



**Town of Surfside
Town Commission Meeting
AGENDA**

**December 13, 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. Certificate of Achievement for Excellence in Financial Reporting- Martin Sherwood, Finance Director Page 1-5**
- H. Recognition of Donna Natale Planas, Volunteer photographer for the Town of Surfside Police Department – David Allen, Chief of Police**

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (Set for approximately 7:15 p.m.)

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

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

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

- A. **Minutes - October 11, 2011 Commission Meeting Minutes Page 6-24**
November 8, 2011 Commission Meeting Minutes Page 25-34
- B. **Budget to Actual Summary as of September 30, 2011- Martin Sherwood, Finance Director Page 35-36**
- *C. **Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager Page 37-97**
- *D. **Town Attorney's Report – Lynn M. Dannheisser, Town Attorney Page 98-102**
 - 1. **Miami Dade Commission on Ethics and Public Trust Campaign Skills Seminar Page 103**
- E. **Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 104-106**
- *F. **JGB Bank Temporary Construction Fence- Sarah Sinatra, Town Planner Page 107-113**
- *G. **Proposed agreement with the Miami-Dade State Attorney's Office to prosecute criminal municipal ordinances – David Allen, Chief of Police Page 114-122**

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

None

B. First Readings Ordinances

(Set for approximately 7:20 p.m.) (Note: Good and Welfare must begin at 8:15)

*1. Temporary Construction Fences – Sarah Sinatra, Town Planner Page 123-127

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1 "CONSTRUCTION FENCING" 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 provides design review standards for awnings in the downtown business district]

- *2. Town of Surfside Amended off Street Parking compliance for SD-B40 and Religious Places of Public Assembly Ordinance – Lynn Dannheisser, Town Attorney Page 128-136 (Linked to Item 5E)**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE VII “OFF-STREET 1. PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES FURTHER CLARIFYING OFF-STREET PARKING COMPLIANCE FOR THE SD-B40 ZONING DISTRICT AND OFF-STREET PARKING COMPLIANCE FOR RELIGIOUS PLACES OF PUBLIC ASSEMBLY; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance makes applicable the off-street parking requirement options for mitigation to changes of use from service business to retail or restaurant within the SD-B40 district and for religious places of public assembly. It also allows an opportunity for a property owner to apply for a reduction in mitigation on a case by case basis]

- *3. Awning Ordinance – Sarah Sinatra, Town Planner Page 137-144**

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” AND SPECIFICALLY AMENDING SECTION 14-52 “COMMERCIAL STANDARDS ESTABLISHED”; AND CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-47 “YARDS GENERALLY, ALLOWABLE PROJECTIONS”; SECTION 90-49 “AWNINGS AND CANOPIES”; AND SECTION 90.99 “APPENDIX-EXHIBIT A, DESIGN GUIDELINES FOR SINGLE FAMILY RESIDENTIAL PROPERTIES, MULTIFAMILY AND COMMERCIAL PROPERTIES.”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

[This Ordinance delegates to the Town Manager the authority to waive temporary construction fencing setback requirements and approval of certain graphics on said fencing]

5. Resolutions and Proclamations

(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)

***A. Town wide Landscape Maintenance Contract Consideration with Luke's Landscaping – Bill Evans, Public Works Director Page 145-155**

B. Children's Movement of Florida – Vice Mayor Joe Graubart Page 156-158

C. Termination of the Beautification Committee and Appreciation to the Volunteer Members – Roger M. Carlton, Town Manager Page 159-162

***D. Solid Waste and Recycling Intergovernmental Cooperation Agreement with the Miami-Dade County Property Appraiser and Miami-Dade County Tax Collector Office's - Martin Sherwood, Finance Director Page 163-172**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR A UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR RECYCLING SERVICES AND SOLID WASTE SERVICES; AUTHORIZING ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TO PLACE THE TOWN'S PROPOSED NON-AD VALOREM ASSESSMENTS ON THE COUNTY TAX BILL; AND PROVIDING FOR AN EFFECTIVE DATE.

E. Cost Recovery Consultant Fee Schedule – Roger M. Carlton, Town Manager Page 173-176 (Linked to Item 4B2)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, ADOPTING A COST RECOVERY CONSULTANT FEE SCHEDULE TO BE ESCROWED AND MAINTAINED FOR PURPOSES OF REIMBURSING THE TOWN FOR CONSULTANT FEES INCURRED; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

7. Town Manager and Town Attorney Reports

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

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- *A. Adjustment to Town Commission Meeting Calendar for Calendar Year 2012 – Roger M. Carlton, Town Manager Page 177**
- *B. Parking Garage Feasibility Study Discussion – Roger M. Carlton, Town Manager Page 178-182**
- *C. Town Sponsored Candidate Debate – Mayor Daniel Dietch Page 183**
- *D. Campaign Transparency – Mayor Daniel Dietch Page 184**
- *E. Outcome of Communications Workshop – Roger M. Carlton, Town Manager (Verbal)**
- F. Not schedule any future (Special) Town Hall meetings until after the elections – Commissioner Marta Olchyk Page 185**
- *G. Purchase of Audio/Visual Equipment for North Multi-Purpose Room – Vice Mayor Joe Graubart Page 186 (Linked to Item 9I)**
- F. Five Years Financial and Strategic Plan Operations Point Staff Retreat Update– Roger M. Carlton, Town Manager (Verbal)**
- *I. Expanded Programming in the Community Center – Roger M. Carlton, Town Manager Page 187-191 (Linked to Item 9G)**

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.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

November 2, 2011

Martin D. Sherwood, CPA, CGFO
Finance Director
Town of Surfside
9293 Harding Avenue
Surfside FL 33154

NOV 7 PM 7:45

Re: TOWN OF SURFSIDE

Dear Mr. Sherwood:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended September 30, 2010, qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Each entity submitting a report to the Certificate of Achievement review process is provided with a "Summary of Grading" form and a confidential list of comments and suggestions for possible improvements in its financial reporting techniques. Your list has been enclosed. You are strongly encouraged to implement the recommended improvements into the next report and submit it to the program. If it is unclear what must be done to implement a comment or if there appears to be a discrepancy between the comment and the information in the CAFR, please contact the Technical Services Center (312) 977-9700 and ask to speak with a Certificate of Achievement Program in-house reviewer.

Certificate of Achievement program policy requires that written responses to the comments and suggestions for improvement accompany the next fiscal year's submission. Your written responses should provide detail about how you choose to address each item that is contained within this report. These responses will be provided to those Special Review Committee members participating in the review.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. As the designated individual we have enclosed your AFRA.


Your Certificate of Achievement plaque will be shipped to you under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release has been enclosed. We suggest that you provide copies of it to local newspapers, radio stations and television stations. In addition, details of recent recipients of the Certificate of Achievement and other information about Certificate Program results are available in the "Awards Program" area of our website, www.gfoa.org.

A current holder of a Certificate of Achievement may include a reproduction of the award in its immediately subsequent CAFR. A camera ready copy of your Certificate is enclosed for that purpose. If you reproduce your Certificate in your next report, please refer to the enclosed instructions. A Certificate of Achievement is valid for a period of one year. To continue to participate in the Certificate of Achievement Program it will be necessary for you to submit your next CAFR to our review process.

In order to expedite your submission we have enclosed a Certificate of Achievement Program application form to facilitate a timely submission of your next report. This form should be completed and sent (postmarked) with three copies of your report, three copies of your application, three copies of your written responses to the program's comments and suggestions for improvement from the prior year, and any other pertinent material with the appropriate fee by March 31, 2012.

Your continued interest in and support of the Certificate of Achievement Program is most appreciated. If we may be of any further assistance, please contact Delores Smith (dsmith@gfoa.org or (312) 578-5454).

Sincerely,
Government Finance Officers Association

A handwritten signature in cursive script that reads "Stephen J. Gauthier".

Stephen J. Gauthier, Director
Technical Services Center

SJG/ds

Certificate of Achievement For Excellence in Financial Reporting

Summary of Grading

Name of Unit: Town of Surfside
Fiscal Year of Report FY2010

Report # 2,800.00

The Certificate of Achievement Program Special Review Committee (SRC) has completed its review of your comprehensive annual financial report (CAFR). Listed below are the grading categories used and a summary of the SRC's evaluation of your CAFR. The detailed comments and suggestions for reporting improvements on the attached listing are grouped under similar grading categories. Any category which received a grade of "Needs Significant Improvement" indicates an area of particular concern to the SRC and the related comments and suggestions for improvement in this category should be given special attention. An indication is provided on the list by the specific comments(s) or category(ies) that were the cause of receiving this grade. For each item, the notation also states whether it is 1) the basis or part of the basis for the CAFR not receiving the Certificate of Achievement, 2) a serious deficiency which will almost certainly preclude the awarding of the Certificate of Achievement if it is not corrected in your next CAFR, or 3) a deficiency, that if not corrected in future CAFRs, could result in the Certificate of Achievement not being awarded.

| <u>Grading Category</u> | <u>Grade</u> |
|---|--------------|
| Cover, table of contents, and formatting | Proficient |
| Introductory section | Proficient |
| Report of the independent auditor | Proficient |
| Management's discussion and analysis (MD&A) | Proficient |
| Basic financial statements (preliminary considerations) | Proficient |
| Government-wide financial statements | Proficient |
| Fund financial statements (general considerations) | Proficient |
| Governmental fund financial statements | Proficient |
| Proprietary fund financial statements | Proficient |
| Fiduciary fund financial statements | Proficient |
| Summary of significant accounting policies (SSAP) | Proficient |
| Note disclosure (other than the SSAP and pension-related disclosures) | Proficient |
| Pension-related note disclosures | Proficient |
| Required supplementary information (RSI) | Proficient |
| Combining and individual fund information and other supplementary information | Proficient |
| Statistical section | Proficient |
| Other considerations | Proficient |

**Certificate of Achievement For Excellence in Financial Reporting
Detailed Listing of Comments and Suggestions for Improvement**

Name of Unit: Town of Surfside

Fiscal Year of Report FY2010

Report # 2,800.00

104 - Management's discussion and analysis (MD&A)

Checklist Question: 4.1f

Pages 10-11 - The Capital Projects Fund.

In Management's Discussion and Analysis, the discussion should explain the underlying reasons for the significant changes in fund balances/fund net assets rather than focusing solely on the size of the changes (amount or percentage of change). [GASB-S34: 11d; 2005 GAAFR, page 293]

111 - Summary of significant accounting policies (SSAP)

Additional Comment:

Refer to pages 32-33. When committed, assigned, and/or unassigned amounts are available, the summary of significant accounting policies should disclose the flow assumption used to determine which are spent for an expenditure. [GASB-S54: 23c]

113 - Pension-related note disclosures

Checklist Question: 13.2e

Page 48 - Refer to the reconciliation for the "net OPEB obligation" presented on page 47. The amount disclosed for the "annual OPEB cost" on page 48 should be \$42,919 rather than \$34,619 (which is the "increase in the net OPEB obligation"). Also, include the percentage of the OPEB cost contributed.

The notes should disclose the following for both the current year and the two preceding years: (1) annual postemployment benefit cost, (2) percentage of the annual postemployment benefit cost contributed, and (3) the net pension obligation/net other postemployment benefit obligation. [GASB-S27: 21b; GASB-S45: 25b; 2005 GAAFR, page 222]

118 - Statistical section

Checklist Question: 18.1h

Page 82 - Include items numbered 4 through 6 described below.

If the government presents revenue information for property taxes, the statistical section should indicate (1) the amount of each year's levy, (2) collections as of the end of the levy year in dollars, (3) collections as of the end of the levy year as a percentage of the levy, (4) collections in subsequent years, (5) total collections to date in dollars, and (6) total collections to date as a percentage of the levy. [GASB-S44: 21; 2005 GAAFR, page 307]

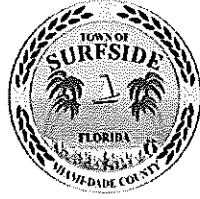
118 - Statistical section

Checklist Question: 18.1n

Page 86.

The demographic and economic information should indicate total personal income (if not already presented elsewhere within the statistical section). [GASB-S44: 32; 2005 GAAFR, page 309]

***** END OF COMMENTS FOR REPORT # 2,800.00 / FY2010 *****



**Town of Surfside
Town Commission Meeting Minutes
October 11, 2011
7 p.m.**

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

Supplemental No. 1

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:04pm.

B. Roll Call of Members

Recording Clerk, Sarah Johnston called the roll; all members were present at roll call.

C. Pledge of Allegiance

Chief Allen led the pledge of allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Mayor Dietch asked if any Commission members had any comments, no members spoke.

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

Commissioner Kopelman requested that item 9K (sergeant pay raise verses arbitration) be added to the agenda.

Vice Mayor Graubart announced he would like to add to the agenda a request from Jordan Leonard, a Bay Harbor Islands Councilman, to request help from Surfside with their upcoming carnival. He requested the following items be pulled from the consent agenda, item 20 page 35 (short term rentals), page 45 item 3E (projects progress report). Town Attorney Lynn Dannheisser requested that a call for an executive session be added to item 9L.

Commissioner Olchyk requested the following items be pulled from the consent agenda; item 1A page 2 (introduction of Code Enforcement Director), 3C page 32 (point of light relating to FP&L and AT&T), item 17 (point of light relating to e-readers), item 20 page 35 (short term rentals), 5B page 72 (resort tax auditing firm), item 9C page 121 (Citizens Academy), 9A 141 (party rentals), 9J page 178 (records management).

Mayor Dietch requested item 9G page 144 (Town Manager compensation) be removed from the agenda, he requested the following items be pulled from the consent agenda, item 3E page 45 (Projects Progress Report), item 5F page 112 (appointment of replacement members). He wants to link and pull Point of Light item #5 page 31 (Community Gardener Association) be linked to item 5E page 86 (Community Garden Agreement), Point of Light item #7 page 31 (resort tax) be linked to item 5B page 72 (resort tax auditor selection), Point of Light item #8 page 32 (document imaging) be linked to item 9J page 178 (records management); Point of Light item #10 page 32 (website enhancement) be linked to item 9H page 145 (setting a workshop for website related content); item 12 page 33 (Citizens Academy) be linked to item 9C page 121 (Citizens Academy), and item 29 page 37 (9502 Collins Avenue) be linked to item 5C page 77 (9501 Collins Avenue).

Town Manager Roger Carlton requested item 9G page 150 (Town Manager compensation) be pulled.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch stated that Surfside just received the 2011 Crime Prevention Unit of the Year Award, he complimented Chief Allen, Assistant Chief Di Censo, the staff and Dina Goldstein, and Officer Jay Matelis in particular.

Commissioner Karukin reminded everyone that on October 29, 2011 the Alzheimer's Association Memory Walk would be held.

Vice Mayor Graubart announced that at the November Town Commission meeting, David Lawrence the former publisher of the Miami Herald and an early childhood development representative would make a short presentation related to early childhood development initiatives.

Mayor Dietch asked Town Manager Roger Carlton to develop a policy on how items are added to the agenda.

Town Manager Roger Carlton responded that it will be a joint recommendation from the Town Attorney and the Town Manager.

Town Attorney Lynn Dannheisser explained that any Commissioner, the Town Manager, and the Town Attorney have authority to add items to the agenda.

Mayor Dietch announced the following upcoming events:

- Bay Harbor, Bal Harbour, Indian Creek Village, Surfside Island Beach Bash will be on October 14, 2011
- Eye on Surfside Program will meet on October 18, 2011 at 6:00 pm in Town Hall.
- National Prescription Drug Take Back Initiative on October 29, 2011 at 10am-2pm at the Surfside Police Department.
- Annual Halloween Block Party will be on October 31, 2011 between 6pm-8pm.
- Senior trip to the musical Hairspray will be on October 26, 2011.
- Halloween Haunted Park will be on October 29 2011 from 6:30pm-8:30pm at the 96th Street park.

- Senior Health Fair will be November 2, 2011 from 11am until 2pm at the Surfside Community Center.
- Veterans Day Ceremony will be on November 11, 2011 at 10am at Veterans Park.
- Fall Session 2 programming registration for the Parks and Recreation Department is currently underway and the programs begin October 24, 2011.
- The Buy a Brick Program is still available at Community Center.
- Fall Community Center Pool Hours are 9am until 6pm.
- Surf Bal Bay Farmers Market will be in Bay Harbor Islands on October 16, 2011.
- Endlessly Organic fresh produce distribution will at the Community Center on October 18, 2011. Urban Gardeners Association will have a meeting on October 26, 2011 at 7pm in Town Hall.
- The Downtown Vision Advisory Committee will be meeting on October 26, 2011 in Town Hall.
- Free Electronics Recycling for residents will be on October 27, 2011 8:30am-1pm at Town Hall.
- Sally Hayman will have a free flu shot clinic on November 1, 2011 at the Community Center.
- Reminder that hurricane season is until November 30, 2011, there is a volunteer initiative sponsored by the Police Department and Richard Iacobacci to help residents with storm preparation and lawn maintenance types of items.
- Mayor Dietch made an announcement about the North Miami Beach Publix being closed for renovations, resulting in the Surfside Publix being busier than usual.

G. Police Officer of the Month – August and September – August: John Gentile and Lesmes Ruiz; September: Micah Smith and Marian Valino

Chief Allen introduced officers of the month for August 2011-Les Ruiz and John Gentile, and officers of the month for September 2011-Micah Smith and Marian Valino, and presented awards.

H. Reading of *Home Sweet Surfside* Poem by Simone D'Antuono Page 1

Mayor Dietch introduced resident, Simone D'Antuono to read a poem she had written about Surfside.

I. Introduction of New Code Enforcement/Compliance Director, Jose Damien – Roger M. Carlton, Town Manager Page 2-4

Town Manager Roger Carlton introduced the new Code Enforcement and Compliance Director, Jose Damien.

Jose Damien introduced himself and explained his work background, including that he worked in Code Enforcement and Asset Management in Miami Beach for 25 years.

Commissioner Olchyk asked Jose Damien if he would continue working with private clients,

Jose Damien responded that he has some previously made commitments, but those commitments are minimal, not in Surfside, and will be fulfilled after hours.

Commissioner Olchyk asked about verification that there is no conflict of interest with his private clients and about his contract.

Town Manager Roger Carlton responded that there is a policy within Town relating to outside employment and they are very cautious to abide by that policy.

Vice Mayor Graubart requested that Jose Damien get to know the people with whom he is enforcing the code.

Jose Damien explained his philosophy in working with code enforcement and the process he follows before getting to the enforcement phase.

Commissioner Kopelman stated that he likes Jose Damien's resume and would like to meet with him soon.

Commissioner Karukin explained he advocates a reactive approach instead of proactive approach, and he looks forward to meeting with him.

Mayor Dietch also welcomed him to the Town and reiterated that he supports a practical approach to code enforcement.

Town Attorney Lynn Dannheisser announced an upcoming Attorney Client Session related to John Davis Case on November 1, 2011 at 6pm.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda (*Set for approximately 7:20 p.m.*)

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

Recommended Motion: To approve all consent agenda items as presented below.
**Denotes agenda items as "must haves" which means there will be significant impacts if the item is not addressed tonight. If these items have not been heard by 10 p.m., the order of the agenda will be changed to allow them to be heard.*

A. Minutes - September 1, 2011 Second Budget Workshop Page 5-15

September 13, 2011 First Budget Hearing Page 16-21

September 26, 2011 Second Budget Hearing Page 22-27

B. Budget to Actual Summary as of July 31, 2011- Martin Sherwood, Finance

Director Page 28-29

*C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager
Page 30-39

*D. Town Attorney's Report – Lynn M. Dannheisser, Town Attorney Page 40-44

E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 45-47

F. Beautification Committee Meeting Minutes July 11, 2011

Commissioner Karukin made a motion to approve consent agenda minus the items pulled, Commissioner Kopelman seconded the motion, all voted in favor.

**DISCUSSION FOR PULLED ITEMS FIRST:*

Item 3E, page 45 relating to projects progress reports.

Chris Giordano from Calvin Giordano & Associates presented the status of the water and sewer projects. He showed examples and video of the existing sewer pipes which can be lined and examples of when they are unable to install a liner and must remove portions of the pipe for replacement. He explained that that infill in the sewer system was costing the Town approximately \$225,000 per year.

Town Manager Roger Carlton explained that the lateral line is the line going from the main sewer pipe into the home and that the Town is repairing and, if necessary replacing the sewer pipes up to the individual property lines.

Town Manager Roger Carlton indicated that the water pipes will be completely replaced. Chris Giordano showed images of the replacement of laterals and water main lines. He showed a graph showing production levels toward completion of the project stating that they are slightly behind on time, therefore they will be adding additional crews to work on the project.

Vice Mayor Graubart asked about the replacement of laterals lines for restaurants and commercial property, he does not think the Town should have to pick up the tab to replace the laterals because the restaurants and commercial properties are not maintaining them.

Mayor Dietch said that other Towns have fat/oil/grease ordinances and this is something that should be considered by the Town.

Bill Evans, Public Works Director, said that staff is well aware of this problem and the Town will have the lines cleaned. He stated that this is an issue, which must also involve Code Enforcement and, if necessary, amend the code of ordinances. He responded that although the restaurants have grease traps, not all are maintained, warranting code enforcement involvement.

Commissioner Olchyk asked about the supervision of the on-site work crews.

Chris Giordano responded that there are three (3) full-time inspectors following around the work crews all day and he is here weekly. He further explained that whenever any work is being done in the Town there is always a Calvin Giordano & Associates employee and a Town staff member present.

Page 32 item 11 relating to FP&L and AT&T pole replacement.

Commissioner Olchyk asked why staff has been unable to get FP&L and AT&T to replace leaning telephone and electric poles in the Town.

Bill Evans responded that he has met with FP&L and AT&T engineers separately and they did not feel any of the poles needed replacement. He said he pushed as far as he could to get them to replace the poles and they determined that they were structurally safe. He explained that FP&L and AT&T require the poles to be leaning a minimum of 17% and additional criteria must be present, showing deterioration. He said the engineers sent the Town a letter stating that all of the poles were within the acceptable parameters and did not need replacement.

Town Manager Roger Carlton said the Town could complain to the Public Service Commission but in his experience the complaint does not usually bring results, he said he fully supports going underground but at this point in time it is futile to go any further with this issue.

Mayor Dietch said there are two poles that will go underground if the CVS expansion and the proposed Grand Beach Hotel project go forward.

Vice Mayor Graubart asked if Town Manager Roger Carlton could prepare a letter on behalf of the Commission (signed by all members) asking them to rectify the issue.

Mayor Dietch indicated that there is a "most favored nations" clause that staff should look into to see if they could be compelled to act.

Town Manager Roger Carlton said he will prepare a letter and include pictures.

** see agenda item Good and Welfare*

Item 17 page 34 relating to e-readers.

Commissioner Olchyk asked how the e-readers were acquired and how much they cost. Duncan Tavares responded that there are four (4) Kindles, two (2) Nooks, and two (2) Sony e-readers. He said two (2) were donated and the rest were purchased from money left over from the library fund. He explained that currently there is no wifi so they are waiting on a wifi proposal from IT. He said staff will be managing the e-readers and he has been in discussion with other cities that have the program. Duncan Tavares explained it is a new program and staff will be prudent in implementing this procedure. Commissioner Kopelman suggested having local businesses sponsor some of the e-readers.

Commissioner Olchyk asked how long it will take to get this program going.

Town Manager Roger Carlton said he should have the whole thing ready for the next meeting.

Commissioner Olchyk asked why they purchased the items without having the wifi set-up.

Duncan Tavares explained it was because the e-readers were budgeted for last year and were purchased before year-end.

Vice Mayor Graubart wanted to add an item to the Points Of Light for next month, he asked the manager of the Surfside Publix if they could install a lock box for residents to pay utility bills at the Publix location. He said the Publix manager seemed receptive to the idea.

Item 3E Page 45 relating to project progress payments

Town Manager Roger Carlton said they are in final stages of negotiation with AECOM and as he committed, he will have a full report in November, which recommends a settlement that will hopefully stay within the \$5 million dollar amount. He explained that the last time the Town took on a construction project was with the renovation of Town Hall which cost \$750,000 in legal fees, he is hoping to avoid that with this project. Town Manager Roger Carlton said that they had installed air diverters for the air conditioners to keep noise down (they had received complaints from neighbors). Mayor Dietch wants the consultants and the Town Manager to understand that \$5 million dollars is the budgeted number.

Town Manager Roger Carlton stated that he is trying as hard as he can to stay within that \$5 million amount even though they added a \$250,000 room to the Community Center. Vice Mayor Graubart was very concerned about the snack bar and referenced the numbers he was given by the Finance Director stating that they have paid over \$1 million dollars to AECOM and he is unhappy with the snack bar which was built. He said he is upset with what was built because he felt it was inadequate.

Commissioner Olchyk wants to report that the chair of the Beautification Committee resigned and Mayor Dietch needs to replace his appointment

Commissioner Kopelman made a motion to approve items pulled from the Consent Agenda with changes, Commissioner Karukin seconded the motion to approve with changes. All voted in favor.

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. **Required Amendments to FEMA Ordinance-** Paul Gioia, Building Official
Page 48-63

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 "FLOODS" AND SPECIFICALLY SECTION 42-26 "STATUTORY AUTHORIZATION"; SECTION 42-41 "DEFINITIONS"; SECTION 42-57 "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD"; SECTION 42-77 "DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR"; SECTION 42-92 "SPECIFIC STANDARDS"; SECTION 42-95 "COASTAL HIGH HAZARD AREAS (V-ZONES)"; AND SECTION 42-114 "CONDITIONS FOR VARIANCES" 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 clarifies certain elements of the FEMA flood ordinance. These clarifications have been requested by FEMA and are required to regain the status which allows our residents to obtain discount for their flood insurance premium.]

Commissioner Karukin made a motion to approve, Commissioner Olchyk seconded the motion. All voted in favor except for Commissioner Olchyk who was not present for the vote.

Paul Gioia discussed the reason why staff was proposing the ordinance and explained that this is the end of what has been a lengthy process for the Town to be able to gain FEMA approval and obtain a positive rating for Flood Insurance.

B. First Readings Ordinances

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

NONE

5. Resolutions and Proclamations

(Set for approximately 8:30 p.m.) (Note: Depends upon length of Good and Welfare)

- *A. Employee Health Benefits Contract Renewal for Fiscal Year 2011-2012- Martin Sherwood, Finance Director [contract available at the Town's Clerk's office] Page 64-71**

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING GROUP HEALTH PLAN BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND UNITED HEALTHCARE/ NEIGHBORHOOD HEALTH PLAN; PROVIDING FOR AN EFFECTIVE DATE.

Stan Bershad explained the new health plan that he was able to negotiate.

Martin Sherwood explained that the negotiation resulted in a savings of over \$35,000, he thanked Stan Bershad for his efforts.

Town Manager Roger Carlton clarified that the employees are also receiving a 9.3% increase.

Commissioner Kopelman made a motion to approve, Commissioner Karukin seconded the motion. All voted in favor.

- *B. Selection of Resort Tax Auditing Firms- Duncan Tavares, Tourism, Economic Development and Community Services Director Page 72-76**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SELECTING SEVEN (7) AUDIT FIRMS TO PERFORM RESORT TAX AUDITS FOR THE TOWN IN RESPONSE TO RFP NO. 11-04; AUTHORIZING THE TOWN MANAGER OR HIS/HER DESIGNEE TO ENTER INTO CONTINUING CONSULTANT AGREEMENTS WITH THE SELECTED AUDIT FIRMS; FURTHER AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Kopelman acknowledged former Commissioner Blumstein who was in attendance.

Commissioner Karukin made a motion, Commissioner Kopelman seconded the motion.

Town Manager Roger Carlton explained that the Town previously was not performing resort tax audits and that going forward the Town needs to perform these audits.

Commissioner Olchyk expressed concern with the rates the auditors were proposing to charge and would like to see if the audit firms will lower their proposed rates.

Town Manager Roger Carlton responded that the audit firms have lowered their rates and the less expensive firms are too small and unable to do the work required for auditing the larger businesses. He explained that there are businesses collecting resort taxes in the Town doing a significant amount of business justifying the need for a larger audit firm at a higher blended hourly rate.

Commissioner Olchyk expressed support of obtaining auditors, but she is not supportive of the hourly amount being charged.

The vote was 3-1 in favor with Commissioner Olchyk opposed and Mayor Dietch was not present for the vote.

***C. 95th Street Grand Concourse Project Fund Receipt of Contribution from 9501 Collins Avenue Developer - Roger M. Carlton, Town Manager Page 77-80**

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA ("TOWN"), ACCEPTING A PROFFER BY GREYSTONE RESIDENTIAL LLC, SUCCESSOR IN INTEREST TO 9501 COLLINS AVENUE, LLC IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) CONTRIBUTION TO THE 95TH STREET GRAND CONCOURSE PROJECT FUND; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger Carlton explained the project being proposed is already approved and the applicants have already obtained a permit. He showed examples of the project the applicants are planning, which was already approved and they already have a permit. He explained that the developers who purchased the property offered \$100,000 towards the 95th Street Grand Concourse Project Fund; the developers of the property have asked

for a resolution to approve the proffer because they wish to begin their development as soon as possible.

Commissioner Kopelman made a motion to accept, Commissioner Olchyk seconded the motion to accept.

Ryan Shear spoke on behalf of Greystone Residential LLC., he expressed excitement to begin the project and explained that they intend to start offering the Townhouses for sale in January 2012 and the groundbreaking is scheduled for the end of the first quarter 2012.
All voted in favor.

***D. Expenditure of Forfeiture Funds- David Allen, Chief of Police Page 81-85**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2011/2012 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF SEVENTY NINE THOUSAND TWO HUNDRED TEN DOLLARS (\$79,210.00); AND PROVIDING FOR AN EFFECTIVE DATE

Chief Allen presented this item explaining it is a resolution to use \$79,000 for listed items supporting crime prevention.

Commissioner Kopelman made a motion to approve, Commissioner Karukin seconded the motion.

Commissioner Karukin and Vice Mayor Graubart asked about crime initiatives at entryway of Town.

Mayor Dietch, in response to questions, explained that in an effort to deter crime the edges of the Town should more clearly defined.

Commissioner Kopelman asked Chief Allen about license plate reader cameras being placed upon the police cars.

Town Manager Roger Carlton said he will reinstate this item as a Point of Light.

All voted in favor.

***E. Award of Community Garden Agreement - Duncan Tavares, Tourism, Economic Development and Community Services Director Page 86-111**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN AFTER-THE-FACT AGREEMENT WITH SURFSIDE URBAN GARDENERS; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger Carlton introduced the item explaining this is an item that has been before the Commission previously and staff is seeking approval for the final agreement. Melissa Moonves 8842 Emerson Avenue, President of the Urban Gardeners Association explained how the project will work.

Mayor Dietch said he is very supportive and is pleased the item is before the Commission
Mayor Dietch passed the gavel and made a motion to accept, Vice Mayor Graubart seconded the motion. All voted in favor.

***F. Appointment of Replacement Members of the Planning And Zoning Board and Design Review Board- Lynn M. Dannheisser, Town Attorney Page 112-116**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING REPLACEMENT MEMBERS OF THE TOWN PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD; PROVIDING FOR IMPLEMENTATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Karukin explained his appointee, Scarlett Hammons stepped down and he has appointed Lindsay Lecour to serve on the Planning and Zoning Board and Design Review Board as a replacement appointee.

Commissioner Kopelman made a motion to approve, Vice Mayor Graubart seconded the motion, All voted in favor.

Town Attorney Lynn Dannheisser explained the Board still needs an additional appointment from the entire Commission.

Mayor Dietch said if there is no one who meets the qualifications within the Town they can look outside but he would prefer they find someone inside of the Town.

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.

At 8:14pm Mayor Dietch opened up Good and Welfare.

Andy Labrada and Liza Ortega, 8837 Harding Avenue and owner of EventX productions spoke and thanked the Commission for their support. He said that he filmed the opening of the Community Center and recently screened the film at the International Film Festival in Doral. Mayor Dietch asked that the videos of the Community Center opening be broadcast on channel 77.

Town Manager Roger Carlton stated that Mr. Labrada's company also films the Town's crime prevention videos.

Ana Marie Kelly 9195 Collins Ave, spoke regarding issues that have occurred in her building. She expressed concern because she has called the Police Department on issues

and has been told they were civil issues. She also spoke about short-term rentals and asked the Commission to enforce laws against short-term rentals in her condominium. Chief Allen responded that the Town has always responded but this is an issue between her and her condominium association.

Town Manager Roger Carlton responded that now that the ordinance is in place and with the recently hired Code Enforcement Director staff can now investigate reports and follow through with the enforcement procedure.

Commissioner Olchyk would like it noted that the Carlyle Condominium has had complaints for an extended period time and would the staff enforcement start there.

Town Manager Roger Carlton confirmed with the Commission that staff will increase enforcement of the short term rental ordinance.

Mayor Dietch requested it be reported back to the Commission as a Point of Light.

Mayor Dietch closed good and welfare at 8:30pm.

7. Town Manager and Town Attorney Reports

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

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications (Set for approximately 9:00 p.m.)

***A. Presentation of Preliminary Parking Utilization Study Including Alley Upgrades, Wayfarer Signage, Parking Lot Improvements and Surfside Branding for Image Building - Ravi Devaguptapu, Engineer (SET FOR TIME CERTAIN AT 9:00 PM) Page 117-118**

Town Manager Roger Carlton explained this was a presentation relating to a preliminary parking study and was not before the Commission for a final decision.

Juan Calderon from Florida Transportation Engineering (FTE) presented the Parking, Way Finding, and Alleyway study. He went over parking inventory, parking lot design, alleyway revitalization, Way Finding signs, and branding. He indicated there was many issues with parking inventory and that the parking demand is impacted by seasonality (the winter season being the busiest time of year), store vacancy (there are currently eight (8) vacant units), and a proposal to eliminate side street parking on Harding Avenue. Analyzing all these factors and accounting for the adjustments a need for a parking garage is reflected based upon the occupancy numbers.

Town Manager Roger Carlton said this is just a parking count, which shows at peak time there will be a shortage in the Abbott Avenue parking lot. He said the decision to be made from this presentation is whether to go forward with a feasibility study. He explained that after a feasibility study is done then staff and the Commission will have

discussions about the garage (if it is determined one is needed) relating to style, design, public, or partner with a private company, etc.

Juan Calderon also presented the alleyway revitalization concepts and showed samples of proposed alleyways. He introduced Chris Rogers from Yazzi Designs to present on the wayfinding portion of the study. Chris Rogers went over the current issues he identified (gateways, vehicular directionals, identity signs, and pedestrian signs). He also showed some preliminary concepts for entryway signs and expressed the importance of, whichever sign is selected, the design should be carried through the Town. The other item he has researched is developing a tagline/motto for the Town and identified some things to consider when they come up with a tagline.

Town Manager Roger Carlton summarized what staff is seeking tonight, he is not asking for a final decision but he would like some input from the Commission. He said coming up with an aesthetic that everyone likes would allow them to move forward with the program mentioned by the Chief relating to more defined Town entryways.

Mayor Dietch said he is not convinced that they need a garage but he would like to continue with the process to determine if a parking garage is necessary.

Commissioner Karukin said that he is in agreement with Mayor Dietch and asked how FTE's results were compared to the 2004 study

Juan Calderon responded they were unable to use to 2004 study because of the timeline used.

Town Manager Roger Carlton responded that the current study that was done was much more granular and that the 2004 was 7 years ago and the Downtown area has changed dramatically. He explained the reasons behind a parking feasibility study and the methods in place to pay for the study. He referenced merchants that have not come to Surfside because of the parking situation.

Town Manager Roger Carlton referenced the presentation made by Juan Calderon and said that they adjusted the numbers based upon the season, removal of spots, and increased business occupancy.

Commissioner Kopelman expressed concern with attracting businesses if there is not enough parking to support the businesses.

Vice Mayor Graubart asked that this item be deferred to a workshop.

Town Manager Roger Carlton confirmed that the Commission would like for him to schedule a workshop.

Commissioner Karukin expressed some concern with the Way Farer signs and is worried about sign pollution, but stated he does support signs for parking.

Vice Mayor Graubart asked about construction workers parking in the Abbott lot.

Juan Calderon explained there were some construction workers in the Abbott lot but he did not see a substantial impact on parking because of the construction workers.

***B. Legislative Program Discussion- Fausto Gomez, Legislative Consultant (SET FOR TIME CERTAIN AT 9:20 PM) Page 119-120**

Fausto Gomez (as the Town lobbyist) explained that the legislative session has been moved up from March to January. Issues for the Town Commission to be aware of are:

- Reapportionment – he believes it is a priority for the Town to make sure the legislative districts are contiguous and represented by one representative.
- From the Revenue Estimation conference in Tallahassee it was said that there would be a \$1.5 billion dollar deficit within the next two (2) fiscal years. He said the Legislature has kept a billion dollars in reserves so they do not have to have a budget cut this upcoming budget year however that is expected to change the next year.
- Pension reform –during the last legislative session the retirement age for 401k programs was changed from 55 to 60, in the upcoming session the Governor has stated he wants to change the age back to 55. Additionally, there is a proposed change mandating 401k programs for municipalities.
- TABER – this is a proposed revenue and expenditure limitations, previously this was imposed only on state revenue, in the upcoming session they want to expand the limitations to include local government.
- Peoples Transportation Plan – Surfside receives \$182,000 annually, that is from the 20% of the share that goes to Miami-Dade County, new municipalities have been added to the County and they are proposing the new municipalities get their share from the existing amount, resulting in Surfside receiving a reduction in amount down to \$146,000.
- Internet Travel Service – he said only Miami Dade County, Surfside, and Bal Harbour can charge local tourist development tax for hotels. He said there is ongoing litigation with Orange County and Orbitz and Expedia relating to rooms being resold at a higher cost than cost the tourist tax is paid on. He said this will be a key issue this upcoming legislative session.
- Red light cameras – He explained that the future speaker of the House of Representatives would like to get rid of the cameras.

Town Manager Roger Carlton stated that Orbitz and Expedia just settled for \$10 million with Orange County regarding the tourism tax.

Town Manager Roger Carlton stated that this is the earliest they have ever seen a Legislative program and would like the permission from the Commission to accept this as primary legislative action and to fly there on emergency basis if needed.

Fausto Gomez stated he would like reapportionment added.

Commissioner Kopelman made a motion to approve with apportionment added, Commissioner Karukin seconded the motion. All voted in favor.

- *C. Interlocal Agreement with Florida International University Metropolitan Center to Implement a Residential Satisfaction Survey (RSS) and a Citizen's Academy- Roger M. Carlton, Town Manager (SET FOR TIME CERTAIN AT 9:30PM) Page 121-140**

Dr. Howard Frank from the FIU Metropolitan Center spoke about implementing a Citizens Academy for about 20 people which would be two 8-hour sessions at the school

and a Residential Satisfaction Survey (RSS) which would be a diagnostic tool for management. He said he was involved with an academy in Homestead many years ago, he explained that they work on a buddy system helping local officials and they give an overview of government.

Commissioner Karukin made a motion. There was no second.

Commissioner Kopelman asked about the sample size and questioned whether that gives an accurate depiction. He asked how they select the people.

Dr. Frank responded that they pick a representative sample of the Town from buying the phone numbers, and he will work with the Town in selecting the sample.

Town Manager Roger Carlton indicated that the request tonight is whether the Commission members are interested and the final decision will be next month.

Commissioner Kopelman would like more information before he makes a decision.

Commissioner Olchyk expressed concern with spending \$11,000 for the study and with community participation based on previous committees and lack of involvement.

Commissioner Karukin has some reservations and referenced a non-scientific study he did. He said he supports this conceptually but has some reservations with survey size and cost.

Dr. Frank indicated that the survey is based upon 400 responses in a time certain.

Mayor Dietch indicated that both of these initiatives provide transparency and said he believes it is a relatively small investment in the community and he sees this as an opportunity for the Town.

Town Manager Roger Carlton asked if the Commission would like for staff to bring back the issue relating to the survey (with more details) and the issue relating to the academy (with more detail)

The vote was 3-2 with Commissioner Karukin and Mayor Dietch voting in support and Vice Mayor Graubart, Commissioner Kopelman, and Commissioner Olchyk voted in opposition.

***D. Community Center Pool Party Rentals-** (September 13, 2011 Town Commission Meeting, Item 9 A) **“ Reconsideration”** at Request of Commissioner Karukin **Page 141**

Commissioner Karukin wanted to reconsider his previous vote on this issue.

Commissioner Kopelman made a motion for reconsideration, Vice Mayor Graubart seconded the motion, all voted in favor.

Commissioner Kopelman made a motion to accept the Community Center pool rental agreement, Mayor Dietch seconded the motion. All voted in favor.

E. “Shovel Ready Projects”- Vice Mayor Joe Graubart **Page 142**

Vice Mayor Graubart explained that he put this item on the agenda in case there is another Federal Stimulus Package. He would like the Town to have some shovel ready projects, he suggested some projects he would like to be considered.

Commissioner Karukin made a motion to go beyond 11:00pm, Commissioner Kopelman seconded the motion, all voted in favor.

Town Manager Roger Carlton defined what shovel ready projects are indicating that they are projects where plans, specifications, and bid documents are complete in advance in case a stimulus package is passed and funds become available. He said that he is supportive of this idea and believes it is very forward thinking
Mayor Dietch asked that this be a Point of Light.

F. “Welcome to Town” Packet for New Residents (“WELCOME WAGON”) - Vice Mayor Joe Graubart Page 143

**Due to the late hour and residents waiting, agenda item 9L (relating to the food policy at the Community Center Pool) was heard before this item.*

Vice Mayor Graubart explained that years ago when residents moved to Surfside they received a welcome packet for new homeowners which would include some pertinent information for residents new to the area.

Commissioner Olchyk asked how much this would cost.

Mayor Dietch asked that is a Point of Light.

Town Manager Roger Carlton responded that the cost would be staff effort to put it together and it will be a Point of Light.

G. Compensation Adjustment for Town Manager- Mayor Daniel Dietch [to be delivered under separate cover] Page 144

**This item was not discussed.*

H. Setting a Workshop for the Town Website, Channel 77, the Gazette, Social Networking and other Methods to Improve Communication with Citizens- Roger M. Carlton, Town Manager Page 145-175

Commissioner Karukin asked Town Manager Roger Carlton to inform the former Communication Committee of this workshop.

Town Manager Roger Carlton said staff had received bids on redoing the website and none were acceptable. He said staff is recommending that they have a workshop to discuss this and he will schedule the workshop.

***I. Community Center/Pool Outside Food Policy – Tim Milian, Parks & Recreation Director Page 176-177**

**Item moved before item 9F*

Town Manager Roger Carlton said that the policy currently in effect is based upon the agreement between the Town and the Concessionaire that the Commission agreed to

enter into previously. He said the Parks and Recreation Committee made a recommendation to install a picnic table and allow finger food (not from the Concession) in a designated area. He said that the Administration recommends that for the first year they maintain exclusivity to ensure survival of the concessionaire.

Tim Milian, Parks and Recreation Director, spoke and said that the outside food policy would lead to the detriment of the current concessionaire and referenced other municipalities that have had this problem. He said the entire board of the Parks and Recreation Committee was present at the Commission meeting.

Commissioner Kopleman made a motion to continue the policy Commissioner Karukin seconded the policy.

Mark Blumstein, a resident of Surfside, said he disagrees with the recommendation to allow exclusivity with the concessionaire.

Alvaro Norris, a resident of Surfside, said he supports the exclusivity in order to allow the concession to remain in business.

Eliana Salzhauer, board member of the Parks and Recreation Committee, spoke in opposition of allowing the concessionaire to be exclusive.

David Jacobsen, resident and owner of the concession, spoke in support and explained there are many other concessions that have closed when they allowed outside food to come in.

Sharon Goldberg 9232 Dickens Avenue, spoke in opposition of allowing the concessionaire to be exclusive and also discussed nutritional concerns with the food being offered at the concession.

Barbara McLaughlin, board member of the Parks and Recreation Committee, spoke in support of keeping exclusivity with the concessionaire.

Doris Obregon, board member of the Parks and Recreation Committee, spoke in support of exclusivity for the concessionaire.

Commissioner Kopelman addressed additional concerns such as clean up and maintenance that is associated with allowing outside food to be brought into the Community Center pool area.

Commissioner Olchyk wanted to remind everyone that the Commission spent a lot of time reviewing the menu and there is a variety of food options, she is also concerned with the potential clean up and maintenance issues.

Vice Mayor Graubart is also concerned with obesity and nutritional concerns and said he would like a friendly amendment to have this issue come up in May. He said this will allow exclusivity until May and then the decision will be made by next Commission before the height of the season.

Commissioner Karukin is more concerned with the additional burden which could be placed upon the Town with policing this issue. He is in agreement with Vice Mayor Graubart and would like this to come up no later than May.

Mayor Dietch said they can measure the viability of the concession during the winter, he is concerned with the Town getting into a subsidy situation with the concessionaire.

All in favor.

J. Records Management- John Di Censo, Interim Town Clerk Page 178 – 179

Interim Town Clerk John Di Censo reported on the records management process, he said there is a large document scanner that is missing which would allow for the clean-up of many of the files located in the rooms throughout Town Hall. He wants permission to get that scanner and a person to scan the documents; he also indicated that he could outsource this item.

Commissioner Kopelman made a motion to buy the large document scanner.

Commissioner Olchyk said she has a lot of questions about the scanners which have already been purchased.

Vice Mayor Graubart made a motion to extend the meeting to 12:15am, Commissioner Kopelman seconded the motion. All voted in favor.

Paul Gioia spoke to the current cost involved with looking for plans or what the residents have to pay to have building plans copied for a public records request.

Mayor Dietch wants to bifurcate this issue.

Commissioner Kopelman made a motion to purchase large document scanner now and hold off on the additional person until next month. Vice Mayor Graubart seconded the motion. All voted in favor to purchase the scanner.

K. This item was walked on and related to Fraternal Order of Police impasse.

Commissioner Kopelman introduced this item. The Town is ready for an impasse hearing relating to this issue, which is tying to compensation for sergeants to annual performance evaluations. He is calling for an executive session relating this issue.

Vice Mayor Graubart added this item relating to a request from Bay Harbor Islands. He said Leonard Jordan, a Councilman from Bay Harbor Islands was asking if Surfside would contribute to their upcoming International Flag of Nations Carnival which raises funds for parks and classrooms.

Vice Mayor Graubart made a motion to donate \$500 or \$1000, Commissioner Karukin seconded the motion. Commissioner Kopelman supports a \$500 donation. Mayor Dietch thinks this kind of event is something that should be contributed by parents and local businesses. He is opposed. The vote was 3-2 with Commissioner Kopelman, Commissioner Olchyk, and Mayor Dietch opposed and Vice Mayor Graubart and Commissioner Karukin voting in favor.

Commissioner Olchyk said that she would like to show support for the Manager with a one time special bonus for Town Manager Roger Carlton, Commissioner Karukin seconded the motion for this be at item on the next agenda. All voted in favor.

10. Adjournment

Commissioner Kopelman made a motion to adjourn at 12:18am.

Accepted this ____ day of _____, 2011

Daniel Dietch, Mayor

Attest:

Sarah Johnston, Recording Clerk



**Town of Surfside
Town Commission Meeting
MINUTES
November 8, 2011
7 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:05 P.M.

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief Allen led the Pledge of Allegiance.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Olchyk commented about the newspaper articles and letters circulating and expressed that it was not good for the Community and the Town's morale.

Mayor Dietch spoke about the positive changes happening in the Town. He welcomed the new Town Clerk and the new Code Compliance Director who recently joined the administration. Mayor Dietch touched on the emails that have been circulating and stated that there is no need to be anonymous. He encouraged persons with issues to them forth.

Commissioner Kopelman spoke about the article that appeared in the Miami Herald Neighbors by Vice Mayor Graubart and made a motion to censor him. There being no second, the motion failed.

Vice Mayor Graubart spoke about Commissioner Kopelman's much earlier newspaper article. Vice Mayor Graubart indicated that Commissioner Kopelman is entitled to his opinion. Commissioner Kopelman responded that the article was written during the last Commission term.

Commissioner Karukin disagreed with the content of the Vice Mayor's neighbors article because he thinks it was a distortion of the facts.

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

Town Attorney Lynn Dannheisser announced an Attorney/Client Session on the litigation entitled Young Israel Bal Harbor Inc. vs. Town of Surfside, Case # 24392 in the United States District Court. The Town Attorney is seeking advice concerning litigation strategies and the meeting will be confined to this discussion. The meeting is called for 6:30 pm on Tuesday, November 29, 2011 in the Manny Crawford Conference Room.

Commissioner Karukin pulled the Budget to Actual Summary as of August 31, 2011, pg. 24 and Point of Light item 3C, #10, pg. 27.

Commissioner Olchyk asked to pulled Points of Light item 3C, # 5, pg 26; # 6, pg. 26; # 7, pg. 27; # 15, pg. 29; #23, pg. 31; #39, pg. 34; # 4, pg. 34; item 3D, Police Department, pg.40 and item 3D, Subrogation Right, pg. 42.

Vice Mayor Graubart pulled Point of Light 3C, #1, pg. 25; # 2, pg. 25; # 40, pg.34; #13, pg. 35; Calvin, Giordano & Associates, Inc Progress Report 3E, # 3, pg. 45; #4, pg. 46.

Town Manager, Roger M. Carlton asked to defer item 3C2 from the Points of Light and item 9G.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced that the next bike ride with the Chief of Police will be on December 6, 2011 at 6:00 pm, starting in front of Town Hall. A Holiday Toy giveaway will take place on December 21, 2011 between 3:00 pm. – 5:00 pm. in the Commission Chambers. The first national test of the Alert System will be on November 9, 2011 at 2:00 pm. The Surfside Urban Gardeners will meet on Wednesday November 16, 2011 from 7-9 pm in the Manny Crawford Conference Room, 2nd floor Town Hall. The Grand Opening of the Garden is tentatively scheduled for the first weekend in December. The Mayor also announced that the Winter Camp registration is now open and the camp will run from December 19 – December 30, 2011. There will be a senior trip to the Hard Rock Casino on Thursday, December 15, 2011.

Commissioner Kopelman announced the Veteran's Day celebration on Friday, November 11, 2011 at 10:00 am at the Veteran's Park.

Vice Mayor Graubart announced the return of the popular Surfside Third Thursday Music Event Series from November to April every third Thursday of the month from 7-10 pm on Harding Avenue.

G. Introduction of new Town Clerk, Sandra Novoa – Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton spoke about the hiring process for the Town Clerk's position.

Town Clerk Sandra Novoa, thanked the Manager, the Mayor and the Commissioners for the opportunity to serve as the new Clerk of the Town of Surfside.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Commissioner Kopelman made a motion to approve the consent agenda less the items that were pulled. The motion received a second from Commissioner Karukin and all voted in favor.

A. Minutes - September 13, 2011 Commission Meeting

B. Budget to Actual Summary as of August 31, 2011- Martin Sherwood, Finance Director

Pg. 24 – Town Manager, Roger M. Carlton answered a question asked by Commissioner Karukin regarding the Water and Sewer fund.

Pg. 24 – Town Manager, Roger M. Carlton answered a question asked by Commissioner Olchyk regarding the Municipal Parking fund expenditures and revenues.

The Town Manger asked for a motion to authorize the acquisition of another multi-space meter to be placed at the new property for the public to use on holidays and weekends.

Commissioner Kopelman made a motion to approve the acquisition of a multi-space meter. The motion received a second from Commissioner Karukin and all voted in favor.

***C. Town Manager’s Report (Points of Light)** – Roger M. Carlton, Town Manager

Item 1, pg. 25 – Vice Mayor Graubart’s question regarding the parking counts on the Downtown vision project will be answered at a later date and a copy of the study will be sent to the Mayor and all the Commissioners.

Item 5, pg. 26 – Commissioner Olchyk had a question on the donation of a police car to the Friends of Surfside Cats. Town Manager, Roger M. Carlton explain that the Town was not going to receive more than \$500.00 for that police vehicle and he made the decision to donate to these volunteers.

Item 6, pg. 26 – Town Manager, Roger M. Carlton answered questions as to the Tourism/Resort Tax Auditor program and Ms. Julia Magnani who was retained on a part time hourly basis without any benefits.

Item 7, pg. 27 – Commissioner Olchyk requested to receive a quarterly report as to how many documents have been scanned.

Item 10, pg. 27 – Mr. Bill Evans, Director of Public Works answered questions posted by Commissioner Olchyk.

Item 15, pg. 29 – Commissioner Olchyk requested specifications as to how much the Town is spending on beach cleanup. Town Manager, Roger M. Carlton explained that a variety of beach maintenance activities cost \$37,000.00 yearly. He indicated that to employ someone to clean the beach full time will cost approximately \$33,000.00 additionally yearly. He also explained that to have the beach look like Bal Harbor’s beach we will have to submit a design to the State and DEP and spend the money for the design without any guarantees of approval. Tim Milian, Parks and Recreations Director, explained the duties of his Maintenance and Custodian employees as relates to the beach. Bill Evans, Public Works Director, spoke about the duties of his Maintenance person assigned to the beach once a week and

supplements the Maintenance person from Parks and Receptions Department. Commissioner Olchyk made a motion to hire an employee not to exceed \$20,000.00 a year to maintain the beach and include the purchase of a new ATV. The motion received a second from Vice Mayor Graubart. The motion failed 2-3 with Commissioner Kopelman, Commissioner Karukin and Mayor Dietch voting in opposition.

Item 23, pg. 31 – Joe Damian, Director of Code Enforcement answered questions asked by the Commission regarding the Carlyle Condominium and the short Term Rentals.

Item 39, pg. 34 – Manager Roger M. Carlton explained that the Micro-Finance Employee Benefit Program would benefit employees with financial hardship.

Item 40, pg. 34 – Vice Mayor Graubart suggested providing free parking during the holiday season. The Manager explained that if you provide free parking, those spaces will be used with employees and that an alternate idea was to provide forbearance of a parking ticket for one hour. Commissioner Olchyk made a motion to approve this item. The motion received a second from Commissioner Kopelman and all voted in favor.

Item 4, pg. 34 – Manager Roger M. Carlton announced that the linkage with Sunny Isles Beach route will begin on November 15th, 2011 to allow residents' transportation to other destinations not currently available to them. The Manager explained that the City of Miami Beach is asking the Town to extend our route to 69th Street to pick up the closed Publix customers. He also explained that the program would not start until the cost was funded either by Miami Beach or Publix. Commissioner Kopelman made a motion to revisit after three months from its initiation. The motion received a second from Mayor Dietch and all voted in favor.

Item 13, pg. 35 Vice Mayor Graubart asked Commissioner Kopelman about the status of this item. Commissioner Kopelman explained that we are getting close to the holidays but even when he is no longer in office, he is willing to work with the Town Manager to build a relationship between Condo Residents and Single Family Homes residents.

***D. Town Attorney's Report** – Lynn M. Dannheisser, Town Attorney

1. Scheduling of Elections Seminar by Joe Centorino, Executive Director Miami-Dade County Commission on Ethics and Public Trust - Lynn M. Dannheisser, Town Attorney

Item Police Department, pg. 40 - Commissioner Olchyk asked how many delinquent accounts for off duty details is the report referring to. Chief of Police David Allen explained that there were about three or four companies that owed money and that he requested the Town Attorney to prepared delinquent letters to send out.

Item Subrogation Rights, pg. 42 – Commissioner Olchyk asked for an explanation on this item. Town Attorney, Lynn Dannheisser, explained that she will be happy to explain off the Dais.

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

Item 3, pg. 45 – Vice Mayor Graubart asked if the Town will be reimbursed or get some sort of credit from Dell Computers. Town Manager, Roger M. Carlton stated

that the Town received much upgraded computers at a discounted price and they are all working properly.

Item 4, pg.46 – Vice Mayor Graubart wanted to make sure that the Town’s water/sewer/storm drainage project is brought up occasionally and he wanted to know if the project is moving along and on schedule. The Town Manager indicated that a full report will be provided to the Commission in December.

***F. Purchase of New Parks & Recreation Truck** – Tim Milian, Parks and Recreation Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE PURCHASE OF A FULL SIZE MAINTENANCE TRUCK FORD F-150 PIGGYBACKING OFF THE STATE FAC CONTRACT UP TO \$17,500 BUDGETED UNDER PARKS AND RECREATION ACCOUNT #001-6000-572-64-10 FOR FY 2011/2012; PROVIDING FOR AN EFFECTIVE DATE. Approved on consent

***G. Federal Grant Program** – John Di Censo, Assistant Police Chief

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER OF THE TOWN OF SURFSIDE TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH MIAMI-DADE COUNTY TO APPLY FOR, RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF CREATING A RECORDS IMPROVEMENT PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE. Approved on consent

Commissioner Karokin made a motion to approve the consent agenda with all items discussed and pulled. The motion received a second from Vice Mayor Graubart and all voted in favor.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

None

B. First Readings Ordinances

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

None

5. Resolutions and Proclamations

(Set for approximately 8:00 p.m.) (Note: Depends upon length of Good and Welfare)

*** A. Garbage and Recycling Bills Appearing on TRIM Notice and Annual Ad Valorem Tax Bills - Martin Sherwood, Finance Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE TOWN FOR THE COST OF PROVIDING RECYCLING SERVICES AND SOLID WASTE SERVICES; STATING A NEED FOR SUCH A LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION TO REQUIRED OFFICERS AND DEPARTMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager, Roger M. Carlton gave a brief description of the item.

Commissioner Kopelman made a motion to approve. The motion received a second from Vice Mayor Graubart. Motion passed 5-0.

B. Deco Bike, LLC (Bicycle Rental) Concession Agreement- Duncan Tavares, Tourism, Economic Development and Community Services Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN CONCESSION AGREEMENT WITH DECO BIKE, LLC; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager, Roger M. Carlton spoke about the item.

Vice Mayor Graubart made a motion to adopt the resolution. The motion received a second from Commissioner Kopelman.

A representative of Deco Bikes, LLC spoke in favor of the item and responded to questions posted by the Commission.

Mr. Louis Cohen spoke in favor of the item.

Commissioner Karukin made a friendly amendment to change the termination clause of the agreement to include a convenience termination within 60 days notice. Vice Mayor Graubart made an amendment to only approve 2 stations. The motion passed 5-0.

***C. Expanded Crime Prevention Initiative-** David Allen, Chief of Police

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2011/2012 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF TWELVE THOUSAND DOLLARS (\$12,000.00); AND PROVIDING FOR AN EFFECTIVE DATE. Item deferred

D. 9501 Collins Temporary Construction Fence- Sarah Sinatra, Town Planner

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A WAIVER OF THE REQUIREMENTS FOR A SIX FOOT SETBACK AND ACCOMPANYING LANDSCAPING FOR A TEMPORARY CONSTRUCTION FENCE ALONG COLLINS AVENUE AND PERMITTING A GRAPHIC DEPICTING THE PROPOSED DEVELOPMENT ON THE TEMPORARY CONSTRUCTION FENCE FOR THE PROPERTY OWNER OF 9501 COLLINS AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager, Roger M. Carlton gave the Commission a brief description of the item.

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

6. Good and Welfare

Anamarie Kelly Stoppa spoke about the Documents of Incorporations of Carlisle Condominium and what pertains to short term rentals. She also spoke about work being completed without building permits. She took a minute to commend Chief of Police, David Allen and the Metro Dade Fire Department for their prompt response to the call in her building.

Sasha Plutno spoke about the order denying a motion to dismiss on the litigation of Young Israel vs. The Town of Surfside and the fact that the document has not been posted on the Town's website. He spoke about an accident that occurred over two months ago and there is still broken glass on the street causing him and his neighbor to get flat tires. He expressed opposition to the Town Manager's bonus proposal.

Barbara McLaughlin informed the Commission about people who are parking in the Abbot Lot and from the time that they go to obtain the ticket to when they get back to their cars, they have gotten a ticket. Town Manager, Roger M. Carlton explained that if that occurs, a quick review of the ticket can be completed and the situation remedied.

Vice Mayor Graubart indicated for the record that he is in complete disagreement with Commissioner Kopelman about the FEMA issue and how we got there.

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

A. Compensation Adjustment for Town Manager- Mayor Daniel Dietch / Commissioner Marta Olchyk (alternative) [Deferred from September 13, 2011 Commission Meeting at the request of the Town Manager]

Commissioner Olchyk made a motion to approve a one time bonus of 6% for the Town Manager in appreciation of his excellent work for the Town of Surfside. The motion received a second from Mayor Dietch and all voted in favor.

9. Mayor, Commission and Staff Communications

***A. Children’s Movement of Florida-** David Lawrence Jr. – [at the request of Vice Mayor Joe Graubart] **(SET FOR TIME CERTAIN AT 8:15 PM)**

Vice Mayor presented Mr. Lawrence from The Children’s Movement of Florida. Mr. Lawrence spoke about the education in the United States and asked for the Commission’s support. Mr. Lawrence requested all of the Commissioner’s email addresses to keep them up to date with The Children’s Movement of Florida’s news. Vice Mayor Graubart asked the Town Manager to bring back a resolution in December to make a \$500.00 contribution to the Children’s movement.

***B. Severance and Employment Salary Policy Restrictions-** Commissioner Marta Olchyk Item withdraw by Commissioner Olchyk.

C. Employee Appreciation Day- Vice Mayor Joe Graubart

Vice Mayor Graubart made a motion to approve \$5,600.00 for an Annual Employee Appreciation Event and for the Town Manager to try to get sponsors to pay for some of the cost. The motion received a second by Commissioner Kopelman with a friendly amendment to spend no more than \$5,000.00. The amendment was accepted by Vice Mayor Graubart and all voted in favor.

D. “Shovel Ready Projects”- Vice Mayor Joe Graubart

Town Manager, Roger M. Carlton spoke about the shovel ready projects and asked the Mayor and Commissioners to join the Directors on December 1, 2011 for the five year financial and operations plan retreat.

Vice Mayor Graubart asked to have some of the “shovel ready” projects ready in case the Town receives any stimulus packages and to also consider the Community Center’s second floor, Town Hall elevator projects as priorities.

E. Water Based Cooling Towers – Roger M. Carlton, Town Manager

Town Manager, Roger M. Carlton explained that this item was an experiment in the Azure Condominium having to do with measuring the amount of water that was used by the cooling tower for the air conditioning system. The theory is that the water in part evaporates into the atmosphere and doesn’t go into the sewer system so the building wouldn’t have to pay the surcharge for sewer. The experiment was conducted and the consultant working with Azure has asked the Town to make this a permanent situation. The Town Manager explained that there are major issues that involve DERM expecting that the excess water goes into the sewer; also the financial impact system wide to the Town will require a rate increase imposed on all customers. The Town’s recommendation is not to proceed any further.

Mr. Michael Lefkowitz spoke on the item and provided the Commission with a report.

Commissioner Karukin made a motion to approve the item as recommended by the Manager. The motion received a second by Commissioner Olchyk. The Town Manager offered a friendly amendment to refund the cost of the separate meter to Azure Condominium Association. Commissioner Karukin accepted the amendment and all voted in favor.

Commissioner Kopelman made a motion to extend the meeting 15 minutes past 11:00PM. The motion received a second from Commissioner Karukin and all voted in favor.

F. Community Center Project Closeout –Roger M. Carlton, Town Manager; Paul Gioia, Building Official; Bill Evans, Public Works Director; Tim Milian, Parks and Recreation Director

Town Manager gave a report on the Closeout of the Community Center Project, including settlement of all claims from AECOM, CGA and West Construction.

Commissioner Kopelman made a motion to approve. The motion received a second from Commissioner Karukin. The motion passed 4-0 with Vice Mayor Graubart absent.

G. Interlocal Agreement with Florida International University Metropolitan Center to Implement a Residential Satisfaction Survey (RSS) and a Citizen’s Academy-

Roger M. Carlton, Town Manager (October 11, 2011 Town Commission Meeting, Item 9 C) “**Reconsideration**” at Request of Commissioner Kopelman

Item was deferred.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 11:09 p.m.

Accepted this ____ day of _____, 2011

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2010/2011
As of SEPTEMBER 30, 2011 (UNAUDITED)
100% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 2

Agenda Date: December 13, 2011

| GOVERNMENTAL FUNDS | ACTUAL | ANNUAL BUDGETED | % BUDGET |
|---|--------------------|----------------------------|---------------------|
| GENERAL FUND | | | |
| REVENUE | \$9,288,891 | \$9,177,401 | 101% |
| EXPENDITURES | \$8,365,036 | \$9,177,401 | 91% A |
| Net Change in Fund Balance | \$923,855 | | |
| Add: Sale of surplus real property | \$188,000 | | B |
| Fund Bal.-Beg. of FY(audited assigned+unassigned) | \$2,867,867 | | |
| Fund Balance-September 30, 2011 | <u>\$3,979,722</u> | | |
| RESORT TAX | | | |
| REVENUE | \$157,678 | \$143,010 | 110% C |
| USE OF RESTRICTED FUND BALANCE | | \$19,800 | 100% |
| EXPENDITURES | \$151,907 | \$162,810 | 93% |
| Net Change in Fund Balance | \$5,771 | | |
| Fund Balance-Beg. of Fiscal Year (audited) | \$179,035 | | |
| Fund Balance-September 30, 2011 | <u>\$184,806</u> | | |
| POLICE FORFEITURE/CONFISCATION | | | |
| REVENUE | \$90,588 | \$34,694 | 261% D |
| USE OF RESTRICTED FUND BALANCE | | \$20,000 | 100% |
| EXPENDITURES | \$45,644 | \$54,694 | 83% |
| Net Change in Fund Balance | 44,944 | | |
| Fund Balance-Beg. of Fiscal Year (audited) | \$71,825 | | |
| Fund Balance-September 30, 2011 | <u>\$116,769</u> | | |
| TRANSPORTATION SURTAX | | | |
| REVENUE | \$180,989 | \$156,415 | 116% E |
| USE OF RESTRICTED FUND BALANCE | | \$327,022 | 100% |
| EXPENDITURES | \$357,729 | \$483,437 | 74% |
| Net Change in Fund Balance | (176,740) | | |
| Fund Balance-Beg. of Fiscal Year (audited) | \$416,500 | | |
| Fund Balance-September 30, 2011 | <u>\$239,760</u> | | |
| CAPITAL PROJECTS | | | |
| REVENUE | \$271,759 | \$279,287 | 97% |
| USE OF COMMITTED FUND BALANCE | | \$4,326,800 | 100% |
| EXPENDITURES | \$4,717,682 | \$4,606,087 | 102% |
| Net Change in Fund Balance | (4,445,922) | | |
| Fund Bal.-Beg. of FY(audited committed+assigned) | \$4,888,357 | | |
| Fund Balance-September 30, 2011 | <u>\$442,435</u> | | |

NOTES:

A. All Departments spent less than budgeted: Legislative 11K, Legal 19K, Executive 157K, Finance 17K, Clerk/IT 117K, Building/Code 59K, Police 207K, Public Works 32K, Recreation/Tourism 193K

B. Surplus real property sold/payment received during June

C. The 2% Food and Beverage tax collections were higher than anticipated

D. Forfeiture revenue fluctuates widely-the Town received \$15,036, \$39,091, \$19,305 and \$16,994 in payments during the months of January, March, July, and September respectively.

E. The CITT collections are higher than anticipated

| ENTERPRISE FUNDS | ACTUAL | ANNUAL BUDGETED | % BUDGET | |
|--|--------------------|--------------------|-------------|---|
| WATER & SEWER | | | | |
| REVENUE | \$3,217,078 | \$2,820,753 | 114% | F |
| USE OF NET ASSETS/LOAN PROCEEDS | | \$2,123,085 | 100% | |
| EXPENDITURES | \$2,516,374 | \$4,943,838 | 51% | G |
| Change in Net Assets* | \$700,704 | | | |
| Unrestricted Net Assets-Oct 1 (audited) | \$440,000 | | | |
| Unrestricted Net Assets-September 30, 2011 | <u>\$1,140,704</u> | | | |
| MUNICIPAL PARKING | | | | |
| REVENUE | \$678,578 | \$305,600 | 222% | |
| USE OF NET ASSETS | | \$2,179,836 | 100% | |
| EXPENDITURES | \$1,337,959 | \$2,485,436 | 54% | G |
| Change in Net Assets* | (\$659,380) | | | |
| Unrestricted Net Assets-Oct 1 (audited) | \$2,043,034 | | | |
| Unrestricted Net Assets-September 30, 2011 | <u>\$1,383,654</u> | | | |
| SOLID WASTE | | | | |
| REVENUE | \$1,230,354 | \$1,291,343 | 95% | |
| EXPENDITURES | \$1,104,301 | \$1,291,343 | 86% | H |
| Change in Net Assets* | \$126,053 | | | |
| Unrestricted Net Assets-Oct 1 (audited) | \$77,490 | | | |
| Unrestricted Net Assets-September 30, 2011 | <u>\$203,543</u> | | | |
| STORMWATER | | | | |
| REVENUE | \$503,717 | \$487,000 | 103% | |
| USE OF NET ASSETS/LOAN PROCEEDS | | \$412,363 | 100% | |
| EXPENDITURES | \$337,682 | \$899,363 | 38% | G |
| Change in Net Assets* | \$166,035 | | | |
| Unrestricted Net Assets-Oct 1 (audited) | \$40,626 | | | |
| Unrestricted Net Assets-September 30, 2011 | <u>\$206,661</u> | | | |

NOTES:(con't)

- * the change in net assets excludes financial impact from Capital Assets
- F. FDEP Grant and Miami-Dade BBC reimbursements in the amount of 330K were not budgeted for FY 2011
- G. Underage due to commencement date of Infrastructure/Capital Outlay projects (\$2.1 mill for water/sewer, \$412K for stormwater, \$2.1 mill for parking)
- H. The budgeted purchase for a new Sanitation truck in the amount of 120K was deferred


 Finance Support Svcs Dept Head


 Town Manager



**Town of Surfside
Town Commission Meeting
December 13, 2011**

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

**POINTS OF LIGHT
After Action Items**

1. Downtown Vision project

Current Status: Staff will focus on implementing a number of approved projects including the news rack, sidewalk café and code enforcement efforts. The awing ordinance was presented to the Planning and Zoning Board on November 17, 2011 and a number of suggestions were made. The amended awing ordinance appears on the December 13, 2011 Town Commission agenda for first reading. Regarding the remaining elements of the vision, Staff continues to research the Business Improvement District potential. The wayfarer sign program has been scaled back to include limited upgrades to the entry signs at 96th/Harding and Collins Ave/Veterans Park locational signs and parking identifier signs for the parking lots and a single sign for beach access points to clean up the plethora of signs which appear today. The parking garage feasibility study explanation requested by the Town Commission appears on the December 13, 2011 agenda. The alley upgrade program and discussion of a parking project on the 94th/Harding parking lot remain longer term possibilities. Commissioner Karukin has completed his survey of community reaction to the branding taglines which has been discussed with the DVAC during their November 30, 2011 meeting. The DVAC conclusion was to recommend that the Town retain the services of a professional marketing/advertising firm to assist with this effort. Staff will prepare an RFP to obtain these services for review by DVAC in an upcoming meeting. Parking funds will be used for this purpose.

2. Water, Sewer and Storm Drainage and Collins Avenue Force Main projects

Current Status: The project began on August 15, 2011 and is progressing on schedule. Nearly 90 percent of the permission slips to install the water tie-in have been received, 300 water services have been replaced, 6000 linear feet of water pipes have been installed, 6000 feet of sewer laterals have been repaired or lined, 300 sewer connections have been replaced or repaired, 9500 linear feet of water main has been installed, 8200 linear feet of sewer main has been lined and 1100 linear feet of sewer main point repairs have been completed. The Collins Avenue sewer force main project is complete and we expect the tie in with final approvals to begin operating by the end of January 2012.

A very interesting opportunity has presented itself in that Bal Harbour and the State of Florida have both offered financing at rates of 2.6 to 2.8 percent to partially replace and enhance our current project financing which carries a 4.72 percent rate. The Administration is working with our bond counsel and financial advisor and will update the TischlerBise rate study to determine the best course of action. The water/sewer/storm drainage citizen committee will also be reconvened with a report to be made to the Town Commission in January 2012 regarding the best recommended strategy. The bottom line is that we may be able to hold our current rates in place if the interest rate is lowered while providing the expanded scope of work being held off until we know if the contingency account is sufficient.

3. Community Garden: Mayor Daniel Dietch

Current Status: The dedication for this project was held on December 3, 2011. Staff will continue to support the efforts of the Surfside Urban Gardeners Club to ensure that the urban garden is well maintained and meets the requirements of the agreement with the Town. Our appreciation to Public Works Director, Bill Evans and Tourist Bureau Director, Duncan Tavares for their concerted efforts to make this happen. The remaining elements of this project include planting 12 fruit trees, installing a low picket fence and a project sign.

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

Current Status: The Town is developing a new feral cat program with trained volunteers to assist with trapping, neutering, and releasing the cats and to be responsible for the feeding and cleanup at specific locations. The program has been advertised on the website and in the November 2011 Gazette for volunteers to become approved feeders. A follow up meeting was held with the Police Department, Code Enforcement Director, Suely Carmelo and Helena Forbes of the City of Sunny Isles Beach who oversee their feral cat program. More than 150 feral cats have been trapped, neutered and released (TNR) over the past year in Surfside. Five feeding locations on the beach have been identified. Volunteers will be issued identification cards and a tunic to wear. A surplus police car has been donated to the Friends of Surfside Cats to support the program and the transportation of traps and cats. The Town has increased the TNR payment from \$25 to \$30 per neutered animal to further assist with the program. The key to success is finding volunteers to complete the training. To date no concerned feral cat feeding volunteers have stepped forward. Staff is considering a small stipend to encourage “volunteers” in order to accelerate the program.

5. Tourist/Resort Tax Auditor/Certificate of Use/Local Business Tax Receipt Programs

Current Status: The first group of 12 resort tax audits is underway and onsite audit fieldwork has commenced. Finance and the Tourism/Economic Development Directors have been assisting as well as responding to external auditor inquires. Audit compliance reports are due in early January, 2012. We have also begun the short term rental enforcement program with a condominium project and a single family residence to test our procedures. There were 157 contacts made for both the new Certificate of Use (CU) and Local Business Tax Receipt (LBTR) programs. For the CU, 117 applications are either completed or underway. 40 contacts have not responded. Regarding the LBTR receipt program, 57 applications have been received and 100 contacted businesses have not responded by its November 1, 2011 due date. The next level of enforcement will now begin. (Staff will report to the Town Commission as needed in the future). Item completed.

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

Current Status: Four bike racks in inventory have been installed. Two bike racks are located at the Community Center and one at the 95th Street parking lot. The fourth rack is located at Town Hall. The schedule for installing the bus shelters, which is a Miami Dade County responsibility, is January 2012. The bike rack element of the Points of Light is completed. Staff will continue to report on the bus shelters until they are installed.

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

Current Status: A Commission Workshop on the issue of improving our communication program was held on December 5, 2011. A report will be made during the December 13, 2011 Town Commission meeting.

8. Feasibility of Surfside sharing Sunny Isles Beach 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. Sunny Isles Beach has finalized its offer at \$17,395 per year for twice monthly town wide sweeping. We have also rejected this offer and will award a contract to Dynaserv at the cost of \$11,500 annually for the same level of services. This contract will be awarded using a previously competitive bid State contract. Service is anticipated to begin in early January, 2012. This will allow us to meet federal and local mandates for street sweeping to avoid polluting the waters surrounding Surfside. The project will be funded from the Storm Water Utility and will not utilize General Fund revenues.

9. Bike Rental Station: Vice Mayor Joe Graubart

Current Status: Based on the determination to move forward with the Deco Bike rental program made by the Town Commission during the September 13, 2011 meeting, negotiations have been completed with Deco Bikes. The contract was approved with amendments during the November 8, 2011 Town Commission agenda. Project start up should be underway in January 2012.

10. eReaders, Wi-Fi and Broadcasting Capabilities for the 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 devices for up to two weeks. Four Amazon Kindles, two Barnes and Noble Nooks and two Sony e-Reader devices were purchased in September 2011. Outreach to the business community to sponsor e-readers has started with the help of Parks and Recreation Committee member Barbara McLaughlin. Staff is working with the Miami Dade Public Library system to determine their e-reader procedures applicable to Surfside.

Wi-Fi at the Community Center is underway. This is necessary to enable the electronic books. Staff will also acquire two large screen TV's for the addition room and the main room. All of this should be completed in December 2011 thereby allowing additional events and a broader range of services at the Community Center.

11. New Crime Prevention Initiatives: Mayor Daniel Dietch

Current Status: The following crime prevention initiatives were reviewed by the Town Commission at the May and June Commission meetings: Implementation has begun.

- Crime prevention through environmental design – landscaping, lighting, and physical barriers at the entrances to residential areas enhances safety and deters criminal activity. Several drafts of entrance features to major streets have been designed by the same firm that is designing the “Way farer” signs and the alleys east and west of Harding Avenue. A presentation was made to the Town Commission during the October 11, 2011 meeting. Staff will seek funding sources for the entrance features and will bring a more complete design program to the Town Commission when the design is ready.
- The Police Department is reviewing technology for both mobile and stationary license plate readers. When the recommendation is ready, it will be brought to the Town Commission.

12. Beach Concessions

Current Status: As the only service and maintenance provider for the beach in Miami-Dade County, the Miami Dade County Parks and Recreation Department has determined that a lease from the State of Florida for the beach in Surfside and Bal Harbour similar to Sunny Isles Beach is necessary. The conditions of the lease will include a requirement for a management plan. This management plan will identify the services the County will provide for the beach, the manner and frequency the area will be maintained and rules or standards for upland properties regarding the storage and deployment of chairs, umbrellas, and cabanas on the beach. Mayor Dietch has requested that a situation wherein condominium associations place chairs on the beach in an area marked “private” be clarified and that concern will be incorporated in the negotiations. John Ripple, Beach Operations and Maintenance Supervisor for the Miami Dade County Parks and Recreation Department met with the Town Manager and Parks and Recreation Director Tim Milian on November 30, 2011 to begin the negotiation process which is anticipated to require four months. The Points of Light report will continue to bring updates as the effort progresses.

13. Leaf Blower Ordinance: Vice Mayor Joe Graubart

Current Status: Pursuant to the discussion during the August 16, 2011 Town Commission meeting first reading of the Litter Ordinance, Staff has reviewed the pros and cons of a leaf blower regulating ordinance. We have reached the conclusion that the benefits of less noise from the blowers will not exceed the cost of enforcing the ordinance and the negative reaction from our property owners. Therefore Staff will not pursue this any further unless alternate direction is given by the Town Commission. Item completed.

14. Single Family Residential Solid Waste and Recycling Bills on FY 12/13 TRIM Notice and Property Tax Bills

Current Status: The four required advertisements have been completed and the Town Commission adopted the first required resolution during the November 8, 2011 Town Commission meeting. The second resolution appears on the December 13, 2011 Town Commission agenda. Meetings will now be held with the Miami Dade County Property Appraiser and Tax Collector to complete the process,

thereby allowing the majority of solid waste and recycling bills to appear on the 2012 Property Tax TRIM notices and tax bills. This will greatly enhance collections and avoid the need to file liens for non-payment of solid waste/recycling charges in the single family neighborhood.

15. Umbrellas for Pool Deck – Commissioner Michael Karukin

Current Status: The Parks and Recreation Committee discussed this item during their November 21, 2011 meeting and reached the conclusion that sufficient shade was available. Item completed.

16. Policy on Art in the Community Center

Current Status: The current art in the Community Center by local artist Robert Swedroe has been on display since the Center's opening in June 2011. Staff has worked with the Parks and Recreation Committee which has recommended a policy to revolve the art quarterly. The next artist will be Surfside resident Daryle Prager. This exhibit will be brought up in December, 2011.

17. 9501 Collins Avenue Townhome Development

Current Status: The Town Commission declined the first right of refusal for acquisition of the site during the August 9, 2011 meeting. Subsequently Greystone Residential LLC closed on the property and will develop the seven permitted townhomes. While there was not a legal requirement for the developer to make any capital contributions to the Town, as a matter of goodwill the developer has offered a \$100,000 contribution to the 95th Street Grand Concourse project which will renovate 95th Street from the hard pack to Abbott Avenue. With the \$200,000 committed by the Grand Beach Surfside hotel plus funds available in the Parking Enterprise Fund it is now possible to build the first block of the project. The Town Commission viewed preliminary renderings of the project during the October 11, 2011 Town Commission meeting and passed a resolution accepting the funds. Staff has met with Bermello Ajamil which is one of the preapproved firms in the architect/engineer rotation. Their proposal for schematic design of the entire three blocks and biddable documents for the east block in the amount of \$82,400 will be awarded subsequent to the December 13, 2011 Town Commission meeting. The remaining two blocks will be designed when funds become available. (See attachment). When more detailed renderings become available, a presentation will be made to the Town Commission.

18. Replacement of Publix in North Beach – Shuttle Service for Miami Beach Residents

Current Status: The North Beach Publix closed October 9, 2011 to allow a two story store to be built. Therefore the volume of business and deliveries to the Surfside Publix located on 94th Street and Harding Avenue has increased greatly. Chief David Allen and Assistant Chief John Di Censo have met with the Surfside Publix Manager to discuss delivery hour limitations and to add monthly parking spaces at the 94th Street lot for additional employees. We have been contacted by Miami Beach Commission Ed Tobin's office to determine if the Town would extend our bus route to the north Beach Publix site for one year to help their elderly residents reach the Surfside Publix. Our proffer was to do that by adding one daily roundtrip to make up for the approximately 10 minute extra time needed to make the route extension. The cost would be approximately \$14,000 to do this and we have

asked Publix to fund the cost. Publix corporate structure has not yet responded to the proffer. Chief Allen is also working with Publix to expand traffic control near the store. The Points of Light will keep the Town Commission aware of any impacts during the construction period and what actions have been taken.

19. Property Assessed Clean Energy (PACE): Program to retrofit existing residential and commercial buildings for energy efficiency: Mayor Daniel Dietch

Current Status: Staff has just begun to investigate this program which allows existing buildings to be retrofitted for energy efficiency with the cost funded from a loan pool authorized by the State of Florida and funded by Barclay's Capital. The low interest loans are repaid from a long term assessment on the property. There are no guarantees provided by the Town of Surfside. When Staff has completed research on the program, a report will be brought to the Town Commission.

20. FPL/AT&T/Cable Undergrounding Project

Current Status: The Town Commission allocated funds in the Water/Sewer/Storm Drainage project to provide mid block crossover conduit so that a future undergrounding project would not have to break the pavement. Staff is working with FPL and other utilities to complete their study of the cost of undergrounding Townwide. We will keep the Town Commission aware of progress in the FPL study and bring forth methods for funding the project with the study is complete.

21. Cigarette Butt Disposal – Mayor Daniel Dietch

Current Status: Mayor Dietch has brought to Staff's attention the need to resolve the cigarette butt litter problem in the downtown area. Staff has investigated the situation and suggests that proper cigarette disposal devices be included in a larger sidewalk widening project included in the DVAC recommendations. Item completed.

22. FEMA Flood Insurance Status

Current Status: Due to the extraordinary work of Building Director Paul Gioia, FEMA has sent us a letter saying that all issues which this Town Commission and Administration inherited have been resolved. We have received notice from FEMA that their Community Assistance visit, which is the necessary step to lower rates will not occur until early 2012. This issue is a high priority item for Staff and we will keep the pressure on to schedule this visit as early as possible.

23. Bus Stop Pull-in at East Bound 96th Street, West of Abbott Avenue

Current Status: Due to the heavy traffic on 96th Street, busses do not use the pull-in because it is difficult to return to the line of vehicles. Staff has made contact with Miami Dade Transit and FDOT to determine the feasibility of closing this bus pull-in. When information is available a report will be made to the Town Commission.

24. American Cancer Society – Relay for Life Event: Vice Mayor Joe Graubart

Current Status: At the request of the Vice Mayor, Staff met with the American Cancer Society in an effort to replace their overnight event which cannot be held any longer at Ruth K. Broad K-8. The Surf/Bal/Bay event will be held on the hard pack on May 5, 2012 and will be called “Moon Over Surfside” to capitalize on the romanticism of the full moon. An initial meeting was held on November 16, 2011 with strong support provided by Bal Harbour. Future Points of Light will keep the Town Commission up to date as this event evolves.

25. Replacement of Holiday Lights on Harding Avenue, Entrance lighting on Collins and Santa returns home

Current Status: The new multi-colored lights have been installed and a lighting ceremony was held in conjunction with the November Third Thursday. The existing white and blue lights will be used elsewhere and the new holiday display for Veteran’s Park entrance feature has also been installed (funded by the Tourism Board). The Santa Claus refurbishment is completed and he has returned to his rightful home in front of the Community Center. At the November 9, 2011 Tourist Board meeting and the November 30, 2011 DVAC meeting all members voted for the installation of white lights (from last year) on the lighted palm trees for the Harding Avenue Business District to be installed after the holidays and to remain until the end of Easter/Passover. Item completed.

26. Surf/Bal/Bay Jointly Signed Letter to FPL and AT&T ref: Leaning Poles: Vice Mayor Joe Graubart

Current Status: After careful consideration and the discussion held by the Town Commission during the November 8, 2011 Town Commission meeting, a decision was reached that Town Manager Roger Carlton would write directly to the Public Service Commission for relief regarding the leaning poles. Staff will report regarding the results when an answer is received.

27. Grease Trap Ordinance

Current Status: Paul Gioia has determined that existing County regulations are sufficient to enforce this issue. This problem has been growing with more and more clogs coming from restaurants not maintaining or not having adequate grease traps. Code Enforcement Director Joe Damien is working on an enforcement program to help alleviate this situation.

28. Five Year Financial and Operation Plan Update Department Directors Retreat

Current Status: Members of the Board have expressed concern regarding the workload, priorities, resources available and other related matters that are managed by Staff on a short, mid and long term basis. In order to analyze the long term direction the Town is taking and update the Five Year Financial and Operations Plan adopted by the Town Commission in early 2011, Staff held a retreat December 1, 2011. As required by the Open Government (Sunshine) Law, we requested the Town Commission to attend the meeting individually in 15 minute intervals to share their views on

prioritization and long term strategic and financial goals. Mayor Dietch and Commissioners Olchyk and Karukin attended. Commissioner Kopelman was out of town. The final document will be ready for public input and Town Commission review in early 2012.

29. Draft a Policy on How the Town Commission Places Items on the Agenda: Mayor Daniel Dietch

Current Status: The Town Attorney, Clerk and Manager are working on this policy for presentation during the January 2012 Town Commission meeting.

30. Welcome to Town of Surfside Packet for New Residents: Vice Mayor Joe Graubart

Current Status: Staff is reviewing the costs, benefits, desired content and potential for sponsorship for a welcome packet to be given to new residents. A report will be made in the near future regarding the potential for this program.

31. Restore Bird Houses at Beach-side Street Ends: Mayor Daniel Dietch

Current Status: Frank McBride III, a young Town resident, built the birdhouses in 2001 as an Eagle Scout project. Two birdhouses remain at the beach street ends on 88th and 90th streets. Richard Iacobacci has agreed to train Surfside youth in woodworking at his shop using the birdhouse as the theme. The event will produce five (5) new birdhouses and a “take home” house for each participant. The Points of Light will continue to report as the details and schedule of the project are developed.

32. Micro-Finance Employee Benefit Program

Current Status: The Town Commission was briefed during the November 8, 2011 Town Commission by BMG Money Inc. regarding a small loan program for Town employees wherein the loans are made to employees at reasonable terms with payment made from payroll deduction. Given the difficult financial times many of our employees face, this method of financing is a worthwhile program. The experience in Doral and Sweetwater where this program has been implemented has been very positive. The attached agreement has been reviewed by the Town Attorney and will be implemented after the December 13, 2011 Town Commission meeting.

33. Parking Forbearance for the Holiday Season: Mayor Daniel Dietch

Current Status: The Downtown Vision Advisory Committee discussed in their November 30, 2011 meeting various options for a good-will parking gesture during the holiday season. The Town Manager recommended a one hour forbearance on receiving a parking citation beginning Thanksgiving and ending January 1, 2012. Late parkers would receive a note from the Town thanking them for their business downtown and letting them know they did not receive a citation for a one hour grace period. Based on Town Commission approval during the November 8, 2011 meeting, the program has been implemented. A final report will be made in January 2012 regarding the success of the program.

34. Short Term Rentals

Current Status: This item has been incorporated with the monthly report on the resort tax audits. Item will no longer appear as a separate Point of Light.

35. Utilities payment lockbox at Publix: Vice Mayor Joe Graubart

Current Status: Staff has discussed this suggestion and determined that the level of usage and the complication of collecting the payments from the lockbox would not result in a significant improvement. We do not have the Staff to check the box daily which could result in on-time payments becoming late. There is a method to make after hours payments in the Town Hall lobby with convenient parking in the 93rd Street lot. Item completed

36. Options to mitigate inadequate number of parking spaces at many of the multi-family establishments along the Collins Avenue corridor: Mayor Daniel Dietch

Current Status:

Staff has begun an investigation of this Point of Light to determine if all the buildings on the east side of Collins actually built the number of spaces required in their development approval. This will be called the “first level shortfall”. The “second level shortfall” will be a number developed with the condominium managers regarding peak time of day and seasonal shortages. We will then develop strategies that require little or no capital cost such as potentially issuing monthly after hours parking permits in the street ends. As can be seen from this Point of Light update, the solution to the parking issue along Collins Avenue is not a short term project. Staff will continue to report as progress in made on this Point of Light.

37. Job Classification Study

Current Status:

Four proposals for the job classification study, including a fringe benefit analysis, for this FY 11/12 adopted budget approved project have been received. The proposers were Cody & Associates with a not to exceed price of \$7200, Mercer Group for \$8500, Archer Group for \$16,480 and on the high end, MGT of America Inc. at \$25,670. Based on the Manager’s authority to award contracts below \$8500, the project Notice to Proceed was awarded to Cody and Associates effective November 21, 2011 with a 60 day completion. The study will include review of all positions, recommended pay ranges based on comparable jurisdictions and internal equities and an analysis of the cost and/or savings for implementation. Once the study is completed it will be brought to the Town Commission for review and approval. This study will be very helpful for building the FY 12/13 Budget, a process which begins early in 2012 and for providing independent and professional analysis of the compensation paid to our employees.

38. Community Center Concession ongoing Operation Concerns

Current Status: During the September 19, 2011 Parks and Recreation Committee, a recommendation was made to allow limited outside food to be brought in. The Town Commission in the October 11, 2011 meeting modified that recommendation to keep the exclusive policy through May 2012 to allow

the actual financial performance to be monitored. Staff continues to work very closely with the sole bidder vendor, David Jacobson, to ensure quality, variety (healthy and Kosher products) and hours of operation. Unfortunately the amount of business being done once school went back into session does not meet either the Town's or the vendor's expectation and we have been requested by the vendor to assist financially as well as in marketing to maintain the current operation. Options under review include limiting winter hours, reducing rent during the winter season, expanded marketing of parties and special events (already underway), specials for lunch and Town employees (also underway) and expansion of Parks and Recreation programming at the Community Center (also underway). A separate report regarding expanded programming appears on the December 13, 2011 Town Commission agenda. This Point of Light is to make the Town Commission aware that the bring in food policy you adopted was correct and that Staff is working closely with the vendor to alleviate the situation. We will keep you informed of the situation as needed.

39. Sea Level Awareness Project (SLAP): Mayor Dan Dietch

Current Status: Surfside resident Howard Rennert and the Eagle Scouts are interested in creating a dozen decorative poles that, when placed around Town, will visually show the level of sea water in that area if global warming continues (pictures attached). These indicators are used to create awareness of the outcomes of global warming and to stimulate community discussion and action regarding this issue. While being a community educational initiative, the poles also serve as public art. Production and installation will occur early 2012 if the Town Commission accepts this Point of Light.

40. Linkage of Bus Routes with Sunny Isles Beach: Mayor Dan Dietch

Current Status: After long discussions with Sunny Isles Beach, this project finally became a reality on December 12, 2011. The connection point will be at Surfside Publix. Item completed.

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

2. Land Acquisition

Current Status: Acquisition of the Delgado property immediately south of the temporary trailers was completed on August 31, 2011 at a cost of \$540,000 which is less than 50 percent of the anticipated price. Back taxes, assessments and any utility bills were paid at closing. The cost was paid from parking funds with no General Fund contribution. The interim parking facility has been built by Ric Man (our water/sewer/storm/drainage contractor) at a cost of approximately \$5000 including landscaping, paving, lighting and striping. Town employees have been moved from the 94th and 93rd Street lots. We will charge for the employee lot on weekends and holidays. The trailers have been removed with all rent ceasing on September 30, 2011 as promised. Item completed.

7. Document imaging and scanner software: This project was funded in the FY 10/11 Budget

Current Status: The contract for this equipment was awarded during the June 14, 2011 Town Commission meeting. The small document scanner was been installed in early October 2011. The large Building Department scanner was delivered and has also been installed. The software program has been installed and training will take place November 8 – 9, 2011. We will begin scanning documents immediately thereafter. Reports will be made to the Town Commission as needed in the future. Item completed

12. Citizen's Academy and Residential Satisfaction Survey

Current Status: 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. The Town Manager has met with Dr. Howard Frank, Director of the FIU Metropolitan Center. The Center has made two proposals. The first is to implement a resident satisfaction survey. The second is to provide the training for the Citizen's Academy. Detailed proposals were included in the October 11, 2011 Town Commission agenda and the determination was reached to not fund either project. Item completed.

16. Bus Stop in Front of Community Center: Vice Mayor Joe Graubart

Current Status: The bus stops approximately 50 feet south of the Community Center. Given the cross walk configuration for Community Center patrons walking across Collins, Staff has concluded that it is best to leave the bus stop where it is. Item completed.

19. e-Waste Collection: Mayor Daniel Dietch

Current Status: Miami Dade County would not provide the service. Florida e-Waste Recycling was contacted and they have agreed to provide a community pick up at Town Hall at no cost to the Town. Two pallets of items were picked up on October 27, 2011. Notification was provided in the Gazette and on the Town website. A container will be placed near the recycling containers on the east side of Town Hall to be picked up as necessary with special events twice a year. Item completed.

23. Short Term Rentals Ordinance

Current Status: Implementation of the Ordinance including a public information program was completed over the summer and will be in full effect October 1, 2011 in conjunction with business license renewals and certificates of occupancy. The matter was discussed at the August 25, 2011 Planning and Zoning Board meeting regarding a total ban in the single family neighborhood. The Planning and Zoning Board motion to initiate a total ban failed on a tie 2/2 vote. By way of information, no existing single family homes applied under the grandfather provision of the ordinance by the deadline. Staff has begun a special enforcement effort at the Carlisle Condominium which is the only condo in Surfside where the documents allow short term rentals. Item completed.

26. Report on Red Light Camera Price Negotiation

Current Status: A meeting with representatives of American Traffic Solutions was held on August 23, 2011 and we have been given verbal confirmation that the monthly fee will be reduced by \$2500 beginning January 1, 2012. In addition, the Town will receive a credit of \$10,000 for the months of September through December 2011. Cumulatively this will be a \$40,000 savings during FY 11/12. Thanks to Chief David Allen and Assistant Chief John Di Censo for this negotiation and the wisdom of the Town Attorney's office to have a "most favored nation clause" which requires the Town to receive the lowest price available by any similar municipal agreement. Staff has recently received confirmation of the reduction. On October 28, 2011, the new COO of American Traffic solutions approved the new contract with the reduced monthly fee and credit. Town is awaiting the new contract to be finalized. Good work by Town Attorney Lynn Dannheisser and Chief David Allen and Assistant Chief John Di Censo. Item completed.

Attachment to POL # 1

Downtown Signage and Wayfarer Program

Attached is the Presentation made to the DVAC Committee which will be made to the Town Commission during the December 13, 2011 Town Commission Meeting.



TOWN WAYFINDING

COMMISSION PRESENTATION

December 13, 2011

Wayfinding Analysis Summary:

- **GATEWAYS** - Existing primary gateway signs are dated, mis-matched and do not represent the current Town atmosphere.
- **PARKING IDENTITY** - There are no identity signs at the entries to any of the current municipal parking lots.
- **PARKING DIRECTIONAL** - There are currently very few directional signs to the current municipal parking lots.
- **BEACH ENTRIES** - Pedestrian signs at beach entries and along the Surfside Walking Path are inconsistent, unattractive and cluttered.



Wayfinding Analysis Summary:

- **PEDESTRIAN DIRECTIONAL & ORIENTATION** - Currently there are no pedestrian directional or orientation signs in Town.
- **VEHICULAR DIRECTIONALS** - Currently there are almost no wayfinding signs in Town. Existing directional signs are almost all FDOT.
- **PUBLIC IDENTITY SIGNS** - Currently there is no cohesive program of public identity signage.







Vehicular Wayfinding Destinations

- Only significant public destinations on signs.
- Prioritized list of destinations to be developed.
- Limit of three destinations per sign.
- Town to develop strict criteria for inclusion.



Vehicular Wayfinding Routes

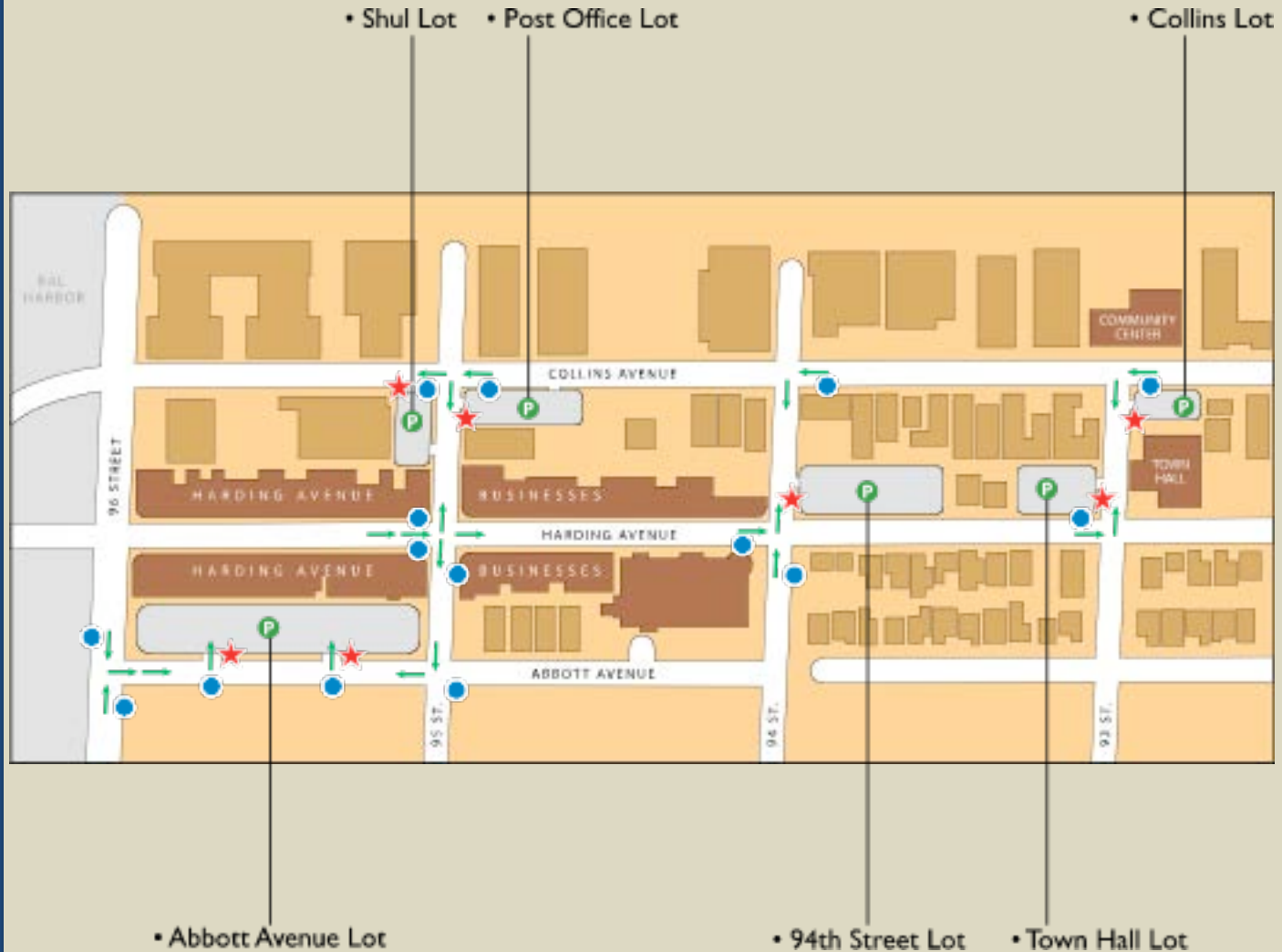
- Traffic circulates around perimeter away from neighborhood streets.
- Red dots are gateway entries.
- Blue dots are decision points to public destinations.

-  Gateway
-  Decision Point
-  Public Identity
-  Circulation



Public Parking Wayfinding

- Blue dots are decision points to municipal parking lots.
- Red stars indicate identity locations at entries to municipal lots.






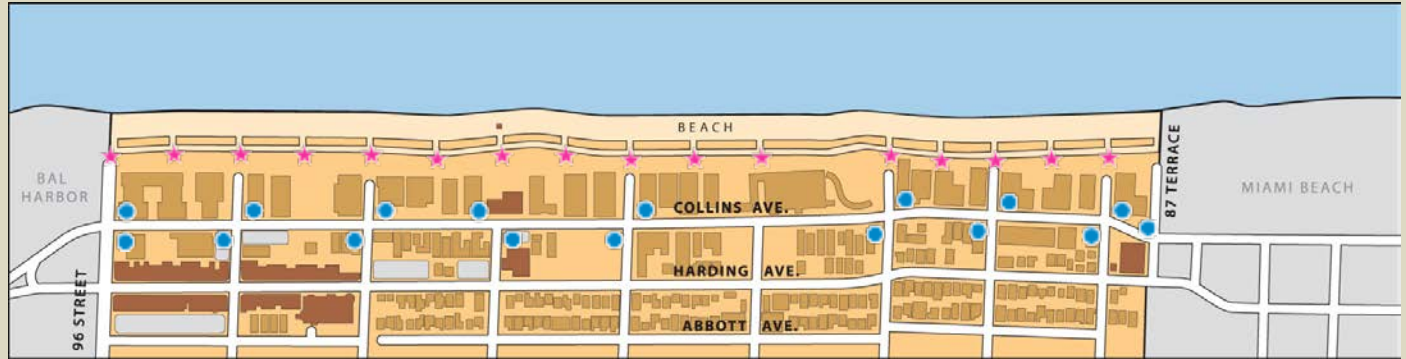
- Parking Direction Location
- Parking Identity Location



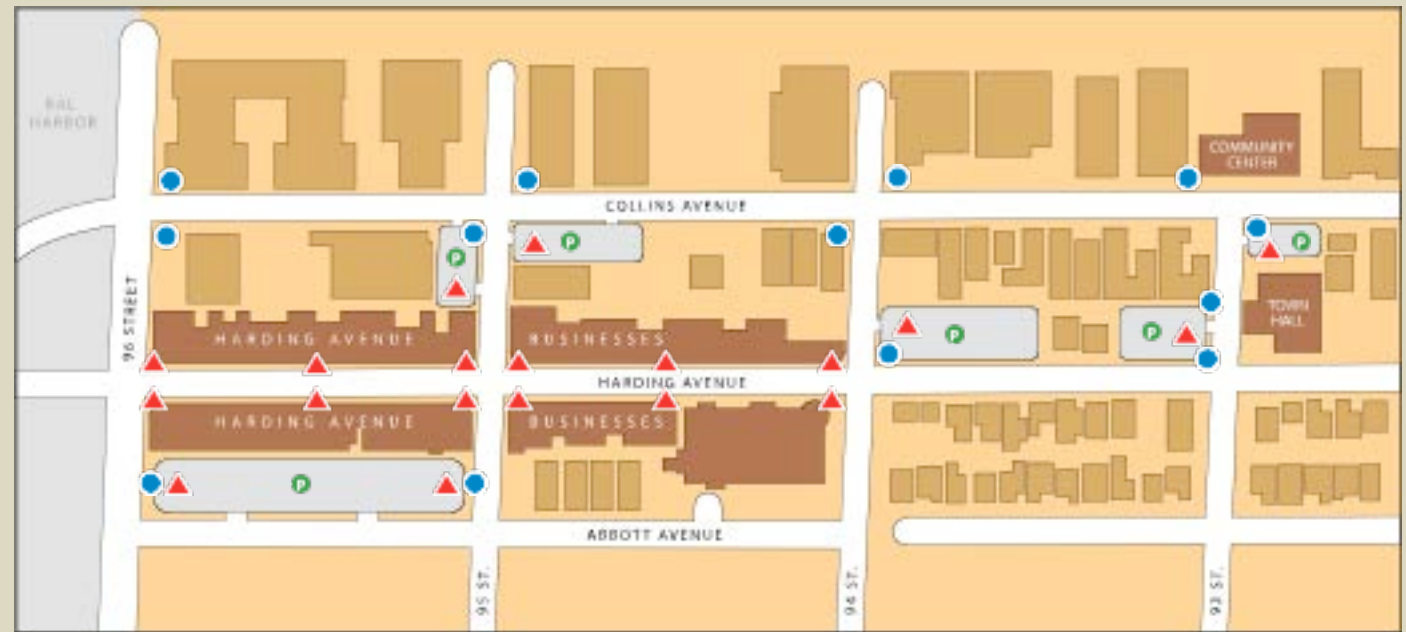
Pedestrian Wayfinding

- Blue dots are decision points to destinations.
- Red triangles are orientation & information points.
- Pink stars are beach entry access points.

-  Orientation/Information
-  Decision Point
-  Beach Access Location



Pedestrian Zones 1 & 2



Pedestrian Zone 3



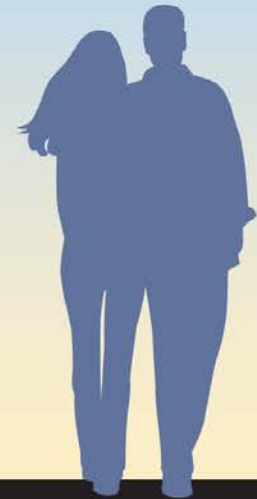
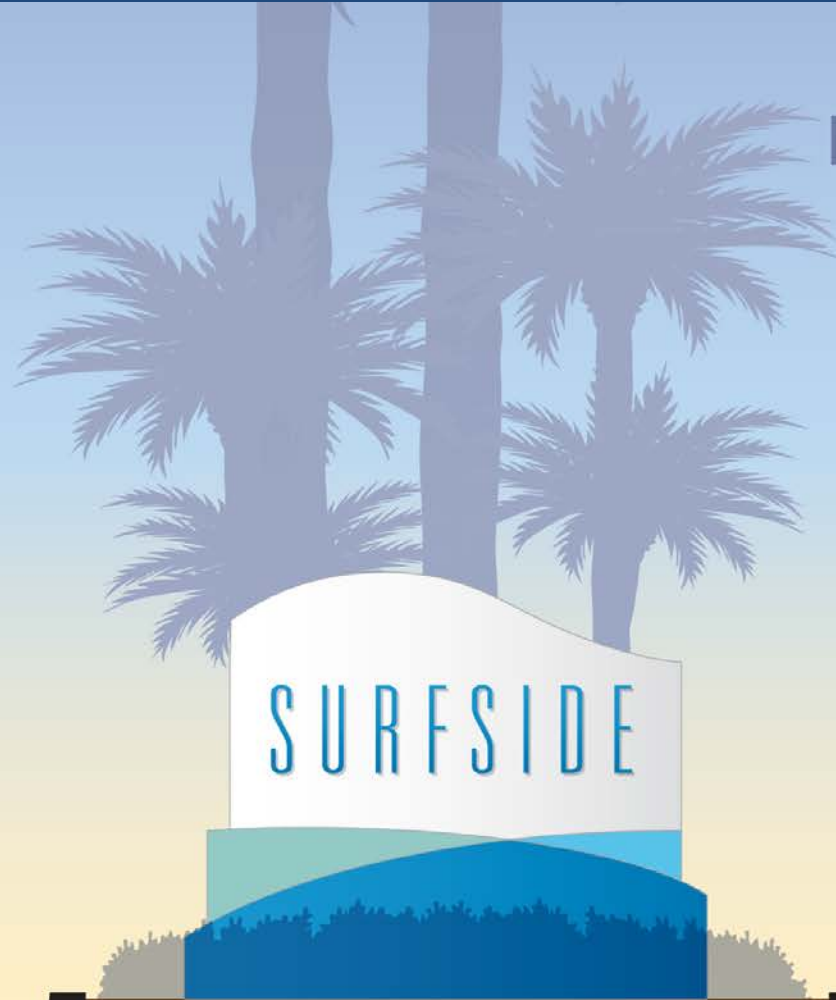
Wayfinding Concepts:

Phase One Implementation:

- Gateways at Harding and Collins Avenues
- Parking Identity Signs at all (6) Municipal Lots
- Parking Directional Signs
- Beach Entry and Regulation Signs



Gateway Sign at Harding Avenue – New Sign Concept



Gateway Sign at Harding Avenue – Existing Condition



Gateway Sign at Harding Avenue – New Signs



Gateway Sign at Collins Avenue – Existing Condition



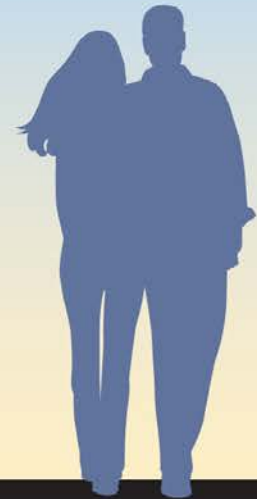
Gateway Sign at Collins Avenue – New Sign



Parking Identity Sign – Concept



ABBOTT
AVENUE
SURFSIDE



Parking Identity Sign – Existing Conditions



Parking Identity Sign – New Sign



Parking Directional Sign – Concept



Parking Directional Sign – Existing Conditions



Parking Directional Sign – New Sign





Beach Identity/Regulations – Existing Conditions



Beach Identity/Regulations – New Sign



Please Keep Our
Public Beaches Beautiful!

WARNING
Unpatrolled Public Beach Swim at Your Own Risk

- Alcoholic Beverages
- Rough & Innuhous Activities
- All Glass Containers
- Unauthorized Vending & Advertising
- Walking On Dunes
- All Animals
- No Unauthorized Vehicles/Bikes
- Firearms, Fireworks, Incendiary Devices, Toy Guns, Flares, Cooking or Tents
- No Motorcraft Within Designated Swimming Area
- No Fishing Between Sun and Ripm
- No Overnight Sleeping on Beach

Waters Subject to Enforcement & Fined Up to \$500 Pursuant to Law

Rip Currents
If Caught in a Rip Current:
• Don't Fight the Waves
• Swim Parallel to Shore
• Call for Help, Beach Patrol, 911
• Don't Panic, Stay Calm

Safety
• Heed Warnings
• Obey Beach Rules
• Stay Out of the Water if You Can't Swim

SURFSIDE





TOWN WAYFINDING

COMMISSION PRESENTATION

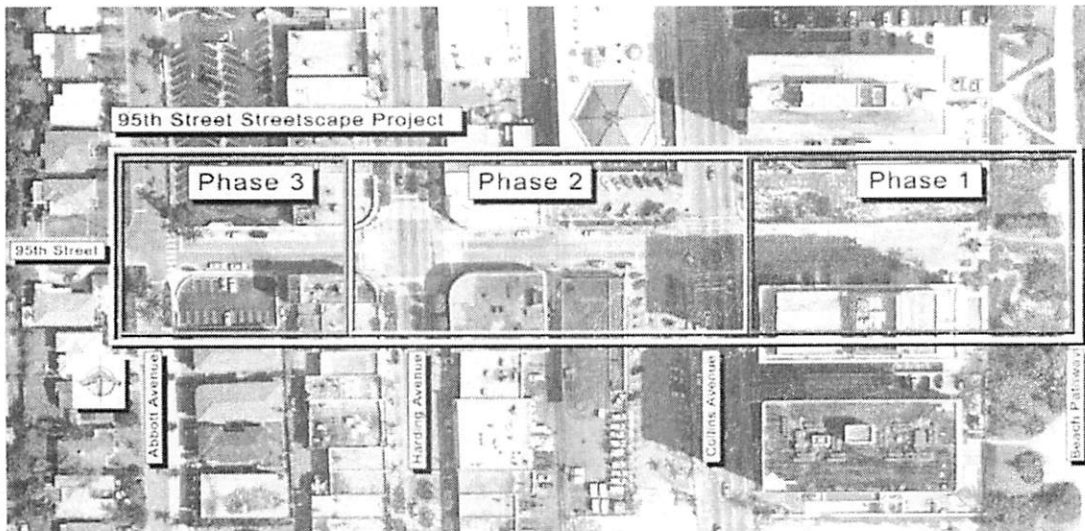
December 13, 2011



TOWN OF SURFSIDE STREETScape PROJECT
November 28, 2011

Introduction

This proposal is divided into Three Phases. All three phases include the development of a complete set of construction drawings, specifications and Construction Administration services for each of the three assignments. The overall project including all three phases will be the complete redevelopment of 95th Street from the beach walkway at the eastern end to Abbott Avenue on the western end. The extent of each phase extending along 95th Street is indicated in the aerial below. The following is a brief description of each phase of work. Due to the unknown time frame for approval of each Phase, this proposal outlines the scope as three separate projects or assignments.



Phase 1: Construction Drawings for the Eastern block of 95th Street

The purpose of this Phase is to first, establish a design framework for the development of streetscape program that will be utilized in the other phases of the redevelopment of 95th Street and can be applied to streetscape projects throughout the commercial area of Surfside. The scope of this work will include the selection of a palette of street furniture including light fixtures, benches, waste receptacles, traffic calming methods, paver materials and patterns and opportunities for the installation of public art.

This street vocabulary will be developed as a "Kit of Parts" which the Town may utilize as standard design criteria for the development of streetscapes within the commercial area. The design components will be selected to reinforce a unique identity for Surfside and differentiate the community from other beach front Cities and Towns along Collins Avenue.

This Phase will include the development of a complete set of construction drawings for the proposed redesign of this block of 95th Street. The construction documents will include all



aspects of construction detailing and specifications for the redevelopment of the block including civil, electrical, landscape, irrigation and hardscape plans.

This phase will also look for opportunities for integration of a significant public art feature at the eastern terminus of 95th Street, to create the beginning of a system that can use art to create a sense of place in the Town. The public art piece will be designed by others.

The emphasis for the design for this Phase will be to provide efficient vehicular access to the private developments along the north and south sides of the block while improving the pedestrian environment and access along the roadway to and from the beach.

The final design details selected for this Phase will serve as the basis for the design of other east-west streets in the commercial core and Phases 2 and 3 of this assignment.

B&A will also provide Construction Administration Services during the construction of this work. For the purposes of this proposal, it is anticipated the construction period will not exceed four (4) months once the Contractor is selected and the construction has begun on site. Should the construction period extend beyond this time frame, the services outlined under the Phase 1 - Construction Administration Task will need to be modified accordingly.

Phase 2: Construction Drawings for 95th Street from Collins Avenue to Harding Avenue

Utilizing the design framework established and approved in Phase 1, B&A will develop a complete set of construction drawings for the block of 95th Street to the west of Phase 1. The construction documents will include all aspects of construction detailing and specifications for the redevelopment of the block including civil, electrical, landscape, irrigation and hardscape plans.

The primary goal for the proposed layout of this block will be to maintain efficient and safe vehicular access while improving the pedestrian environment along the north and south sides of the street. Particular emphasis will also be placed on the intersections at Harding and Collins Avenue to enhance the proposed FDOT crosswalk improvements.

It is the intent of the Consultant Team to work with the Town and the adjacent retail merchants to develop a plan which respects the commercial needs of Harding Avenue while at the same time provide an attractive pedestrian friendly environment for residents and visitors. The plan will also accommodate and incorporate design alternatives to the existing alley way entrances.

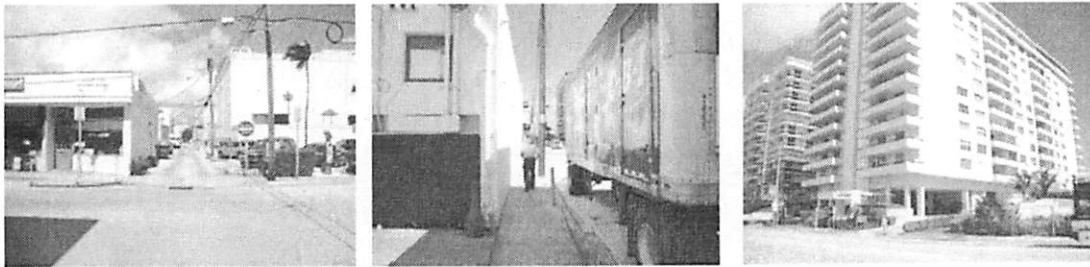
B&A will provide Construction Administration Services during the construction of this work. For the purposes of this proposal, it is anticipated the construction period will not exceed four (4) months once the Contractor is selected and the construction has begun on site. Should the construction period extend beyond this time frame, the services outlined under the Phase 2 - Construction Administration Task will need to be modified accordingly.



Phase 3: Construction Drawings for 95th Street from Harding Avenue to Abbot Avenue

Phase 3 includes the preparation of a complete set of construction drawings for the most westerly block of 95th Street, east of Abbott Avenue. The construction documents will include all aspects of construction detailing and specifications for the redevelopment of the block including civil, electrical, landscape, irrigation and hardscape plans.

B&A will provide Construction Administration Services during the construction of this work. For the purposes of this proposal, it is anticipated the construction period will not exceed four (4) months once the Contractor is selected and the construction has begun on site. Should the construction period extend beyond this time frame, the services outlined under the Phase 3 - Construction Administration Task will need to be modified accordingly.



Scope of Work

Indicated in the following pages is the Scope of Work for Phases 1, 2 and 3. While this Scope of Work is defined on a Phase by Phase basis, it is in essence a design exercise to formulate a design driven plan and construction documents that are acceptable to the neighborhood and community, and that build support for its immediate implementation.

Exhibit A is the Professional Service Fee Schedule for B&A and the subconsultants involved with our team and Exhibit B are the unit costs for reimbursable expenses.

Phase 1: Construction Drawings for the Eastern block of 95th Street

1.1 Kick-off-Meeting

B&A will coordinate the kick off meeting with the Town of Surfside and its designated project team. The purpose of the kick off meeting will be to:

- Confirm project goals and objectives
- Establish organizational responsibilities and relationships between and among the Town and the Team
- Agree upon management tools and procedures, setting standards to be followed for the duration of the project.
- Agree on the project schedule, timing and content of meetings/workshops, record keeping standards, and communications with the Town, distribution procedures, meeting dates, public notification and preliminary and final submissions.



During start-up, B&A will work closely with the Town staff on the start-up agenda and schedule and review of key contractual issues. These will include schedule, report and invoice formats, and other day-to-day administrative and management issues.

1.2 Base Data Collection

B&A will collect necessary data from the Town of Surfside such as base maps, surveys, vendor lists, aerial photographs, existing design criteria, recent streetscape plans, proposed public improvement projects as related to streetscape development and previous plans and studies.

1.3 Site Visit and Photographic Inventory

The Consultant shall conduct an onsite visit to inventory and photograph existing conditions along 95th Street within and around the project area including Phases 1, 2 and 3.

1.4 Detailed Inventory mapping and Analysis

B&A will carry out an analysis of existing conditions to reflect:

- Present uses
- Circulation Patterns and parking locations
- Existing Vegetation
- Existing Buildings
- Street Lighting
- Street furniture
- Adjacent Commercial Entry Points and parking access

The Consultant will evaluate how existing conditions will affect proposed design options.

1.5 Alternative Concepts for “Kit of Parts”

B&A will develop two alternative approaches or concepts for the streetscape programs with different design themes or concepts. The alternatives will indicate variations in the selection of street furniture, lighting, and walkway cross sections, crosswalks, traffic calming techniques, paving patterns and materials and integration of public art.

1.6 Staff and Public Presentation

B&A will prepare a presentation of the alternative concepts for the Town staff and participate in a public workshop to obtain input from the community.

1.7 Final Design Criteria Package

Based on Staff comments and public input, B&A will further develop a preferred alternative “Kit of Parts” package into a final set of design criteria to be utilized throughout the commercial corridor of the Town.



1.8 Design Alternative Concepts

With input from the Town, B&A will develop two alternative concepts for the layout and design of the project area illustrating different approaches to the streetscape plan. The concepts will address alternate parking layouts, roadway alignments, specialty paving areas, sidewalk configurations, landscape treatment, lighting, and street furniture.

The concepts will be presented in plan view and elevations to illustrate the design intent. The plans will utilize the approved "Kit of Parts".

1.9 Selection of Preferred Alternative

B&A will develop the final preferred alternative as selected by the Town. The Consultant will make the changes as per the input from any community meetings and the Town Staff.

The final Conceptual Plan will include as a minimum:

- Rendered Colored Site Plan of the Phase 1 block area of 95th Street.
- Up to two proposed roadway cross sections
- Order of Magnitude Cost Estimate
- Perspective Sketch – One color perspective rendering will be provided (optional)

1.10 Preliminary Engineering:

1.10.1

The Consultant will coordinate with the Florida Department of Transportation to discuss any potential issues during the conceptual design development including access management, drainage, intersection signalization, lane alignment, landscaping and right of way.

1.10.2

The Consultant will coordinate with utility companies that will be impacted by the proposed plan.

1.10.3

The Consultant will collect all necessary existing data from local agencies including FDOT. Prepare an inventory of the project site.

1.10.4

The Consultant will evaluate the proposed roadway layout concepts for 95th Street.

1.10.5

The Consultant will evaluate project impacts to existing drainage, utility and ROW conditions.



1.11 Plan Refinement

Based upon input from the Town and utilizing the confirmed conceptual plan from 1.9, B&A will develop a final scaled AutoCAD layout plan for the one block area. The plan will indicate the location of walkways, buildings/structures, paved areas for parking or vehicle access and landscaped areas.

1.12 Development of Construction Drawings to 100%

Based on the final accepted Plan Refinement Drawing, as approved by the Town, B&A will further develop and prepare design documents for use in permitting and construction. B&A will review the plans with the Town at the 30%, 60% and 90% completion stage of the construction document phase.

B&A will prepare all drawings necessary for submission to Town/County agencies for review and approval including plans for coastal permitting. The Town will route the construction plans through the Town's permitting process prior to construction. B&A will prepare possible/probable construction cost estimates for construction at 30% and 60% submissions. Based on the Town approved Design Development plans and input from Town agencies, B&A will incorporate changes and proceed with developing final detailed construction drawings to include:

- **LANDSCAPE:**
 - Tree disposition plan
 - Hardscape layout plans including walkways and vehicular circulation areas
 - Planting plans and planting details
 - Site furniture plans and product specifications and details where necessary, including benches, waste receptacles, bicycle racks, fountains etc.
 - Irrigation layout, details and materials schedule
 - Placement locations for public art
- **CIVIL:**
 - Grading, paving and surface drainage plans (no underground utility design is included in this proposal, B&A will utilize existing underground services, location and detail data provided by the Town)
 - Roadway Layout and geometry
- **MEP:**
 - Site electrical service and distribution plans
 - Lighting plans, details and lighting calculations to determine design illumination levels, lighting design to meet minimum code requirements
- **Environmental:**
 - Assist with the submission of any environmental permits and one (1) pre-application meeting



The Town is responsible for all application and permitting fees associated with plan submissions.

1.12.1 30% Construction Drawings

The 30% Construction Documents submittal will provide a full schematic design of all project elements and an outline specification identifying major project construction materials and finishes. B&A will also provide specific element locations and overall dimensioning of project elements

1.12.2 60% Construction Drawings

The 60% Construction Drawings submittal will include the full Design Development Package. When completed, B&A will submit the plans to the Town for review.

1.12.3 90% Construction Drawings

B&A will prepare a 90% complete set of Construction Documents for presentation to the Town of Surfside for review and to carry out a "Dry Run" permit procedure. The Construction Document Drawings will be complete except for changes and corrections as may be required by the Town's Building Department.

1.12.4 100% Construction Drawings

B&A will prepare a 100% complete set of Construction Documents and specifications for presentation to the Town based on the comments received from the Town and the changes to the drawings required as per the Town's Building Department review,

The selected Contractor will be responsible for submitting all plans to the Town for Construction permits. B&A will provide a digital copy of the printed plans for submission.

1.12.5 Construction permits

B&A will review pertinent documents with the agencies having permitting or other approval authority with respect to the project.

B&A will apply for CCCL permit.

1.13 Bidding and award of contract(s)

B&A will assist the Town in the preparation of documents to initiate the bid and award of the project. B&A will also assist the Town in the issuance of bid documents, addenda, pre bid meetings, bid opening and in the evaluation and analysis of bids.

1.14 Construction Administration (optional)

During the Construction Administration Phase of the project, B&A will carry out the following:



- B&A will attend construction meetings twice per month, from the time construction commences to the completion. The construction time frame utilized to determine the time and fees for this task is four (4) months. Should the construction periods be longer than four (4) months, additional meetings will be billed on an hourly basis with scope and fees based on the rates provided in Attachment A.
- B&A will respond to contractor RFI's within fourteen (14) calendar days of their receipt by B&A.
- B&A will review Shop Drawings within fourteen (14) calendar days of their receipt by B&A.

B&A will attend on-site meetings once per month for the duration of the construction period. (based on a four (4) month construction period) Additional on site meetings will be billed on an hourly basis with scope and fees based on the rates provided in Attachment A.

B&A will examine the work upon receipt of the "Contractor's Request for Substantial Completion" and shall recommend execution of a "Certificate of Acceptance for Substantial Completion" after ascertaining the work meets the minimum requirements of the Contract Documents.

B&A will provide the Town of Surfside with a set of original documents revised to "record drawings and specifications" condition within 30 calendar days of receipt of the field record set from the Contractor.

Phase 2: Construction Drawings for 95th Street from Collins Avenue to Harding Avenue

2.1 Kick-off-Meeting

B&A will coordinate the kick off meeting with the Town of Surfside and its designated project team. The purpose of the kick off meeting will be to:

- Confirm project goals and objectives
- Agree on the project schedule, timing and content of meetings/workshops, record keeping standards, and communications with the Town, distribution procedures, meeting dates, public notification and preliminary and final submissions.

2.2 Detailed Inventory mapping and Analysis

B&A will carry out an analysis of existing conditions to reflect:

- Present uses
- Circulation Patterns and parking locations
- Existing Vegetation
- Existing Buildings
- Street Lighting
- Street furniture
- Adjacent Commercial Entry Points and parking access



The Consultant will evaluate how existing conditions will affect proposed design options.

2.3 Design Alternative Concepts

With input from the Town, B&A will develop two alternative concepts for the layout and design of the project area illustrating different approaches to the streetscape plan. The concepts will address alternate parking layouts, roadway alignments, specialty paving areas, sidewalk configurations, landscape treatment, lighting, and street furniture.

The concepts will be presented in plan view and elevations to illustrate the design intent. The plans will utilize the approved "Kit of Parts".

2.4 Selection of Preferred Alternative

B&A will develop the final preferred alternative as selected by the Town. The Consultant will make the changes as per the input from any community meetings and the Town Staff.

The final Conceptual Plan will include as a minimum:

- Rendered Colored Site Plan of the Phase 2 block area of 95th Street.
- Up to two proposed roadway cross sections
- Order of Magnitude Cost Estimate

2.5 Preliminary Engineering:

2.5.1

The Consultant will coordinate with the Florida Department of Transportation to discuss any potential issues during the conceptual design development including access management, drainage, intersection signalization, lane alignment, landscaping and right of way.

2.5.2

The Consultant will coordinate with utility companies that will be impacted by the proposed plan.

2.5.3

The Consultant will collect all necessary existing data from local agencies including FDOT. Prepare an inventory of the project site.

2.5.4

The Consultant will evaluate the proposed roadway layout concepts for 95th Street.



2.5.5

The Consultant will evaluate project impacts to existing drainage, utility and ROW conditions.

2.6 Plan Refinement

Based upon input from the Town and utilizing the confirmed conceptual plan from 2.4, B&A will develop a final scaled AutoCAD layout plan for the one block area. The plan will indicate the location of walkways, buildings/structures, paved areas for parking or vehicle access and landscaped areas.

2.7 Development of Construction Drawings to 100%

Based on the final accepted Plan Refinement Drawing, as approved by the Town, B&A will further develop and prepare design documents for use in permitting and construction. B&A will review the plans with the Town at the 30%, 60% and 90% completion stage of the construction document phase.

B&A will prepare all drawings necessary for submission to Town/County agencies for review and approval including plans for coastal permitting. The Town will route the construction plans through the Town's permitting process prior to construction. B&A will prepare possible/probable construction cost estimates for construction at 30% and 60% submissions. Based on the Town approved Design Development plans and input from Town agencies, B&A will incorporate changes and proceed with developing final detailed construction drawings to include:

- **LANDSCAPE:**
 - Tree disposition plan
 - Hardscape layout plans including walkways and vehicular circulation areas
 - Planting plans and planting details
 - Site furniture plans and product specifications and details where necessary, including benches, waste receptacles and bicycle racks, etc.
 - Irrigation layout, details and materials schedule
- **CIVIL:**
 - Grading, paving and surface drainage plans (no underground utility design is included in this proposal, B&A will utilize existing underground services, location and detail data provided by the Town)
 - Roadway Layout and geometry
- **MEP:**
 - Site electrical service and distribution plans
 - Lighting plans, details and lighting calculations to determine design illumination levels, lighting design to meet minimum code requirements



The Town is responsible for all application and permitting fees associated with plan submissions.

2.7.1 30% Construction Documents

The 30% Construction Documents submittal will provide a full schematic design of all project elements and an outline specification identifying major project construction materials and finishes. B&A will also provide specific element locations and overall dimensioning of project elements

2.7.2 60% Construction Drawings

The 60% Construction Drawings submittal will include the full Design Development Package. When completed, B&A will submit the plans to the Town for review.

2.7.3 90% Construction Drawings

B&A will prepare a 90% complete set of Construction Documents for presentation to the Town of Surfside for review and to carry out a "Dry Run" permit procedure. The Construction Document Drawings will be complete except for changes and corrections as may be required by the Town's Building Department.

2.7.4 100% Construction Drawings

B&A will prepare a 100% complete set of Construction Documents and specifications for presentation to the Town based on the comments received from the Town and the changes to the drawings required as per the Town's Building Department review,

The selected Contractor will be responsible for submitting all plans to the Town for Construction permits. B&A will provide a digital copy of the printed plans for submission.

2.7.5 Construction permits

B&A will review pertinent documents with the agencies having permitting or other approval authority with respect to the project.

2.8 Bidding and award of contract(s)

B&A will assist the Town in the preparation of documents to initiate the bid and award of the project. B&A will also assist the Town in the issuance of bid documents, addenda, pre bid meetings, bid opening and in the evaluation and analysis of bids.

2.9 Construction Administration (optional)

During the Construction Administration Phase of the project, B&A will carry out the following:



- B&A will attend construction meetings twice per month, from the time construction commences to the completion. The construction time frame utilized to determine the time and fees for this task is four (4) months. Should the construction period be longer than four (4) months, additional meetings will be billed on an hourly basis with scope and fees based on the rates provided in Attachment A.
- B&A will respond to contractor RFI's within fourteen (14) calendar days of their receipt by B&A.
- B&A will review Shop Drawings within fourteen (14) calendar days of their receipt by B&A.

B&A will attend on-site meetings once per month for the duration of the construction period. (based on a four (4) month construction period) Additional on site meetings will be billed on an hourly basis with scope and fees based on the rates provided in Attachment A.

B&A will examine the work upon receipt of the "Contractor's Request for Substantial Completion" and shall recommend execution of a "Certificate of Acceptance for Substantial Completion" after ascertaining the work meets the minimum requirements of the Contract Documents.

B&A will provide the Town of Surfside with a set of original documents revised to "record drawings and specifications" condition within 30 calendar days of receipt of the field record set from the Contractor.

Phase 3: Construction Drawings for 95th Street from Harding Avenue to Abbot Avenue

3.1 Kick-off-Meeting

B&A will coordinate the kick off meeting with the Town of Surfside and its designated project team. The purpose of the kick off meeting will be to:

- Confirm project goals and objectives
- Agree on the project schedule, timing and content of meetings/workshops, record keeping standards, and communications with the Town, distribution procedures, meeting dates, public notification and preliminary and final submissions.

3.2 Detailed Inventory mapping and Analysis

B&A will carry out an analysis of existing conditions to reflect:

- Present uses
- Circulation Patterns and parking locations
- Existing Vegetation
- Existing Buildings
- Street Lighting
- Street furniture
- Adjacent Commercial Entry Points and parking access



The Consultant will evaluate how existing conditions will affect proposed design options.

3.3 Design Alternative Concepts

With input from the Town, B&A will develop two alternative concepts for the layout and design of the project area illustrating different approaches to the streetscape plan. The concepts will address alternate parking layouts, roadway alignments, specialty paving areas, sidewalk configurations, landscape treatment, lighting, and street furniture.

The concepts will be presented in plan view and elevations to illustrate the design intent. The plans will utilize the approved "Kit of Parts".

3.4 Selection of Preferred Alternative

B&A will develop the final preferred alternative as selected by the Town. The Consultant will make the changes as per the input from any community meetings and the Town Staff.

The final Conceptual Plan will include as a minimum:

- Rendered Colored Site Plan of the Phase 3 block area of 95th Street.
- Up to two proposed roadway cross sections
- Order of Magnitude Cost Estimate

3.5 Preliminary Engineering:

3.5.1

The Consultant will coordinate with the Florida Department of Transportation to discuss any potential issues during the conceptual design development including access management, drainage, intersection signalization, lane alignment, landscaping and right of way.

3.5.2

The Consultant will coordinate with utility companies that will be impacted by the proposed plan.

3.5.3

The Consultant will collect all necessary existing data from local agencies including FDOT. Prepare an inventory of the project site.

3.5.4

The Consultant will evaluate the proposed roadway layout concepts for 95th Street.



3.5.5

The Consultant will evaluate project impacts to existing drainage, utility and ROW conditions.

3.6 Plan Refinement

Based upon input from the Town and utilizing the confirmed conceptual plan from 3.4, B&A will develop a final scaled AutoCAD layout plan for the one block area. The plan will indicate the location of walkways, buildings/structures, paved areas for parking or vehicle access and landscaped areas.

3.7 Development of Construction Drawings to 100%

Based on the final accepted Plan Refinement Drawing, as approved by the Town, B&A will further develop and prepare design documents for use in permitting and construction. B&A will review the plans with the Town at the 30%, 60% and 90% completion stage of the construction document phase.

B&A will prepare all drawings necessary for submission to Town/County agencies for review and approval including plans for coastal permitting. The Town will route the construction plans through the Town's permitting process prior to construction. B&A will prepare possible/probable construction cost estimates for construction at 30% and 60% submissions. Based on the Town approved Design Development plans and input from Town agencies, B&A will incorporate changes and proceed with developing final detailed construction drawings to include:

- **LANDSCAPE:**
 - Tree disposition plan
 - Hardscape layout plans including walkways and vehicular circulation areas
 - Planting plans and planting details
 - Site furniture plans and product specifications and details where necessary, including benches, waste receptacles and bicycle racks.
 - Irrigation layout, details and materials schedule
- **CIVIL:**
 - Grading, paving and surface drainage plans (no underground utility design is included in this proposal, B&A will utilize existing underground services, location and detail data provided by the Town)
 - Roadway Layout and geometry
- **MEP:**
 - Site electrical service and distribution plans
 - Lighting plans, details and lighting calculations to determine design illumination levels, lighting design to meet minimum code requirements

The Town is responsible for all application and permitting fees associated with plan submissions.



3.7.1 30% Construction Documents

The 30% Construction Documents submittal will provide a full schematic design of all project elements and an outline specification identifying major project construction materials and finishes. B&A will also provide specific element locations and overall dimensioning of project elements

3.7.2 60% Construction Drawings

The 60% Construction Drawings submittal will include the full Design Development Package. When completed, B&A will submit the plans to the Town for review.

3.7.3 90% Construction Drawings

B&A will prepare a 90% complete set of Construction Documents for presentation to the Town of Surfside for review and to carry out a "Dry Run" permit procedure. The Construction Document Drawings will be complete except for changes and corrections as may be required by the Town's Building Department.

3.7.4 100% Construction Drawings

B&A will prepare a 100% complete set of Construction Documents and specifications for presentation to the Town based on the comments received from the Town and the changes to the drawings required as per the Town's Building Department review,

The selected Contractor will be responsible for submitting all plans to the Town for Construction permits. B&A will provide a digital copy of the printed plans for submission.

3.7.5 Construction permits

B&A will review pertinent documents with the agencies having permitting or other approval authority with respect to the project.

3.8 Bidding and award of contract(s)

B&A will assist the Town in the preparation of documents to initiate the bid and award of the project. B&A will also assist the Town in the issuance of bid documents, addenda, pre bid meetings, bid opening and in the evaluation and analysis of bids.

3.9 Construction Administration (optional)

During the Construction Administration Phase of the project, B&A will carry out the following:

- B&A will attend construction meetings twice per month, from the time construction commences to the completion. The construction time frame utilized to determine the time and fees for this task is four (4) months. Should the construction period be longer than four (4) months, additional meetings



will be billed on an hourly basis with scope and fees based on the rates provided in Attachment A.

- B&A will respond to contractor RFI's within fourteen (14) calendar days of their receipt by B&A.
- B&A will review Shop Drawings within fourteen (14) calendar days of their receipt by B&A.

B&A will attend on-site meetings once per month for the duration of the construction period. (based on a four (4) month construction period) Additional on site meetings will be billed on an hourly basis with scope and fees based on the rates provided in Attachment A.

B&A will examine the work upon receipt of the "Contractor's Request for Substantial Completion" and shall recommend execution of a "Certificate of Acceptance for Substantial Completion" after ascertaining the work meets the minimum requirements of the Contract Documents.

B&A will provide the Town of Surfside with a set of original documents revised to "record drawings and specifications" condition within 30 calendar days of receipt of the field record set from the Contractor.



PROPOSED FEES

| | | |
|----------|--------------------------------------|--------------|
| Phase 1: | Construction Drawings/Specifications | \$ 56,000.00 |
| | Subconsultants | |
| | MEP | \$ 4,200.00 |
| | Environmental | \$ 3,000.00 |
| | Perspective Rendering | \$ 2,500.00 |
| | Construction Administration | \$ 19,700.00 |

PHASE 1 TOTAL FEES (no reimbursable fees) \$ 82,400.00

| | | |
|----------|--------------------------------------|--------------|
| Phase 2: | Construction Drawings/Specifications | \$ 36,000.00 |
| | Subconsultants | |
| | MEP | \$ 2,000.00 |
| | Construction Administration | \$ 19,700.00 |

PHASE 2 TOTAL FEES (no reimbursable fees) \$ 57,700.00

| | | |
|----------|--------------------------------------|--------------|
| Phase 3: | Construction Drawings/Specifications | \$ 36,000.00 |
| | Subconsultants | |
| | MEP | \$ 2,000.00 |
| | Construction Administration | \$ 19,700.00 |

PHASE 3 TOTAL FEES (no reimbursable fees) \$ 57,700.00

Estimated Reimbursable Expenses* (per Phase) \$ 2,000.00

*Reimbursable Expenses

Reimbursable expenses will be itemized and billed at actual costs and include, but not be limited to, photocopies and printing, postage and shipping, long distance telephone, faxes and all travel related expenses. Expenses and trips associated with travel to the project site are not included in the base fee proposal amount and will be billed as reimbursable expenses.

NOTES

Review of Plant materials will be conducted on site and the scope and fees in this proposal do not include visiting individual nurseries for plant material selection, flagging or approval.



Dune restoration and/or rehabilitation is not included in the scope of services for this proposal.

This Scope of Services assumes that all documentation associated with surveys of existing conditions e.g. wildlife survey, etc. will be provided to B&A for inclusion into the permit application package. Any additional environmental services derived from agency comments will be added as an out-of scope item and charged as additional services.

If project construction in Phase 1 occurs during sea turtle nesting season, the site will need to be surveyed every morning. Minimum daily rate would be \$220.00, but depending upon number of nests found and length of project, this could increase up to \$420.00 - \$520.00/day.

This scope does not include any traffic studies or on site traffic volume counts.

The fees for Phase 1 and Phase 2 are based on the Town's estimated construction budget of \$375,000.00 per phase. If the construction cost of these phases increases, the fees will need to be adjusted.

See Appendix A for hourly rates.

See the Schedule for the Unit Costs of Reimbursable Expenses in Appendix B



**EXHIBIT A
BERMELLO, AJAMIL & PARTNERS, INC.
PROFESSIONAL SERVICE FEE SCHEDULE, 2011**

| CATEGORIES | TEAM BILLING RATES |
|----------------------------|---------------------------|
| PRINCIPAL | \$250.00 |
| PROJECT MANAGER | \$175.00 |
| SR. ARCHITECT | \$165.00 |
| SR. PLANNER | \$155.00 |
| SR. ENGINEER | \$175.00 |
| SENIOR LANDSCAPE ARCHITECT | \$160.00 |
| SENIOR GEOLOGIST/SCIENTIST | \$140.00 |
| ARCHITECT | \$110.00 |
| ENGINEER | \$110.00 |
| PLANNER | \$110.00 |
| LANDSCAPE DESIGNER | \$110.00 |
| ESTIMATOR | \$ 95.00 |
| ASSOCIATE PLANNER | \$100.00 |
| EXPERT WITNESS | \$250.00 |
| INSPECTOR | \$ 90.00 |
| JUNIOR FIELD INSPECTOR | \$ 75.00 |
| SENIOR PROJECT SURVEYOR | \$110.00 |
| PROJECT SURVEYOR | \$ 90.00 |
| SENIOR CADD TECH | \$ 85.00 |
| SPECIFICATION WRITER | \$ 75.00 |
| JUNIOR CADD TECH | \$ 55.00 |
| ADMINISTRATIVE ASSISTANT | \$ 60.00 |

The above rates will be applied for all additional services and time and material fees. This fees schedule is through December 2012 at which time they may be subject to revision.

The subconsultants on the B&A team involved with this proposal are:

HNGS Engineers, MEP

E-Sciences, Inc., Environmental Permitting



EXHIBIT B

Reimbursable Expenses Cost per Unit (included in the \$6,000.00 estimate total for all three phases)

Photographic Copies

Color Copies

| | |
|-----------------------|---------|
| 8.5" x 11" | \$ 1.00 |
| 8.5" x 14 or 11"x 17" | \$ 2.00 |
| 24"x 36" | \$18.00 |

Black & White Copies

| | |
|------------------------|---------|
| Any Size up to 11"x17" | \$ 0.15 |
| 24"x 36" Blackline | \$ 2.00 |
| 30" x 42" Blackline | \$ 2.00 |
| 24"x 36" Mylar | \$15.00 |

Laminating/Transparency Film Covers \$ 2.00

Display Boards

| | |
|------------------------------------|---------|
| Mounted (Foam) 30"x 40" | \$42.00 |
| Mounted (Foam) 40"x 60" and larger | \$70.00 |

3 Ring Binders 1" \$ 1.00

Dividers (Tabs) Set of 10 \$ 0.80

Acco/GBC Binding \$ 1.50

Facsimiles \$ 2.00

Overnight Packages per service

Courier & Delivery Services per service

Postage: 1st Class Current US Postal rate

Mileage: \$ 0.50 / mile

All other expenses will be billed at cost.

****NOTE:** Typical "other" reimbursable expenses include travel, lodging, and meals when traveling on Client's behalf, identifiable communication expenses, all reproduction costs, and special accounting expenses not applicable to general overhead.

PAYROLL DEDUCTION PLAN AGREEMENT

THIS PAYROLL DEDUCTION PLAN AGREEMENT (this “*Agreement*”) is entered into on _____ by and between the Town of _____, Florida (“*Town*”), a Florida municipal corporation, and BMG Money, Inc., a Delaware corporation (“*BMG Money*”). Town desires to offer as a benefit to its employees easy and convenient loans and BMG Money desires to loan money to such employees, in each case to be evidenced by a promissory note with the applicable employee (collectively, as amended or otherwise modified from time to time, the “*Notes*”).

BMG/Town Acknowledgment.

- A. BMG acknowledges that the Town is a facilitator in this program of which the Town Employees are third party beneficiaries.
- B. Town acknowledges and agrees that it will comply with its employees’ requests set forth in the Notes to (a) deduct from their wages, salary, commissions or other similar compensation (collectively, “*wages*”) the amounts to be so deducted as described in the respective Notes and (b) remit such amounts to BMG Money, in each case, solely to the extent of the maximum available wages of the applicable employee and in accordance with applicable laws, rules, regulations and orders (the “*Program*”). The Town has no obligation to collect any amounts owed by its employees to BMG Money other than deducting from an employee’s wages the sums required under the Notes in accordance with such Notes, remitting the same to BMG Money and providing to BMG Money information allowed under law.

Further, it is understood, the Town in no way endorses the Program but merely makes it available to Town Employees.

Payment Instructions. Town agrees to remit available funds to deposit account number 385012579286 located at Bank of America, wire routing number 011900254 (or such other account as BMG Money may from time to time specify in writing) all amounts deducted from employees’ wages in accordance with the applicable Notes on, or as promptly as practicable after, the date the applicable wages are payable.

Marketing. Town agrees to provide BMG Money with opportunities to market the Program to eligible employees and to educate such employees about the Program. Subject to applicable law, marketing opportunities may include, without limitation, in person meetings with employees, handouts to employees, pay stuffers and bulletin board postings. Town hereby authorizes BMG Money to disclose Town’s participation in the Program in any marketing materials prepared by or on behalf of BMG Money. Under no circumstances shall BMG Money state, indicate, imply or lead the employee to reasonably infer an official relationship between it and Town or that the loan is being made directly by Town. BMG acknowledges that any Town employee may opt out of receiving any marketing or promotional materials in any format.

Notice. Town shall notify BMG Money as soon as reasonably practicable if any employee requests revocation of his or her payroll deduction request, ceases to be employed by Town or changes his or her employment status.

Further Assurances. Upon application for a loan hereunder by any Employee, each party shall execute and deliver, or cause to be executed and delivered, such additional instruments or documents and take all such actions as the other may reasonably request for the purposes of implementing or effectuating the provisions of this Agreement. Town also agrees to provide BMG Money with access to all records (or copies thereof) necessary for BMG Money to implement or effectuate the provisions of this Agreement and/or the Program. A list of the types of such records to be delivered by Town to BMG Money promptly after the date of this Agreement is attached as Exhibit 1 hereto.

Public Records. Town is a municipal corporation and as such is subject to Chapter 119 of the Florida Statutes, otherwise known as the *Public Records Act*. This Agreement and all other documents and agreements flowing therefrom, including those executed by any employee, are subject to disclosure to the extent required by such Chapter 119.

Indemnification. BMG Money agrees to indemnify Town against, and hold it harmless from, any and all losses, liabilities, claims, costs, expenses and damages of any nature (including but not limited to attorneys' fees) in any way arising out of any breach of its obligations under this Agreement. Notwithstanding the foregoing, BMG Money shall not be liable to Town for any special, indirect, exemplary or consequential damages. The indemnification obligation under this paragraph shall survive termination of this Agreement.

Assignment. BMG Money and its assignees may assign all or any of BMG Money's rights, but none of its obligations, under this Agreement in connection with any financing of Notes or of the loans evidenced by such Notes or otherwise, *provided, however*, that Town shall, notwithstanding any such assignment, be entitled to deal solely and directly with BMG Money in connection with Town's rights and obligations under this Agreement. This Agreement shall be binding upon the parties hereto and their respective successors and assigns. Notwithstanding any such assignment, Town's obligations, rights and responsibilities shall be governed exclusively by this Agreement.

Termination. Town and BMG Money may terminate this Agreement upon 60 days prior written notice to the non-terminating party, at the address shown below. Notwithstanding any termination of this Agreement, this Agreement shall survive as to any Notes outstanding as of such termination until final payment in full of such Notes.

Miscellaneous. This Agreement supersedes any prior agreements with respect to the subject matter hereof and may only be amended or otherwise modified by a writing signed by both parties. If any provision of this Agreement is found to be unenforceable, this will not affect the validity or enforceability of any other provision. Any provision of this Agreement that conflicts with any mandatory provision of applicable law shall be deemed to be amended to conform with such applicable law. Time is of the essence under this Agreement.

Waiver of Trial By Jury. Each party, as a crucial and material inducement to the other to execute this Agreement, hereby on behalf of itself, its agents, successors and/or assigns waives trial by jury of any and all matters triable by right arising from, through or as a result of this Agreement.

Governing Law; Jurisdiction. THIS AGREEMENT SHALL BE CONSTRUED IN ACCORDANCE WITH THE INTERNAL LAWS OF THE STATE OF FLORIDA (WITHOUT REGARD TO CONFLICTS OF LAW PRINCIPLES PROVIDING FOR THE APPLICATION OF THE LAWS OF ANOTHER JURISDICTION). WITH RESPECT TO ANY SUIT OR PROCEEDING RELATING TO ANY DISPUTE ARISING OUT OF THIS AGREEMENT, EACH PARTY SUBMITS TO THE NON-EXCLUSIVE JURISDICTION OF THE FEDERAL AND STATE COURTS LOCATED IN MIAMI-DADE COUNTY, FLORIDA.

BMG Money, Inc.

Town of _____, Florida

By: _____

By: _____

EXHIBIT 1

Communication between the Town and BMG Money, Inc.

1. Town shall provide a quarterly list of active employees who have not opted out of receiving promotional materials.
2. BMG when requesting a payroll deduction shall provide proof of the approved loan and payment thereof to the employee in a form acceptable to the Town.
3. BMG shall provide from time to time a list of employees who have active loans for the Town to verify continued employment.



City of Sweetwater

Ms. Marion Mathes
Chief Executive Officer
BMG Money, Inc.
1221 Brickell Ave., Suite 1000
Miami, FL 33131

Dear Marion:

I want to take a moment to express my sincere thanks to you and your team at BMG Money for providing a wonderful service to the employees of the City of Sweetwater. BMG has done a great job with the introduction and implementation of your LoansAtWork benefit that was recently made available to our personnel, and we have received nothing but positive feedback.

When you first introduced the need for the Loans-At-Work program, we were initially concerned that there would be hidden costs, either in administrative time or fees, that would create a burden and not a benefit, and we were not totally convinced that our employees needed such a product or that the interest rate was reasonable.

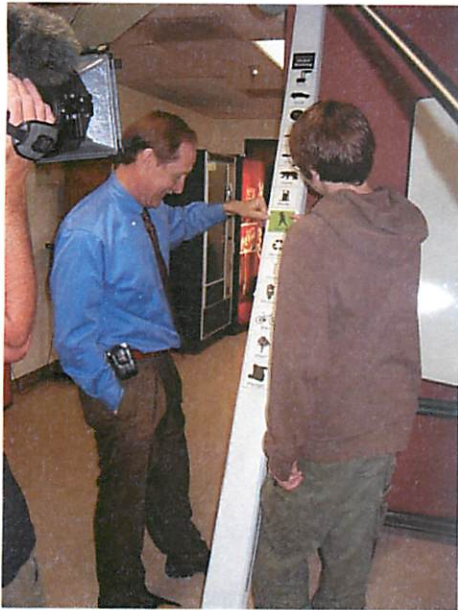
I want you to know that we have been thoroughly pleased with the results since the program began. The work your team did with my administration to set up the deduction process was first-rate. It has been simple to administer and our employees have had nothing but good things to say about the ease of the online system, how quickly they received their money, and how much the access to reasonable financing has improved their personal financial situation. Most importantly, our attorney's review of the contract confirmed that the City is in a risk-free position with regard to offering this optional benefit to our employees.

And finally, the employees who have taken advantage of the program are so very appreciative of the ability to access the cash they needed through the LoansAtWork benefit. The rate is comparable to a cash advance on a credit card, and we have had positive feedback on the pricing of the product. This program has become the proverbial "win-win-win" for the employees of the City, the City's administration and, I trust, for BMG Money.

We are very appreciative of the work you have done to make this such a positive experience. I hope that we will have a long and mutually beneficial working relationship, and that other municipalities will see how easy it is to offer such an important benefit to their employees.

Sincerely,

Manny Maroño, Mayor



Alec Looz explaining pole message to Ventura City Manager, Rick Cole

SLAP team installing prototype pole for documentary film crew



The SLAP pole prototype



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 *[Signature]*

CC: Roger M. Carlton, Town Manager

DATE: December 13, 2011

SUBJECT: Town Attorney Monthly Update for December, 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:

Ordinances:

1. Construction Fence Ordinance
2. Awning Ordinance
3. Clarifying Off-Street Parking Compliance For Religious Places Of Public Assembly (Parking Trust Ordinance)

Resolutions:

4. Landscape - Piggyback Aventura
5. Resolution - Agreement with Miami-Dade State Attorney's Office
6. Resolution – Children's Movement of Florida
7. Resolution – Town's Non-Valorem Assessments on County Tax Bill
8. Resolution – Dissolve Beautification Committee
9. Resolution- Cost recovery

10. Resolution- JGB Bank Temporary Construction Fence

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

November 8, 2011 Commission Meeting
November 17, 2011 Planning & Zoning Meeting
November 29, 2011 Executive Session – Young Israel v Surfside
December 1, 2011 Five (5) Year Financial Plan Commission/Department Head Meeting
December 5, 2011 Social Media Workshop (Preparation and presentation)

Numerous settlement issues relating to Young Israel litigation; follow up meetings with manager and outside counsel; assist outside counsel in the drafting of the proposed settlement agreement and discovery for case. Advice and counsel re mediation requirements by the Court. Handle various communications with outside counsel. Discussion re selection of new mediator. Preparation for November 29, 2011 Executive Session.

Numerous and ongoing discussions with Town Manager, Chief, and outside counsel re Davis v. Surfside. Prepare for and attend December 7, 2011 Davis Mediation Hearing

Coordination with Joseph Centorino, Executive Director of the Miami Dade Commission on Ethics and Public Trust to present a Campaign Skills Seminar in the Surfside Town Hall Chambers for Thursday, January 12, 2012 from 6:30 to 8:30 p.m. prior to the January 25, 2012 to February 14, 2012 qualifying period for the March 20, 2012 Surfside Town Commission election.

Town Manager and Town Clerk Issues:

Research U.S. Supreme Court case regarding reasonable expectation of privacy for GPS tracking device.

Research for preparation of Intergovernmental Cooperation Agreement between Miami-Dade County regarding non-advalorem special assessment for the cost of providing recycling and solid waste collection services.

Assist Manager with close out of Community Center project claims and disputes.

On-going utility project issues/change orders.

DVAC Business Improvement District legal structure research.

Follow-up and research regarding vacant windows in downtown business district and parking issues.

Assist new Town Clerk in this agenda and other matters.

Research and analysis of public records/sunshine and other laws related to technology, social media and other website matters.

Ongoing issues including platting etc re 9501 Collins Avenue; various conferences with counsel for owners and counsel for new owners, building official and manager re same.

Election 2012 Issues

Issues relating to computer security

Review County ordinance on dealing with foreclosed properties

Work related to E-waste.

On-going review and analysis of sidewalk lease agreement with FDOT.

Research 119 request in Davis matter

Research and prepare powerpoint on the state of the law regarding social media
Prepare for meeting with Town Manager, Building Official, Code Enforcement Officer regarding grease trap ordinance.
Review and research surrounding municipalities for leaf blower ordinance
Issues relating to 9200 Collins approval

Building Department/Code Enforcement/Planing:

Follow-up issues of liens and short-term rentals in residential neighborhood.
Ongoing code enforcement issues regarding proposed Regent Palace Settlement Agreement
Code and building issues related to Magen David and non-conforming structure issues.
Research and follow up with State Attorney for trial subpoenas for Building Official in State of Florida vs. Yojander Ramirez Molina
B & H Pizza issues
Meet with new Code Enforcement Officer, Building Official and Town Manager to discuss pending cases to be submitted for Special Master Hearing.
Work with code enforcement regarding issues with grease trap ordinance.
Dock Hardship Issues
Carlisle issues

Human Resources Department:

Coordinate and assist Human Resources on FOP contract issues; review impasse brief.
Review and revise BMG Money Inc. employee loan deduction program contract
Review employment application for HR

Finance Department:

Continued work questions on process for placement of garbage fees for collection on Miami-Dade County tax bill.
Follow-up re: FEMA close-out letters.

Parks and Recreation:

Review and revise Art in Community Center Agreement

Police Department:

Review and analysis of City of Aventura v Masone, a Third District Court of Appeal case where the Court upheld the use of Red Light Cameras.

Finalize re-negotiation of fees with American Traffic Solutions (Red Light Camera)

Ongoing FOP contract issues; confer with outside labor counsel.

Davis v Surfside issues

Public Works:

Follow up on subrogation claim on homeowner's property damage re: Collins Ave. water line. Continue to assist and advise Public Works Director on all procurement, water sewer and other capital improvement projects/community center matters, shuttle bus, street sweeper, and other interlocal agreements.

Work with Director on piggybacking for landscaping; research re same; review contract

Tourist Bureau:

On-going Resort Tax Auditor issues
Review revisions to 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. This Court has ordered mediation and the Town has filed a motion to appoint a mediator which is scheduled to be heard on December 7, 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). This matter is primarily being defended by The Florida League of Cities which has approved counsel to assist in the defense of this case. Settlement negotiations are underway. Mediation has been re-scheduled for January 4, 2012 because opposing counsel had a conflict on November 17, 2011. An Executive Session was held on November 29, 2011. The Town has prepared Interrogatories and Request for Production on Young Israel.

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.

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. We await the Court's ruling on Co-Defendant, Boemler's motion to dismiss for failure to prosecute and motion for sanctions. Counsel also attended an updated deposition of Plaintiff Blum who currently lives in Vermont and is a law enforcement specialist with Homeland Security Administration. He continues to request that his FDLE police certificate file be cleared of "resigned or retired while being investigated for violating agency policy," and requests Surfside issue him a retired law enforcement officer identification card. 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. Pursuant to the FMIT policy, the Town is responsible for only the \$5,000 deductible. The Magistrate heard this case and recommended co-defendant, Boemler's motion for sanctions. Counsel attended the updated deposition of Blum. The parties are in the process of negotiations to settle this case.

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

The Court will re-set this case for trial on the December, 2011 trial docket and we are assisting Florida League counsel with trial preparation.

Subrogation Rights forwarded to FMIT. Castle Key Insurance Companies' notice of intent to pursue subrogation rights regarding alleged damage from water main line break on Collins Avenue and damage caused to 9273 Collins Avenue, Apt 202. Being investigated by Florida League.

Special Matters:

Continued monitoring and cataloguing of new case law and legislation on Federal, State, and County levels.



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

DATE: December 13, 2011

SUBJECT: Miami Dade Commission on Ethics and Public Trust
Campaign Skills Seminar

January 25, 2012 to February 14, 2012 is the qualifying period for the March 20, 2012 Surfside Town Commission Election. Joseph Centorino, Executive Director of the Miami Dade Commission on Ethics and Public Trust has agreed to present a Campaign Skills Seminar in the Surfside Town Hall Chambers for Thursday, January 12, 2012 from 6:30 to 8:30 p.m.



TOWN OF SURFSIDE

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

3E

Page 1
Town of Surfside
Projects Progress Report

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. December, 2011

1. **Community Center** – The agreement between the Town and the Contractor, Architect and Project Manager have been finalized. The Contractor continues to work on warranty and punch list completion. The Town will continue to hold, at a minimum, two times the repair value for any items which the Contractor has not yet completed to the Building Official's satisfaction.
2. **Planning and Community Development** – Planning and Community Development – Planning Staff has finalized an ordinance for design elements relating to awnings within the downtown area per the input from the Downtown Vision Advisory Committee (DVAC) and the Planning and Zoning Board. This first reading ordinance is scheduled for the December 13, 2011 Town Commission meeting. If it is approved on first reading by the Town Commission, it will be brought back to the Planning and Zoning Board, sitting as the Local Planning Agency, on December 22, 2011. Staff is also working on modifications to the parking trust fund ordinance to address change of uses in the business district. Planning staff continues to answer general zoning calls and e-mails from the public and to review building permits for conformance with the zoning code.
3. **Website, Information Technology, TV Broadcasts** – The new, upgraded laptops from Dell were successfully tested in the office and implemented in the field. No connectivity issues with the new laptops have been reported. The Town Commission accepted the Town Manager's recommendation for rejection of the website proposals and a workshop with the Town Commissioners and the members of the AD HOC Communications Committee was held on December 5, 2011. IT has completed the installation of the hardware and software required for Staff to complete the document scanning project. IT is also working with the Town Clerk and Department Heads to create a file organization structure for the new system to facilitate more efficient public records responses. AT&T is in the process of installing the new T1 line at the Community Center to allow for a larger bandwidth for staff and residents utilizing the new wifi system. AT&T anticipates completion of the installation by the end of the year. Additional training for the Sungard module which tracks utility billing and building permit applications, called Sungard NaviLine was provided for updates and for new employee orientation.

- 4. Public Utilities / Engineering** – The Water/Sewer/Storm Drainage Project Notice to Proceed was issued on August 8, 2011. Physical construction commenced on August 15, 2011 in the southern sector (Phase I) of the City. The project involves water main / water service replacements, lining of the gravity sewer mains and sewer lateral replacements, rehabilitation of the sewer pump stations, and improvements to the stormwater collection system including new drainage pump stations. Construction commenced within the Harding and Collins Avenue corridors and shall continue for the next three months (with a break to occur during the holiday season) preceding the FDOT resurfacing project anticipated to commence in April 2012. The public information project website continues to be updated frequently. The website is receiving approximately 10 hits daily and inquiries are being promptly responded to. At the suggestion of Mayor Deutch, the Frequently Asked Questions (FAQ's) will be updated before the second phase begins with a "Lessons Learned" from the first phase.

Bal Harbour Village has completed the construction / installation of a parallel force main being constructed within the Collins Avenue corridor through the Town. The remaining / outstanding work (commissioning, testing, etc.) is anticipated to be completed within approximately 60 days. This will allow for the transfer of sewage from the force main under Byron Avenue to the new Collins Avenue force main. Once this is done, the old force main can be cleaned/tested and the proper course of action determined.

Stormwater System

The construction includes the installation of a backbone system along Bay Drive that will interconnect existing stormwater culverts / piping and direct the run-off to two pump stations. Also, a third pump station will be constructed on the southern end of Carlyle Avenue.

Permits – All permits obtained including contractor dewatering permit and FDEP well permit.

Sanitary Sewer Collection System

Sewer lateral, lining of the mains replacement and television inspection of the gravity sewer mains continues in the southern sector (Phase I) of the Town as well as within the Harding and Collins Avenue corridors. The improvements being completed on the Sanitary Sewer System are required per a consent decree with Miami-Dade County.

Water Distribution System

Water service installations are being constructed in the southern sector (Phase I) of the Town. A ceremony marking the transfer of water services (approx. 60 homes) occurred on Abbott Avenue on November 18, 2011 to commemorate the initial completion.

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

Stormwater Master Maintenance

CGA staff assisted the Town with the response to the Florida Department of Environmental Protection comment letter on the July 2011 submittal of the Year 8 Annual Report Form. The Town staff has recommended the street sweeping program, with a private contractor sweeping every two weeks, as per National Pollution Discharge Elimination System permit requirements.

Funding Summary –

Funding Status:

| <u>Grant</u> | <u>Amount</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% |

\$1,098,500 Total In Place Funding

| | | | |
|--------------------------------|-------------|--------------|-----|
| FDEP State Revolving Fund Loan | \$9,312,881 | In process* | 90% |
| FEMA/PDM Grant | \$2,949,550 | In process** | 10% |

\$5,720,550 Total In Process Funding

*The Town received the letter to incur costs on October 25, 2011.

**Anticipated determination on the in process funding sources is scheduled for February 2012.

5. **Neighborhood Improvements** – The Town Commission determined to hold on the additive alternate projects until the water/sewer/storm drainage project was one year underway to determine if any of the remaining contingency account funding would be available.
6. **Landscape Architecture** - The CGA Landscape Architecture department is providing the design guideline review for the Bermello, Ajamil & Partners design work for the proposed 95th Street Gran Concourse Improvements.



Town of Surfside Commission Communication

Agenda Item #: 3F

Agenda Date: December 13, 2011

Subject: JGB Bank Temporary Construction Fence

Background: The property located at 9585 Harding Avenue has a permit to replace the entire storefront and signage for JGB Bank. A temporary construction fence is necessary in order to move forward with the construction. The applicant is proposing a wooden temporary construction fence on the sidewalk. Section 90.56-1 e. of the Zoning Code requires a six foot setback from Harding Avenue to provide for a landscape buffer during construction, however this requirement may be waived by the Town Commission.

Section 90.56-1 e. was intended to avoid temporary fences being placed along Harding Avenue for long periods of time without landscaping. This applicant has already begun pulling permits and intends to complete the renovations quickly. Since the building is one of the two buildings at the northern entrance to Surfside, the dramatic improvement that will occur is very welcome.

Recommendation: Staff recommends approval of the waiver of a six foot setback and accompanying landscaping along Harding Avenue for a temporary construction fence since the building currently comes to the property line and the setback is not possible. A color rendering of the approved project is attached.

Sarah Sinatra Gould, Town Planner

Roger M. Carlton, Town Manager



HARDING AVENUE AND 96 STREET



PROJECT SITE 9599 HARDING AVENUE
SOUTHEAST CORNER HARDING AVENUE





EXISTING CONDITIONS



NORTHWEST CORNER HARDING AVENUE AND 96 STREET



NE CORNER HARDING AVENUE AND 96 STREET



SOUTHWEST CORNER HARDING AVENUE AND 96 STREET



PROJECT SITE 9599 HARDING AVENUE
SOUTHWEST CORNER HARDING AVENUE AND 96 STREET



PROJECT SITE ADJUTING PROPERTIES



JGB BANK

SURFIDE BRANCH
9599 HARDING AVENUE
SUWANEE, FL 33174

DESIGN REVIEW BOARD
SUBMITTED

WILLIAM
E
TSCHUMY
JR
ARCHITECT
LICENSE NO. AR 0004475

214 CATALONIA AVE
SUITE 104
CORAL GABLES,
FLORIDA 33134
(305) 448-1726
DRAWN BY
DATE
APPROVED
REVISIONS

RESOLUTION NO. 11-___

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING A WAIVER OF THE REQUIREMENTS FOR A SIX FOOT SETBACK AND ACCOMPANYING LANDSCAPING FOR A TEMPORARY CONSTRUCTION FENCE ALONG HARDING AVENUE FOR THE PROPERTY OWNER OF 9585 HARDING AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owner of 9585 Harding Avenue has a permit to replace the entire storefront and signage for JGB Bank and a temporary construction fence is necessary in order to move forward with the construction.

WHEREAS, the Applicant is proposing an six foot high wooden temporary construction fence on the sidewalk; and

WHEREAS, Section 90-56.1 of the Zoning Code requires a six foot setback from Harding Avenue, and a landscape buffer, but said requirements may be waived by the Town Commission; and

WHEREAS, the Applicant has already begun pulling permits and intends to complete the renovations quickly, negating the need for landscaping. Staff recommends approval of the waiver of the six-foot setback and accompanying landscaping since the building comes to the property line and the setback is not possible; and

WHEREAS, the Town Commission finds it in the best interest of the Town to approve the waiver of a six foot setback and a landscape buffer for the temporary construction fence.

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

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

Section 2. Approval. The Town Commission hereby approves the waiver of a six (6) foot setback and accompanying landscaping along Harding Avenue.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion by _____, Second by _____.

PASSED AND ADOPTED this 13th day of December, 2011

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Lynn M. Dannheisser, Town Attorney



Town of Surfside Commission Communication

Agenda Item #: 3G

Agenda Date: December 13, 2011

Subject: Proposed agreement with the Miami-Dade State Attorney's Office to prosecute criminal municipal ordinances.

Background: State legislation was passed in 2004 for the State Attorney to prosecute criminal municipal ordinances only if (1) the ordinance violation is ancillary to a felony prosecution or (2) the municipality has entered into a contract with the State Attorney for these prosecutions. The agreement is for the prosecution of ordinances only: the State Attorney's Office has no authority to handle appeals related to the constitutionality of ordinances.

Analysis: The proposed agreement allows the Miami-Dade State Attorney's Office to prosecute criminal ordinance violations in Surfside for the period of October 1, 2011 to September 30, 2012.

Budget Impact: The Town will be billed at the statutorily prescribed rate of \$50 per hour. It is estimated that it takes approximately 20 minutes per case or the rate \$16.67 per case. During the past three years the use of the State Attorney's Office has been very limited, however, the agreement should be in place in the event of an unforeseen occurrence required of these services.


Growth Impact: N/A

Staff Impact: N/A

Recommendation: The Town staff recommends that the Commission approve the resolution to enter into the proposed agreement (Attachment A) with the Miami-Dade State Attorney's Office to prosecute criminal municipal ordinances.



Department Head



Town Manager

RESOLUTION NO. 2011- ____

**RESOLUTION OF THE TOWN COMMISSION FOR
THE TOWN OF SURFSIDE, FLORIDA
AUTHORIZING THE TOWN MANAGER OF THE
TOWN OF SURFSIDE TO EXECUTE AN
AGREEMENT WITH THE MIAMI-DADE STATE
ATTORNEY'S OFFICE TO PROSECUTE
CRIMINAL MUNICIPAL ORDINANCE
VIOLATIONS IN SURFSIDE; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Commission of the Town of Surfside, Florida (the "Town") wishes to enter into an agreement with the Miami-Dade State Attorney's Office to prosecute criminal municipal ordinance violations in Surfside for the period of October 1, 2011 to September 30, 2012; and

WHEREAS, the Town will be billed by the State Attorney's Office at the statutorily prescribed rate of fifty (\$50.00) dollars per hour.

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

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

Section 2. The Town Commission authorizes the Town Manager on behalf of the Town of Surfside, Florida to execute the agreement with the Miami-Dade State Attorney's Office (Exhibit "A")

Section 3. The Resolution shall become effective immediately upon its adoption.

PASSED and ADOPTED on this _____ day of December, 2011.

Motion by Commissioner _____, Second by Commissioner _____.

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Lynn M. Dannheisser, Town Attorney

RECEIVED

OCT 31 2011

**STATE ATTORNEY**ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
E. R. GRAHAM BUILDING
1350 N.W. 12TH AVENUE
MIAMI, FLORIDA 33136-2111KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY

TELEPHONE (305) 547-0100

October 12, 2011

Mr. Roger M. Carlton
Acting Town Manager
Town of Surfside
9293 Harding Avenue
Surfside FL 33154

Dear Mr. Carlton:

Legislation passed in 2004 to implement Revision 7 to Article V of the Florida Constitution provides that the State Attorney may prosecute municipal ordinances only if (1) the ordinance violation is ancillary to a felony prosecution (s. 27.02(1), Florida Statutes), or (2) the county/municipality has entered into a contract with the State Attorney for these prosecutions (s. 27.34(1), Florida Statutes).

Enclosed please find the proposed agreement for the prosecution of ordinance violations for the period of October 1, 2011 – September 30, 2012. Please sign three originals and return to this office as soon as possible. If you desire to make changes to the contract and want an electronic version of this document, please contact me at donlhorn@miamisao.com and I will forward you a copy. This contract is for the prosecution of ordinances only; the State Attorney's Office has no statutory authority to handle appeals relating to the constitutionality of ordinances. If you choose to not have the Office of the State Attorney prosecute municipal ordinance violations in accordance with sections 4 & 5 of Chapter 2004-265, Laws of Florida, you are requested to send a letter to that effect to the above address as soon as possible.

You will be billed at the statutorily prescribed rate of \$50 per hour. Our estimate is that, on average, it takes approximately 20 minutes per case; therefore, you will be charged at the rate of \$16.67 per case. Please note that this is the charge for ordinance prosecution only. Pursuant to state law, there are separate charges for indigent defense from the Public Defender and filing fees from the Clerk of the Court.

If you have any questions about the contract or if I can provide any other information, please do not hesitate to contact me at 305-547-0562 or at donlhorn@miamisao.com.

Sincerely,

KATHERINE FERNANDEZ RUNDLE
State AttorneyBy: _____
Don L. Horn
Chief Assistant State Attorney for Administration

DLH/cj

Enclosures

Page 117

**AGREEMENT BETWEEN TOWN OF SURFSIDE AND THE STATE OF
FLORIDA, OFFICE OF THE STATE ATTORNEY FOR THE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE
STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF
CERTAIN CRIMINAL VIOLATIONS OF THE
_____ CODE**

This agreement is entered into this _____ day of _____, 2011, by and between Town of Surfside, a political subdivision of the State of Florida (hereinafter referred to as the “City”) and the Office of the State Attorney for the Eleventh Judicial Circuit of Florida (hereinafter referred to as “State Attorney”).

WHEREAS, the City finds that in order to maintain and improve the health, safety, and welfare of this community, it is necessary to adequately enforce and prosecute violations of the City’s Municipal Code; and

WHEREAS, Section 27.02, Florida Statutes, authorizes the State Attorney to prosecute municipal ordinance violations punishable by incarceration if ancillary to state prosecution or, if not ancillary to state prosecution, when the State Attorney contracts with the City for reimbursement.

NOW, THEREFORE, the parties hereto agree as follows:

ARTICLE I
Services

The State Attorney agrees to prosecute municipal ordinance violations as authorized in Sections 27.02, and 27.34, Florida Statutes. The City agrees to remit, subject to the terms outlined in Article III of this agreement, to the State Attorney the required funds to reimburse for costs associated with the prosecution of violations of the Municipal Code for the period of October 1, 2011, through September 30, 2012. The State Attorney shall provide such clerical and professional personnel as may be required for the performance of any of the functions of the State Attorney as set forth in this agreement. This agreement does not commit the City to pay for the prosecution of Municipal Code violations ancillary to state prosecution or for the prosecution of municipal ordinance violations not punishable by incarceration. This agreement specifically does not authorize the State to handle appeals of municipal ordinances on constitutional grounds, which shall remain the responsibility of the municipality that passed the ordinance.

ARTICLE II
Terms

This agreement shall expire on September 30, 2012, unless terminated earlier pursuant to Article VII of this agreement. Under no circumstances shall the City be liable to continue or extend this agreement beyond this date. This agreement may only be amended in writing, through a document executed by duly authorized representatives of the signatories to this agreement.

ARTICLE III
Payment Schedule

The City agrees to reimburse the State Attorney on an hourly basis for services rendered at a rate of Fifty dollars (\$50) per hour. On a quarterly basis, the State Attorney shall provide the City with an invoice including, but not limited to, the hours of services rendered, number of cases prosecuted as set forth in this agreement, and the total amount due for payment for the previous month. The City shall remit each payment within ten (10) days after receiving said invoice from the State Attorney.

ARTICLE IV
Responsibilities

The City does not delegate any of its responsibilities or powers to the State Attorney other than those enumerated in this agreement. The State Attorney does not delegate any of its responsibilities or powers to the City other than those enumerated in this agreement.

ARTICLE V
Reporting

All required reports shall be submitted to the _____.

ARTICLE VI
Indemnification

It is expressly understood and intended that the State Attorney is only a recipient of the reimbursements paid by the City and is not an agent of the City. The respective parties agree, subject to the provisions of Chapter 768.28 (17), Florida Statutes, that they will hold each other harmless from any claims arising from this agreement.

ARTICLE VII
Termination

Either party may terminate this agreement at any time with or without cause by furnishing written notice to the other party with no less than ninety (90) days notice.

ARTICLE VIII
Service Charges

This agreement is contingent upon all City funding provided, and any interest earned thereon, not being subject to any State service charges or administrative assessments.

ARTICLE IX
Non-Discrimination

The State Attorney agrees to abide and be governed by Title II of the Americans with Disabilities Act of 1990, Title VI and VII, Civil Rights Act of 1964 (42 USC 200d, e) and Title VIII of the Civil Rights Act of 1968, as amended, which provides in part that there will not be discrimination of race, color, sex, religious background, ancestry, or national origin in performance of this contract, in regard to persons served, or in regard to employees or applicants

for employment and it is expressly understood that upon receipt of evidence of discrimination, the City shall have the right to terminate said agreement.

IN WITNESS THEREOF, the parties have caused this agreement to be executed by their respective and duly authorized officers the day and year first above written.

ATTEST:

NAME City Commission

By: _____ By: _____
POSITION

ATTEST State Attorney's Office
Eleventh Judicial Circuit

By: _____ By: _____
Don L. Horn
Chief Assistant State Attorney
for Administration



Town of Surfside Commission Communication

Agenda Item #: 4B1

Agenda Date: December 13, 2011

Subject: Temporary Construction Fences

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

Request: The code requires temporary construction fencing along Collins Avenue and Harding Avenue to be installed with a six foot setback and landscaping in front of the fence, however, an applicant may be heard by the Town Commission for a waiver of this requirement. This requirement was intended to avoid temporary fences being placed along Collins Avenue and Harding Avenue for long periods of time without landscaping. The code also prohibits graphics on temporary construction fences, but permits the Commission to waive this requirement as well. A waiver has been granted for limited project signage for an approved new building. While a project is waiting on the next Commission meeting, the property may remain unsecured due to the lack of fencing and the scheduling of the next meeting ultimately could delay a project.

The Town Commission heard a request for a waiver of the setback, landscaping and graphic requirement for the 9501 Collins 50 foot lot project during the November 8, 2011 Commission meeting. Another property, JGB Bank located at 9585 Harding Avenue, has just notified the Town of the need for a similar waiver. Staff anticipates that future development projects will also request this waiver. Therefore, to adequately accommodate property owners securing their land with temporary fences and to facilitate the Commission agenda, staff is recommending that the Town Manager have the authority to waive the setback, site distance, landscaping and graphic requirements on temporary construction fences if appropriate to the conditions of the waiver request. The Town Manager's approval would be based on input from the Building Official, Town Planner and Public Works Director.

Recommendation: Staff is recommending that the Town Commission approve on first reading the ordinance granting the Town Manager the authority to waive the setback, landscaping and graphic requirements on temporary construction fences.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Roger M. Carlton, Town Manager

ORDINANCE NO. 11-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-56.1 “CONSTRUCTION FENCING” 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 Commission (the “Commission”) by Ordinance 10-1549 adopted regulations to require and address construction fencing issues but recognized therein that there might be unique circumstances under which the Commission should be able to waive any particular requirements; and

WHEREAS, the Commission having already heard one request for a waiver of the setback, landscaping and graphic requirement now anticipates there will be other such requests which can be easily handled by the Town Manager and the Town Commission hereby wishes to delegate that authority to the Manager as it may best suit the needs of the community; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on December 22, 2011 with due public notice and input; and

WHEREAS, the Town Commission held its first public hearing on December 13, 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 January 10, 2012

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

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

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

90-56.1 Construction Fencing

e. Setbacks. A temporary fence installed on the front of the property shall be situated six feet from the property line on Harding Avenue and Collins Avenue, unless specifically waived by the town ~~manager~~ commission. The setback area between the temporary fence and the property line shall contain a continuous extensively landscaped buffer which must be maintained in good healthy condition by the property owner. No temporary construction permit shall be issued unless a landscape plan is approved by the Town for the buffer. Failure to maintain the landscaping will result in the Town taking action to replace same and lien the property for the costs of landscaping.

g. Murals and graphics. Graphics and murals on temporary construction fencing are prohibited unless approved by the town ~~manager~~ commission ~~at site plan review pursuant to section 90-20.~~ ~~The town commission, in its discretion, may permit graphics and painted murals on temporary construction fences for aesthetic enhancement of the fence and advertisement of the project to be constructed at site plan review.~~

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 December, 2011.


PASSED and ADOPTED on second reading this _____ day of January, 2012.

Daniel Dietch, Mayor

Attest:

Sandra Novoa
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
Office of the Town Attorney

MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009

Lynn M. Dannheisser
 Town Attorney

Telephone: 305 993-1065
 Facsimile: 305 861-1302
 E-mail: ldannheisser@townofsurfsidefl.gov

MEMORANDUM

TO: Town Commission; Town Planning and Zoning Board

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

cc: Roger Carlton, Town Manager
 Sarah Sinatra, Town Planner

DATE: December 13, 2011

SUBJECT: Town of Surfside Amended off Street Parking compliance for SD-B40 and Religious Places of Public Assembly Ordinance

The Town Commission through Ordinance 10-1556 encouraged businesses to gravitate to the downtown business district and/or created opportunity for redevelopment within the SD-B40 Zoning District with alternatives to meeting off-street parking requirements through the payment of fees into a Downtown Parking Trust Fund, which would then be utilized to finance creation of public parking for new construction or fund alternate means of providing parking.

Presently, Staff is recommending the Town amend this section to include an incentive to allow changes of use from service businesses to retail and/or restaurant uses through payment of a parking fee into the Town's Downtown Parking Trust Fund in addition to the use of tandem, shared parking, joint use, or off-site parking methods of compliance currently provided as well as expand the scope and applicability of these parking mitigation options to religious places of public assembly. This is done in a desire to avoid any limitations on the exercise of religious freedom.

Finally, the Town Commission also desires to provide a mechanism by which applicants may seek a reduction in the required number of spaces on a case by case basis if they otherwise meet the requirements of this ordinance. This Ordinance is consistent with the Town's Comprehensive Plan and furthers the public health, safety and welfare.

Budget Impact: This may result in an increase in revenues through the Town Parking Improvement Fund and a source to create additional improvements for the purpose of remediating the parking problems. It is also designed to incentivize new business and offer relief to religious institutions.

Staff Impact: None

Recommendation: It is recommended you adopt this ordinance.

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES FURTHER CLARIFYING OFF-STREET PARKING COMPLIANCE FOR THE SD-B40 ZONING DISTRICT AND OFF-STREET PARKING COMPLIANCE FOR RELIGIOUS PLACES OF PUBLIC ASSEMBLY; PROVIDING FOR THE ABILITY TO MODIFY PARKING REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida (“Town Commission”) in their desire to foster the creation of a pedestrian-friendly mixed-use downtown environment within the Town of Surfside (“Town”), by supporting the redevelopment and revitalization of properties in the downtown area within the Town’s SD-B40 Zoning District, adopted Ordinance 10-1556 on July 13, 2010; and

WHEREAS, the Town’s Future Land Use Element of the Town of Surfside Comprehensive Plan supports the use of a Parking Trust Fund as a method for funding the construction of public parking garages and/or other facilities and programs to provide needed parking within the Town’s business district; and

WHEREAS, the Town Commission finds that, as a downtown business area within a geographically constrained beachfront community, vehicle parking is substantially limited within the SD-B40 Zoning District and other areas of the Town and these limitations hinder the ability

of businesses, and other nonresidential uses including religious places of public assembly throughout the Town to develop, improve and redevelop properties within existing properties; and

WHEREAS, the Town through Ordinance 10-1556 encouraged businesses to gravitate to the downtown business district and/or created opportunity for redevelopment within the SD-B40 Zoning District with alternatives around the Town such as shared parking, joint use, off site facilities and an additional parking mitigation option per the Town Comprehensive Plan, allowing new businesses and development projects to meet off-street parking requirements through the payment of fees into a Downtown Parking Trust Fund, which can then be utilized to finance creation of public parking for new construction or fund alternate means of providing parking; and

WHEREAS, now the Town wishes to modify this section to clarify its scope and include an incentive to allow changes of use from service businesses to retail and/or restaurant uses through payment of a parking fee into the Town’s Downtown Parking Trust Fund in addition to the use of tandem, shared parking, joint use, or off-site parking methods of compliance currently provided; and

WHEREAS, the Town Commission desires to also address parking compliance options for religious places of public assembly in order to avoid limitations on the exercise of religious freedom; and

WHEREAS, the Town Commission also desires to provide a mechanism by which applicants may seek a reduction in the required number of spaces provided on a case by case basis if they otherwise meet the requirements of this ordinance; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the district regulations on December 22, 2011 with due public notice and input; and

WHEREAS, the Town Commission shall have conducted a duly noticed public hearing on these regulations as required by law on January 10, 2012, having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Town Commission finds that this Ordinance is consistent with the Town’s Comprehensive Plan and furthers the public health, safety and welfare.

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. 90-77. - Off-street parking requirements.

(a) Except as otherwise provided herein, when any building or structure is hereafter constructed; or structurally altered so as to increase the number of dwelling units or hotel rooms to increase its total commercial floor area; or when any building or structure is hereafter converted to any of the uses listed in subsection 90-77(c), off-street parking spaces shall be provided in accordance with the requirements of subsection 90-77(c), or as required in subsequent sections of this article.

(b) Parking compliance for properties and uses located in SD-B40 zoning district and for religious places of public assembly in other areas of the Town. ~~The following shall apply to properties and uses within the SD-B40 zoning district:~~

~~(1) Off-Street Parking Applicability.—This Section applies to: Compliance with the off-street parking requirements shall be required for all projects and developments consisting of new construction. It shall also be required for renovations with an aggregate job value which equals or exceeds any of the following:~~

~~a. Uses within the SD-B40 zoning district where changes of use from service businesses to restaurant or retail occur; and~~

~~b. Religious places of public assembly located within the area depicted on the Public Assembly Places as set forth in Section 90-41 (d)(23) hereinabove.~~

~~a. \$40,000; or~~

~~b. For interior renovations (may include exterior signage or facade improvements), ten percent of current building value; or~~

~~c. For interior and exterior renovations (excluding signage), ten percent of the current assessed value of the property.~~

~~Assessed value and building value shall be determined from the Miami-Dade County Property Appraiser's Office tax rolls. All permits issued for projects and development within a 365 day period shall be aggregated to determine if this threshold is met. Normal repairs and maintenance shall not trigger compliance. Changes of use or changes of business in an existing building that are not accompanied by construction or renovations meeting the thresholds of this subsection shall be exempt from the off-street parking requirements of Section 90-77.~~

(2) Options to satisfy parking requirements for uses specified in (1) above. Satisfaction of the off-street parking requirements of this subsection (b) may be achieved through compliance with any combination of the following options:

a. On site provision of required parking spaces as more specifically set forth in Section 90-77(c);

b. Tandem parking as more specifically set forth in Subsection 90-77(d);

c. Joint use and off-site facilities as more specifically described in Section 90-80. If parking is satisfied by agreement with a private third party, the Town shall require an agreement in writing for an effective period of no less than five (5) years. No less than sixty (60) days prior to the expiration of such agreement, either a new agreement shall be in place or the owner of the property for which the parking is being provided shall receive the Town's approval of the employment of one of the other prescribed options contained in this subsection. Failure to secure the Town's approval of one or a combination of the prescribed options shall result in revocation of the owner's Certificate of Occupancy and Certificate of Use;

- d. Shared parking; or
- e. Payment of parking trust fee- that can be used to finance the provision of parking whether through the purchase, construction or modification of parking facilities or to otherwise provide for additional parking as more specifically set forth in Section 90-77(b)(3).

(3) Modification of Parking Requirements. In tandem with the use of options (2)c-e to satisfy parking requirements, requests may be made for a reduction in the minimum parking requirements which may be considered by the Town upon receipt of an application from the owner of the site seeking a reduction as follows:

- a. Minor reductions. Requests for a reduction of one to three required parking spaces may be approved by the Town Manager in consultation with the Town Planner as a de minimus reduction upon a finding that the applicant has utilized the options available in Section 90.77(b)(2) above, to the greatest extent feasible. If the request is denied by the Town Manager, that decision may be appealed to the Town Commission.
- b. Major reductions. The Planning & Zoning Board shall hear requests for reductions in parking in excess of the Town Manager's authority under subsection (3)a hereinabove. Such requests shall be accompanied by a report prepared by the Town Manager and Town Planner and approved for legal sufficiency by the Town Attorney, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation.
- c. Criteria for approval of major or minor reduction. Requests for reduction may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within 300 feet of the subject property along a practical and usable pedestrian route.

If the request is denied by the Planning and Zoning Board, that decision may be appealed to the Town Commission.

* * *

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 December, 2011.

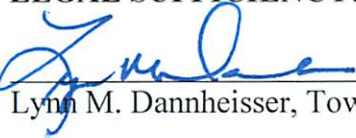
PASSED and ADOPTED on second reading this ____ day of _____, 2012.

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk

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



Lynn M. Dannheisser, Town Attorney

Ordinance No. _____

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 Olchyck | yes | _____ | no | _____ |



Town of Surfside Commission Communication

Agenda Item #: 4B3

Agenda Date: December 13, 2011

Subject: Awning Ordinance

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

Background: The Downtown Vision Advisory Committee (DVAC) has spent many meetings discussing ways to improve the business district. One of the proposed improvements is to create additional requirements for awnings.

Request: While the ordinance does not require consistency with other awnings throughout the district, it has multiple provisions regarding consistency with the overall design and details of the building in which the awning will be attached. This will encourage variety while maintaining a quality appearance throughout the district. The ordinance also recognizes that many buildings may represent a historic era. There are exceptions to the requirements for these types of buildings, such as permitting a curved awning, rather than the required straight awning.

DVAC did not recommend requiring a color palette, but did suggest limiting awnings to a solid color with a provision that the awning color shall not call more attention to the awning than the building. This is in place to prohibit applicants from using the awning as an extension of their sign or promoting their corporate colors.

This ordinance is intended to assist the Design Review Board as it evaluates new awnings in the business district. The Planning and Zoning Board discussed the proposed changes at their November 17, 2011 board meeting and provide feedback to staff. Staff has modified the text to include the Planning and Zoning Board's comments and, if approved on first reading by the Town Commission, will be heard by the Planning and Zoning Board sitting as the Local Planning Agency on December 22, 2011.

Recommendation: Staff is recommending that the Town Commission approve the awning ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Roger M. Carlton, Town Manager

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” AND SPECIFICALLY AMENDING SECTION 14-52 “COMMERCIAL STANDARDS ESTABLISHED”; AND CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-47 “YARDS GENERALLY, ALLOWABLE PROJECTIONS”; SECTION 90-49 “AWNINGS AND CANOPIES”; AND SECTION 90.99 “APPENDIX-EXHIBIT A, DESIGN GUIDELINES FOR SINGLE FAMILY RESIDENTIAL PROPERTIES, MULTIFAMILY AND COMMERCIAL PROPERTIES.”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Downtown Vision Advisory Committee (DVAC) has proposed these additional requirements for awnings in an attempt to improve the appearance of the business district and these additional requirements are intended to assist the Design Review Board as it evaluates new awnings in the business district; and

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; and

WHEREAS, the Town Commission held its first public hearing on December 13, 2011 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, The Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on December 29, 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 January 10, 2012 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.

(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.

Section 90-47 Yards generally, allowable projections.

90-47.2 Moveable awnings may be placed over doors or windows and may project not more than three feet into any required yard, except as provided in Section 90-49.2(a) 8.

Sec. 90-49.2 Awnings and canopies

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

- ~~a. Awnings and canopies shall have consistent height and depth.~~
- ~~b. Awnings and canopies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context.~~
- ~~c. Awnings and canopies shall be consistent on multiple storefronts within a larger building.~~
- ~~d. Awnings shall be fabric or metal. Plastic awnings are prohibited.~~
- ~~e. Awnings shall be solid colors rather than patterned.~~
- ~~f. Awnings shall utilize down lighting. Backlighting shall be prohibited.~~

- ~~g. Awning valances shall be straight rather than curved, except for special architectural elements to be compatible with historic building styles.~~
- ~~h. Awnings shall be attached to the building façades and shall not be supported by vertical elements within the right-of-way.~~

a. Location/Placement

1. Awnings and canopies shall have consistent height and depth subject to the size of the wall opening which the awning or canopy is affixed.
2. Awnings and canopies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context.
3. Awnings and canopies shall be consistent on multiple storefronts within a larger building.
4. After 25 feet in length, an awning or canopy shall have either a break of a minimum of six inches or articulation of the awning or canopy.
5. Awnings shall be attached to the building façades and shall not be supported by vertical elements within the right-of-way.
6. Awnings shall have a pedestrian scale and be placed so as to provide weather protection.
7. Awnings shall be an enhancement to the building façade and shall be proportional with and complimentary to nearby buildings and awnings.
8. Awnings shall be mounted in locations that respect the design of the building and do not obscure ornamental features over storefronts (i.e. rooflines, arches, materials, banding).
9. Awnings shall project a minimum of three (3) feet and a maximum six (6) feet over the sidewalk, not to exceed the width of the sidewalk.

b. Appearance

1. Awnings shall be fabric or metal. Plastic and vinyl awnings are prohibited, except for First Grade vinyl awnings, subject to approval by the Design Review Board.
2. Awnings shall be solid colors rather than patterned.
3. If an awning valance is proposed, it shall be straight rather than curved, except for special architectural elements to be compatible with historic building styles.
4. Awning colors shall enhance and complement the building and adjacent awnings, rather than overwhelm the building scheme. Colors shall not call more attention to the awning than the building.
5. Lighting associated with awnings and canopies shall be prohibited, except lighting approved by the Design Review Board which is attached underneath the awning and intended to provide pedestrian lighting.
6. Signage, graphics and lettering shall be prohibited on canopies and awnings

c. Construction and Maintenance

1. Awnings shall be mold and UV-resistant.
2. The awning frame structure shall be finished to match the metal storefront system color or the awning fabric color. The structure shall also be compatible with the window system of the building in terms of placement and materials.
3. Awnings shall have between a 30 and 50 degree angle, taking into consideration the height of the storefront and wind load requirements.

4. Awnings shall not be torn, frayed, ripped, faded, or stained, soiled or dirty. When not specifically addressed by this ordinance, provisions of the Town's Property Maintenance Code shall apply.
5. Maintenance, repair, replacement, and/or removal. All awnings and canopies shall be maintained and kept in good order and repair. Awnings and canopies which are found, upon inspection, to be in disrepair shall be subject to removal and/or replacement in accordance with the commercial standards established in Section 14-52 of the Code of Ordinances.

d. Enforcement

1. Code Enforcement and/or the Building Department shall be responsible for the enforcement of these provisions. Any person or entity violating these provisions shall be subject to a \$250/day fine and punishable as provided in Section 1-8 and all other applicable sections of the Code of the Town of Surfside

Sec. 90-99 APPENDIX

EXHIBIT "A" Design Guidelines for Single Family Residential Properties, Multifamily, and Commercial Properties.

~~TOWN OF SURFSIDE DESIGN GUIDELINES PERTAINING TO AWNINGS~~

~~E. AWNINGS, CANOPIES, "EYEBROWS" AND BALCONIES:~~

1. ~~Balconies shall not extend into the frontage setbacks and shall not be less than five feet (5') in depth.~~
2. ~~Awnings and canopies shall be incorporated to provide pedestrian protection from the elements as well as reduce overall building heat gain. Encroachments by awnings and nonpermanent canopies over the public sidewalk are permitted, but shall not be greater than 6' or the width of the sidewalk, whichever is less.~~
3. ~~Awnings, canopies, "eyebrows" and balconies shall have consistent height and depth;~~
4. ~~Awnings, canopies, "eyebrows" and balconies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context;~~
5. ~~Awnings, canopies, "eyebrows" and balconies shall be consistent on multiple storefronts within a larger building.~~
6. ~~Awnings shall be fabric or metal. Plastic or vinyl awnings are discouraged prohibited.~~
7. ~~To reduce visual clutter, awnings shall be solid colors rather than patterned.~~
8. ~~Awnings shall utilize down lighting. Backlighting is prohibited.~~
9. ~~Awning valances shall generally be straight rather than curved, except for special architectural elements to be compatible with historic building styles.~~
10. ~~Awnings shall be attached to the building facades and shall not be supported by vertical elements within the R.O.W.~~
11. ~~All new and replacement awnings shall meet these requirements.~~

~~K. COMMERCIAL USES DESIGN CRITERIA.~~

~~1. Frontages along Harding Avenue are encouraged to provide a minimum six foot (6') wide continuous non-removable awning.~~

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.

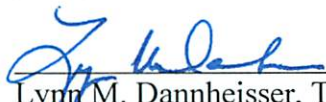
PASSED and ADOPTED on second reading this ____ day of _____, 2011.

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
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 Commission Communication

Agenda Item # 5A

Agenda Date: December 13, 2011

Subject: Town wide Landscape Maintenance Contract consideration with Luke's Landscaping

Objective: To consolidate the entire Town's landscaping maintenance activities.

Recommendation: In order to provide a uniform landscaping maintenance approach toward the upkeep of the Town's facilities and Right of way's we propose utilizing an existing contract currently underway in the City of Aventura. This would be done through a contract "piggy back" approach utilizing all of the terms and conditions in the contract along with pricing to facilitate the Town's needs.


Background: The Town has had for years several different companies performing landscape maintenance working for each different department with no uniformity being applied to the work. Additionally the contractors that the Town has been using do not hold any of the required certifications to perform some of the work such as: tree trimming, fertilization, and pesticide application.

Analysis: Last year the City of Aventura competitively bid a Landscape Maintenance Contract and as a result of the RFP process determined that Luke's Landscaping was the lowest most responsible bidder. Aventura entered into a three-year contract with one three-year renewal option. Staff recommends that the Town amend the agreement to an initial two-year term with three one-year renewal options. In order to provide uniform landscape maintenance throughout the Town of Surfside and to comply with Town procurement requirements staff recommends piggybacking on the City of Aventura's competitively bid contract. This will allow the Town to utilize the discount pricing available to a much larger municipality and immediately implement much needed landscape maintenance services.


Budget Impact: Currently, the Town spends approximately \$140,000 (among various departments) for landscape maintenance services, the proposed agreement would cost approximately \$134,000 for much better defined landscape maintenance services with appropriate licenses required. At this time the cost is budgeted within the Public Works Department and Parks and Recreation Department.

Growth Impact: N/A

Staff Impact: N/A



Department Head



Town Manager

RESOLUTION No. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH LUKES' LANDSCAPING, INC. DBA LUKES-SAWGRASS LANDSCAPE AND THE TOWN OF SURFSIDE PIGGYBACKING OFF THE COMPETITELY BID CONTRACT AWARDED BY THE CITY OF AVENTURA; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida wishes to enter into an agreement with Lukes' Landscaping Inc. DBA Lukes-Sawgrass Landscape (hereinafter "Lukes' Landscaping Inc."), by piggybacking off a competitively bid contract awarded by the City of Aventura, Florida to provide landscape maintenance services for the same price per unit of service; and

WHEREAS, Lukes' Landscaping Inc. was selected by the City of Aventura pursuant to Bid No. 10-07-12-2 as the lowest responsible and responsive bid for such landscape maintenance services; and

WHEREAS, the Town has a need for uniform landscape maintenance services, is not currently under a contract to provide such services, and can utilize discounted pricing available to a larger municipality; and

WHEREAS, the Town Commission of the Town of Surfside, Florida feels it is in the best interest of the Town to enter into the Agreement with Luke's Landscaping for landscape maintenance services.

Resolution No. _____

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

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

Section 2. Authorization to enter into an agreement. The Town Commission hereby authorizes the Town Manager to enter into the Agreement by and between Lukes' Landscaping Inc. and the Town of Surfside attached as Exhibit "A."

Section 3. Implementation. The Town Manager and the Town Attorney are hereby authorized to take any and all action necessary to implement this Resolution and Agreement in accordance with the terms, conditions and purposes of this Resolution and Agreement.

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

PASSED AND ADOPTED this ____ day of _____, 2011.

Resolution No. _____

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION


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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Lynn M. Dannheisser
Town Attorney

Resolution No. _____

TOWN OF SURFSIDE, FLORIDA**CONTRACT AMENDMENT NO. 1**

THIS AMENDMENT TO THE CONTRACT (this "AMENDMENT") dated this ____ day of _____, 20____ (the "Effective Date"), by and between the Town of Surfside, a Florida municipal corporation (the "Town"), whose address is 9293 Harding Avenue, Surfside, Florida 33154, and Luke's Landscaping, Inc., 2950 N 28th Terrace, Hollywood, Florida 33020, supplements the contract dated _____ (the "Contract"). The Amendment and Contract shall collectively be referred to herein as the "Contract". In the event of any conflict between this Amendment and the Contract, it is agreed that this Amendment shall control.

The following modifications are to be incorporated and made a part of this Contract:

SEC. 1.2 AGREEMENT PERIOD.

The initial contract shall be for a period of two (2) years with an opportunity for the Town to extend the contract for three (3) additional one-year terms at the same terms, conditions, and prices upon mutual agreement of both parties. The proposer agrees to this condition by signing its proposal. If Contractor cannot renew at these same terms, conditions and prices, Contractor must notify Town on/or before 90 days prior to contract expiration.

SEC. 2.25: INDEMNIFICATION.

Contractor shall defend, indemnify, and hold harmless the Town, its officers, agents, and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, including legal fees and costs, arising out of or, related to, or in any way connected with Contractor's performance or non-performance of this Contract. Contractor shall defend, indemnify, and hold the Town harmless from all losses, injuries, or damages and wages or overtime compensation due its employees in rendering services pursuant to this Contract, including payment of reasonable attorneys' fees and costs in the defense of any claim made under the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act or any employment related litigation or workers' compensation claims under federal or state law. The provisions of this section shall survive termination of this Contract.

For other and additional good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Contractor, including but not limited to the Contractor's officers, officials, employees, representatives, agents, contractors officers, etc., subcontractors and their officers, etc. (hereinafter Contractor) hereby agrees to indemnify, hold harmless and defend the Town of Surfside, including but not limited to its officers, agents, subcontractors, officers, officials, representatives, volunteers, employees and all those others acting on the Town's behalf (hereinafter TOWN) against any and all liability, loss, cost, damages, expenses, claims or actions of whatever type or nature, including but not limited to attorney and expert fees and suit cost, for trials and appeals, that the Town may pay, sustain, or incur arising wholly or in part due to any negligent or deliberate act, error or omission of Contractor in the execution, performance or non-

performance or failure to adequately perform Contractor's obligation pursuant to this Agreement.

3.2: INITIAL CONTRACT PERIOD AND CONTRACT RENEWAL:

The initial contract shall be for a period of two (2) years with an opportunity for the Town to extend the contract for three (3) additional one-year periods, at the same terms, conditions and specifications (except for itemized and unit process as contained in the Schedule of Values, which shall be negotiated in good faith) or remain the same and the extension is approved by the Town Manager. The proposer agrees to this condition by signing its proposal. If Contractor cannot renew at these same terms, conditions and prices, Contractor must notify Town on/or before 90 days of contract expiration date.

3.3: SCOPE OF WORK:

3.3.1 Service Areas will be within the Town of Surfside rights-of-way including all street ends, round-a-bouts, Town parking lots and medians; Beach and Beach Access from 96th Street to 87th Terrace; and all Town Parks, Buildings and Facilities including Town Hall, Community Center, Tot Lot, 96th Street Park, Veterans Park and Tennis Center, 93rd Street Pump Station and 89th Street Pump Station.

3.10: BONDS:

In lieu of a Performance/Payment Bond, Contractor may furnish alternate forms of security, which may be in the form of cash, money order, certified check, cashier's check or unconditional letter of credit in the form attached, or as named additional insured as provided for in section 3.15. Such alternate forms of security shall be subject to the prior approval of Town and for same purpose and shall be subject to the same conditions as those applicable above and shall be held by Town for one year after completion and acceptance of the Work.

3.11: BID SECURITY FORFEITED, LIQUIDATED DAMAGES:

Failure to execute a contract in the form prepared by Town and to file an acceptable performance bond, or otherwise acceptable form of security (as provided for in section 3.10) within ten (10) days after written notice of award has been given shall be just cause for the annulment of the award by Town and the forfeiture of the bid security to the Town, which forfeiture shall be considered not as a penalty, but in liquidation of damages sustained. Awards may then be made to the next best responsible bidder or all bids may be rejected, as best meets the needs of the Town.

SECTION 4 TECHNICAL SPECIFICATIONS

D. Scope of Work.

The existing section requirements and standards shall remain where applicable.

I. Special Contract Requirements.

In addition to the duties included in existing section, the person responsible for the Town of Surfside shall be Luke Facarazzo, Director of Sales and Key Accounts.

PUBLIC WORKS & LANDSCAPE MAINTENANCE SERVICE AREAS

PAGE 52

To be replaced with attachment "B".

SCHEDULE OF VALUES
PUBLIC WORKS & LANDSCAPE MAINTENANCE SERVICES

PAGE 59-63

To be replaced with attachment "A"

IN WITNESS WHEREOF, the parties have executed this Contract Amendment at the Town of Surfside, Florida as of the day and year first above written.

TOWN OF SURFSIDE,
A Florida municipal corporation

By: _____
Roger M. Carlton, Town Manager

Attest:

By: _____
Sandra Novoa, CMC, Town Clerk

By: _____
Authorized Representative of Luke's Landscaping, Inc.

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, who (check one) are [] personally known to me or [] have produced _____ as identification.

Notary Public, State of Florida

My commission expires:
(NOTARY SEAL)

Print Name

Attachment "A"
SCHEDULE OF VALUES
Public Works & Landscape Maintenance Services

NOTE: The quantities shown in the Schedule of Values are an estimate only. They may vary significantly from the actual quantities ordered by the Town. Payments shall be for the units ordered, delivered, placed and accepted by the Town. The Bidder, by signing this Bid Form and Contract, fully acknowledges that he/she will receive no additional compensation (no overhead/nor anticipated profits, etc.) other than the bid unit price of the items times the number of items authorized, ordered, delivered, placed and accepted by the Town.

| ITEM # | ITEM | TOTAL COST PER 12 MONTHS |
|----------|--|--|
| 1 | BEACHES AND BEACH ACCESSES: from 96th Street to 87th Terrace within the Town limits | |
| 2 | TOWN FACILITIES: Town Hall Community Center Tot lot 96th Street Park Veteran's Park Tennis Center 93rd Street Pump Station 89th Street Pump Station | |
| 3 | RIGHT-OF-WAYS AND EASEMENTS: to include street ends, round-a-bouts, parking lots and medians | |
| BASE BID | <u>TOTAL BASE BID</u> <u>Total of Items 1 through 3</u> <u>constitute the bid</u> | \$ _____ BASE BID TOTAL |
| A | Seasonal Color Replacements, 4 1/2" pot with Atlas 3000 topsoil | <u>\$1.18 per pot</u> - Unit price shall be delivered and in-place: includes removal of prior season's flowers, fertilization, and pre-emergent herbicide as per specifications. |
| B | Merit Soil Drench for Royal Palms (one application per year) | <u>\$5.00</u> per Royal Palm |

| | | |
|---|---|--|
| C | Cygon Foliar Spray for Royal palms (one application per year) | <u>\$5.00</u> per Royal Palm |
| D | Phoenix Dactylifera Maintenance (Three applications per year) | <u>\$120.00</u> per Phoenix palm (\$40.00 per palm times 3 applications) |

Attachment “B”

PUBLIC WORKS AND LANDSCAPE MAINTENANCE SERVICE AREAS

Parks Buildings and Facilities

- Town Hall
- Community Center
- Tot Lot
- 96th Street Park
- Veterans Park and Tennis Center
- 93rd Street Pump Station
- 89th Street Pump Station

BEACH AND BEACH ACCESS

- From 96th Street to 87th Terrace within the Town Limits

RIGHT OF WAYS AND EASEMENTS

- Include all Street Ends
- Include all Round-a-bouts
- Include all Town parking lots
- Include all Town medians

PUBLIC WORKS AND LANDSCAPE MAINTENANCE SERVICE AREAS

- Parks Buildings and Facilities

AGENDA ITEM 5A

Town Wide Landscape Maintenance
Contract Consideration with Luke's
landscaping

EXHIBIT "A"

Available at the Town Clerk's Office
and in the Town's Website under the
December 13, 2011 Agenda Packet



**Town of Surfside
Town Commission Meeting
December 13, 2011
7 p.m.**

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

DISCUSSION/AGENDA ITEM MEMORANDUM

Title: "Children's Movement of Florida"

Objective: Pursuant to the presentation made by Mr. David Lawrence, Jr., President of "Children's Movement of Florida" please see below request for Commission consideration.

Consideration: The Town of Surfside has a long established history of supporting the educational needs of our schools. In keeping with this admirable position, I am asking the Town Commission to approve and issue a Five Hundred Dollar (\$500.00) check to the "Children's Movement of Florida."

Respectfully submitted,

Joe Graubart

Vice Mayor

RESOLUTION NO. 2011- _____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA PROCLAIMING SUPPORT AND APPROVING A FIVE HUNDRED DOLLAR (\$500.00) CONTRIBUTION FOR THE CHILDREN'S MOVEMENT OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a presentation was made by David Lawrence of the Children's Movement of Florida at the November 8, 2011 Town Commission meeting; and

WHEREAS, the Town Commission wishes to proclaim its support for the organization and to approve a five hundred dollar (\$500.00) contribution for the Children's Movement Of Florida.

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

Section 1. The Town of Surfside proclaims its support and approves a five hundred (\$500.00) contribution for the Children's Movement of Florida.

Section 2. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution and approves the \$500.00 contribution from the fiscal year 2011-2012 Account #001-1000-511-8300.

Section 3. That this Resolution shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED this ____ day of December, 2011.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

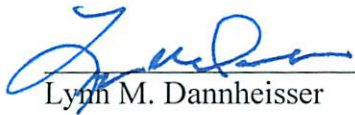
| | |
|------------------------------|-------|
| Commissioner Michael Karukin | _____ |
| Commissioner Edward Kopelman | _____ |
| Commissioner Marta Olchyk | _____ |
| Vice Mayor Joseph Graubart | _____ |
| Mayor Daniel Dietch | _____ |

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Lynn M. Dannheisser
Town Attorney



**Town of Surfside
Commission Communication**

TO: Elected Officials
FROM: Roger M. Carlton, Town Manager
DATE: December 13, 2011
RE: Termination of the Beautification Committee

Background: The Beautification Committee was formed in May 27, 2008 under Resolution No. 08-1839. The purpose of the group was to create an increased awareness of the need for proper maintenance of our landscape areas town wide and to instill a philosophy of good design in the upgrade of our downtown and in new commercial buildings as the development process occurs.

This philosophy and commitment has extended to the Design Review Board and the new Development Impact Committee. Simply stated the intent of the Beautification Committee has been achieved, their goals have been institutionalized and it is now time to thank the members for their service and move on.

The attached resolution will disband the Beautification Committee. On behalf of the Town Commission and the people of Surfside, the Administration expresses our collective appreciation to David Steinfeld, Jennifer Brilliant, Adam Markow, Charles Kesl, and Grace Heising for their service.



Town Manager

RESOLUTION No. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ABOLISHING THE TOWN OF SURFSIDE BEAUTIFICATION COMMITTEE; AND EXPRESSING APPRECIATION FOR THE EFFORTS OF THE MEMBERS WHO SERVED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article II, Section 31 of the Charter of the Town of Surfside, the Town Commission of the Town of Surfside (“Commission”) may establish committees; and

WHEREAS, in Resolution No. 2008-1839 the Town Commission established the Beautification Committee as a standing committee with the purpose to provide recommendations and advice to the Town Commission on matters concerning the beautification of public spaces within the Town; and

WHEREAS, the Town Commission finds that the purpose and mission of the Beautification Committee as a continuing Committee is no longer necessary and pursuant to Resolution No. 2007-1792 the Town Commission adopted rules and procedures for continuing committees; and

WHEREAS, the Town Commission of the Town of Surfside, Florida wishes to sunset the Beautification Committee and express appreciation for the efforts of the Committee members and ;

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

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

Resolution No. _____

Section 2. Authorization. That the Town Commission, by majority vote, approve the sunseting of the Beautification Committee.

Section 3. Implementation. The Mayor and the Town Manager are hereby authorized to take any and all action necessary to implement this Resolution.

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

PASSED AND ADOPTED this ____ day of _____, 2011.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

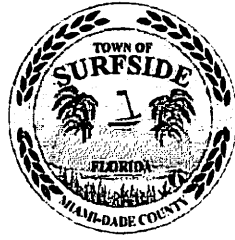
Resolution No. _____

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



Lynn M. Dannheisser
Town Attorney

Resolution No. _____



Town of Surfside Commission Communication

Agenda Item # 5D

Agenda Date: December 13, 2011

Subject: Solid Waste and Recycling Intergovernmental Cooperation Agreement with the Miami-Dade County Property Appraiser and Miami-Dade County Tax Collector office's providing for the implementation and collection of Solid Waste and Recycling Fees with the annual ad valorem property tax bills.

Objective: Enable the Town to consolidate and use the Truth-in Milage (TRIM) process, as administered by Miami-Dade County, for notification and collection of both ad valorem (property) taxes and solid waste collection/recycling service assessments.

Recommendation: It is recommended that the Surfside Town Commission ratify the intergovernmental cooperation agreement (Exhibit A) with the Miami-Dade County Property Appraiser and Miami-Dade County Tax Collector office's as authorized in section 197.3632, Florida Statutes.

Background: Use of the uniform method to levy both ad valorem and non-ad valorem assessments allows property owners to receive their property taxes, solid waste assessments, and recycling service assessments, as well as the mandated public notices of the Town Commission meetings in one annual billing was approved by the Town Commission on November 8, 2011. The Town is now required to enter into a written intergovernmental cooperation agreement with the Miami-Dade County Property Appraiser and Miami-Dade County Tax Collector offices providing for reimbursement of administrative costs incurred.

Analysis: The Town of Surfside provides solid waste removal and recycling services to approximately 1,145 single family residential customers, 62 multi-family dwellings and 142 commercial customers primarily located in the downtown area.

Although the adoption of the uniform method during the November 8th, 2011) Town Commission meeting allows the Town to bill all customers using the annual property tax process, Staff is recommending that only single-family residential accounts be assessed within the annual TRIM process due the ever changing customers in the commercial district and the complexity of the budget processes in condominiums. This change will streamline the Town's current billing process, enabling the billing clerk to be utilized in other productive areas such as residential parking permits, commercial vehicle permits, short term rental collections and the expanded resort tax program. Additionally, the use of the TRIM process will eliminate the need for the Town to administer the delinquent accounts receivable lien process for the single family area because a small percentage of customers either repeatedly pay late or in some cases do not pay at all. Based upon public health issues and State law, we are not able to stop garbage collection if the customer is late or has not paid.

Finally, it is anticipated that the uniform method of billing for solid waste and recycling services will be favorably received by residents as those who remit the payment before April 1st of each year would be eligible for a pro-rata discount of up to 4%. It should also be noted that a Solid Waste study performed during FY09/10 recommended this change.

Budget Impact: Since actual implementation will not commence until FY12/13 there is no budget impact for the current fiscal year (FY11/12). However, upon implementation the range of budget impact for FY12/13 will vary between a minimum of \$3,493 (the expected 1% Intergovernmental cooperation agreement administrative charge to Miami-Dade County) to \$17,463 depending on the amount of discount ultimately taken for early payment. The resulting average cost of \$10,478 is significantly less than the benefit received by freeing up an employee for other expanded duties.

Growth Impact: N/A

Staff Impact: During the current fiscal year, Staff will be required to transition the initial set-up and coordination with the Miami-Dade County Property Appraisers and the Tax Collectors office's. Subsequent years will only require the Town to update residential account additions and/or deletions.


Finance Support Svcs Director


Public Works Director


Roger M. Carlton, Town Manager

RESOLUTION NO. 11-____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR A UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR RECYCLING SERVICES AND SOLID WASTE SERVICES; AUTHORIZING ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY TO PLACE THE TOWN'S PROPOSED NON-AD VALOREM ASSESSMENTS ON THE COUNTY TAX BILL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section 197.3632, Florida Statutes, provides for a uniform method of collecting non-ad valorem assessments; and

WHEREAS, the Town of Surfside has determined that it is in the best interest of the Town collect the assessments, as referenced in Section 66-35 and 66-36 of the Town of Surfside Code of Ordinances, for the cost of providing recycling and solid waste services, including capital improvement project funding within the Solid Waste and Recycling Services enterprise fund; by using the uniform method of collecting such non-ad valorem assessments; and

WHEREAS, the Town of Surfside Commission passed resolution No. 11-2057 on November 8, 2011 allowing for the collection of non-ad valorem assessments using the uniform method of collection for such assessments; and

WHEREAS, it is in the best interests of the Town to enter into a written agreement with the Miami-Dade County Tax Collector and Property Appraiser governing the uniform method of collecting such assessments; and

WHEREAS, in compliance with section 197.3632 Florida Statutes, the Town has duly published its intent to use the uniform method for collection of such assessments in a newspaper of general circulation for four consecutive weeks preceding the hearing.

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. Authorization. The Town Manager is authorized to enter into the Intergovernmental Cooperation Agreement and Addendum attached hereto as exhibit "A" and do whatever is necessary to effectuate the term of this agreement by and among Miami-Dade County and the Town of Surfside.

Section 3. Effective Date. That this Resolution shall be effective immediately upon adoption hereof.

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

Resolution No. 11- ____

Attest:

Sanda Novoa, CMC
Town Clerk

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



Lynn M. Dannheisser
Town Attorney

Resolution No. 11- _____

INTERGOVERNMENTAL COOPERATION AGREEMENT
By and Among
MIAMI-DADE COUNTY
AND
TOWN OF SURFSIDE

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT (the "Agreement") is made and entered into as of the ____ day of _____, 2012, by and among Miami-Dade County on behalf of the Tax Collector (hereinafter referred to as "Tax Collector"), Florida, Miami-Dade County Office of the Property Appraiser (hereinafter referred to as "Property Appraiser"), and the Town of Surfside, Florida (hereinafter referred to as "Town").

WITNESSETH:

WHEREAS, the Town intends to adopt non-ad valorem assessments or special assessments for the cost of providing recycling and solid waste services on residential and commercial real estate properties within the incorporated area of the Town; and

WHEREAS, the Town intends to utilize the uniform method of collection, as outlined in Sections 197.3632 and 197.3635, Florida Statutes, for collecting the above-referenced non-ad valorem special assessments for the aforementioned services; and

WHEREAS, the Town has requested that the Property Appraiser and Tax Collector include its adopted non-ad valorem assessments for the cost of providing recycling and solid waste services on residential and commercial real estate properties within the incorporated area of the Town on the Notice of Proposed Property Taxes as specified in Section 200.069, Florida Statutes, and on the Combined Notice of Ad Valorem and Non-Ad Valorem Assessments provided for in Section 197.3635 Florida Statutes; and

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the Town, Tax Collector and Property Appraiser must enter into a written agreement evidencing the Tax Collector's and Property Appraiser's agreement to place the Town's herein specified non-ad valorem assessments on the TRIM Notice and tax bill; and

WHEREAS, the Town has duly complied with the Notice provisions and adopted Resolution No. 11-2057, in compliance with the required resolutions set forth in Section 197.3632 Florida Statutes, so as to entitle the Town to utilize the non-ad valorem method of collection.

NOW, THEREFORE, for good and valuable consideration, and intending to be legally bound hereby, the County Tax Collector, Property Appraiser and the Town agree as follows:

1. The Property Appraiser agrees to place the Town's non-ad valorem assessments for the cost of providing recycling and solid waste services on the Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments prepared in accordance with Section 200.069, Florida Statutes.
2. The Tax Collector agrees to the Town's request to place its adopted non-ad valorem assessments for the cost of providing recycling and solid waste services on the Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments in accordance with Section 197.3635, Florida Statutes.
3. The Town agrees that all certified assessment rolls will be maintained and transmitted to the Property Appraiser and Tax Collector on compatible electronic medium as defined in Section 197.3632(1), Florida Statutes.
4. The Town, Property Appraiser and Tax Collector agree that, in consideration for services herein agreed to be performed by the Property

Appraiser and Tax Collector, the Property Appraiser and Tax Collector shall be entitled to retain the actual costs of collection, not to exceed two percent (2%) on the amount of special assessments collected and remitted.

5. **Duration of this Agreement.** This Agreement shall take effect upon signing and shall extend to the collection of special assessments until canceled by either party pursuant to Section 9 herein.
6. **Severability of the Provisions in this Agreement.** The provisions in this Agreement, except for Section 3, are intended to be severable. If any provision of this Agreement shall be held to be invalid or unenforceable in whole or in part, such provision shall be ineffective to the extent of such invalidity or unenforceability without in any manner affecting the validity or enforceability of the remaining provisions of this Agreement.
7. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
8. **Amendments or Modifications of this Agreement.** It is anticipated by the parties that the terms and conditions of this Agreement will be periodically amended or modified. Such amendments or modifications must be in writing and must be duly executed by all parties to this Agreement.
9. **Cancellation.** This Agreement may be canceled by either party upon thirty (30) days written notice to the other party.
10. **Binding Effect.** This Agreement shall be binding upon and enforceable against any successors of each respective party, including but not limited to successive Town Mayors, Town Managers, County Managers, Property

Appraisers, Tax Collectors, Town Commissioners, Council Members and County Commissioners.

- 11. **Intent to be Legally Bound.** By signing this Agreement, the parties hereto confirm and state that they have carefully read this Agreement, that they know the contents hereof, that they fully expect to carry out each and every provision, and that they intend to be legally bound by the rights and obligations set forth herein.
- 12. **Headings.** The headings for each paragraph in this Agreement are for the purposes of reference only and shall not limit or otherwise affect the meaning of any provision.
- 13. **Complete Agreement.** This document shall represent the complete agreement of the parties.

IN WITNESS WHEREOF, the parties hereto execute this Agreement, and they affirm that they have the power to do so on behalf of the Town and the County.

(S E A L)

TOWN OF SURFSIDE, FLORIDA,

A municipal corporation of the State of Florida

ATTEST:

By: _____ Date

By: _____ Date

(name and title)

(name and title)

MIAMI-DADE COUNTY, FLORIDA
OFFICE OF THE PROPERTY APPRAISER

By: _____ Date
Pedro J. Garcia
Property Appraiser

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

ATTEST:

By: _____
Harvey Ruvin
County Clerk

By: _____ Date
Carlos A. Gimenez
Mayor

Approved as to legal sufficiency:

By: _____
Assistant County Attorney



Town of Surfside Commission Communication

To: Mayor and Members of the Town Commission

From: Roger M. Carlton, Town Manager

Date: December 13, 2011

Subject: Cost Recovery Consultant Fee Schedule

The Town of Surfside has a cost recovery system that requires entities seeking development approvals to fund the cost of staff services. Therefore, staff costs for private development are not paid by the general public and are only paid by the applicant. There is a proposed ordinance on the December 13, 2011 Town Commission agenda, item 5E, to allow Minor and Major Parking Adjustments. A Minor Parking Adjustment requires staff to determine there is a de minimus, or not a significant, adjustment to permit the Town Manager to reduce the required parking for up to three parking spaces. The proposed cost recovery fee on a Minor Parking Adjustment is \$500. A Major Parking Adjustment requires analysis of existing and future parking demands, the availability of underutilized public parking spaces and traffic circulation. A Major Parking Adjustment is reviewed by the Planning and Zoning Board with an appeal to the Town Commission if requested by the applicant and is for adjustment requests over three parking spaces. The proposed cost recovery fee on a Major Parking Adjustment is \$3,500.

Staff recommends that the cost recovery fee schedule be modified to include a \$500 fee for Minor Parking Adjustment and a \$3,500 fee for Major Parking Adjustment.

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE FLORIDA, ADOPTING A COST RECOVERY CONSULTANT FEE SCHEDULE TO BE ESCROWED AND MAINTAINED FOR PURPOSES OF REIMBURSING THE TOWN FOR CONSULTANT FEES INCURRED; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission by Ordinance No. 06-1465 authorized the Town to recover charges for consultants retained to review land development applications and Town transactions, including the establishment of an escrow account from which reimbursement for consultants may be drawn but no Cost Recovery Fee Schedule setting forth the sums required to be escrowed and used to reimburse the Town for consultant services has yet been adopted;

WHEREAS, the Town Planners and the Town Attorney's have now established a revised Cost Recovery Consultant Fee Schedule attached hereto as Exhibit "A" and incorporated herein by reference ("Cost Recovery Fee Schedule for Planning/Legal Services) which represent the amount to be deposited and maintained in escrow accounts in accordance with the terms outlined in Sections 2 and 3 of the Ordinance; and

WHEREAS, the Town is authorized to withdraw funds from the escrow accounts for purposes of obtaining reimbursement of consultant fees incurred within the terms and time frames outlined in the Ordinance;

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

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

Section 2. Cost Recovery Fee Schedule for Planning/Legal Services. That the Cost Recovery Fee Schedule for Planning/Legal Services set forth on Exhibit "A" is hereby approved and adopted.

Section 3. Implementation of Cost Recovery Fee Schedule. That the Town Manager is hereby authorized and directed to implement the Cost Recovery Fee Schedule for Planning/Legal Services in accordance with the Ordinance terms.

Section 4. Effective Date. The Commission of the Town of Surfside hereby ordains that this Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2011.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Lynn M. Dannheisser
Town Attorney


COST RECOVERY CONSULTANT FEE SCHEDULE

Exhibit "A"

| <u>Description</u> | <u>Planning & Legal Fees Escrow Amount</u> |
|--|--|
| Land Use Plan Amendment | \$15,000 |
| Rezoning | \$12,000 |
| Plat | \$ 8,000 |
| Site Plan | \$12,000 |
| Site Plan Amendment | \$ 7,500 |
| Vacations (non-residential) | \$ 3,000 |
| Vacations (residential) | \$ 1,500 |
| Variance (non-residential) | \$ 5,000 |
| Variance (residential) | \$ 1,500 |
| <u>Minor Parking Reduction Request</u> | <u>\$ 500</u> |
| <u>Major Parking Reduction Request</u> | <u>\$ 3500</u> |



Town of Surfside

To: Mayor and Members of the Town Commission
From: Roger M. Carlton, Town Manager 
Date: December 13, 2011
Subject: Adjustment to Town Commission Meeting Calendar for Calendar Year 2012

The Administration recommends that the January, July and September 2012 Town Commission Meetings be moved to the third Tuesday rather than the second Tuesday of the month. The reason for this is as follows;

- The New Year's Holiday is celebrated Monday January 2, 2012. The Agenda deadline for delivery would be Wednesday January 4, 2012 for the Tuesday January 10, 2012 Town Commission Meeting. Given the desire of many of our employees to spend time with family between Christmas and New Year, it would be very difficult to prepare the agenda in such a short time. Moving the Town Commission Meeting to January 17, 2012 would solve this situation.
- July 4, 2012 is celebrated on a Wednesday. The Town Commission agenda deadline is the same day as the July 4, 2012 holiday. If the July 2012 Town Commission meeting were moved to Tuesday, July 17, 2012, the agenda deadline would be Wednesday July 11, 2012. This would allow adequate time for preparation and flexibility in employees scheduling summer vacations.
- The Labor Day holiday falls on Monday September 3, 2012. The Town Commission agenda deadline would be Wednesday, September 5, 2012 for the September 11, 2012 Town Commission Meeting. Again there is not adequate time to prepare the agenda. Moving the September meeting to September 18, 2012 would resolve this concern.

Pursuant to discussion with Town Attorney Lynn Dannheisser this schedule may be adjusted if it is so "prescribed" by the Town Commission per the charter and so long as there is at least one meeting per month.



Commission Communication

Agenda Item # 9B

Agenda Date: December 13, 2011

Subject: Parking Garage Feasibility Study Discussion

Background: Much like the need for upgrading the water/sewer/storm drainage system and the discussion of how many floors the Community Center should provide once the determination was reached to tear down the old facility, the debate and dissent regarding a parking structure to serve the downtown business district has been underway for many years. The current Town Commission had the courage to move forward with the water/sewer/storm drainage system and to incorporate the addition room in the Community Center. Each of these decisions was based on professional analysis supported by community participation.

In the case of the water/sewer/storm drainage system bond financing was first analyzed in the Tischler Bise rate study to determine what rates would be necessary to repay a bond issue. The initial rate study was subsequently updated to adjust for lower than anticipated interest rates and current cost estimates. The updated rate study was then used by the Town's bond counsel Bryant Miller Olive and Financial Advisor Public Financial Management Group to help structure the debt and to market the issuance in the broadest possible manner to ensure low rates. Each of these steps were incremental until the Town Commission made the final decision in April, 2010. The Administration and Town Commission were advised by a Citizen Committee comprised of resident experts in various elements of the project. That advice was extremely beneficial and became an important element of justification for the project.

The determination to build the addition room for the Community Center was based on cost estimates which were prepared by the design consultant AECOM, intense scrutiny by project manager Calvin/Giordano and value engineering required by the Administration to ensure that the \$250,000 budget was achievable. The Parks & Recreation Committee and the Tourist Board were involved with the Tourist Board providing funding for the design cost for the room.

The determination regarding development of a parking structure should and has so far followed the same process as has proven successful in the previously described two situations. To date, the Downtown Vision Advisory Committee which represents a broad

spectrum of citizens and concerns for all Surfside has unanimously recommended that a feasibility study be initiated (detail regarding garage feasibility studies follows later in this memorandum).

The Administration incorporated a survey of parking demand at all municipal lots by the engineering firm retained to plan the Town wide parking lot renovations at very low additional cost. That independent analysis of actual parking demand when adjusted for seasonality and store vacancies concluded that the Abbott lot (95th-96th Street) was over capacity at peak times. The Town Commission was presented with this information during the November 8, 2011 meeting as well as additional concepts to enhance downtown including an alley upgrade (east and west of Harding) and a wayfarer sign program. Collectively these and other programs such as vacant store window treatment, enhanced code enforcement, sidewalk café ordinance, newspaper rack ordinance and encouragement of better sign and storefront renovation design in coordination with the DRB have created a new excitement downtown which is increasing business and reducing vacancy duration. We will soon be announcing a long desired national food tenancy which in major part is happening due to this new energy downtown. Finally as a capstone, the property owners have become active and supportive including investing in their properties and helping to energize a Business Improvement District.

How is the Parking Enterprise Fund Structured?

It is important to understand that Surfside financially accounts for the parking program as an Enterprise Fund. This means that the revenues and expenses are accounted for separately from the property tax supported General Fund. It further means that 1) parking program revenues must equal or exceed expenses and that 2) prudent rate setting generates a reasonable surplus, 3) sufficient to maintain existing facilities in first rate condition, 4) modernizing systems when appropriate and 5) grow the amount of spaces when real world market conditions in the downtown business district require additional capacity. There is one more factor to consider for a parking enterprise fund and 6) that is to generate sufficient funding capacity to support Comprehensive Plan goals and parking related elements in a Five Year Financial and Strategic Operations Plan which is a critical element of any well managed and policy directed community. Following is a brief evaluation of the current status of each of the six criteria referenced above:

- 1) Parking program revenues in Surfside significantly exceed expenses and have achieved this goal for a number of years. These available revenues have enabled the current Town Commission to greatly improve the parking system without any General Fund property tax support.
- 2) Parking rates in Surfside for both short term and monthly parkers are reasonable and comparable to other jurisdictions with municipal programs. The rates are significantly below those charged by nearby private parking facilities.
- 3) This Town Commission has actively moved to maintain and improve the existing parking system. The Town Commission approved the retention of a consultant to review all parking lots for maintenance needs and plans have been submitted for staff review. The renovation and expansion of the 95th Street lot (Post Office) has

been completed as has the employee lot where the portables were formerly located. Work will begin on all the remaining lots in mid-January.

- 4) Available funds in the parking program have been used to install the multi-space meters which accept credit cards and bills. This decision made by the current Town Commission has greatly increased customer convenience; improved aesthetics and nearly doubled revenue generated from the old deteriorated single-space meters. The Town has also upgraded its maintenance capacity allowing most meter issues to be resolved in hours rather than days as in the past. This has been achieved with Town staff reducing operating cost by \$10,800 per year.
- 5) Growing the number of spaces when market conditions require is a long term process which cannot be achieved in a single two year Town Commission term. This Town Commission has made the correct decisions to expand the 95th Street lot (project completed) and acquire land south of Town Hall to allow additional parking for the new Community Center (project completed) . The investment made in land acquisition and construction of these facilities exceeds \$1.3 million. The entire amount has been provided from the Parking Enterprise Fund without any General Fund property tax support.
- 6) The expansion of parking capacity to meet criteria in the Comprehensive Plan and the Five Year Financial and Strategic Operations Plan is a complex situation that this analysis will only touch briefly. In terms of the Comprehensive Plan, objective 6 requires adequate parking. "The Town shall provide an adequate supply of parking to serve the business area and major community facilities". Policy 6.1 requires the Town to consider the financial feasibility of conducting a "Parking Trust Fund Study" to evaluate the areas best suited for development, cost, funding techniques and sources, and timeline to construct parking garages within the business district, as identified in the November 2006 Charrette. It is the Administration's position that the recommended feasibility study will complete this requirement and that the work of the DVAC Committee and our parking lot renovation consultant met the required start-up date of June 2011.

The Five Year Financial and Strategic Operations Plan has an underlying and fundamental principle to evolve the mix of property tax generation from its current 88.5 percent residential/commercial ratio to a much more equitable 80 percent ratio over five years. This important goal is not achieved by wishful thinking. It is achieved by creating a hotel supportive environment that convinces developers to build hotels rather than condominiums. It is achieved by investing in downtown to support restaurants and retail establishments thereby generating additional resort taxes which offset the need for property taxes. Simply stated downtown cannot flourish and expand its non-property tax revenue generating capacity without adequate parking.

It is also important to mention that one of the elements of a potential settlement of the Young Israel issue requires the institution to make a contribution to the Parking

Trust Fund. It is reasonable and responsible to assume the Town's intention to build a garage using the funds generated from the Young Israel and other payments.

What is the goal of a Parking Garage Feasibility Study?

It is the goal of a parking garage feasibility study to independently and rationally determine if a parking garage is necessary, economically justified, self-supporting and sized properly. Secondary level issues analyzed include the best funding strategy, the potential and advisability of a public/private partnership to limit the financial risk and the amount of public funds needed from the Town and the potential for ancillary uses such as artists lofts on the west side of an Abbott garage to blend better with the single family neighborhood to the west, the potential to rent/acquire store front(s) on Harding Avenue to "punch through" a mid-block access point for better pedestrian convenience and the potential for alley development along the rear face of Harding Avenue stores to clean up a very uninviting transition from the garage to the retail areas.

What are the elements of a Parking Garage Feasibility Study?

The first element of parking garage feasibility study is an analysis of parking demand with estimates into the foreseeable future....usually 5 to 10 years. This work has already been done and has been presented to the Town Commission. This report is the result of Town Commission discussion during that presentation. To validate the parking counts already completed with 5-10 year projections is not a complex task and will be a very small element of the cost of the feasibility study.

2) The second task is to develop a 5-10 year "pro-forma" analysis of the financial operation of the garage reflecting revenues and expenses. This analysis results in "operating income" available for debt service should debt be necessary to fund the facility. In fact, the net operations of the entire Parking Enterprise Fund may be sufficient to build the facility without debt or a public/private partnership where the Town's only contribution is a long term lease on the land may achieve the goal of providing adequate parking without any further financial contribution from the Town. The feasibility study provides independent financial analysis that is used by our financial advisor and bond counsel if the Town chooses to finance the garage or the private sector if a public/private partnership is the best choice. Without this analysis it is nearly impossible to seek out and receive the best possible financial transaction for the Town. Payments to the Parking Trust Fund are also included to help retire debt or reduce construction cost.

3) The third task is to analyze the financial and operational impacts of optional additive items for the project. Will it be feasible to have a "west side liner building" of artists lofts to soften the impact of the west side of the parking structures on the Abbott Avenue residences? How will traffic entering and exiting the building be handled, what will it cost to clean up the alley on the east side of the garage and create a transition to Harding Avenue at mid-block? These and other issues are resolved in the study in order to allow the best possible decision making on the part of the Town Commission and full transparency for the community.

What is the process to complete the study?

Should the Town Commission accept this report the following steps would be taken:

- 1) The Administration would appoint a committee similar to the water/sewer/storm drainage citizen committee to help develop an RFP and to recommend to the Town Commission the ranking of the consulting firms that would complete the study. Time required to prepare the RFP for Town Commission approval would be 30 days placing the RFP on the January agenda.
- 2) The RFP would be advertised for 30 days and analysis, interviews and ranking would take another thirty days resulting in a recommended contract being brought to the Town Commission in April, 2012.
- 3) The study itself would require approximately 120 days thereby providing the Town Commission with the information necessary to make a "go/no go" decision on the project in September, 2012. Once this decision is made, there would be numerous decision points for the Town Commission until either a developer (public/private partnership) or a design firm/contractor (Town builds) are selected.
- 4) At best, the entire process from feasibility study to occupancy is a two year effort.

Conclusion:

Given the on-going renewal of our downtown and the many other factors addressed in this report, it is time to move forward with the feasibility study report just as the Town Commission determined it must move forward with completing the addition to the Community Center and the water/sewer/storm drainage project. This would be the first of many steps and many more decision points until a final commitment would be necessary. It will also fulfill the request of the downtown merchants and property owners as expressed through the DVAC Committee. There will also be many opportunities for citizen input along the way.



John Di Censo
Assistant Chief



Roger M. Carlton
Town Manager



**Town of Surfside
Town Commission Meeting
December 13, 2011
7:00 p.m.**

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

DISCUSSION ITEM MEMORANDUM

Title: Town Sponsored Candidate Debate

Objective: To determine if the Commission is supportive of the Town sponsoring a candidate debate for the March 2012 Surfside municipal election.

Consideration: There are so many important issues facing our community in these difficult times that we need to provide a new forum for voters to form their opinions. I believe it is critically important for the voters of Surfside to have an opportunity to learn the candidates' positions on various issues in a debate format.

To further citizen engagement in Surfside's municipal election, I am suggesting that the Town sponsor a one hour debate for Commission candidates followed by a one hour Mayoral debate to be held in the Chambers and televised. For those unable to attend, the televised debate will help them to make an informed decision. The moderator would be chosen from a list of impartial candidates presented by the Town Attorney and Town Manager with public input during the January 10, 2012 Town Commission meeting. The rules of procedure would also be adopted during the January Town Commission meeting.



**Town of Surfside
Town Commission Meeting
December 13, 2011
7:00 p.m.**

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

DISCUSSION ITEM MEMORANDUM

Title: Campaign Transparency

Objective: To determine if the Commission is supportive of posting 2012 Surfside municipal election campaign-related documentation on the Town Website.

Consideration: This Town Commission and Administration has done an excellent job in expanding and initiating transparency in all elements of Town operations and policy making. A few examples include our new CAFR audit, the Points of Light on every agenda, expanded use of the website, televising nearly all meetings and establishing an interactive website for the water/sewer/storm drainage infrastructure project. With the upcoming election, there is another opportunity to expand transparency and to ensure that our voters have as many opportunities as possible to know their candidates.

The recommendation being put before the Town Commission is that Campaign Rules and Regulations be posted on the Town's website not only for the education of candidates but also for our voters to be able to make a determination regarding adherence to those rules by the candidates. In addition, posting Campaign Expenditure Reports will allow the voters to understand how candidates raise money and how that money is spent. It will also let the voters know if reports have not been filed timely. This recommendation excludes all campaign literature.

From: Marta Olchyk
Sent: Friday, November 18, 2011 11:44 AM
To: Roger Carlton; Lynn Dannheisser; David Allen
Subject: Agenda Item

I want to propose the following item for next month's Agenda:

Not schedule any future Town Hall meetings until after the elections.

The rationale for that is :

A: Lack of attendance/ interest shown by the community at large, only a handful of residents have come and they are the same that come to the regular Commission meetings;

B: No need to spend funds in having the meetings televised since the information given in these town meetings is the same as the one given in the regular Commission meetings;

C: It gives an impression of providing a forum for the current Commission/ Mayor for political purposes and this should be avoided at all costs.

Marta



**Town of Surfside
Town Commission Meeting
December 13, 2011
7 p.m.**

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

DISCUSSION ITEM MEMORANDUM

Title: Purchase of Audio/Visual Equipment for North Multi Purpose Room

Objective: To have the ability for: presentations by lecturers, entertainers, show movies, power point presentations (slide shows), old family movie night, etc.

Consideration: Example: Last year I attended a ‘showing’ of several episodes of the “Twilight Zone” by Rod Serling in the temporary modular (trailers) adjacent to Town Hall. After viewing each episode there was a discussion/debate regarding these episodes – it was both educational and entertaining. Other examples: Paul Muni Films, Academy Award Winning Films, Horror Classics of the Silver Screen, Children’s Classics, etc. A program such as this would be a minimal cost to the Town. Simply stated, this would be the Town’s ‘Den/Living Room’ – once again, at minimal cost to ‘equip’ and program.

This is a most reasonable request: Approximate cost: \$2,000 - \$2,500 plus installation (Keep in mind that this Commission approved the approx \$250,000 to build this room – this is a good use – for people to use their minds.)

Option One: Projector and Screen - Sound System

Option Two: Projector, Screen and 50 inch TV – Sound System

Please note: Previous to this ‘request’, window screens for this room have been ordered.

Respectfully,

Joe Graubart

Vice Mayor



Town of Surfside Commission Communication

Agenda Item # 9I

Agenda Date: December 13, 2011

Subject: Expanded Programming at the Surfside Community Center

Background: The new Surfside Community Center opened on June 19, 2011 and more than 20,000 visits have happened. The Parks and Recreation Committee and the Town Commission have been involved in developing a number of policies which have helped staff in managing the inevitable issues which arise as a building of this complexity goes through its first year of operation. This report enumerates the programs which are in place and suggests a number of new initiatives designed to expand the utilization of the Community Center by our residents and visitors, increase revenue to help our operational costs and meet the needs of targeted populations such as teenagers and senior citizens.

Analysis: There are 90 programs listed as an attachment to this memorandum. Many of the programs are the tried and true successful standards that have been enjoyed by our citizens over the years. Others are very specific and used by a small group of customers when the demand reaches a certain level. What this list does is add a new group of programs that stretch our capacity to manage, open a new intellectual and artistic direction, strives to bring the community together through cross cultural events, celebrates more holidays and reaches out to our teen population to provide a friendly and positive place for them to gather and simply be teens. Your ideas for additional programs are certainly welcome.

Implementation: Staff will begin implementation of these new programs immediately after the first of the year. We will recruit an additional Recreation Programmer with a particular background in teen programs. The funds for the Community Center are predominately provided from the Resort Tax, which has been growing due to the energy of downtown and will soon grow more dramatically from the new hotels and the audit program. This is how the Town expands its service offerings without the use of property taxes.

Final Words: The new Community Center is a very significant commitment of public resources. We are now past the initial capital investment. If the new programming is successful, some of the activities may take a while to be fully utilized, the need for the second and possibly third floors will be clear and not just speculative. We have resources and it is time to move forward.

Department Head

Town Manager

Parks and Recreation Programming Outline Surfside Community Center

| | |
|------------------------------------|--|
| Official Opening Date: | June 19, 2011 |
| Construction Closeout Date: | November 8, 2011 |
| Resident ID Cards Issued: | 3,426 |
| Number of Visits: | Over 20,000 visits year to date |
| Hours of Operation: | Summer – 9:00 – 8:00 pm Fall – 9:00 – 6:00 pm Winter – 9:00 – 5:00 pm Spring – TBD *Lap Swimming 6:45 am – M, W, F |

The Parks and Recreation Department is ambitiously working to provide an array of recreational opportunities for the Surfside Community. Listed below are past, current and future programs and events. Proposed events are identified with an asterisk (*).

Youth/Teen

- Summer Camp Swimming (135 Campers)
- Swim Lessons
- Ballet
- Gymnastics
- Hip Hop Dance
- Surf's Up Surfing
- Recreation Swim Team (4 nights a week)
- Kidokinetics (held at 96th Street Park)
- Tot Kidokinetics (held at 96th Street Park/ cancelled lack of participation)
- Winter Camp – 12/19 – 12/30 (25 – 40 participants)
- *Karate (starting Winter 2012)
- *10 and under advanced travel soccer team
- *Arts and Crafts Drop in Day
- *After School Tutoring
- *Teen Dance
- *Teen Break dancing Night
- Summer/Teen Camp
- *Synchronized Swimming

*Denotes new events/programs

Adult

- Zumba (twice a week)
- Yoga
- Beginner Salsa (cancelled due to lack of participation)
- Pilates
- Aqua Zumba
- Lap Swimming
- *Swim Lessons (starting Spring 2012)

Senior

- Aqua Zumba
- Senior Social Time
- Trips – Actor's Playhouse, Hard Rock
- Senior Yoga (cancelled due to lack of participation)
- *Enhanced Fitness (3 times a week starting Winter 2012)
- Current Events Class (starting Winter 2012)
- Matter of Balance (starting Winter 2012)
- Movie Series Program (starting winter 2012)
- *Senior Valentines Dance
- *Painting and Drawing

Miscellaneous

- Implemented Party Rental Agreement
- Lap Swimming Sessions
- Art Series – Quarterly display of local artists work
- *Tourist Art and Special Exhibits
- *Weddings, Bar/Bat Mitzvah events, Bris Ceremonies, and additional large gatherings.
- *Kindles, E-Reader and Nook Library
- *Championship Game Host Sites (Superbowl, March Madness, World Series, etc.)
- *Host site for Charitable events

*Denotes new events/programs

Events/Meetings

- Grand Opening Event
- Host Site – September 11th Remembrance Ceremony
- Senior Health Fair
- Bi-monthly Endlessly Organic
- Sally Heyman Flu Clinic
- Community Meetings
- Democratic Club Meetings
- Host Site Citizens Police Academy graduation
- Employee Appreciation Day
- Condo Meeting – Commissioner Kopelman & Condo Presidents
- Host Site Relay for Life Leadership Breakfast
- Directors Strategy Meeting
- Halloween Haunted Park (held at 96th Street Park)
- Veteran's Day Ceremony (held at Veteran's Park)
- Fall Harvest Festival (held at 96th Street Park)
- *Recreation Swim Team Fun Meet – 12/11
- *Surfside Resident Deborah Schilling Book Signing – 12/10
- Host Site – Baynanza – 4/21
- *Skate Through Side (organized one mile skateboard route through the town)
- *Skateboard clinic with Jonathan Strauss from Boards Up
- *Parents Night Out
- *Kids Day Off – No School Days
- *Hypnotist Comedy Night – (Date TBD)
- *Teen Scavenger Hunt
- Family Fun Day – 1/22 (held at 96th Street Park)
- Winter 5k Run – 2/12 (held on beach hard pack)
- *Rock and Reel – 3/03 (Band Ensemble and Movie Under the Stars)
- Movie Under the Stars – 4/28
- Spring Egg Hunt – 3/31 (held at 96th Street Park)
- *Splash into Spring – (Community Center Pool/Date TBD)
- *Community Garage Sale – Date and Location TBD
- *Miami Marlins/Miami Heat Family Nights

*Denotes new events/programs

In addition to the items listed, the Parks and Recreation Department will be looking into the following programming opportunities to bring to the Town:

- *Leadership Development
- *Forming a Teen Council
- *Modeling Class
- *Seminar on "How to Communicate Electronically with your Grandchildren"
- *Junior Lifeguard Program
- *Senior/Toddler Arts and Crafts Program
- *Endlessly Organic Food Demonstration
- *Fashion Show
- *Lifeguard Demonstration
- *Sunrise Yoga
- *Babysitting Class through American Red Cross
- *Mommy and me classes
- *Events related to Art Basel
- *Teen Gathering Place – "Teen Scene"
- *Chautauqua Circuit Lectures

*Denotes new events/programs