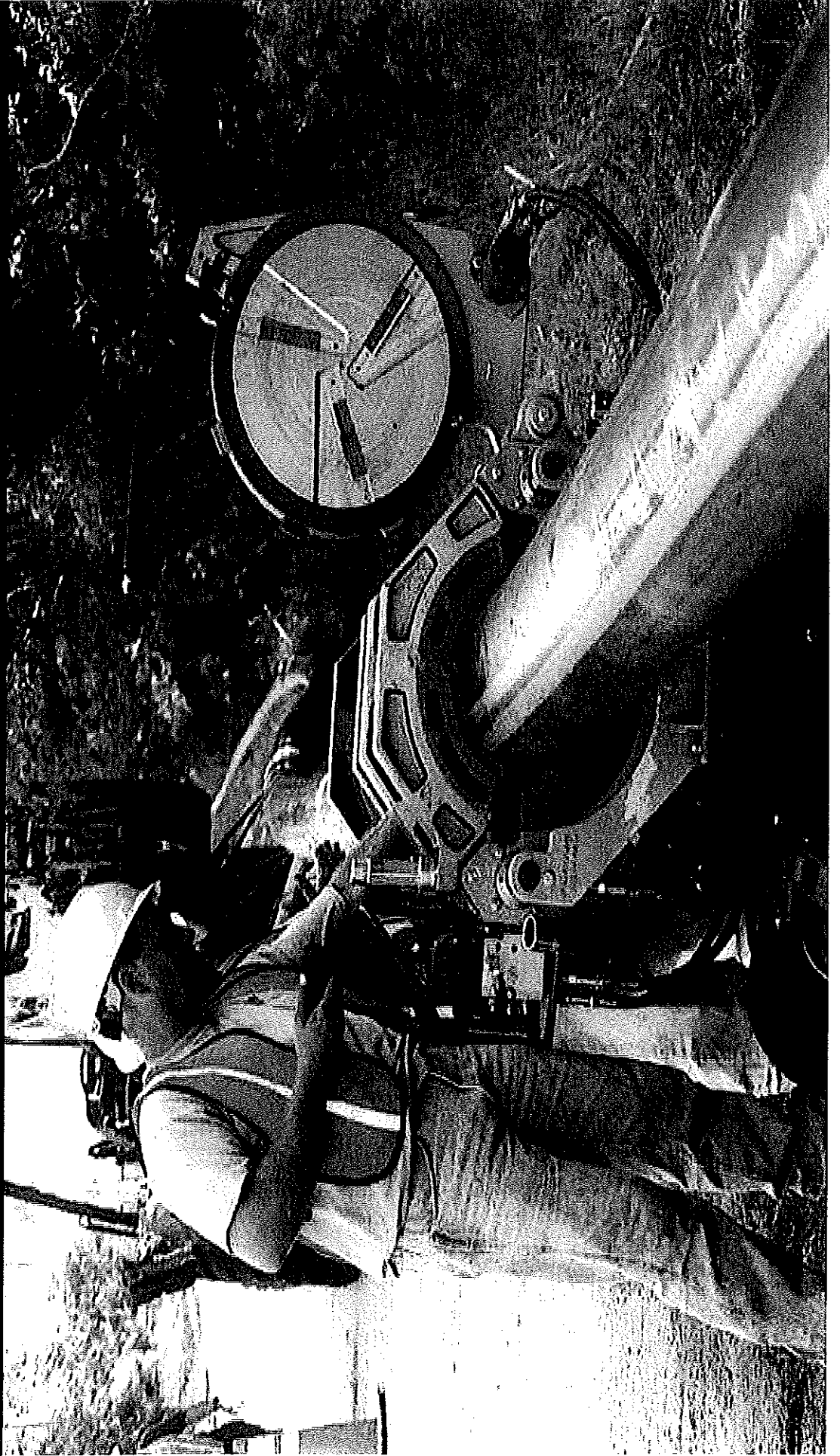
- This area is in the front of the park on the East side of Collins Ave. It will take up two lanes, from the center lane to the East.
- This is where we will "Fuse" or (Weld) the 16" HDPE into the full lengths for each drill.
- Those approximate lengths are:
450', 1003', 1007', 1133', 1211', 1020',
1350', 1033', 1390', and 1250'

Aerial View of Staging Area Location In Front of North Shore Park On A1A



- The pipe will be stored in the staging area until it is needed.
- When it is time for the pipe to be pulled into place we will take it from the staging area to the exit pit to be pulled into place.
- This area will be the longest area affected by the lane closures.

Fusion Machine



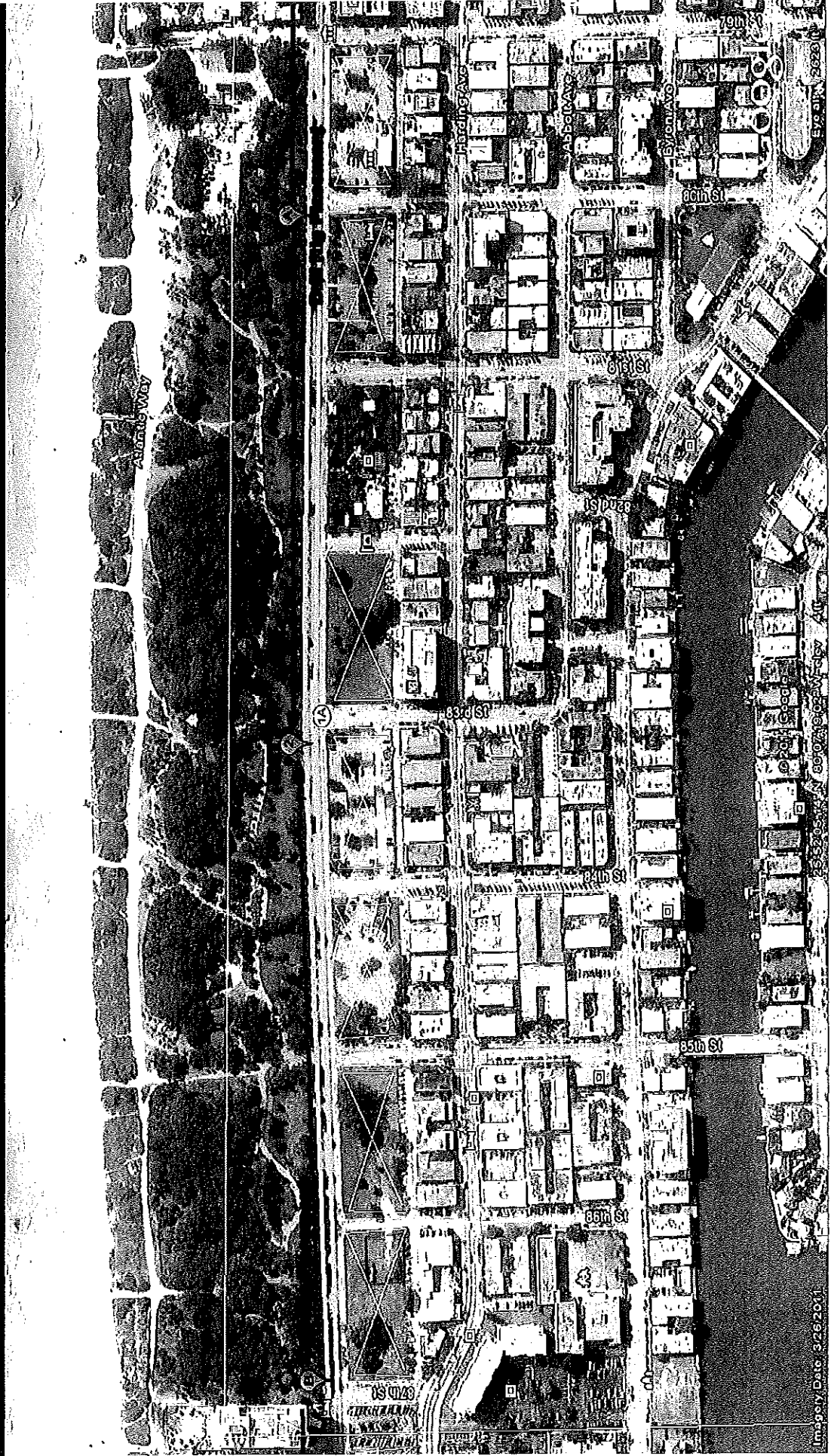
Finished Welded Pipe Joint



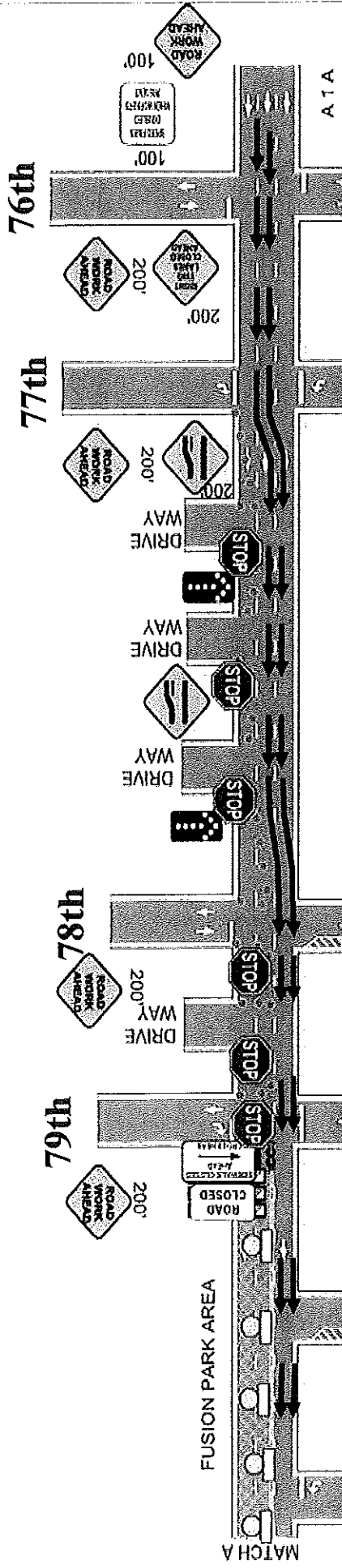
When the hole is ready we pull the pipe into place



Inside the staging area there are three bore pits that will be utilized within the same MOT

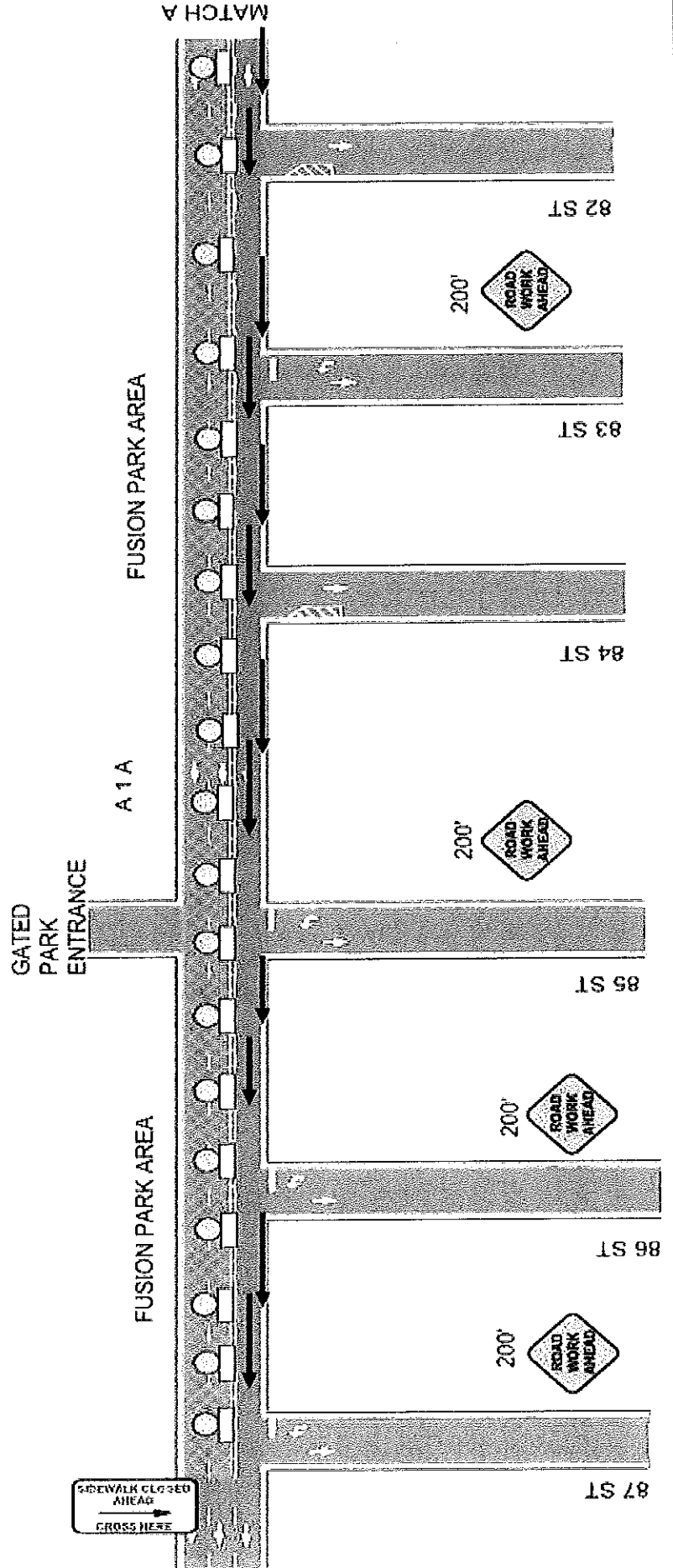


MOT BETWEEN 79th & 87th STREETS



- Signage will start at 76th notifying of the first lane closure coming.
- At 77th the transition will start closing the first lane.
- Local traffic on the East side will have access.
- The second lane closure will transition before 78th Street leaving traffic open to two lanes at 78th Street, the parking lane will be an active travel lane.

Lane closure will continue to 87th Street

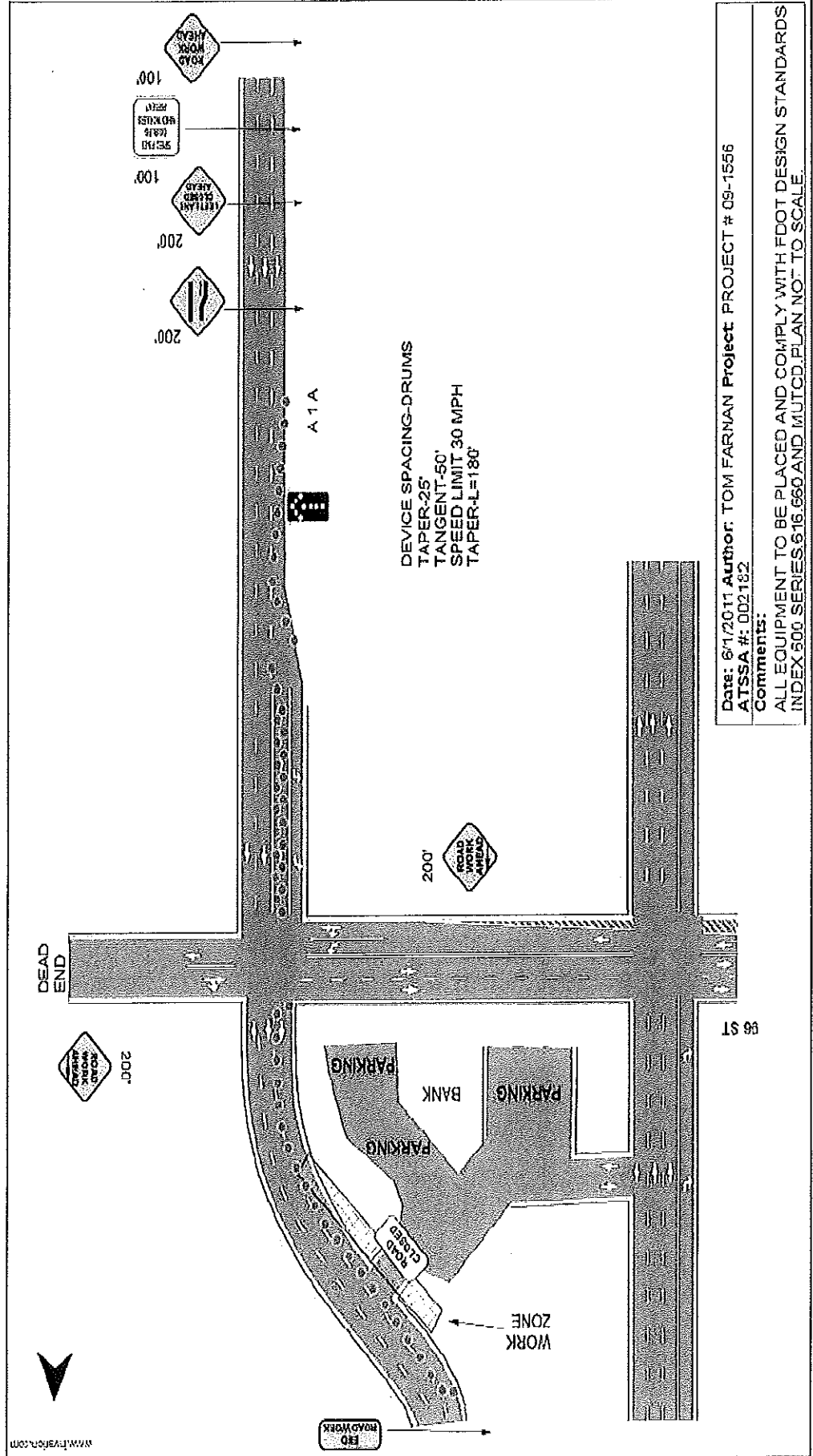


We will utilize the
MOT SET UP
to place the drill rig
and for making the tie-ins
between the drills.

Drill Rig Set Up
The first place that the drill will be set up is at the lift
station.

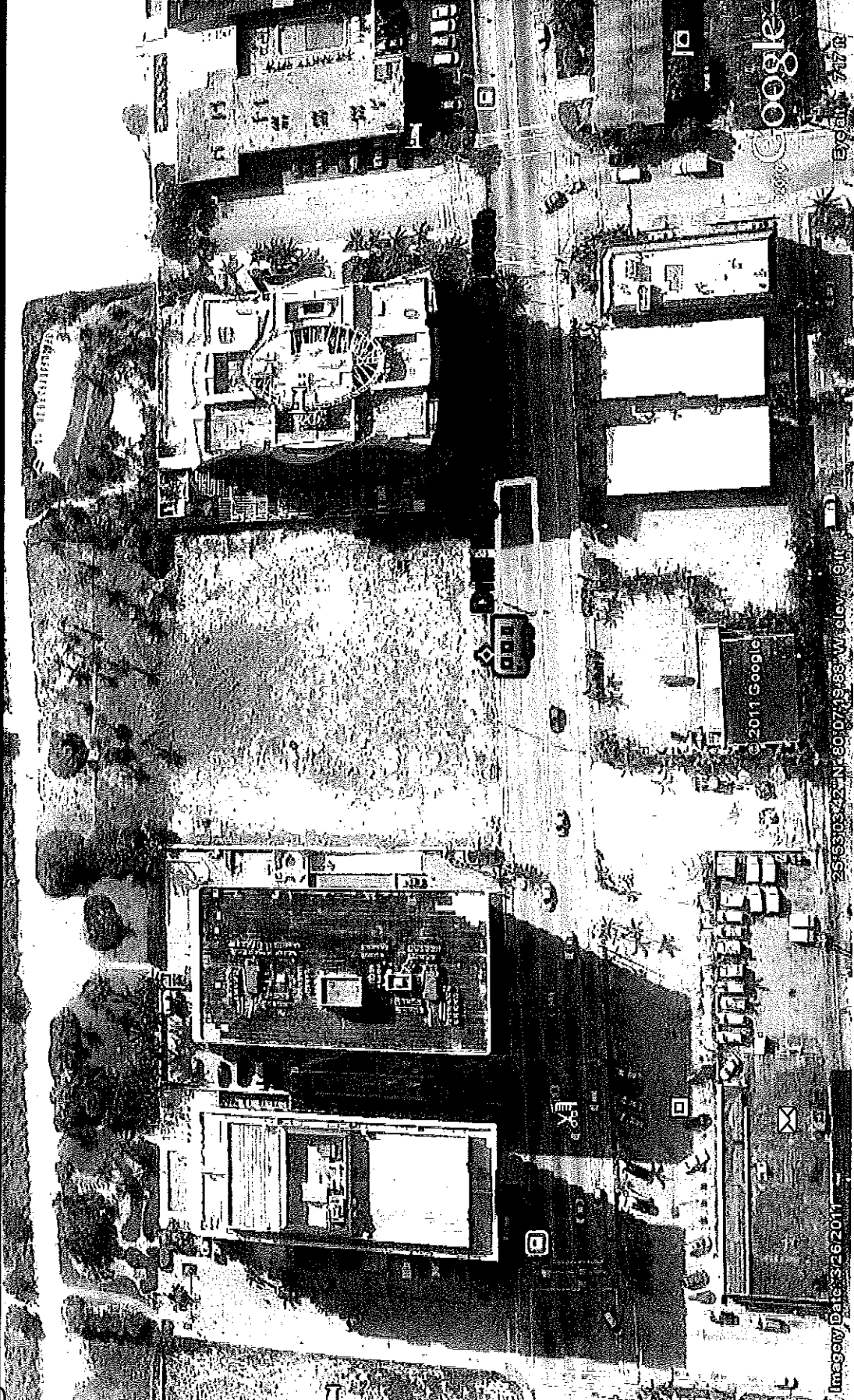


MOT at the Lift Station and 96th

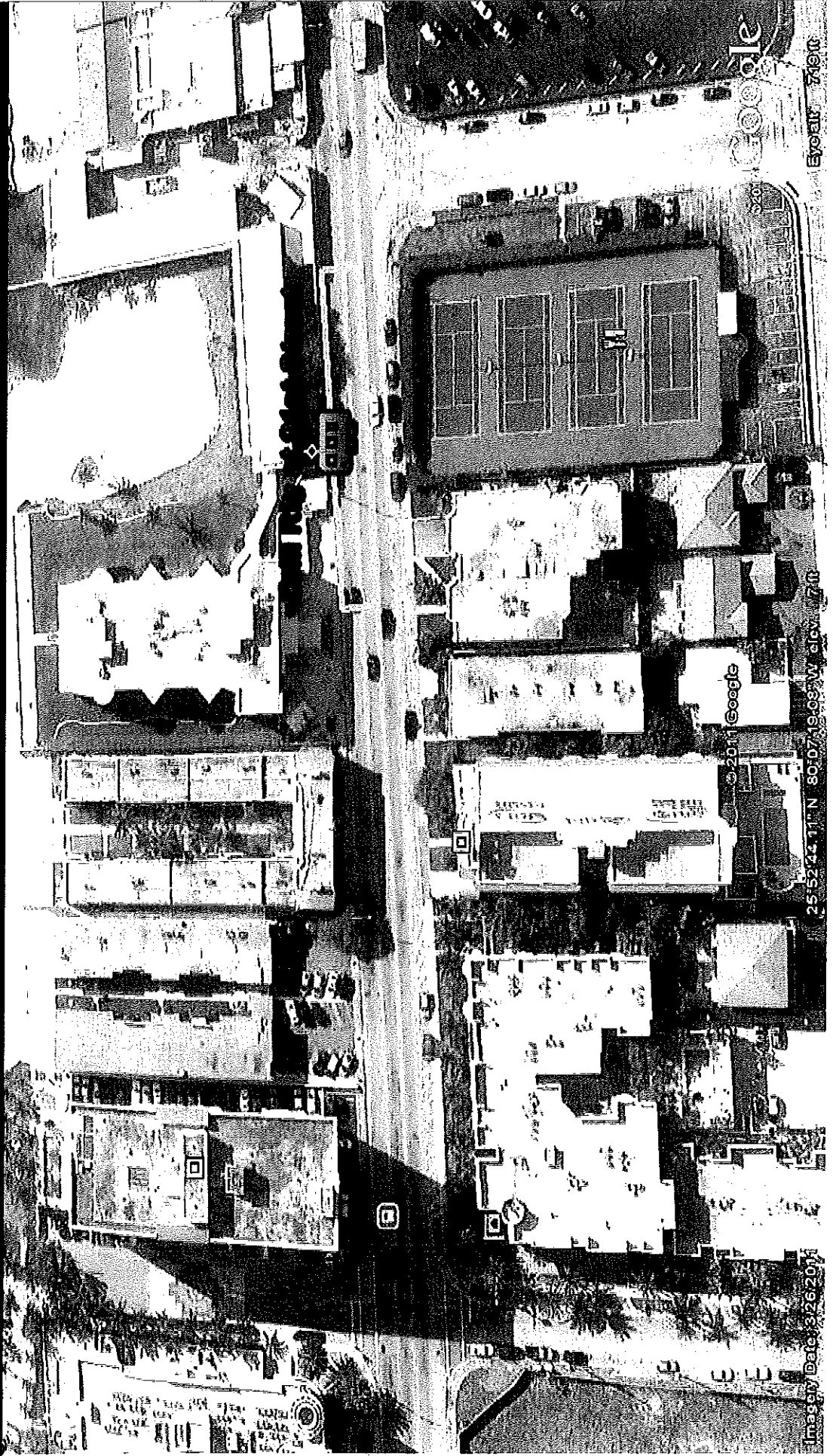


Date: 6/1/2011 Author: TOM FARNAN Project PROJECT # 09-1556
 ATSSA #: 002182
 Comments:
 ALL EQUIPMENT TO BE PLACED AND COMPLY WITH FOOT DESIGN STANDARDS
 INDEX 500 SERIES 616.660 AND MUTCD PLAN NO. TO SCALE.

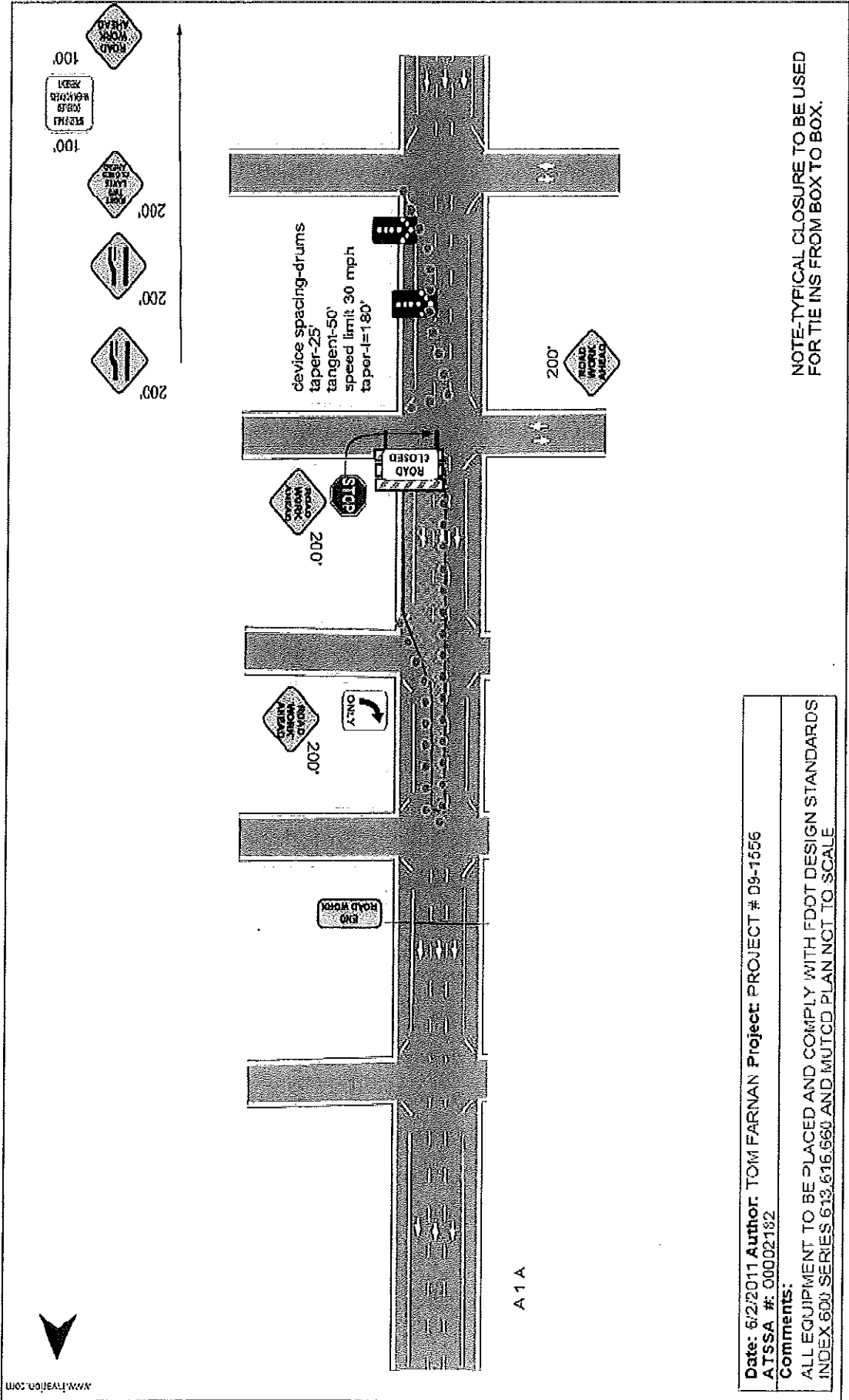
The second place will be between 94th and 95th,
drilling to 96th spinning the drill around and drilling
to 93rd.



The third place we will set the drill up is at 91st,
drilling to 93rd and then spinning around to drill to
89th.



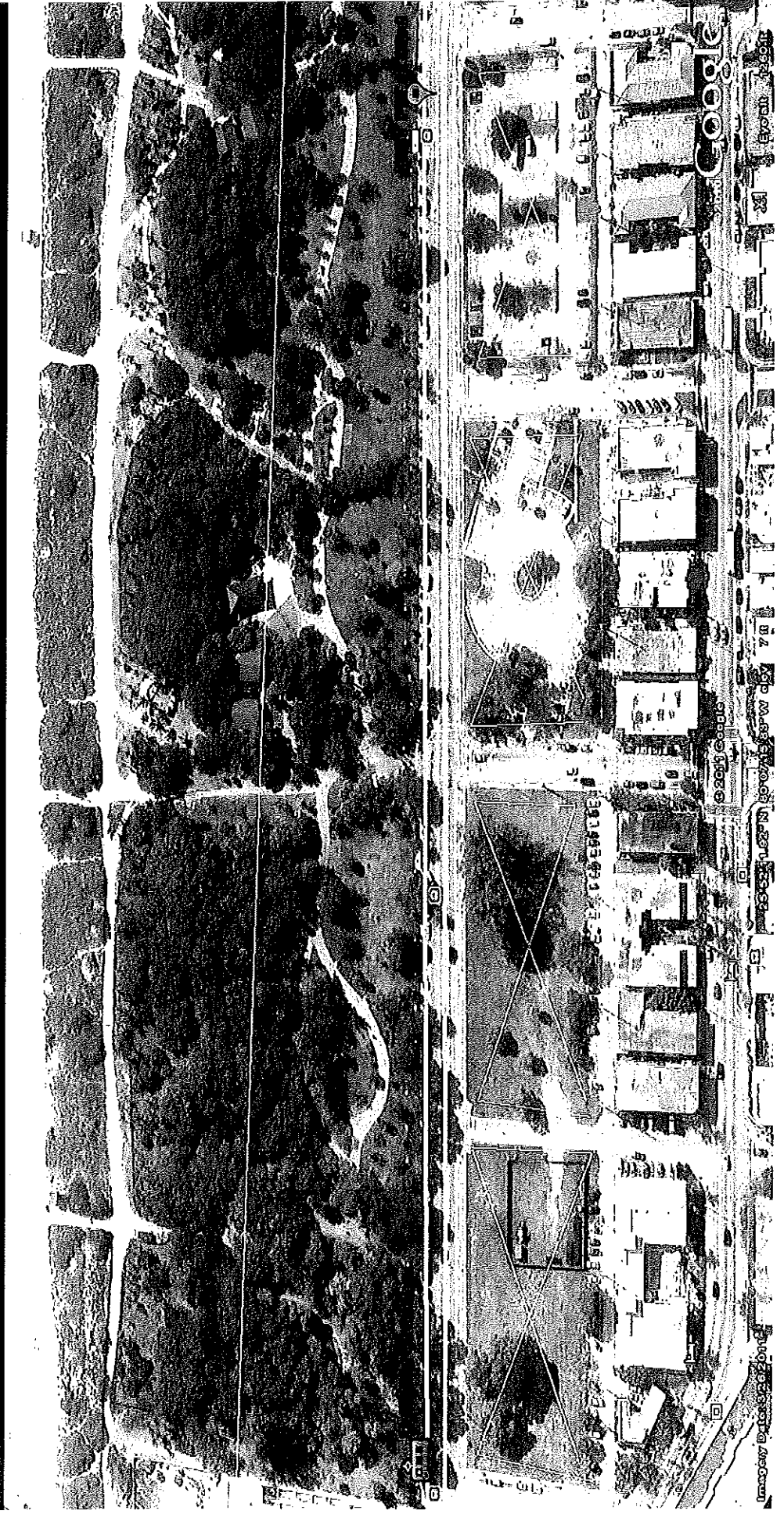
MOT AT 91st Street



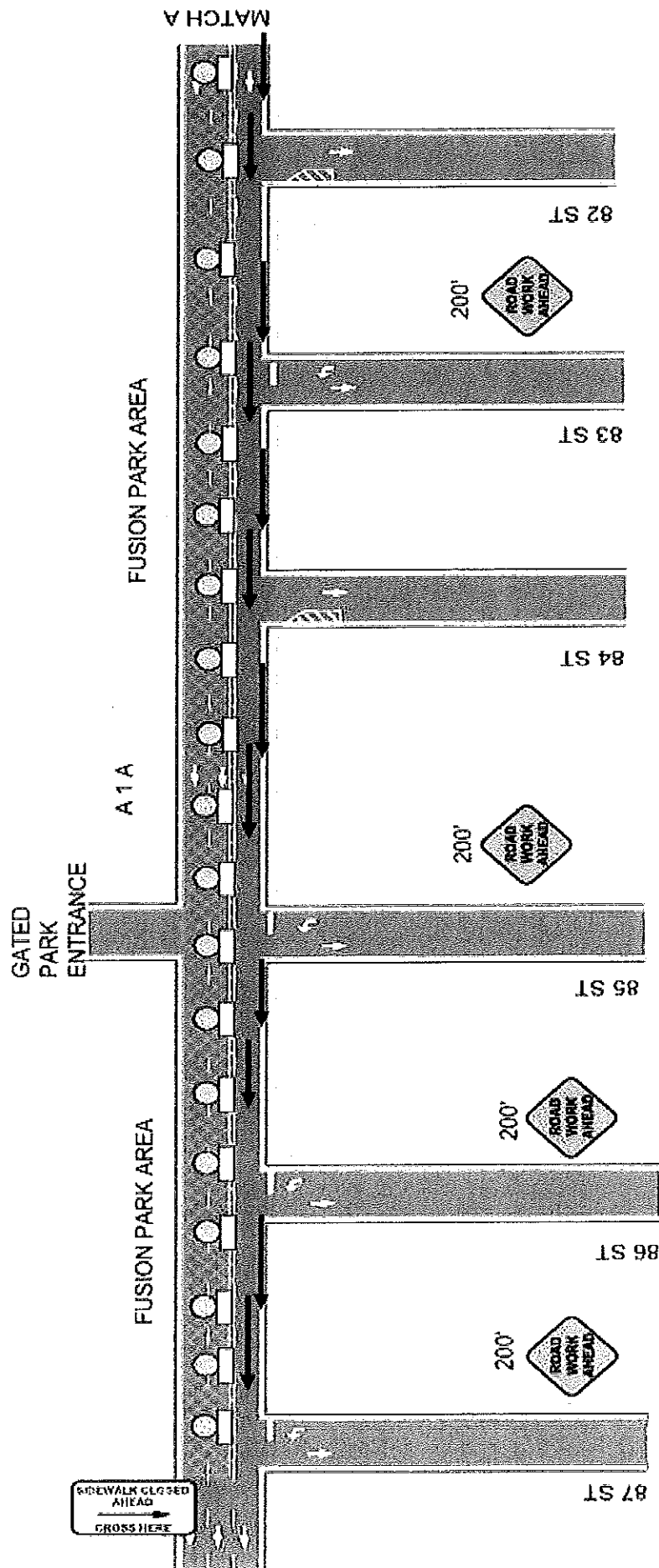
NOTE-TYPICAL CLOSURE TO BE USED FOR TIE INS FROM BOX TO BOX.

Date: 6/2/2011 Author: TOM FARNAN Project: PROJECT # 09-1556
 ATSSA #: 00002182
 Comments:
 ALL EQUIPMENT TO BE PLACED AND COMPLY WITH FDOT DESIGN STANDARDS
 INDEX: 600-SERIES 613, 616, 660 AND MUTCD PLAN NOT TO SCALE

The fourth place we will set up the drill is in the staging area, drilling first to 89th and then to 83rd. MOT is already set up so the impact on traffic will not change



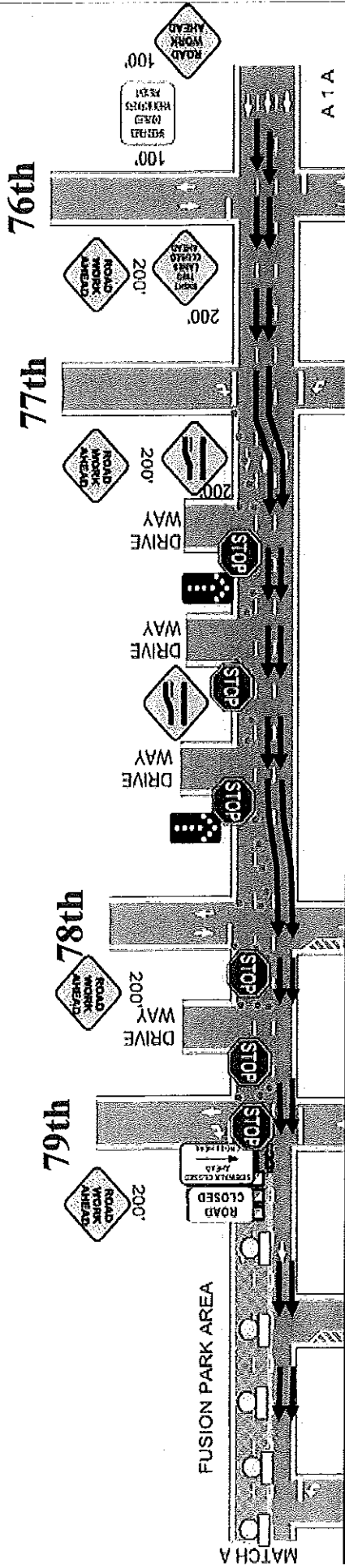
Lane closure will continue to 87th Street



The fifth drill set up is still in the staging area at 80th Street drilling to 83rd, then spinning around drilling to 76th Street traffic impact not changed

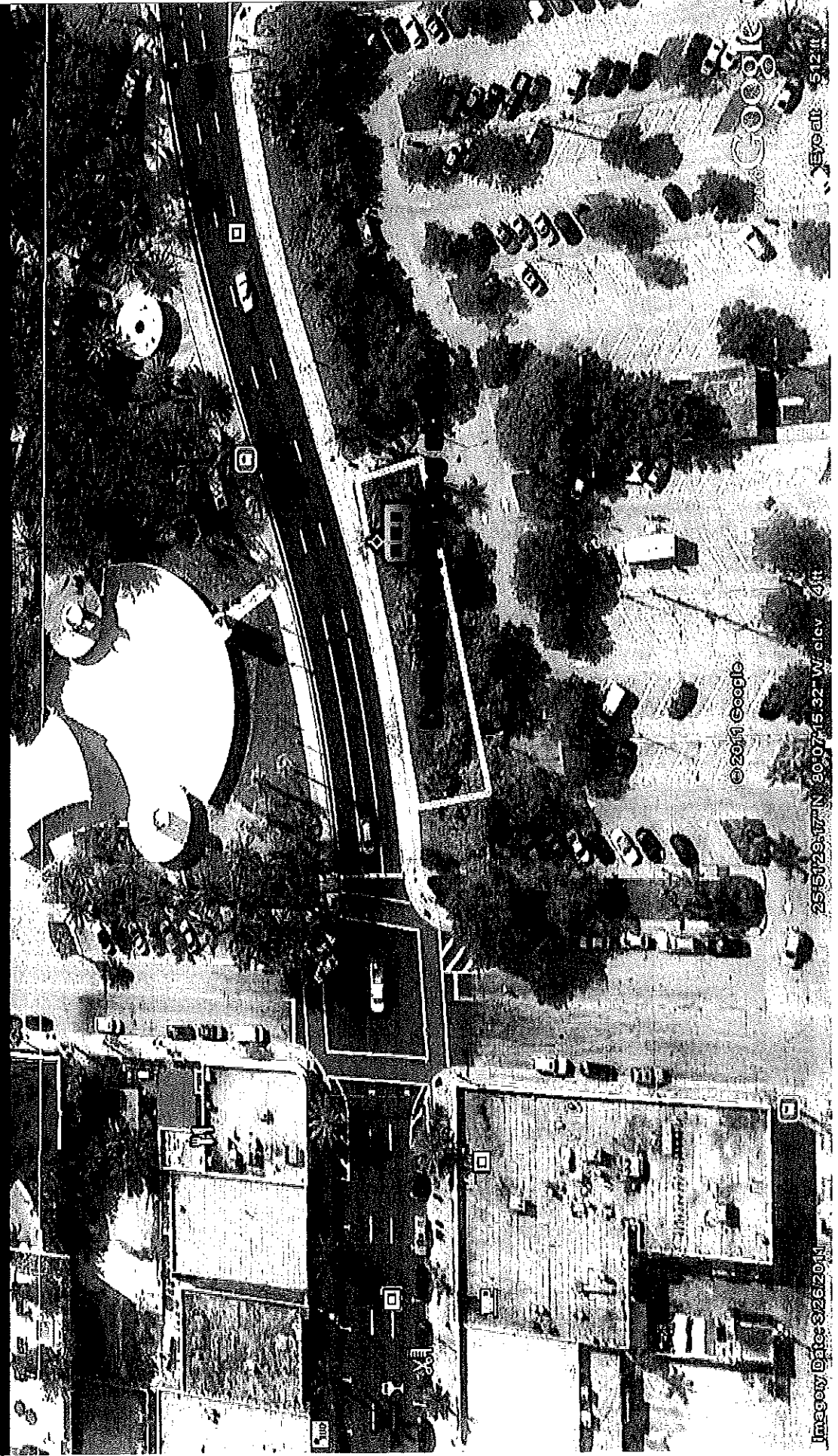


MOT BETWEEN 79th & 87th STREETS

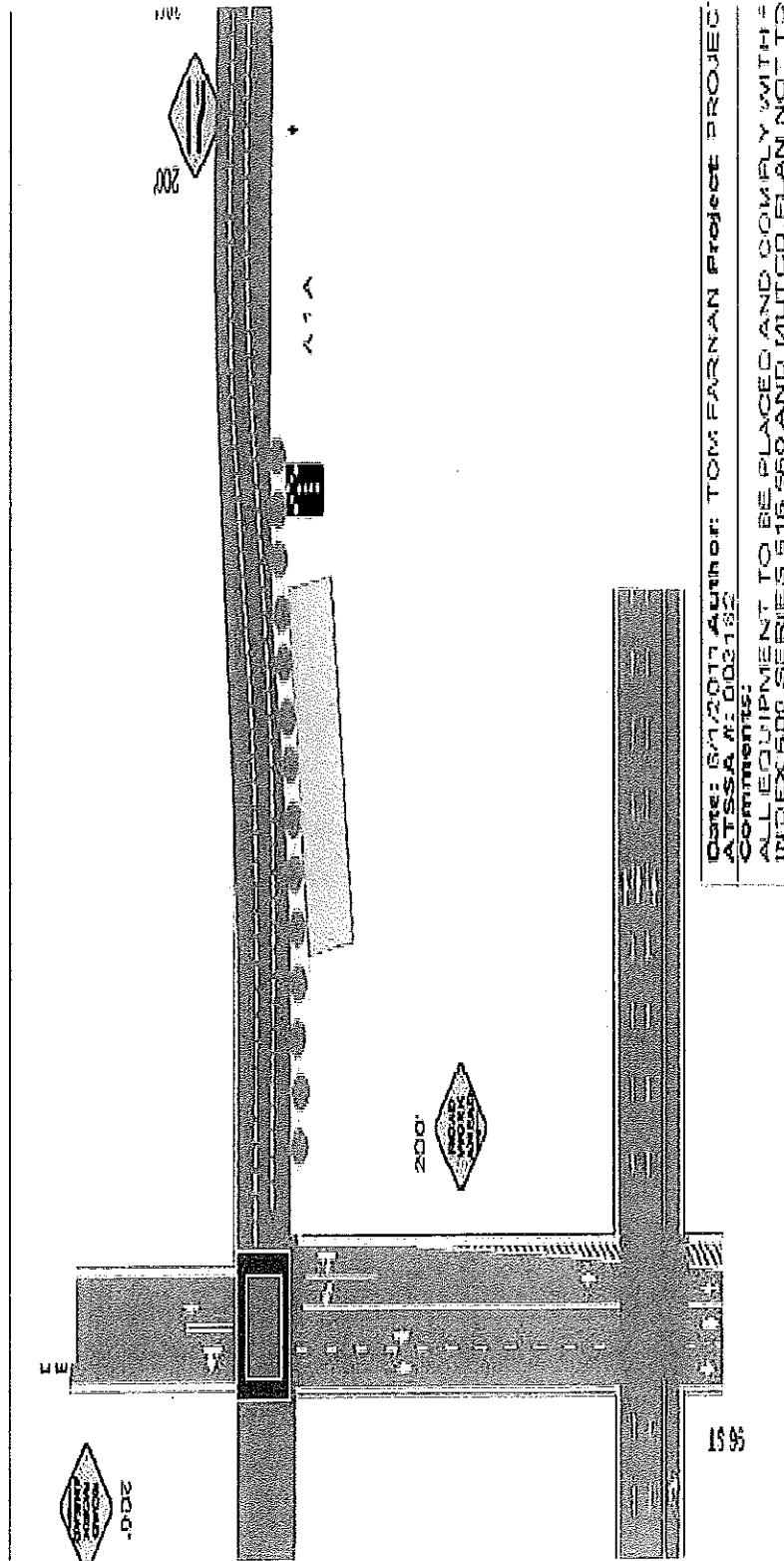


- Signage will start at 76th notifying of the first lane closure coming.
- At 77th the transition will start closing the first lane.
- Local traffic on the East side will have access.
- The second lane closure will transition before 78th Street leaving traffic open to two lanes at 78th Street, the parking lane will be an active travel lane.

The sixth and Final drill set up will be at 72nd Street in the parking lot area drilling back to 76th.

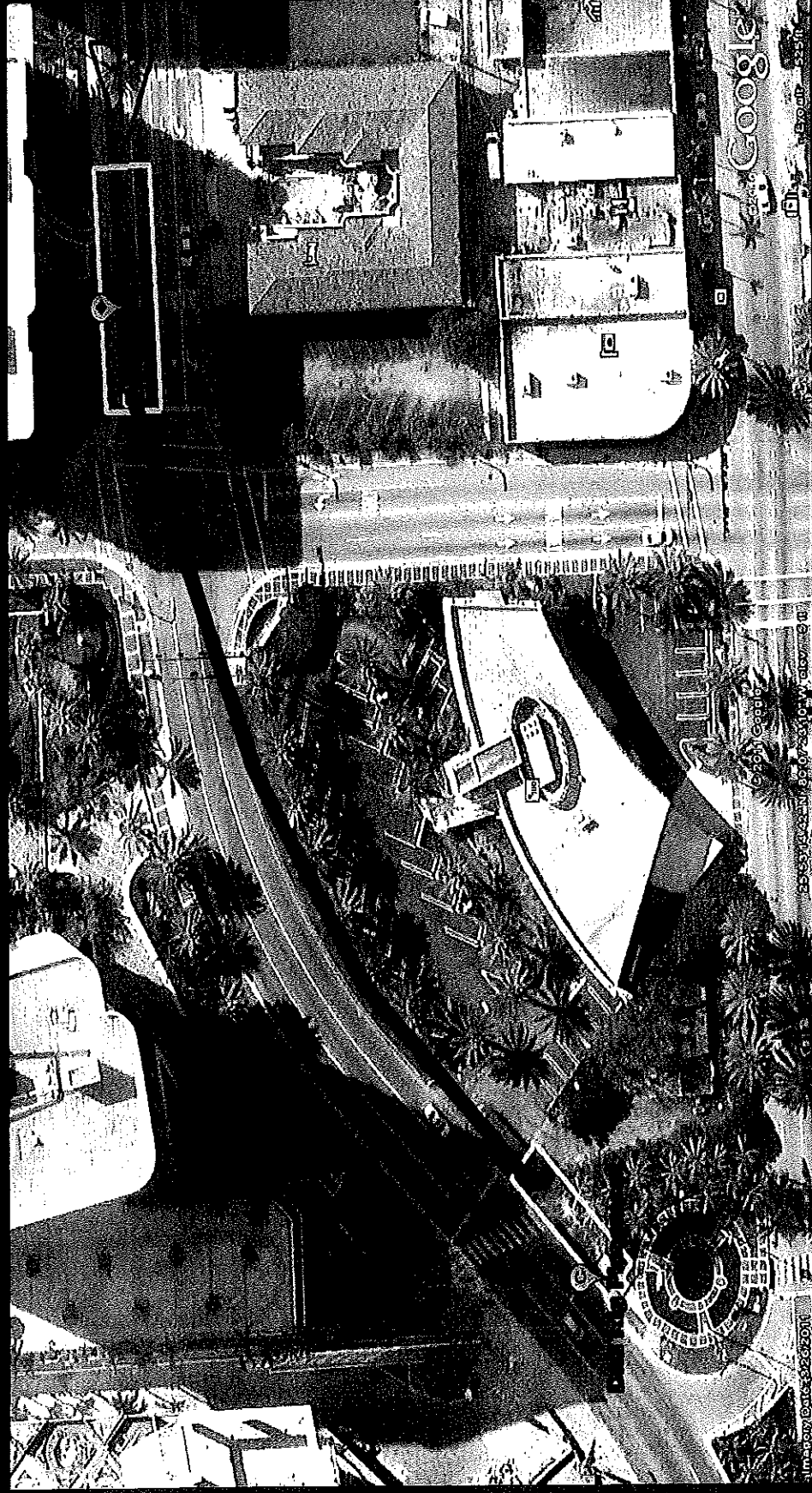


MOT at 72nd Street



Date: 6/1/2011 Author: TOM FARNAN Project PROJ
ATSSA # 002182
Comments:
ALL EQUIPMENT TO BE PLACED AND COMPLY WITH #
INDEX 500 SERIES 516-550 AND AUTO. PLAN NOT TO

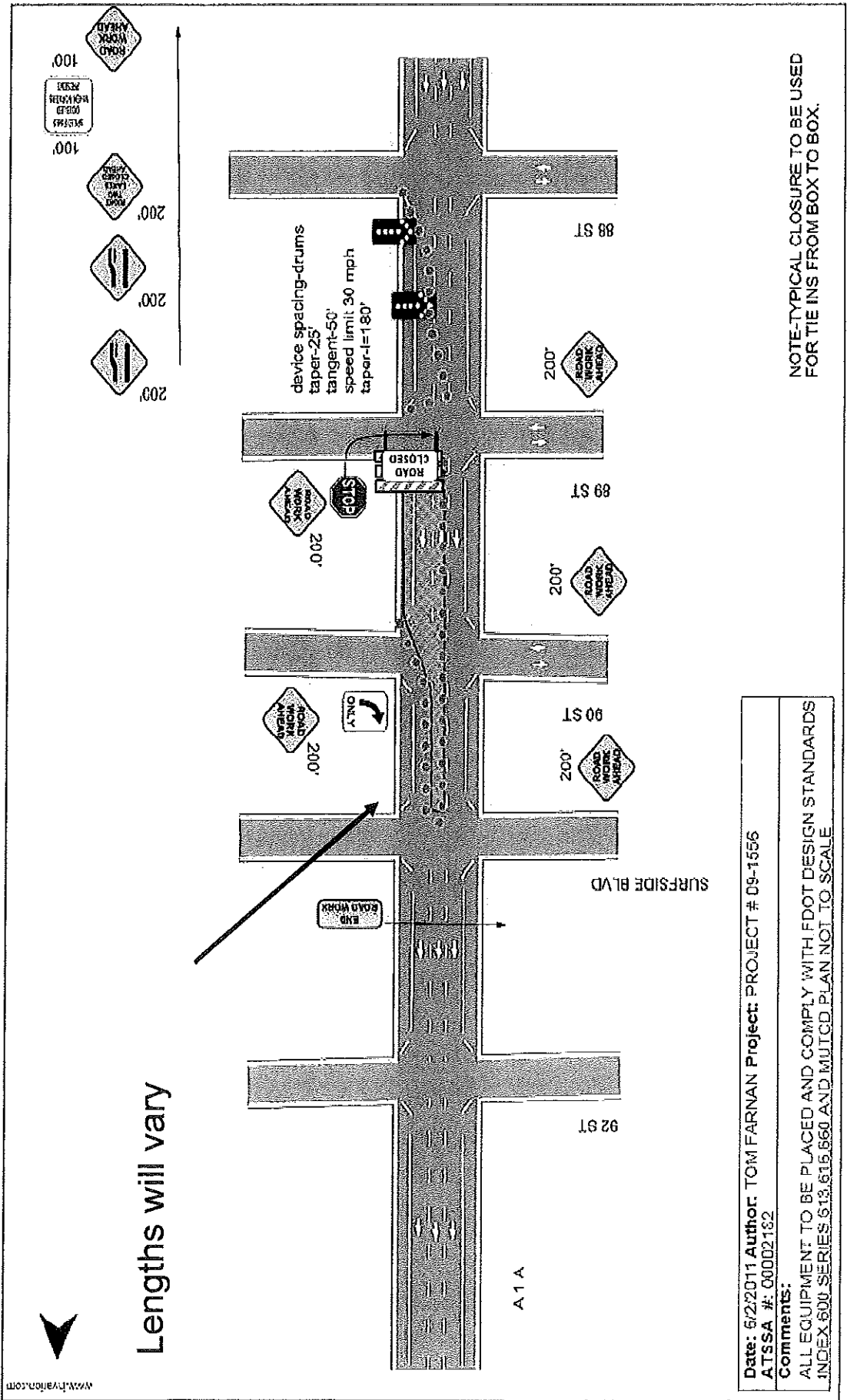
7/9/11-7/14/11 START DRILLING AT LIFT STATION
We will drill out the pilot hole, back ream the pilot hole to the pipe size, attach the pipe, and pull it back to the drill rig.



450 LF 12" HDPE DR-11

- The exit pit MOT will be contained to a small area until the pipe is ready to be pulled, which will be installed during the evening hours.
- Lane closure signs will be set up and MOT will be in place.
- Barrels will then be placed along the pipe as traffic guidance.
- When the pipe is installed, the barrels will be removed.

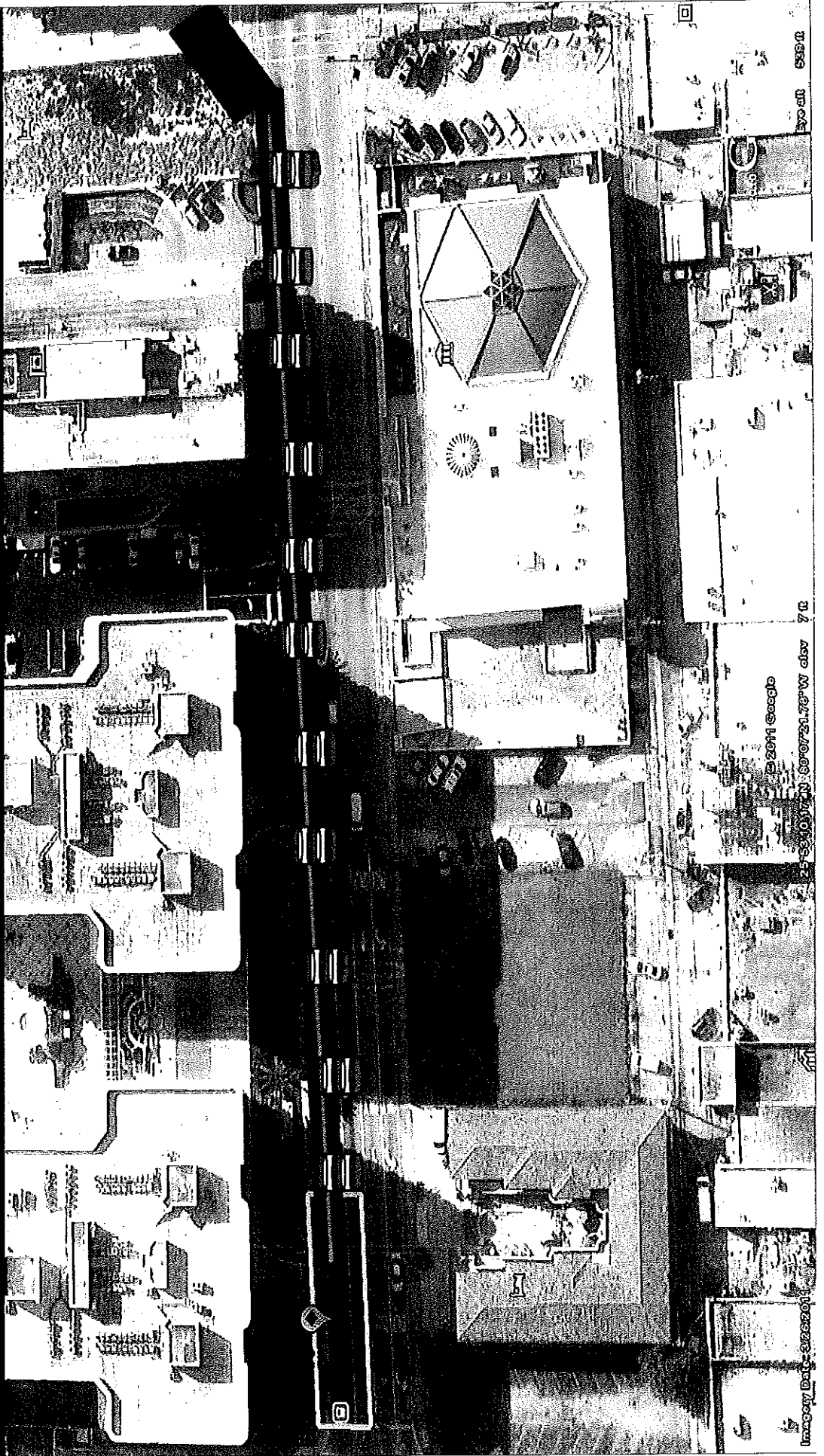
MOT FOR EXIT PIT-TIE IN AREAS



Lengths will vary

www.hyvation.com

Pipe Pull From Lift Station to 96th



7/15/11 - 7/20/11 Drilling from 94th - 95th to 96th

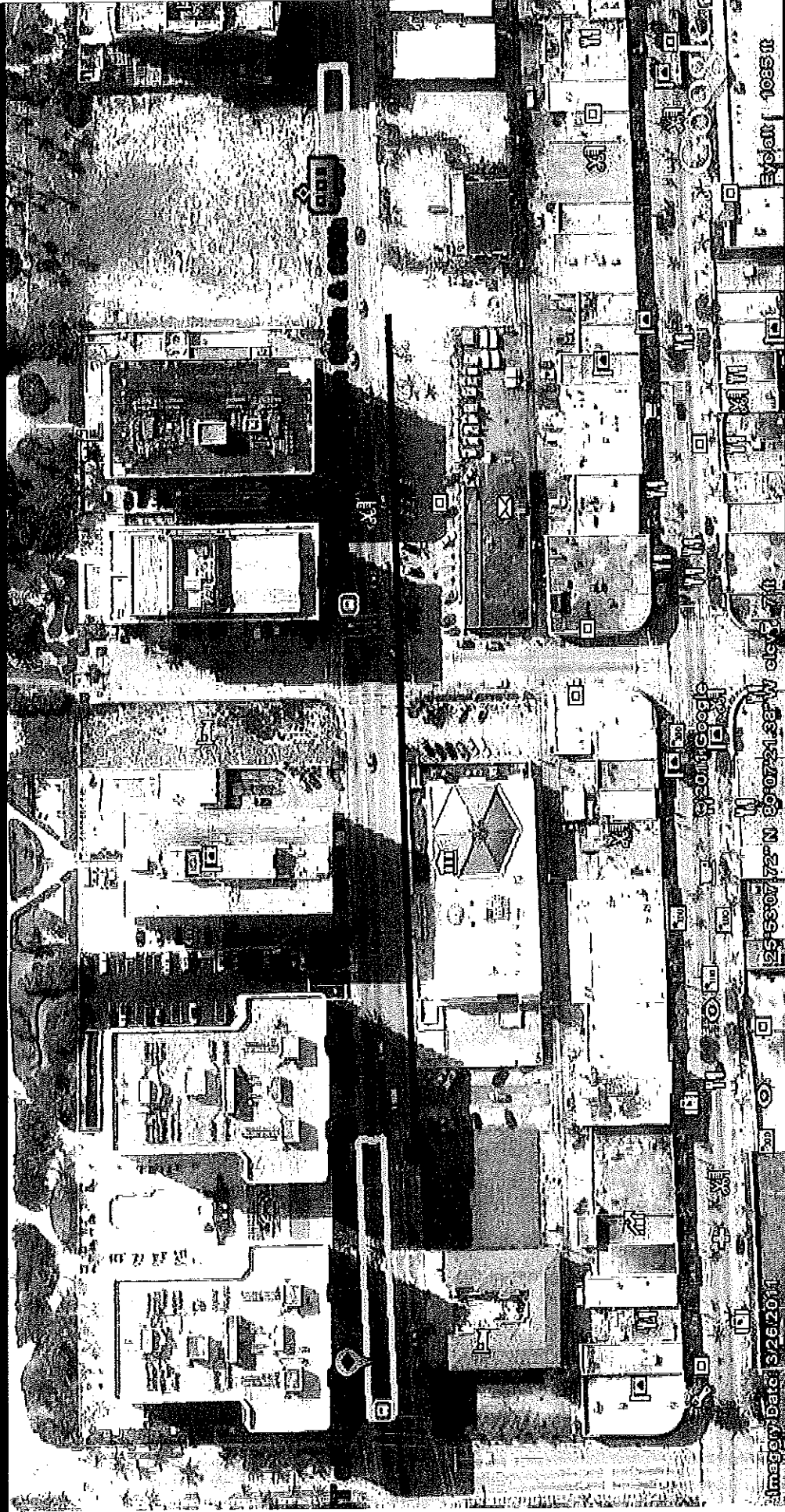
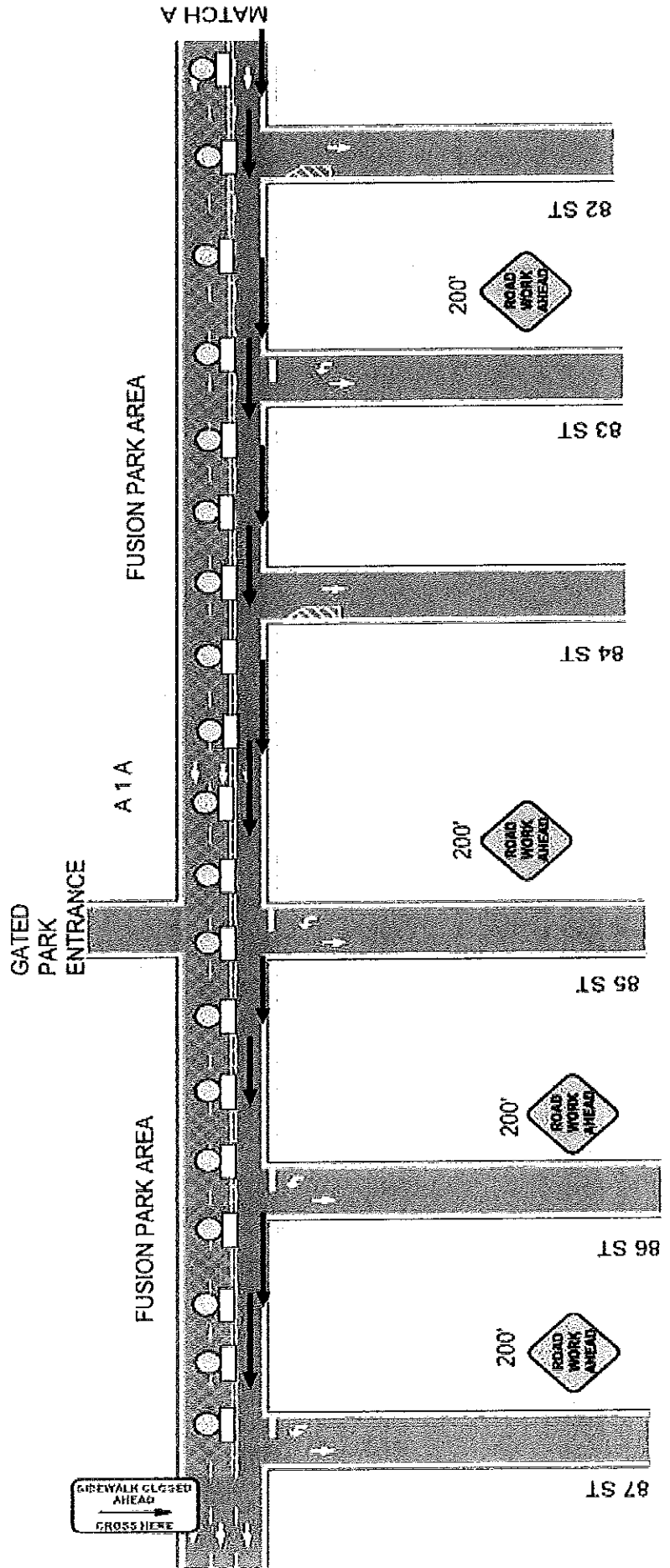


Image Date: 3/26/2011
125-630772-N 80-0721-38-W elev: 7ft
1085ft

1003 LF 16" HDPE DR-11

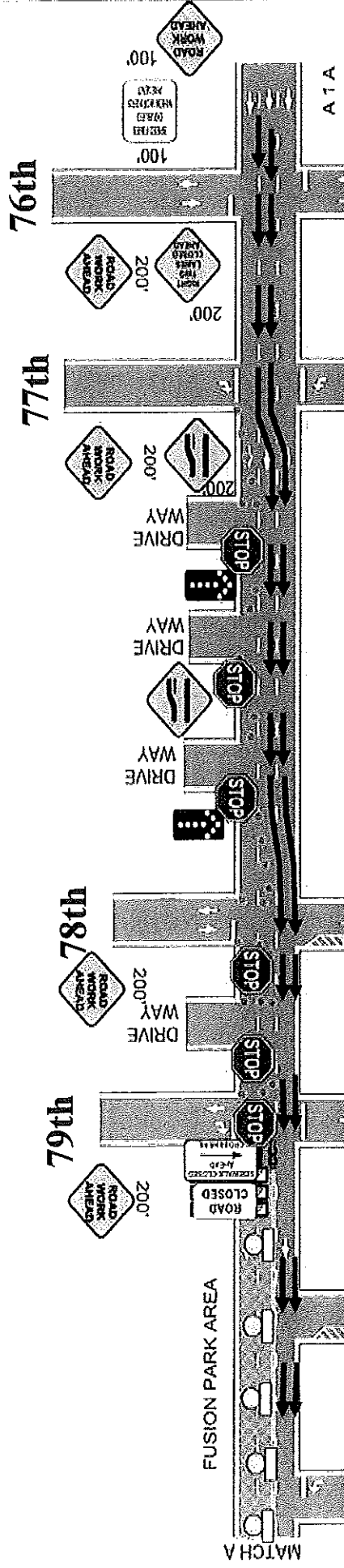
Lane closure will continue to 87th Street



The fifth drill set up is still in the staging area at 80th Street drilling to 83rd, then spinning around drilling to 76th Street traffic impact not changed

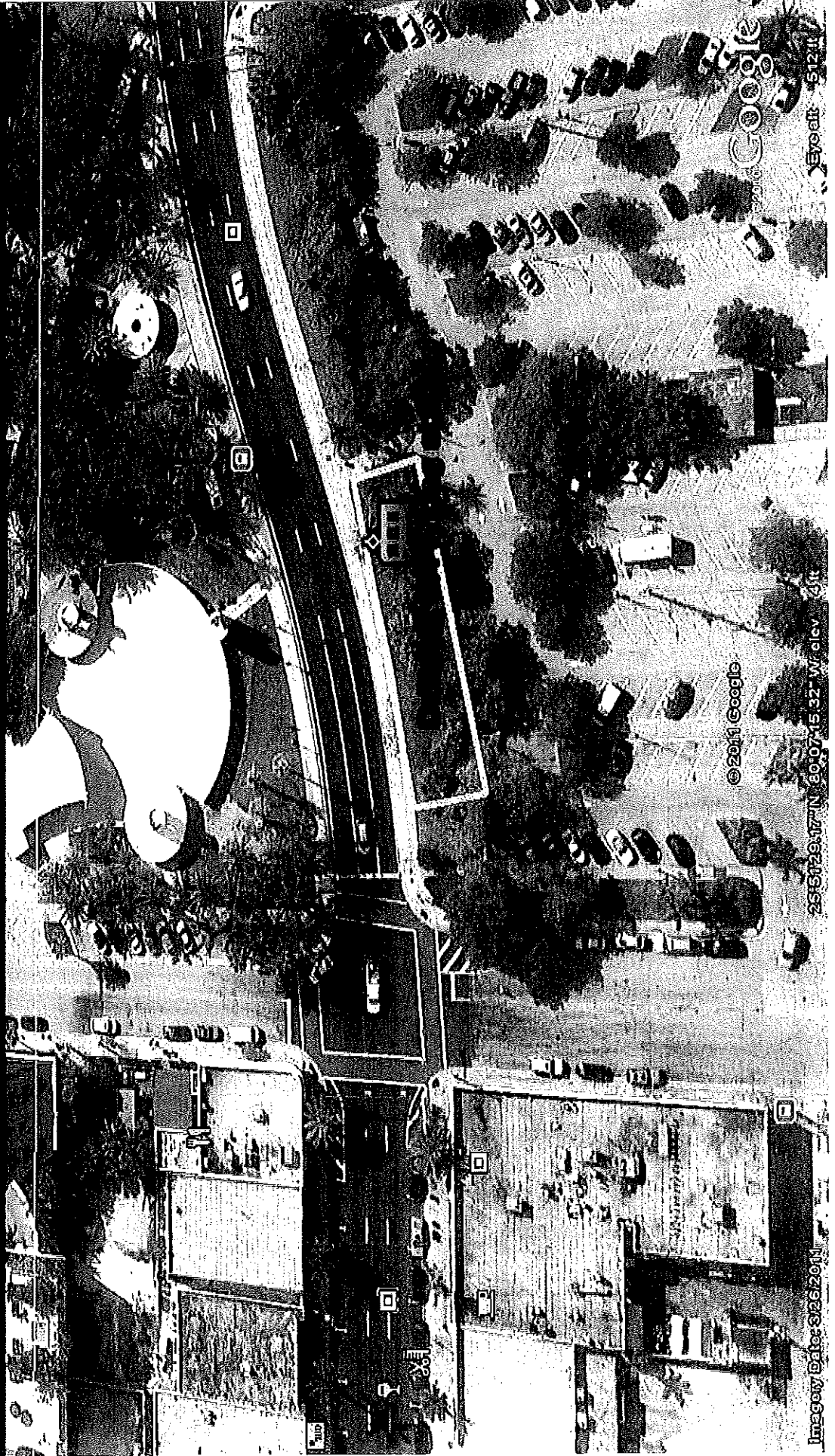


MOT BETWEEN 79th & 87th STREETS

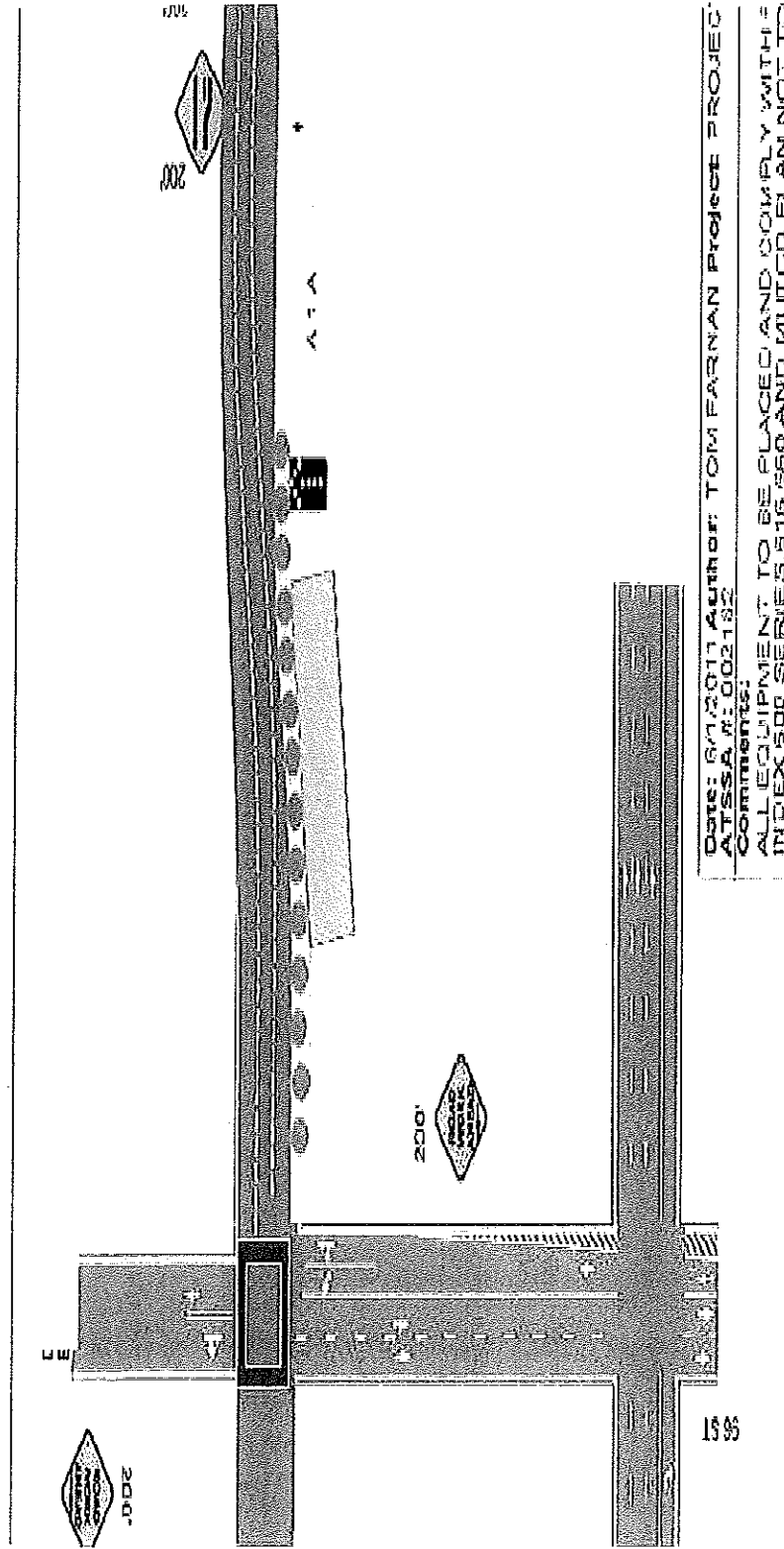


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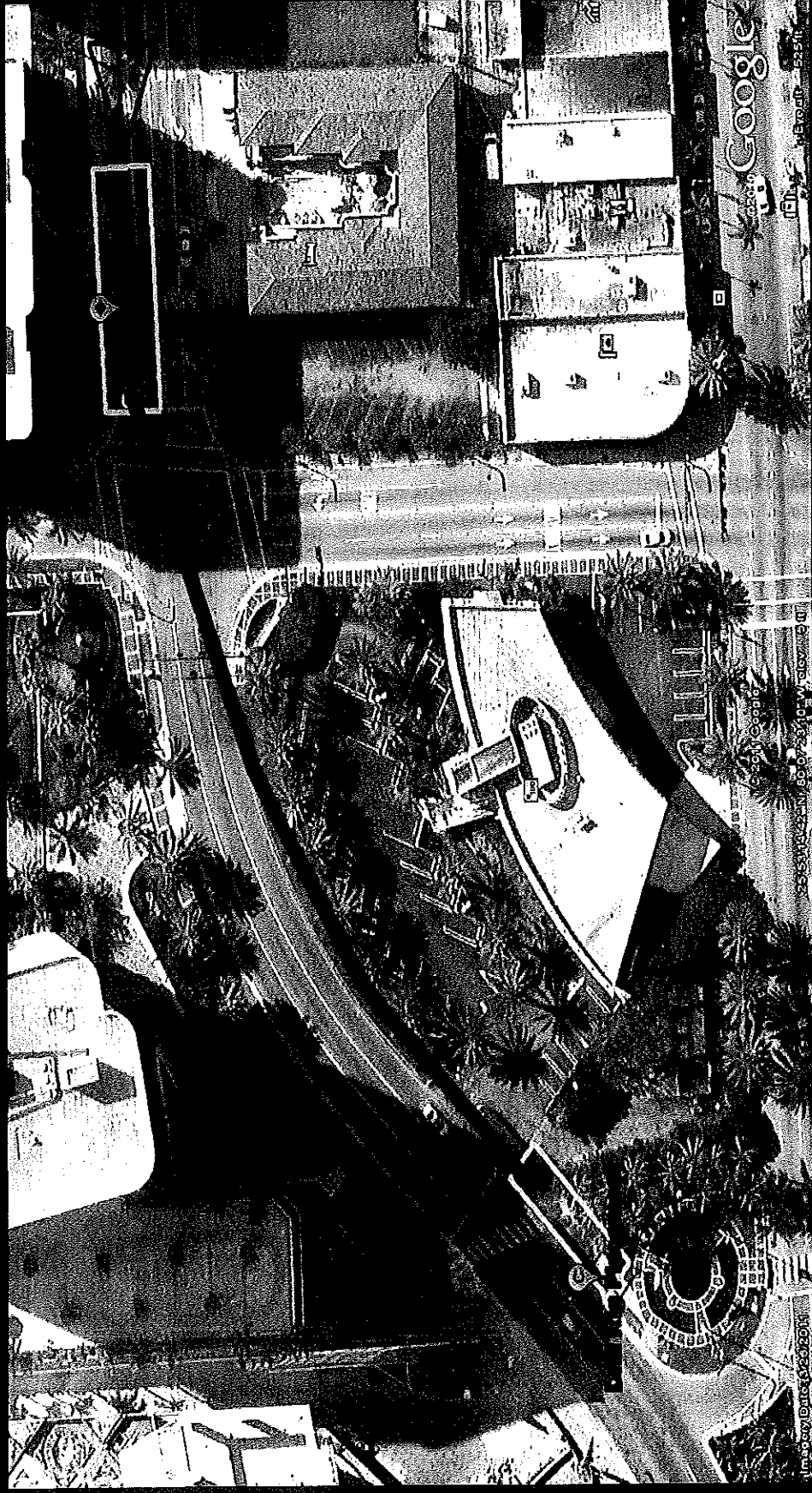


MOT at 72nd Street



Date: 8/1/2011 Author: TOM FARNAN PROJECT PROJEC
ATSSA W: 002182
Comments:
INDEX SHEETS 5, 16, 56, 60 AND MUTCD PLAN NOT TO

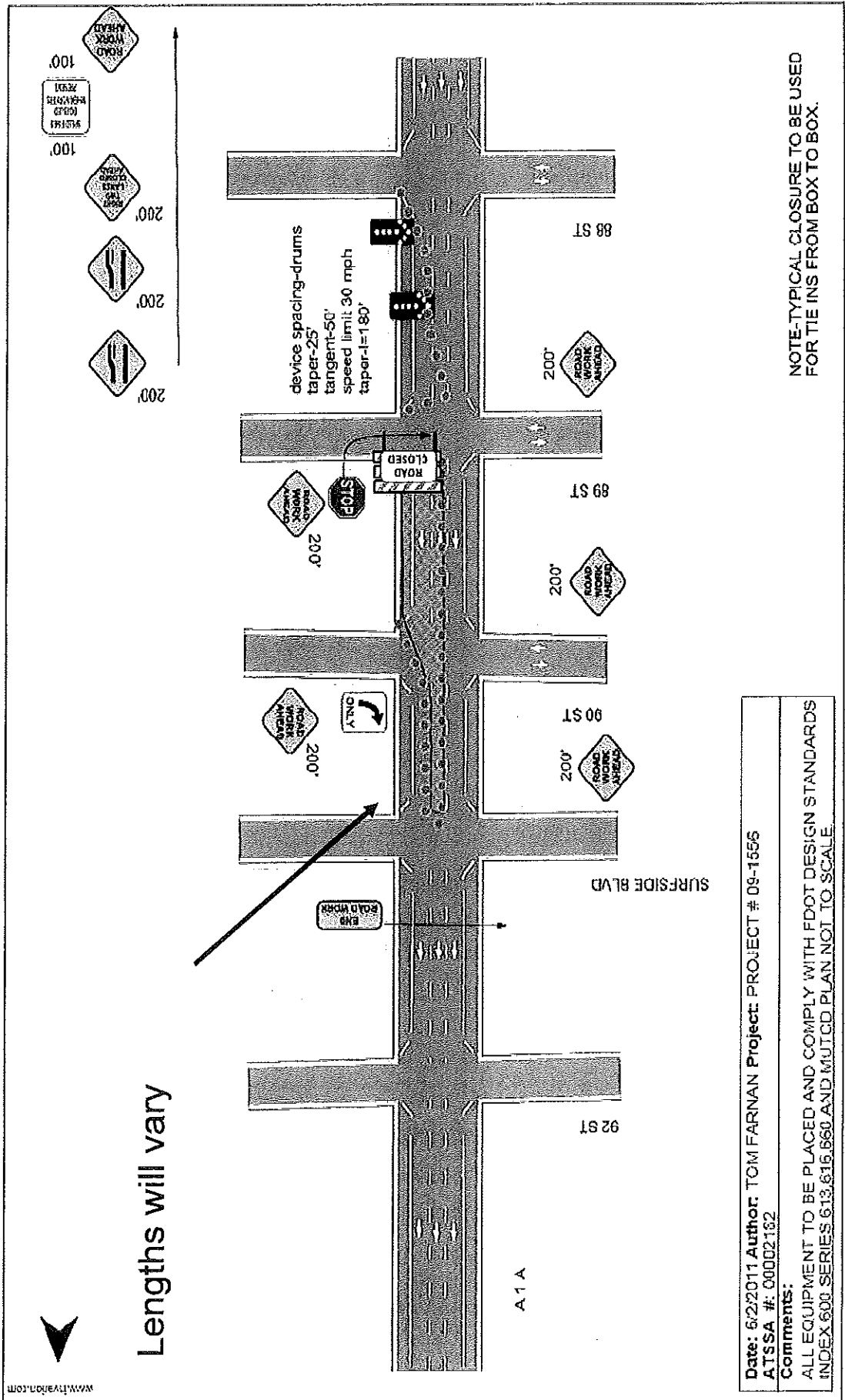
7/9/11-7/14/11 START DRILLING AT LIFT STATION
We will drill out the pilot hole, back ream the pilot hole to the pipe size, attach the pipe, and pull it back to the drill rig.



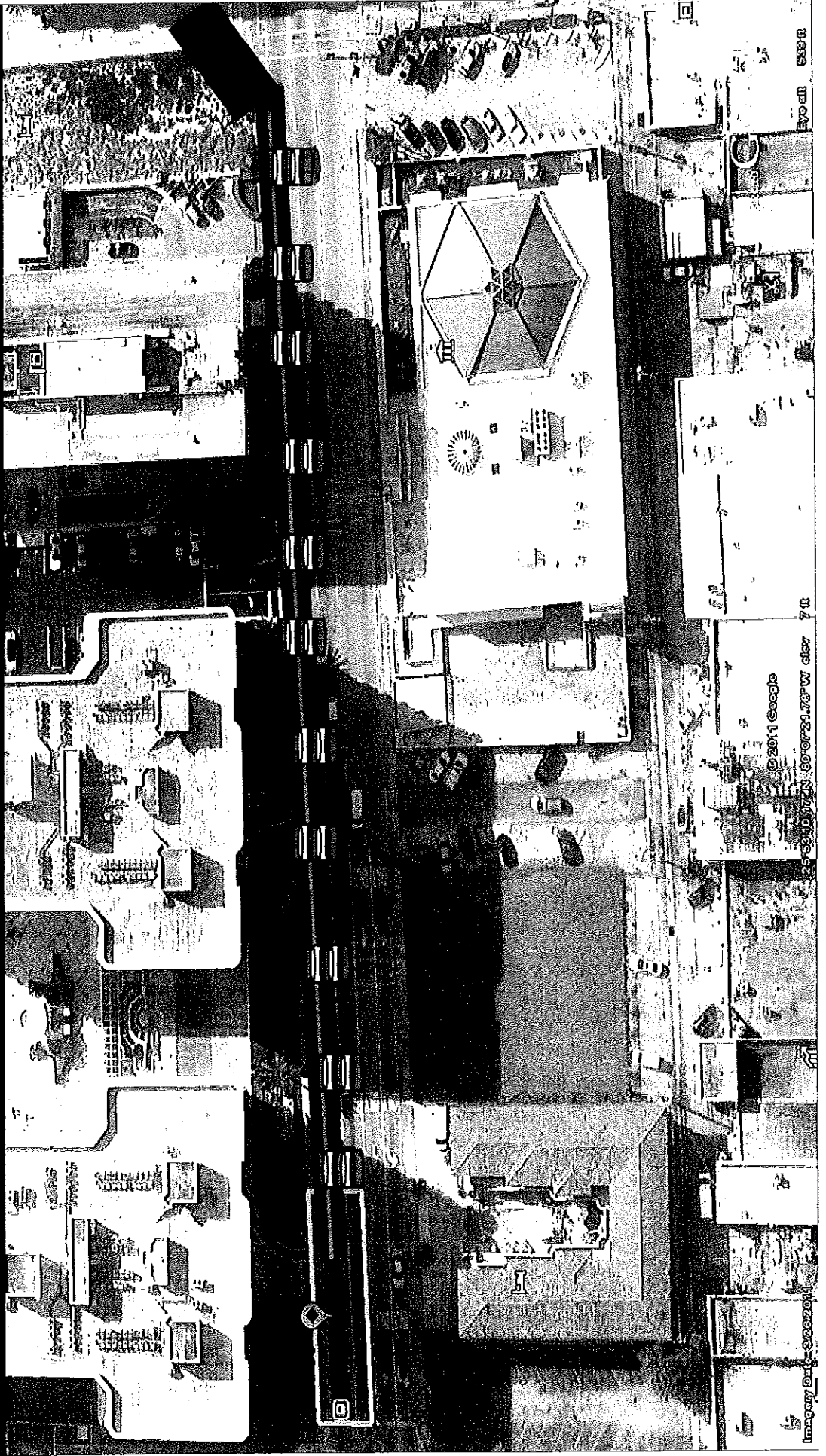
450 LF 12" HDPE DR-11

- The exit pit MOT will be contained to a small area until the pipe is ready to be pulled, which will be installed during the evening hours.
- Lane closure signs will be set up and MOT will be in place.
- Barrels will then be placed along the pipe as traffic guidance.
- When the pipe is installed, the barrels will be removed.

MOT FOR EXIT PIT-TIE IN AREAS



Pipe Pull From Lift Station to 96th



7/15/11 - 7/20/11
Drilling from 94th - 95th to 96th



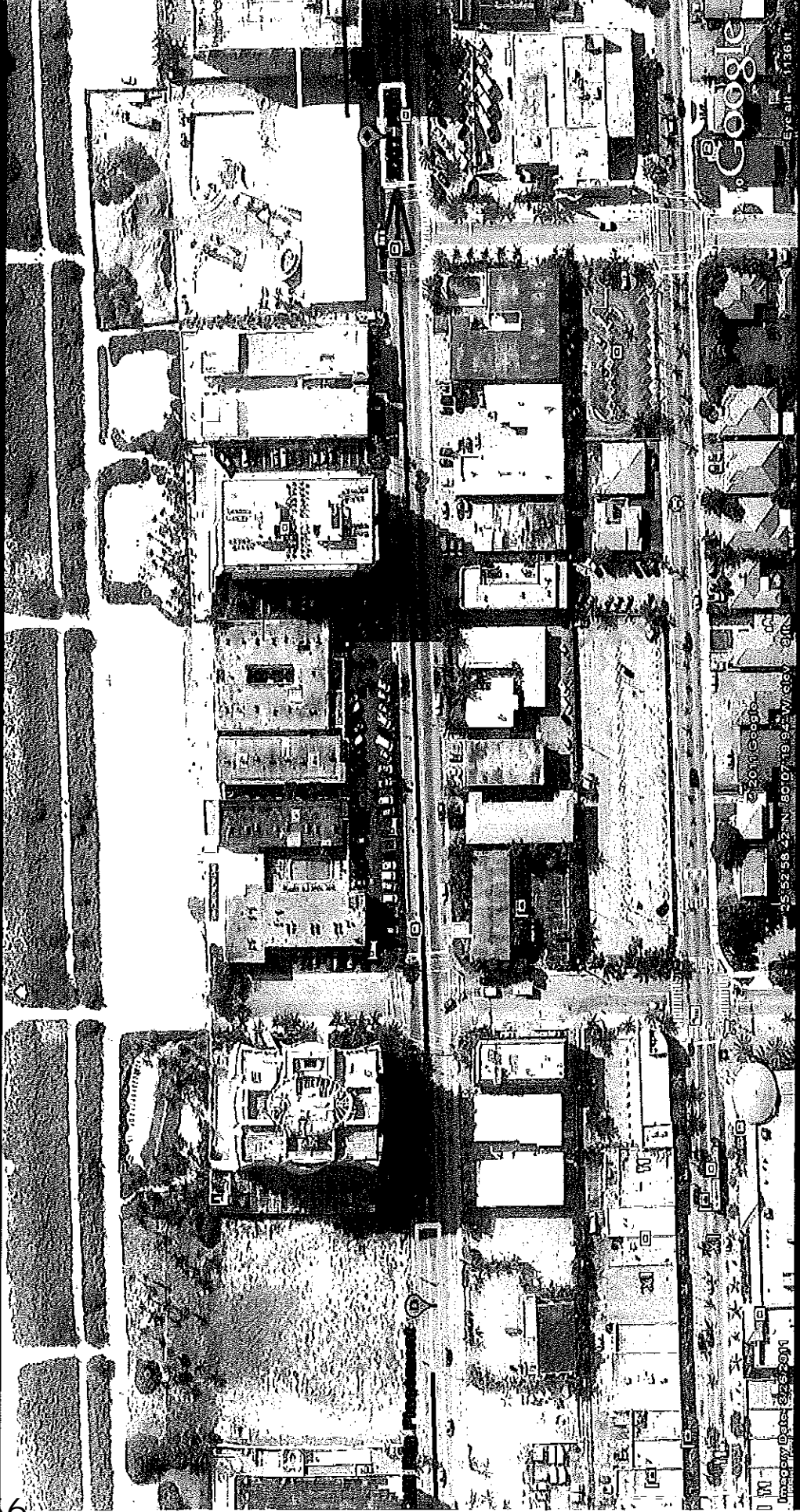
1003 LF 16" HDPE DR-11

Pipe Pull for 96th At Lift Station



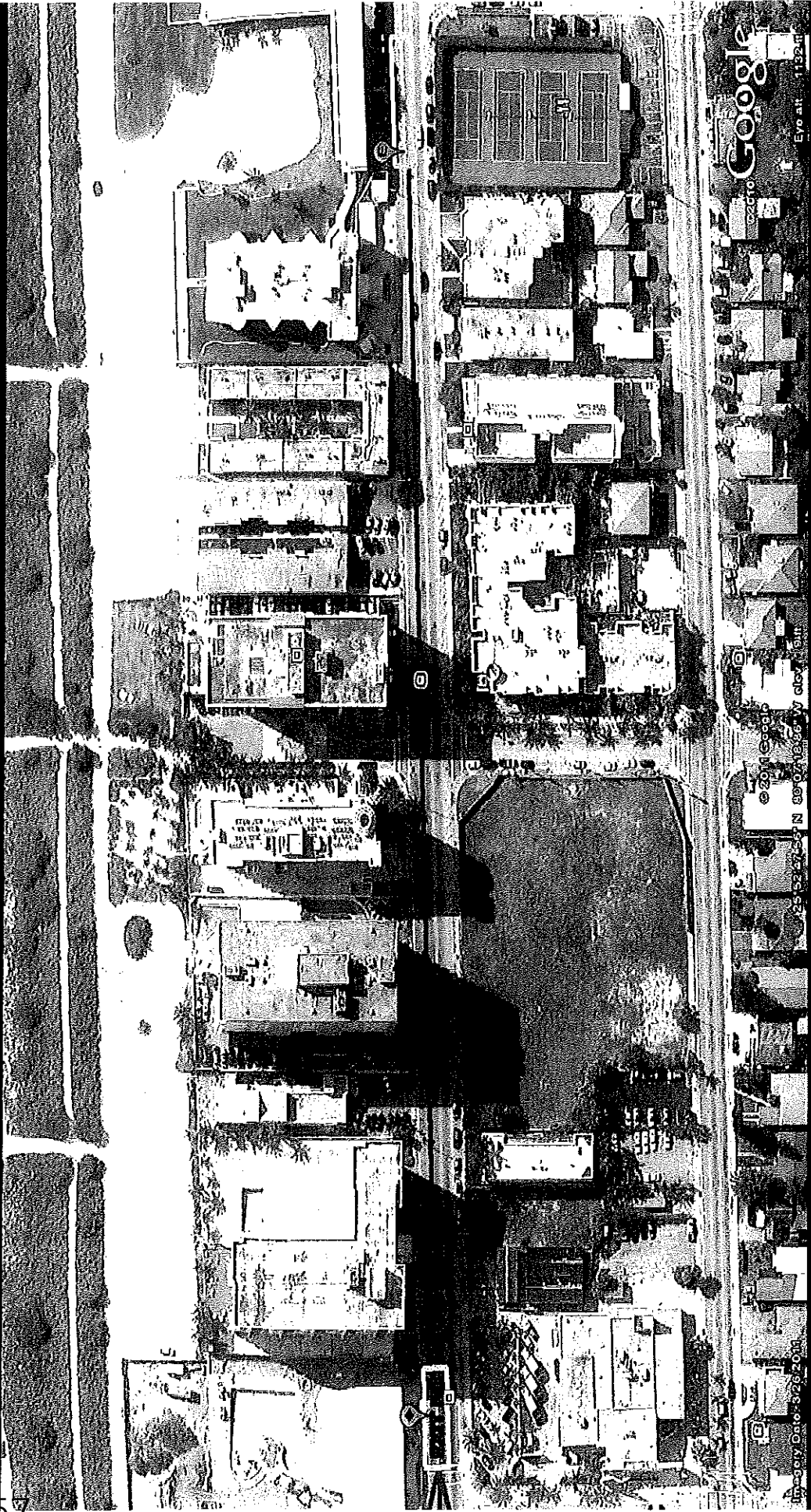
As pipe is pulled in, the barrels are removed

7/21/11 - 7/26/11
Drill From 94th - 95th to 93rd Street



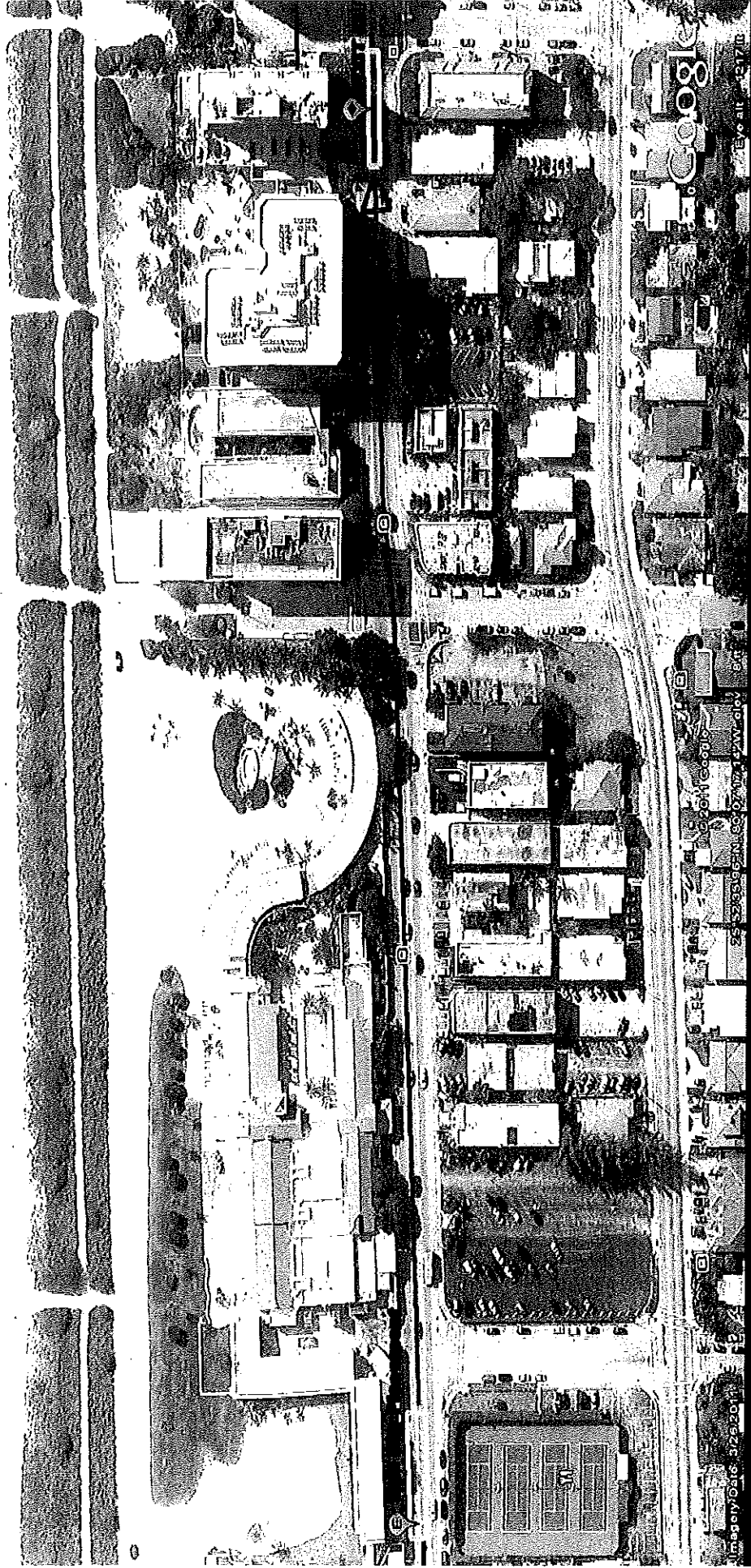
1007 LF 16" HDPE DR-11

7/27/11 - 8/1/11 Drilling From 91st to 93rd Street



1133 LF 16" HDPE DR-

8/2/11 - 8/7/11
Drilling From 91st to 89th Street



1211 LF 16" DR-

8/8/11 - 8/13/11 Drilling From 87th to 89th Street



1020 LF 16" HDPE DR-

8/14/11 – 8/19/11
Drilling from 87th to 83rd



1350 LF 16" HDPE DR-11

8/20/11 – 8/25/11
Drilling from 80rd to 83th



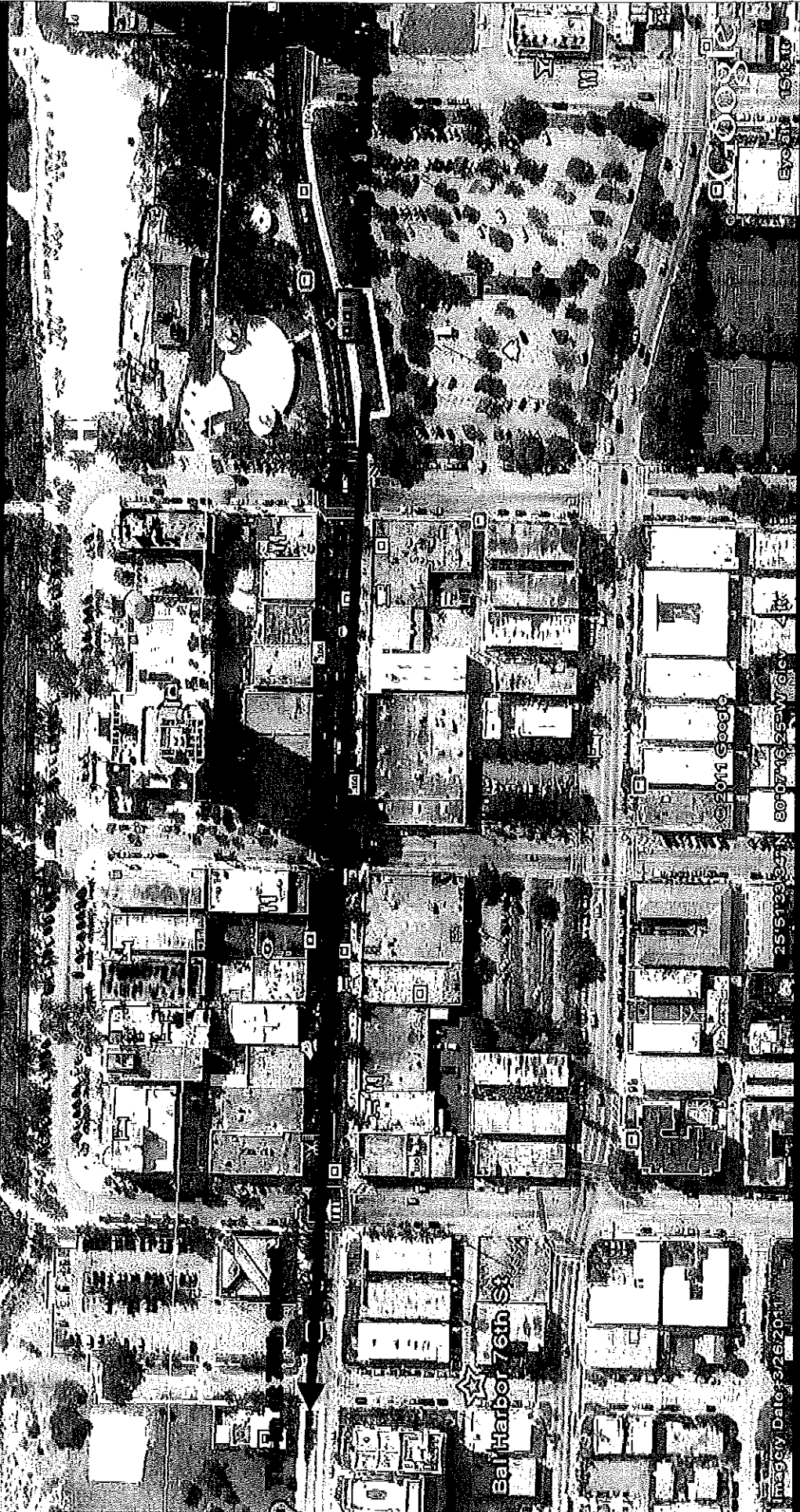
1033 LF 16" HDPE DR-11

8/26/11 - 8/31/11
Drilling From 80th To 76th Street



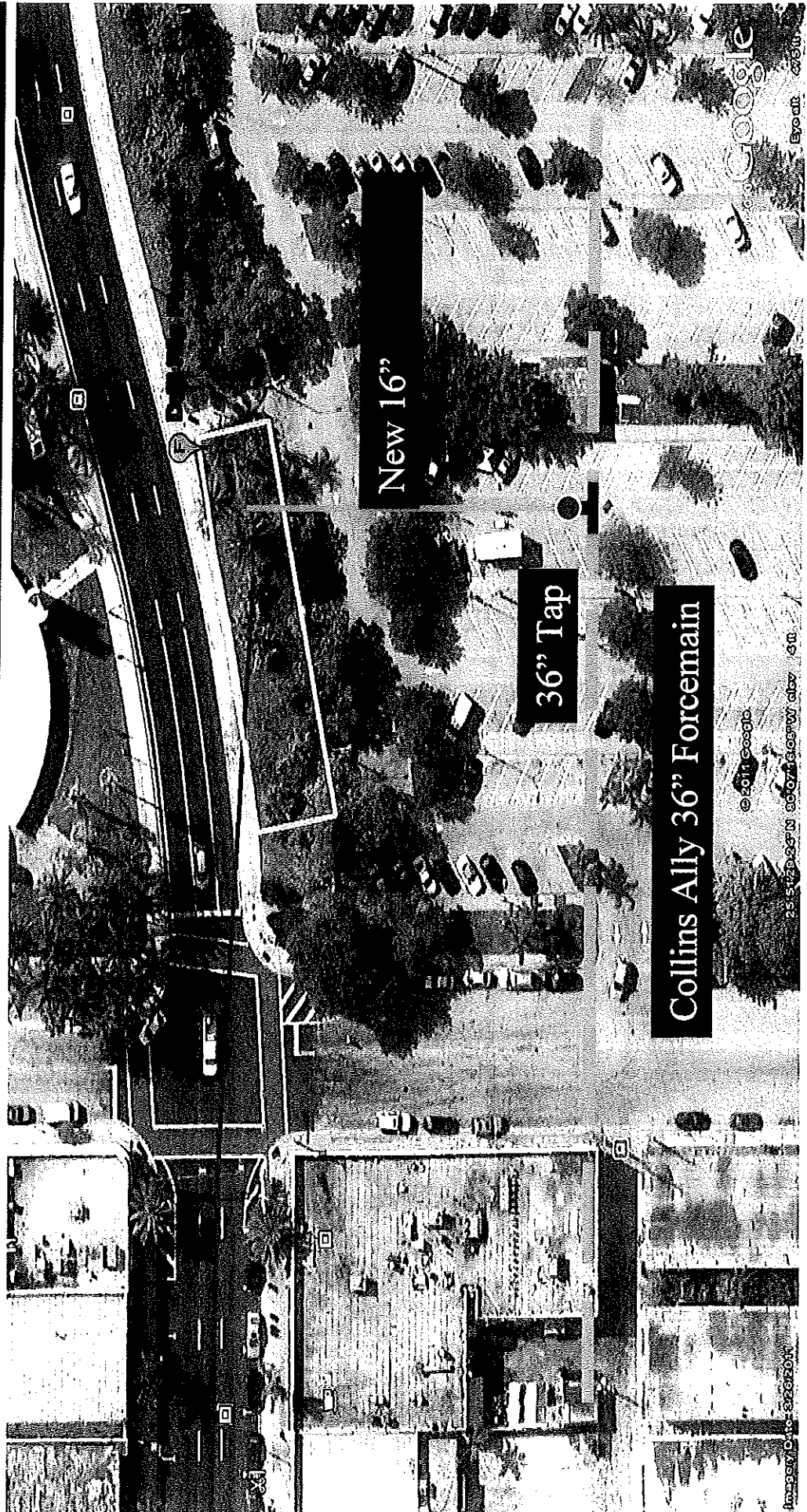
1390 LF 16" HDPE DR-

9/1/11 - 9/6/11 Drilling From 72th to 76th Street

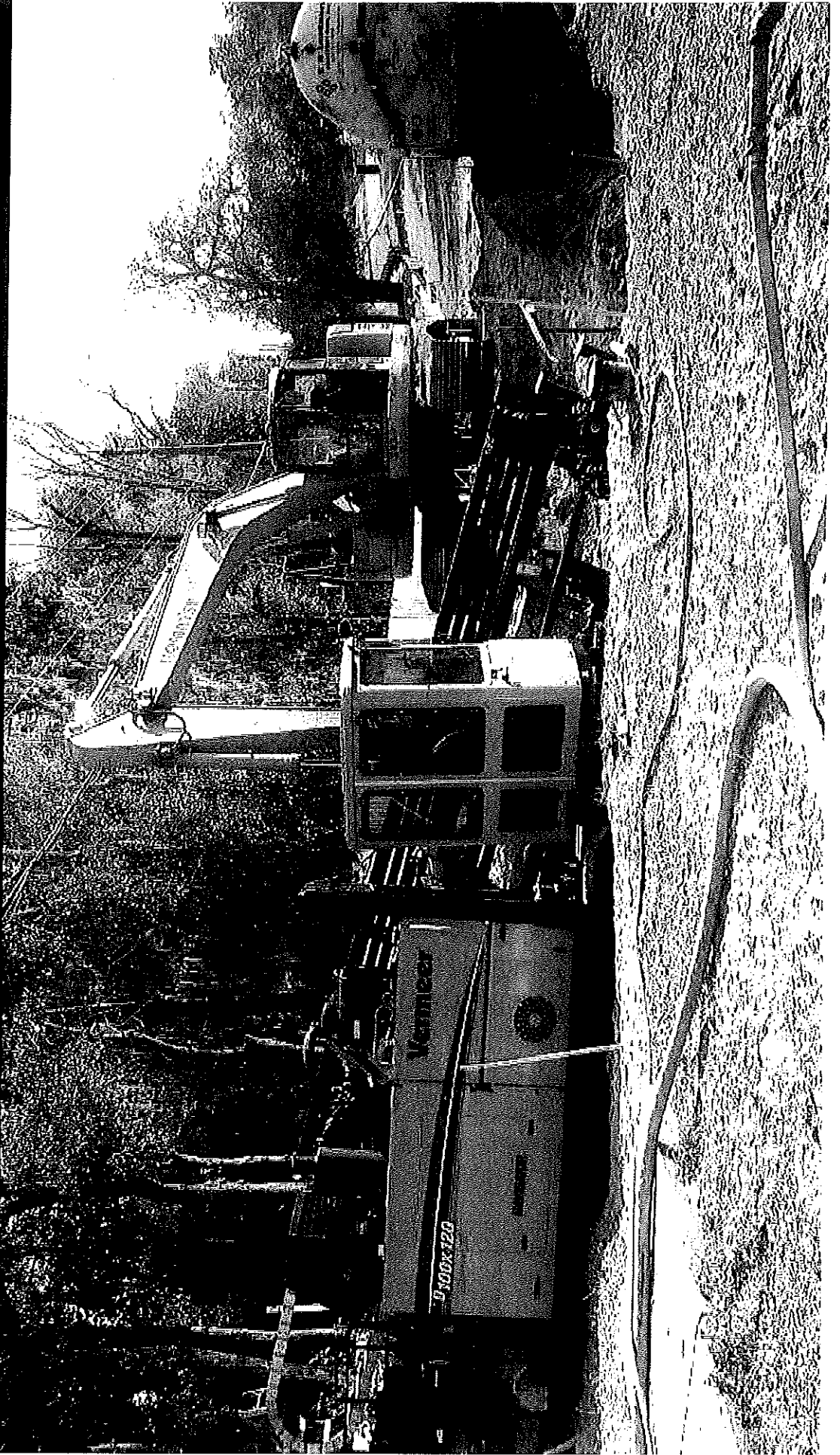


1180 LF 16" HDPE DR-

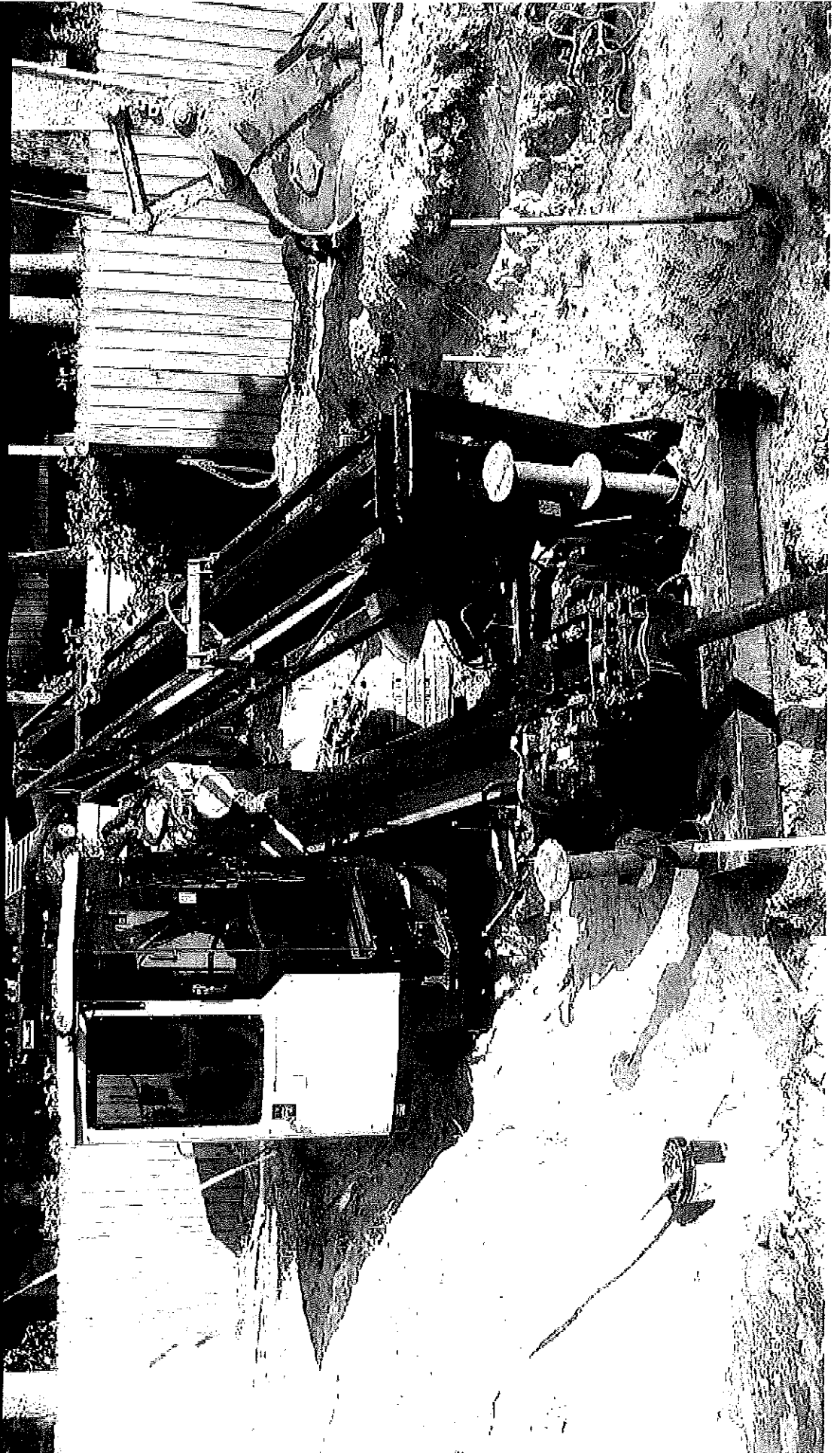
72nd Street Tie In



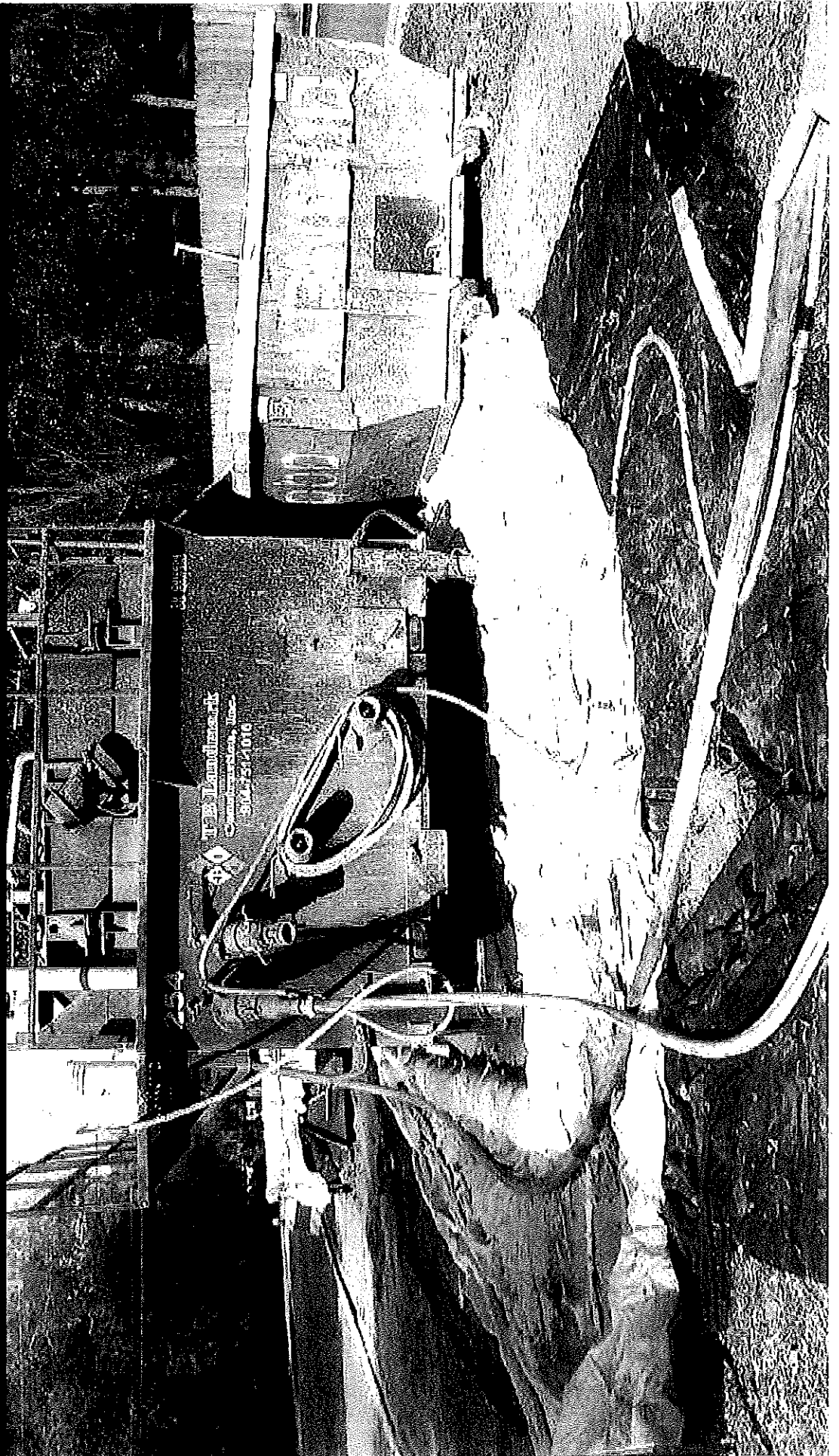
Directional Drill Rig 100x120



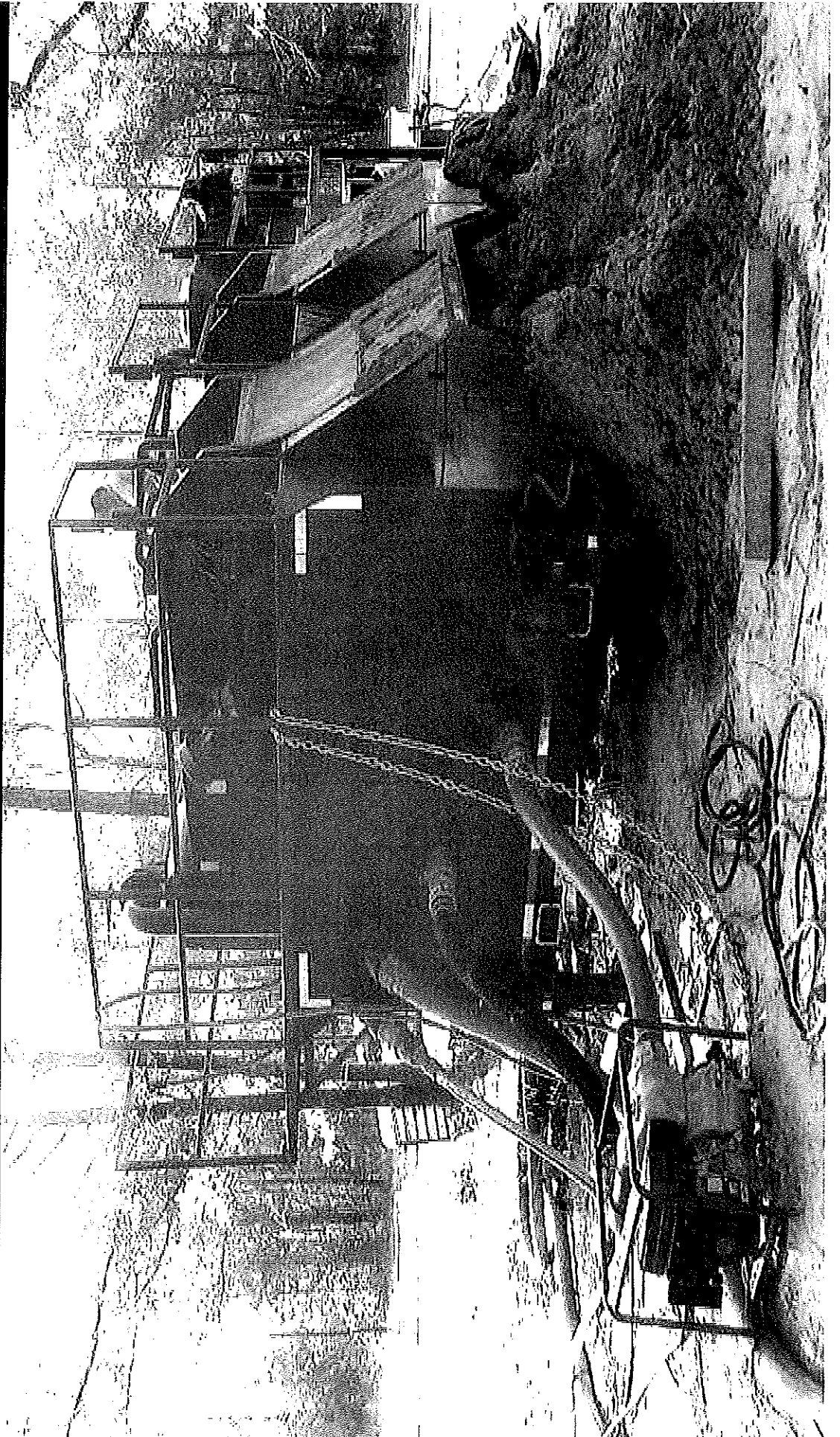
Directional Drill Rig 100x120



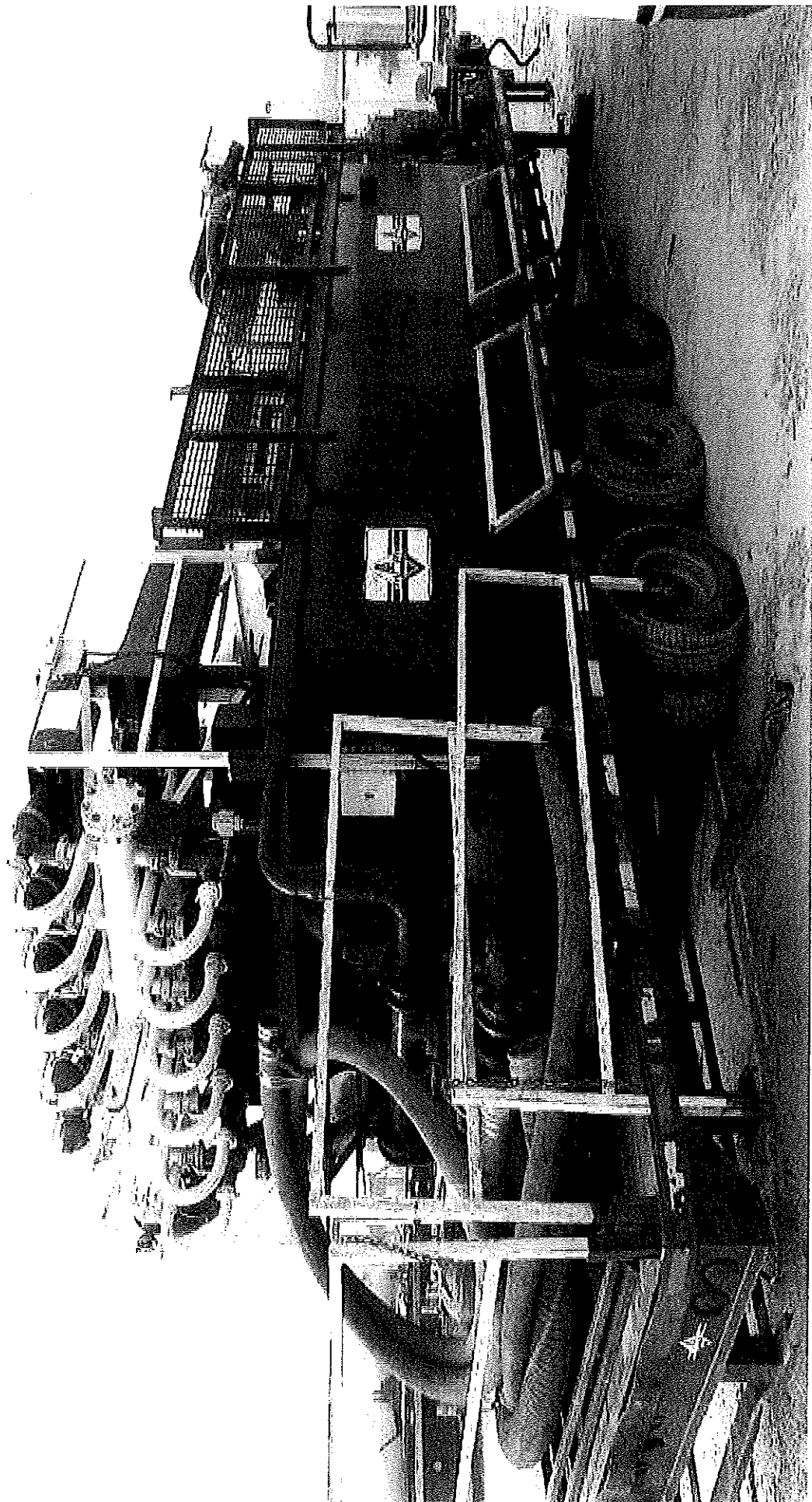
Tulsa Rig Iron Reclaimer



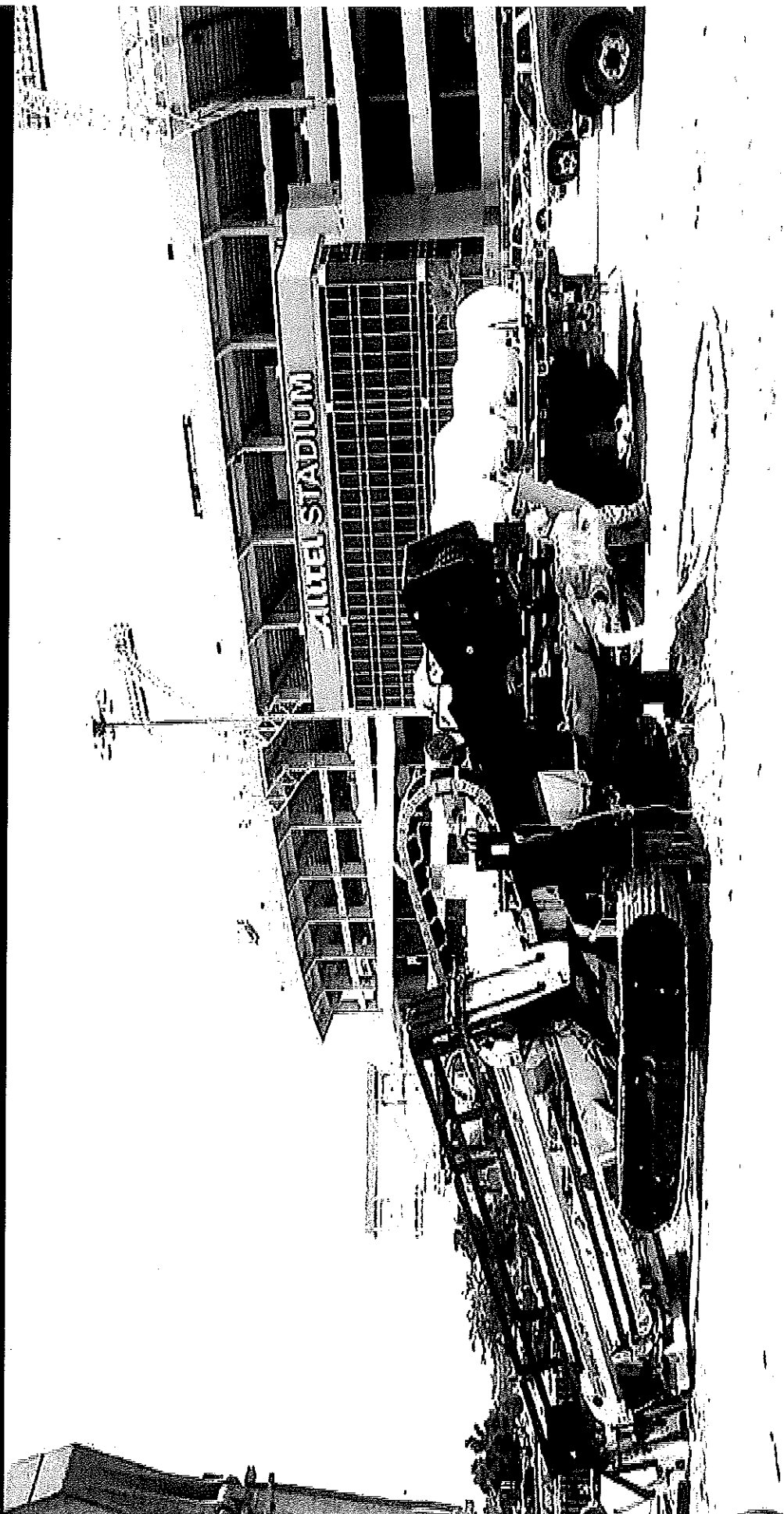
Spoils from Reclaimer



Tri Flow Reclaimer



Directional Drill Rig 80x100



Tie in Equipment



THANK YOU
AND
HAVE A NICE DAY

2350 Coral Way, Suite 301
Miami, Florida 33145
(305) 860-0780 (Telephone)
(305) 860-0580 (Facsimile)
(305) 905-9801 (Mobile)

200 West College Avenue, Suite 204
Tallahassee, Florida 32301
(850) 222-9911 (Telephone)

fgomez@gomezbarker.com

**Gomez Barker
Associates, Inc.**

Memorandum

To: Hon. Daniel Dietch, Mayor
Hon. Joe Graubart, Vice Mayor
Hon. Michael Karukin, Commissioner
Hon. Edward Kopelman, Commissioner
Hon. Marta Olchyk, Commissioner

From: Fausto B. Gomez

CC: Roger M. Carlton, Town Manager
Lynn M. Dannheisser, Town Attorney

Date: June 30, 2011

Re: End-of-Session Report

Attached is a summary of both fiscal and policy items that we believe are most impactful on the Town of Surfside. This constitutes our End-of-Session legislative report and, as always, I look forward to presenting it in fuller detail during my presentation to you.

My associates and I are grateful for your allowing us to represent Surfside. Many of the successes we achieved, as documented in the report, would not have been possible if not for the support and information you and your staff provided to our Tallahassee efforts. I would also like to recognize Senator Gwen Margolis and Representative Richard Steinberg, who comprise the Surfside "delegation," for always keeping the Town's interests at the forefront.

Please do not hesitate to contact me if you have any questions or desire additional information.

FISCAL

POSITIVE OUTCOMES:

- **SEWER REHABILITATION**

Early during the legislative session, our firm helped preserve a \$100,000 legislative line item appropriation we had previously secured for Sewer Rehabilitation in the Town of Surfside. We were notified by Town Manager Roger Carlton that said grant was in danger of reverting to the state since Surfside had not requested reimbursement for the activities conducted with those dollars.

We therefore contacted Cynthia Kelly, Director of the Division of Administrative Services at the Department of Environmental Protection, and successfully lobbied her so that the Town could immediately seek reimbursement for \$97,434.00. Those dollars had been spent early last year but since it was a multi-phase undertaking the prior administration had decided to wait for total completion prior to seeking project reimbursement.

You should know that \$14,677,000 previously appropriated to many local governments for their legislatively funded water projects reverted to the state. This was because they had not completed, broken ground, or had not requested reimbursement. All of this was a consequence of the state's close to \$4 billion budget shortfall.

- **PENSION REFORM**

CS/CS/SB1128, reforming local government pension plans, was signed by the Governor on June 23rd. Passed by the legislature on May 4th, following four months of debate, 30 amendments to the original bill text, and three committee substitutes, the legislation was one of the most contentious and heavily lobbied issues this past legislative session. It pitted representatives of local governments who sought to extract the state from the municipal collective bargaining process against organized labor (particularly police and fire unions) who attempted to defeat the bill or preserve the enhanced benefits mandated by the Legislature in 1999. Interestingly, the discussion in the Senate was not dictated by political party affiliation but rather individual views about local governments as profligate spenders or whether first responders were abusing the system. Different bipartisan coalitions emerged to either approve or defeat items.

It is widely understood that pension reform will be back on the legislative agenda next year. Not only does CS/CS/SB1128 require that a report and recommendations be submitted to the Legislature by January 1, 2012, but immediately after the conclusion of the Session a group called "Floridians for Sustainable Pensions," a coalition of business groups and think tanks allied with Governor Rick Scott, called for offering only 401(k)-style define-contribution plans to both new Florida Retirement System and local government employees.

Following are the reforms for local pensions, including police and fire, included in CS/SC/SB1128:

THE BILL REVISES THE DEFINITION OF COMPENSATION FOR ALL LOCAL GOVERNMENT DEFINED BENEFIT RETIREMENT PLANS (GENERAL EMPLOYEE, POLICE, AND FIRE)

For plans that are subject to collective bargaining, effective for the first agreement reached on or after July 1, 2011, for service earned on or after that date, up to 300 hours of overtime compensation may be included for pension purposes as specified in the collective bargaining agreement or plan, but payments for accrued unused sick or annual leave may not be included. For plans that are not subject to collective bargaining, for service earned on or after July 1, 2011, up to 300 hours of overtime compensation may be included for pension purposes as specified in the plan, but payments for accrued unused sick or annual leave may not be included.

THE BILL CREATES A TASK FORCE ON PUBLIC EMPLOYEE DISABILITY PRESUMPTIONS

The Task Force will be made up of management and union and/or employee representatives appointed by the President of the Senate and the Speaker of the House of Representatives as well the Chief Financial Officer and officials of the Department of Management Services. A report and recommendations must be submitted to the Legislature by January 1, 2012.

THE BILL ELIMINATES THE REQUIREMENT IN CHAPTERS 175 AND 185 THAT PENSION BENEFITS BE INCREASED WHENEVER MEMBER CONTRIBUTIONS ARE INCREASED

This addresses an interpretation by the Division of Retirement that plan benefits have to increase an amount corresponding to any increase in member contributions.

THE BILL REQUIRES THAT ALL ACTUARIAL REPORTS DISCLOSE THE PRESENT VALUE OF A DEFINED BENEFIT PLAN'S ACCURED, NONVESTED AND TOTAL BENEFITS, AS ADOPTED BY THE FINANCIAL ACCOUNTING STANDARDS BOARD, USING THE FLORIDA RETIREMENT SYSTEM'S ASSURED RATE OF RETURN (CURRENTLY 7.75%), TO "PROMOTE THE COMPARABILITY OF ACTUARIAL DATA BETWEEN LOCAL PLANS."

The Department of Management Services (DMS) is directed to develop a standardized rating system for local government defined benefit pension plans.

THE BILL DIRECTS THE DEPARTMENT OF MANAGEMENT SERVICES (DMS) TO PROVIDE A FACT SHEET ON EACH LOCAL GOVERNMENT DEFINED BENEFIT PLAN SUMMARIZING THE PLAN'S ACTUARIAL STATUS

The Fact Sheet must contain a summary of the plan's most recent actuarial data, minimum funding requirements as a percentage of pay,

and a five-year history of funded ratios. The Fact Sheet must be posted on the website of the Department of Management Services and plan sponsors must link their websites to that of DMS.

THE BILL PROHIBITS THE USE OF ACTUARIAL OR CASH SURPLUS FOR ANY EXPENSES OUTSIDE THE PLAN.

- **RED LIGHT CAMERAS**

Red-light cameras will promote safety as well as have a positive fiscal impact on the Town of Surfside. Thus the effort by Representative Richard Corcoran, slated to be House Speaker during the 2016-18 term, to repeal the law passed during the 2010 legislative session that authorized the use of traffic infraction detectors was at the forefront of our legislative agenda. Representative Corcoran filed HB4087 and that bill passed the House but died in the Senate. Realizing that there was little appetite in the Senate for his initiative, Representative Corcoran then amended SB1150, a transportation bill sponsored by Senate Transportation Chairman Jack Latvala, to require local governments to fund a study and gain Florida Department of Transportation approval prior to a camera being installed. Senator Latvala refused to accept said amendment and the bill died. Representative Corcoran has pledged to continue the effort next legislative session.

- **VALUE ADJUSTMENT BOARD**

HB 281 provides that a petitioner before a value adjustment board (VAB) challenging an assessment of property must make a partial payment of at least 75% of ad valorem taxes before those taxes become delinquent, less any applicable discount. Additionally, a petitioner before a VAB challenging the denial of a classification or an exemption must make a payment of the amount of tax which the taxpayer admits in good faith to owe before such taxes become delinquent, less any applicable discount. If the good faith payment made is grossly disproportionate to the amount found to be due by the VAB, a 10% per year penalty applies.

The bill also provides that if the VAB determines that the petitioner owes ad valorem taxes in excess of the amounts paid, the unpaid amount accrues interest at the rate of 12% per year from April 1. If the VAB determines that the petitioner is owed a refund, the amount paid in excess of the amount due accrues interest at the rate of 12% per year from April 1.

Finally, the bill eliminates current language which provides for a four percent discount that applies for 30 days after the mailing of a tax notice resulting from the action of a value adjustment board when the tax notice is issued after the taxes become delinquent. If the payments required under the bill are not made, the VAB must deny the petition in writing by April 20.

This bill is effective for VAB petitions filed on or after July 1, 2011.

Currently, property owners who object to an assessment may request an informal conference with the county property appraiser, file a petition with the Value Adjustment Board (VAB), and subsequently file an action in Circuit Court to contest the assessment.

Property owners can pay property taxes in advance of a VAB hearing or may wait until the hearing process is complete. In Miami-Dade County, as well as in some of the state's other large counties, the VAB process can take as long as 18 months to two years. As such, more counties have been unable to certify their tax rolls by April 1st, when property taxes are due. This can cause problems for local governments and school boards that cannot finalize revenues as well as create cash-flow issues.

- **REVENUE AND EXPENDITURE CAPS (TABOR)**

The legislature did not approve any legislation that would have imposed TABOR-like restrictions on local governments. At the beginning of the session Senate President Mike Haridopolos made it clear that he wanted to replace the existing revenue limitation in the state constitution with a new standard based on inflation and population but that it would only affect state government. The House was reluctant to exclude local governments but ultimately Senator Haridopolos prevailed and SJR958 will be on the ballot during the 2012 general election and must be approved by 60% of the voters.

- **MUNICIPAL TRANSPORTATION SURTAX**

Surfside currently receives \$182,567 as its share of the People's Transportation Plan (PTP). Because of the incorporation of Cutler Bay, Miami Gardens, and Doral, Miami-Dade County sought to reduce the amount provided to existing cities. That would have reduced the Town's share to \$146,053. A legal opinion rendered in 2002 by then County Attorney Robert Ginsburg stated that if any new cities were created the funding for them would originate from the unincorporated budget that receives 80% of PTP dollars. Notwithstanding that opinion, former County Manager George Burgess advocated that the funding come from the existing cities share.

Because of this, Surfside supported amendments to F.S. 212,055 to clarify that when a charter county revises interlocal agreements to include new municipalities, that the new municipalities are to be funded their pro rata share from the portion of the surtax allowed for use in the unincorporated area of the county, or for countywide services, and further clarifying that funding newly incorporated municipalities from the portion of the surtax dedicated to existing municipalities is expressly prohibited. This language was included in both CS/CS/CS/HB1363 and SB1180, the respective Department of Transportation legislative "packages," but neither bill passed. During the last week of legislative session, the Board of County Commissioners approved funding the three new cities from Miami-Dade's 80% share of the PTP, but only for one year until the existing interlocal agreements with all the cities expires in 2012. If no permanent agreement with the County is reached, we will again address this matter legislatively.

- **BEACH RENOURISHMENT AND/OR LAND ACQUISITION**

Despite the nearly \$4 billion budget deficit, the legislature was able to fund beach renourishment statewide at \$16.2 million. Miami-Dade County and its municipalities are to receive \$1.7 million, fully funding the local request. The majority of those dollars will be used in the beach communities on the barrier island.

- **INTERACTIVE TRAVEL SERVICES**

Senator Don Gaetz, who is slated to be Senate President in 2012-2014, and Representative Jason Brodner, filed legislation to provide that state transient rentals taxes, local tourist impact taxes, local tourist development taxes, local convention development taxes, and municipal resort taxes are imposed on the amount received by an entity operating transient rental accommodations – not on the payments received by unrelated firms facilitating the booking of reservations of such accommodations. The measures were SB 376 and HB493. The State Revenue Estimating Conference estimated that passage of this legislation would have a statewide negative fiscal impact of \$28.7 Million during the 2011-12 Fiscal Year on local governments.

Currently, more than 50 of Florida's 67 counties have joined a suit against web travel companies such as Expedia, Orbitz, and Priceline alleging that they collect taxes on the entire amount they charge to a consumer but only remit taxes on the wholesale price they pay a lodging establishment for the room. Senator Gaetz and Representative Brodner spearheaded a legislative effort to settle the legal issues in favor of the online travel companies. They were unsuccessful.

After much iteration, including killing the bill in the Finance and Tax Committee of the House of Representatives, HB493 passed the House but we were successful in defeating it in the Senate. All during the legislative session we worked in concert with the Association of Counties, the Florida League of Cities, and other stakeholders to assure this outcome.

- **LINE ITEM SUPPORT FOR WATER PROJECTS**

Because of the state fiscal exigencies, legislative leadership did not allow Community Issue Budget Requests (CBIR) to be filed. This is the vehicle to fund local projects through line-item support and, as such, there were no opportunities to fund line item water related projects. In fact, there were only two specific water projects in the budget; both in the legislative districts of Senate Appropriations Chairman J. D. Alexander and House Budget Chairwoman Denise Grimsley, and the Governor vetoed them. These were for the City of Frostproof and the City of Winter Haven. Notwithstanding, the legislature did allocate low-interest loan funding for storm water and potable water projects through the Department of Environmental Protection.

The Clean Water State Revolving Fund program provides low-interest loans for planning, designing, and constructing wastewater and stormwater projects. Funds are made available for Preconstruction Loans and Construction Loans. The Loan Terms include a 20-year amortization and low-interest rates. Preconstruction loans are available to all communities and provide up-front disbursements for administrative services, project planning and project design. There is \$170,346,724 available for this purpose.

The Drinking Water State Revolving Fund Program provides low-interest loans for planning, designing, and constructing public water facilities. Funds are made available for Pre-construction Loans, Construction Loans of \$75,000 minimum or more, and Pre-construction Grants and Construction Grants to small financially disadvantaged communities. The Loan Terms include a 20-year (30-year for financially disadvantaged

communities) amortization and low-interest rates. There is \$91,053,594 available for this purpose.

Negative Outcomes:

- **FLORIDA FOREVER AND FLORIDA RECREATIONAL DEVELOPMENT ASSISTANCE PROGRAM (FRDAP)**

Over the past ten years, the Florida Forever program has purchased over 2.4 million acres for state and local parks, open spaces, and wildlife habitats with a combination of local funds and an annual appropriation from Tallahassee. Because of the current fiscal shortfall, the legislature did not appropriate any dollars this year but authorized Florida Forever to spend up to \$305 million to be potentially generated from the sale of surplus state lands and office buildings. The Governor vetoed said authorization. This comes after Florida Forever received \$15 million last year, a significant drop from the \$300 million annual appropriation received every year prior to 2008.

FRDAP is a competitive grant program that provides financial assistance to local governments for development or acquisition of land for public outdoor recreational purposes. Although the Town of Surfside has benefited from this program in the past, we understand there were no city parks on the FRDAP 2011-12 priority list. The Department of Environmental Protection had requested over \$27,000,000 to meet current obligations but this request was not funded.

- **PROPERTY ASSESSMENT**

Representative Chris Dorworth, slated to be House Speaker during the 2014-16 term, sponsored CS/CS/CS/CS/CS/HJR381, an amendment to the state constitution that reduces the current assessment limitation on non-homestead real property from 10% to 5%. That cap would sunset in 2023. The constitutional amendment would also allow the Legislature by general law to prohibit increases in the assessed value of homestead properties if the just value of the property decreases and provide buyers who have not owned a home in Florida within the last three years an additional exemption. The discount would equal 50% of the home's assessed value and would end after five years. This amendment will be on the ballot during the 2012 general election and must be approved by 60% of the voters.

Approval of this legislation sparked a debate over the underlying premise of providing some property owners with tax protections that are unavailable to others. Passed in the early 1990s, the Save our Homes initiative has led to wide disparities in the property taxes paid on similarly situated properties depending on when the property was purchased. Supporters of this bill said it would provide relief to commercial property owners, new homebuyers, and renters and thus spur economic growth. Critics stated the proposal would further reduce the tax base of cities and counties already hamstrung by declining property values and sluggish growth.

POLICY

POSITIVE OUTCOMES:

- **COMMUNITY CENTER**

Our firm facilitated the authority from the Department of Environmental Protection (DEP) for the Town to be able to dispose of the excess sand associated with the Community Center project. This was necessary in order for the Community Center to open and entailed making possible political support from Miami-Dade legislators as well as the Chair of committees having oversight over the DEP. As you know, the Department had raised a number of objections to the Town removing the sand and the Town Manager and I were pleased to overcome those hurdles by applying common sense and political pressure.

- **GROWTH MANAGEMENT**

This year's Growth Management reform (HB7207) was passed as a conforming bill to the state budget and largely removes state government oversight from the comprehensive planning process. According to Senator Mike Bennett, Chairman of the Committee on Community Affairs, the goal of the legislation was to give local governments "as much leeway as possible. We know local governments want to be in control. They do not believe Tallahassee should be telling Biscayne Bay they can't build a sidewalk in Biscayne Bay." The bill makes school and transportation concurrency optional for cities and counties and substantially reduces the burdens on cities associated with the preparation of evaluation and appraisal reports. The state's role is now limited to comment on areas of state or critical concern. Finally, the Department of Community Affairs is merged into a new entity called the Department of Economic Opportunity and downsized from its current form.

- **PUBLIC OFFICERS SEVERANCE PAY**

CS/CS/CS/SB88 restricts severance pay for any public officer, agent, employee or contractor. The legislation allows up to 20 weeks of severance but that can be exceeded by a two-thirds vote of the membership of a particular public body. Employment contracts valid before July 1st of this year that have severance pay provisions are grandfathered. A contract renewal or renegotiation after July 1st requires compliance with the restrictions.

The legislation passed handily, but by a close 60-55 vote the House of Representative adopted an amendment by Representative Eddy Gonzalez to include the provision allowing severance pay beyond 20 weeks as described above. The focus of much of the debate on that particular amendment was the severance package awarded to former Miami-Dade County Manager George Burgess.

- **VACATION RENTALS**

Representative Mike Horner and Senator Greg Evers proposed legislation preempting local governments from treating vacation rentals differently from other residential

properties based solely on their classification, use, or occupancy. Working in concert with the Florida League of Cities and the Association of Counties, the legislation was amended to grandfather any local government with ordinances regulation vacation rentals existing prior to July 1st of this year.

- **OPEN HOUSE PARTIES**

Currently, 856.015, F.S., states that a person in control of a residence who allows an open house party to take place commits a second degree misdemeanor if they know a minor has possession of or consumed any alcoholic beverage or drug at their residence and the person fails to take responsible steps to prevent the possession or consumption of the alcoholic beverage or drug by the minor. This legislation amends present law to make a second or subsequent violation a first degree misdemeanor. Furthermore, the bill also provides that any violation of s. 856.015, F.S., which results in serious bodily injury or death, will be punishable by a first degree misdemeanor. A first degree misdemeanor is punishable by up to 1 year in jail and/or a fine not to exceed \$1,000.

- **PROPERTY INSURANCE**

Although SB408, a comprehensive property insurance bill was approved, that legislation does not have the impact on Surfside that CS/SB1714 would have had. As such, we focused our lobbying efforts on the latter bill which we believe would have made a significant percentage of properties located in the Town ineligible for Citizens Property Insurance coverage. That, in turn, would have impacted the real estate market and made a significant dent on Surfside's economy.

Beginning in 2012, all structures with a replacement value of \$1 million or more would be ineligible for Citizens coverage; in 2014 the threshold would be reduced to \$750,000 and in 2016 that would be reduced further to \$500,000. Up to January 1, 2015, Citizens would have had to impose a minimum rate increase of 25% per year for every single residential policy and no property permitted after July 1st of this year seaward of the coastal construction line could be insured. Finally, beginning on February 1st of next year, Citizens would not cover screened enclosures, in 2013 detached structures would be ineligible, and in 2014 the limitation would extend to certain items of personal property.

The Senate bill died in the Rules Committee, the last step prior to the floor, and the House bill died on the calendar for final consideration.

- **PAIN MANAGEMENT CLINICS**

The State of Florida has the dubious distinction of leading the nation in prescription drug abuse. Called "Pill Mills," there are 838 clinics statewide and 183 in South Florida alone. These numbers led to Senator Eleanor Sobel remarking that "we have more pill mills in Florida than we have McDonald's."

The bill that passed (HB7095) had split Republican legislators for weeks as the Governor and House of Representatives wanted to not fund the statewide prescription drug database that is slated to become operational by the end of August of this year. Ultimately, Attorney General Pam Bondi and Dr. Stephanie Haridopolos, the wife of the

Senate President, (who was instrumental in nudging her husband to broker a deal) worked toward a successful compromise.

The legislation prescribes medical standards and operational restrictions for pain-management clinics and requires more stringent permitting regulations for community pharmacies to be conformed under the new standards by July 2012. Doctors will automatically lose their licenses for 6 months and be fined \$10,000 for overprescribing violations, the prospection drug database continue to be funded but it changes the reporting requirements from 15 days to 7 and requires criminal background checks of those who have access to it, imposes a 5,000-unit cap restriction on narcotics prescriptions, includes a tracking of narcotics sold wholesale and a buy-back program for doctors to return them to distributors, and provides \$3 million to local law enforcement agencies to put in force these new rules.

- **BILLBOARDS**

Section 27 of CS/CS/CS/HB1363, the comprehensive Department of Transportation package, would have pre-empted local governments from establishing "sign permit fees" for the installation of any sign, wall mural, or media tower in their jurisdiction. This was in response to a dispute between the City of Miami and a particular billboard company who was seeking additional sign placement consideration from Miami. The proposed language, however, had statewide application. Said section would have limited the cost of the sign permit fee to the "actual cost of administering the local government sign ordinance." This language was included in the House version of the transportation bill, reportedly placed there on orders of House leadership, but the Senate refused to concur with this provision. This was one of the key reasons the transportation bill failed this session.

- **CHARTER SCHOOLS**

Amendatory language pre-empting local governments from establishing zoning regulations on charter schools was filed by the House of Representatives to HB7195. The Senate refused to accept it. When the companion bill was sent to the House, CS/CS/CS/SB1546, the Senate sponsor accepted similar language; but one that stated that "a local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. Beginning July 1, 2011, a local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and processes imposed upon public schools that are not charter schools." The key to this is determining the regulatory and public processes followed by Miami-Dade County Public Schools in locating a public school and the coordination with local jurisdictions where the school is to be located. It can be reasonably argued that charter schools would now have to comply with those procedures.

In addition to our lobbying efforts, and that of the League of Cities, the Chairman of the Miami-Dade County Board of County Commissioners, Joe Martinez, sent out an e-mail on April 29th to his lobbying team elevating opposition to the original House amendment

to priority status and detailing the issues the County has had with charter schools not complying with their agreements regarding enrollment and traffic.

- **BERT HARRIS ACT**

After 10 years to trying, legislation finally passed revising the Bert Harris Private Property Rights Act. This was originally enacted in 1995. The Bert Harris Act encompasses government actions that constitute an “inordinate burden” on a citizen’s property. An inordinate burden is defined as “an action of one or more governmental entities that has directly restricted or limited use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property.”

We were part of a coalition of lobbying groups opposing the changes to the Bert Harris. Although the bill passed, we were able nevertheless to secure a number of amendments that reduced its impact. These included

- A) Moratoria longer than 12 months are no longer considered “not temporary.” They will be examined on a case-by-case basis.
- B) The proposed 120-day settlement period was extended to 150-days.
- C) The length of time since passage of an ordinance can be considered in determining whether there are truly reasonable investment-backed expectations when the first application occurs many years afterwards

Negative Outcomes:

- **SOBER HOMES**

Senator Ellyn Bogdanoff and Representative Luis Garcia filed legislation (SB1348 and HB1055) establishing standards for the operations of SOBER Homes in Florida and not allowing the clustering of these in residential neighborhoods. During the legislative interim, we worked with the Department of Children and Families and helped establish a stakeholders workgroup that surveyed what other states were doing and reached consensus on the language of the legislation. The bills defined the term “sober transitional living home” to mean a community residential home that provides a peer-supported and managed alcohol-free and drug-free living environment. A sober transitional living home must follow all local and county standards of occupancy and may not provide onsite substance abuse treatment unless it is provided by a licensed service provider. No SOBER Home could be located within 1,000 feet of another.

Senator Bogdanoff’s bill was heard by the Children, Families, and Elder Affairs Committee where it was approved unanimously. Unfortunately, Representative Garcia’s bill was never heard in committee, a victim of partisan politics. During the course of the legislative session various Republican members of the House of Representatives joined as co-sponsors of the legislation, including the Chairman of the Tea Party Caucus, but due to other political matters leadership refused to agenda the bill.



**Town of Surfside
Town Commission Meeting
July 12, 2011**

DISCUSSION ITEM MEMORANDUM

Title: Streetscape - Tree lined – Tree Canopy for 88th, 95th streets and Surfside Boulevard

Objective: Additional Point of Light re: above Title

With the additional funds available from the water, sewer, and storm-water bond; set a goal to tree line and create a canopy for the above named streets. **As recommended by Beautification Committee member David Steinfeld at last months' (June 2011) Commission Meeting during Good and Welfare.**

Approximately five plus years ago there was talk about Indian Creek 'splitting' the costs of improvements to the entrances at Collins and Harding Avenues to Surfside/Indian Creek at Surfside Boulevard and streetscape from Collins Avenue to Bay Drive.

Direction: I am asking and hoping that the Commission will make this goal - a "point of light" by directing Town Manager Roger Carlton to enter talks with the Manager of Indian Creek. Determine the costs and feasibility to accomplish the same with 88th and 95th streets. Report back to Beautification Committee and Town Commission.

Respectfully, Joe Graubart, Vice Mayor



**Town of Surfside
Town Commission Meeting
July 12, 2011**

DISCUSSION ITEM MEMORANDUM

Title: Contributions/Donations/Gifts accepted by The Town of Surfside

Objective: Determine a set of criteria for accepting (NOT accepting) Contributions/Donations/Gifts made to the Town by/from ‘others.’

Consideration: The Miami-Dade County Commission on Ethics Director’s statement (Robert Meyers) on the Commissions web site: **“Even well intentioned gifts can create an appearance of impropriety and contribute to the erosion of the public’s trust.”**

At last month's Commission meeting (June 14th), Town Manager Roger Carlton stated that we have an “anonymous donor to pay for the fireworks” – contributing \$15,000.00. I learned of the identity of the donor after reviewing the “grand opening” pamphlet emailed to us on June 17th (copied and pasted below).

“Thank you Tony Murray of the Grand Beach Hotel Surfside For the Fireworks Display at 8:45 pm”

What troubles and concerns me:

This ‘contributor’ has a large hotel construction project that will come before the Town’s:

- “DIC” (Development Impact Committee)
- “Planning and Zoning Board”
- And The Town’s Commission for final approval.

The first of these, the ‘DIC’ meets June 30, 2011 to “consider an application from MB Development requesting a 341 room hotel and parking garage to be located ...”

Greater Commission involvement in accepting these kinds of funds: Establish Criteria: Commissions prior approval, limit amount of money/value, etc., that will ‘trigger’ Commission approval. Details: where funds are coming from, how they will be spent – a detailed statement as to how funds were spent/dispersed – balances remaining, etc.

Respectfully, Joe Graubart, Vice Mayor