



**Town of Surfside
Town Commission Meeting
AGENDA
March 12, 2013
7 p.m.**

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

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch
- G. Presentation on Ruth K. Broad K-8 Turtle to People of Newtown, CT** – Mayor Daniel Dietch (Time Certain 7:25 PM)
- H. Presentation to Planning and Zoning Board Member Jorge Gutierrez** – Mayor Daniel Dietch
- I. Recognition of Lifeguards Calvin Webb III, Heather Johnson, Jose Espinoza and Peter Filiberto** – Tim Milian, Parks and Recreations Director

2. Quasi-Judicial Hearings

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.

A. 1233 Biscayne Drive – Klahr Variance Page 1-7

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 1233 BISCAYA DRIVE, TO PERMIT A SIDE SET BACK VARIANCE FROM THE REQUIREMENTS OF SECTION 90-45 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW THE EXISTING SINGLE FAMILY HOME TO REPLACE THE EXISTING DECK WITH A NEW CONCRETE DECK; PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

- A. Minutes** – January 15, 2013 Regular Commission Meeting **Page 8-23**
January 22, 2013 Special Commission Meeting **Page 24-26**
January 24, 2013 Special Commission Meeting **Page 27-32**
February 12, 2013 Regular Commission Meeting (will be delivered under separate cover)
February 26, 2013 Special Commission Meeting **Page 33-35**
- B. Budget to Actual Summary as of December 31, 2012** – Donald Nelson, Finance Director **Page 36-38**
- *C. Town Manager’s Report (Points of Light)** – Roger M. Carlton, Town Manager **Page 39-94**
- *D. Town Attorney’s Report** – Linda Miller, Interim Town Attorney **Page 95-98**
- *E. Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page 99-101**
- F. Committee Reports** – Roger M. Carlton, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*) **Page 102-112**
 - January 9, 2013 Streetscaping Masterplan Sub-Committee Minutes
 - January 28, 2013 Downtown Vision Advisory Committee Minutes
 - January 29, 2013 Pension Board Minutes
- *G. Opposing Transportation Committee Bill** – Roger M. Carlton, Town Manager **Page 113-114**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE HONORABLE GOVERNOR AND THE STATE OF FLORIDA LEGISLATURE TO OPPOSE THE “PROPOSED TRANSPORTATION COMMITTEE BILL” REQUIRING MUNICIPALITIES TO REMIT 50% OF REVENUE GENERATED FROM ANY FEES COLLECTED BY ON-STREET PARKING METER DEVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

H. Proclaiming Dr. Bernstein Day – Mayor Daniel Dietch Page 115-117

A RESOLUTION OF THE TOWN OF SURFSIDE ADOPTING A PROCLAMATION HONORING YEARS OF EDUCATIONAL SERVICE BY DR. ALLYN BERNSTEIN, PH.D.; PROCLAIMING MAY 2, 2013 AS “DR. ALLYN BERNSTEIN DAY”; PROVIDING APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

***I. Prohibit Texting While Driving – Commissioner Joe Graubart Page 118-120**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; URGING THE HONORABLE GOVERNOR AND FLORIDA LEGISLATURE TO BAN TEXTING WHILE DRIVING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

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

B. First Reading Ordinances

***1. Corner Clearance Ordinance – Sarah Sinatra, Town Planner Page 121-130**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” STRIKING CODE SECTION 90-52 REQUIRED CLEARANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

***2. Outdoor Dining Ordinance – Sarah Sinatra, Town Planner Page 131-153**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, ARTICLE IV “DISTRICT REGULATIONS” AND SPECIFICALLY AMENDING SECTION 90-41 “REGULATED USES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES ADDING OUTDOOR DINING AS A PERMITTED USE IN THE SD-B40 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

5. Resolutions and Proclamations

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

***A. IPS Parking Meter Agreement – Chief of Police David Allen Page 154-171**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH IPS GROUP INC., FOR THE PURCHASE OF FIFTY-ONE (51) CREDIT CARD ENABLED SINGLE-SPACE PARKING METERS AND WEB-BASED MANAGEMENT SYSTEM; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

***B. Purchase of Three (3) Additional Bus Shelters – Commissioner Marta Olchyk
(Memo will be delivered under separate cover) Page 172-174**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH PREMIERE DESIGN SOLUTIONS, INC. TO PURCHASE AND INSTALL THREE (3) BUS SHELTERS: TWO (2) ON COLLINS AVENUE AND ONE (1) ON HARDING AVENUE; AUTHORIZING THE PURCHASE OF THREE BUS SHELTERS FOR APPROXIMATELY \$75,000; AUTHORIZING THE APPROPRIATION OF FUNDS IN FISCAL YEAR 2012-13 FROM THE MUNICIPAL TRANSPORTATION FUND IN THE AMOUNT OF \$40,000 AND FROM THE CAPITAL FUND IN THE AMOUNT OF \$35,000; PROVIDING FOR AN EFFECTIVE DATE.

***C. Establishing the Town’s “Attorney/Client Conflict Disclosures and Waiver” Policy – Commissioner Marta Olchyk [Linked to Item 9A] Page 175-179**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, (“TOWN”) ESTABLISHING THE TOWN’S “ATTORNEY/CLIENT CONFLICT DISCLOSURES AND WAIVER” POLICY; PROVIDING FOR AN EFFECTIVE DATE.

***D. Consultants Competitive Negotiation Act (CCNA) – Mayor Daniel Dietch Page 180 - 181**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DECLARING SUPPORT FOR PROPOSED CHANGES TO SECTION 287.055, FLORIDA STATUTES, ALSO KNOWN AS THE “CONSULTANTS COMPETITIVE NEGOTIATION ACT” OR “CCNA”; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

***E. Town Manager John Mark Taxis Employment Agreement – Mayor Daniel Dietch**
(The negotiations are on-going but not completed by the agenda deadline)

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. Concern re: Conflict of Interest – Roger M. Carlton, Town Manager and Linda Miller, Interim Town Attorney [Linked to Item 5C](TIME CERTAIN 8:30 PM) Page 182**

- B. Consideration for Allocation to Shared Cost for Full Time Nurse in Ruth K. Broad K-8 Center – (TIME CERTAIN 7:45 PM) Page 183-190**
- *C. Traffic Study (Please bring the Traffic Study book provided in December 2012) – Roger M. Carlton, Town Manager Page 191**
- *D. FPL Sixth Update – Roger M. Carlton, Town Manager (*Memo will be delivered under separate cover*)**
- E. Financing the Proposed Conversion of Overhead Utilities to Underground – Commissioner Joe Graubart Page 192-200**
- F. Severance/Compensation – Commissioner Joe Graubart Page 201**
- G. Town Calendar – Commissioner Joe Graubart Page 202**
- H. Commission Directive: Town Manager Short Term Priorities – Commissioner Joe Graubart Page 203-206**
- *I. Setting a Date for a Special Meeting on Revision to the Plans for the Surf Club April 23, 2013 Amendment to the Development Agreement – Roger M. Carlton, Town Manager (*Memo will be delivered under separate cover*)**
- J. Approval of Any Donation Over \$850 – Commissioner Marta Olchyk Page 207**

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.

RESOLUTION NO. 13-Z-____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE APPLICATION OF 1233 BISCAYA DRIVE, TO PERMIT A SIDE SET BACK VARIANCE FROM THE REQUIREMENTS OF SECTION 90-45 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW THE EXISTING SINGLE FAMILY HOME TO REPLACE THE EXISTING DECK WITH A NEW CONCRETE DECK; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-45 of the Town of Surfside Code of Ordinances requires a minimum side setback of ten (10%) percent of the street frontage of the lot in the H30A Zoning District or in this case 10 feet; and

WHEREAS, the property, 1233 Biscaya Drive, is located within the Residential Single Family H30A Zoning District; and

WHEREAS, the existing single family home currently has a roof on a portion of the west side that covers a portion of the deck and encroaches in that setback; and

WHEREAS, the Applicant wishes to leave the roof as it was constructed in the early 1960's; and

WHEREAS, Section 90-36 of the Town of Surfside Code of Ordinances provides for variance application and review; and

WHEREAS, the Planning and Zoning Board reviewed the application on February 28, 2013 and unanimously recommended approval of the application to the Town Commission subject to certain conditions and the Town Planner recommended approval of the side setback Variance (See Attachment "A").

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD 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. Variance. That it finds the requested variance from the minimum side setback requirement of Section 90-45 of the Town of Surfside Code of Ordinances **meets/does not meet** the

variance criteria set forth in Section 90-36 of the Town of Ordinances and adopts the Variance with all the conditions as stated in the Planning and Zoning Resolution No. 13-Z-01.

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

PASSED AND ADOPTED this _____ day of February, 2013

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

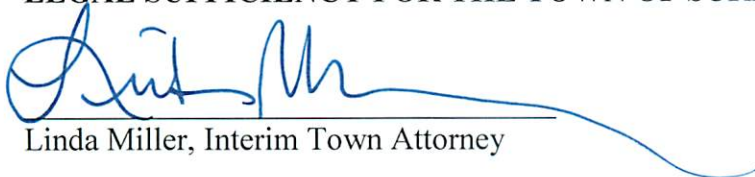
Commissioner Joseph Graubart	_____
Commissioner Michelle Kligman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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



Linda Miller, Interim Town Attorney

ATTACHMENT "A"

TOWN OF SURFSIDE PLANNING & ZONING BOARD RESOLUTION NO. 13-Z-01

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA PLANNING & ZONING BOARD CONSIDERING THE APPLICATION OF 1233 BISCAYA DRIVE, TO PERMIT A SIDE SET BACK VARIANCE FROM THE REQUIREMENTS OF SECTION 90-45 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ALLOW THE EXISTING SINGLE FAMILY HOME TO REPLACE THE EXISTING DECK WITH A NEW CONCRETE DECK; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-45 of the Town of Surfside Code of Ordinances requires a minimum side setback of ten (10%) percent of the street frontage of the lot in the H30A Zoning District or in this case 10 feet; and

WHEREAS, the property, 1233 Biscaya Drive, is located within the Residential Single Family H30A Zoning District; and

WHEREAS, the existing single family home currently has a roof on a portion of the west side that covers a portion of the deck and encroaches that setback; and

WHEREAS, the Applicant wishes to leave the roof as it was constructed in the early 1960's; and

WHEREAS, Section 90-36 of the Town of Surfside Code of Ordinances provides for variance application and review; and

WHEREAS, the Town Staff recommends approval of the side setback variance.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD 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. Variance. That it finds the requested variance from the minimum side setback requirement of Section 90-45 of the Town of Surfside Code of Ordinances meets the variance criteria set forth in Section 90-36 of the Town of Surfside Code of Ordinances. (See also Attachment "A" Memorandum from Town Planner, Sarah Sinatra Gould, AICP, Town Planner.)

Section 3. Approval. The approval of this variance is subject to the property owner certifying with the Town of Surfside's Building Official that the existing roof structure encroaching into the side setback meets the wind load standards per the Florida Building Code.

Section 4. Effective Date. This resolution becomes effective upon adoption.

PASSED AND ADOPTED this 28th day of February, 2013


Motion by Planning and Zoning Board Member Koshal,
Second by Planning and Zoning Board Member Dray

FINAL VOTE ADOPTION

Member, Armando Castellanos	<u>yes</u>
Member, Jennifer Dray	<u>yes</u>
Member, Carli Koshal	<u>yes</u>
Vice Chair, Peter Glynn	<u>Absent</u>
Chair, Lindsay Lecour	<u>yes</u>


Lindsay Lecour, Chair

ATTEST:



Sandra Novoa, Town Clerk

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



Linda Miller, Interim Town Attorney



MEMORANDUM

To: Planning and Zoning Board
Thru: Roger M. Carlton, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Interim Town Attorney
Date: February 28, 2013
Re: 1233 Biscayne Drive-Klahr Variance

The applicants and property owners, Linda and Michael Klahr, are requesting a side setback variance from the Town of Surfside Code for the property at 1233 Biscaya Drive. The property is located within the Residential Single Family H30A zoning district. The code requires the interior side setbacks to be ten (10%) percent of the street frontage of the lot or in this case 10 feet. On the west side, an existing roof and deck encroach the entire 10 foot setback and extend to the property line. The owners wish to replace their current deck with a new concrete deck and extend the fence. The existing home also encroaches into the setback on the east side.

Request

Section 90-45 of the Town of Surfside Code requires a minimum side setback of ten (10%) percent of the street frontage of the lot in the H30A zoning district or in this case 10 feet. The existing single family home currently has a roof on a portion of the west side that covers a portion of the deck and encroaches that setback. The applicant wishes to leave the roof as it was constructed in the early 1960's.

Variance Criteria

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

The house was built in 1951 and the roof was original to the house or added shortly thereafter. Many permits for the roof are shown in the Town of Surfside file, but the related drawings cannot be located. In the summer of 2010, a permit was taken out to repair the roofs of the whole house including this roof. The asphalt roofing material was replaced and any rotten or damaged wood was replaced at that time.

(2) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

In 1950, the side setback requirement for single family homes was five feet. No original permits or site plans have been located regarding the original construction of the house. Aerial photography from the 1960s indicates the existing deck and correlating roof existed at that time. More recently in 2008, they were changed to 10% of the frontage or ten feet for this property. Many permits for the roof are shown in the Town of Surfside file, but the related drawings cannot be located.

(3) Literal interpretation of the provisions of the Town Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Town Code and results in unnecessary and undue hardship on the applicant;

The current owners purchased the property in 1980 with the existing roof. The roof was repaired in 1978 by the previous owner with permits from the Town and it was recently repaired with a building permit at the Town. Requiring the owner to move the roof back ten feet will essentially destroy any useful value derived from the roof since total coverage is 14 feet.

(4) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Town of Surfside Comprehensive Plan or the Town Code;

The roof in questions has been part of the home since the 1960s. The homeowners wish to repair the structure so that it is a safe and attractive feature of the home.

(5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Since the structure has existed for so long, no additional financial return will result in granting this variance. It will only formally recognize the existence of a structure.

(6) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

The roof has been part of this house for more than fifty years.

(7) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

Any alteration in the roof at this time will result in a less architecturally pleasing solution. This is the minimum variance needed to make reasonable use of the deck.

(8) The requested variance is in harmony with the general intent and purpose of the Town of Surfside Comprehensive Plan and the Town Code, is not injurious to the neighborhood, or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

The roof cannot be seen from the street and it is an open view area. The view to the street and the bay are open.

Results

Staff recommends approval of the side setback variance.

Exhibits

1. Application
2. Site Plan

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:00 P.M.

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Kligman reminded everyone about the showing of the documentary “Bully” in the Community Center.

Commissioner Graubart wished everyone a Happy New Year and asked for a moment of silence for the victims of Sandy Hook Elementary School.

Commissioner Olchyk invited everyone to a meeting on February 7, 2013 at 7:30 pm at Temple Moses on 71st Street and it will be open to the community.

Mayor Dietch commended and thanked Jose Espinosa and Calvin Webb from the Parks & Recreations Department for an ocean rescue. Mayor Dietch thanked Bill Evans for his extraordinary service and contribution to the Town in the past few years. He also extended his condolences to Tim Milian who lost his nephew in an accident.

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

Commissioner Olchyk would like the minutes from the December 11, 2012 Town Commission meeting to reflect the content of the article that she read. She would like to state that she was very displeased with the Miami Dade County Officials as well as the Town personnel regarding how they handled the issue of the bus shelters.

Commissioner Graubart pulled item 1, page 22; item 23, page 35.

Commissioner Olchyk pulled item 5, page 4; item 6, page 24; item 12, page 26 and item 24, page 30.

Commissioner Kligman pulled item 10, page 25; item 37, page 34; item 41, page 35 and item 42, page 35.

Vice Mayor Karukin pulled the Budget to Actual item 3B, page 20.

Mayor Dietch pulled item 3D, page 2 of the agenda.

F. Community Notes – Mayor Daniel Dietch

Commissioner Graubart announced the Town events that will be taking place. These events can be found on the Town's website.

G. Present Commissioner Kligman with a Certificate of Completion from the Florida League of Cities for Completing the 2012 Advanced Institute for Elected Municipal Officials – Mayor Daniel Dietch

Mayor Dietch presented Commissioner Kligman with a Certificate of Completion from the Florida League of Cities for completing the 2012 Advanced Institute for Elected Municipal Officials.

H. Special Presentation – Mayor, Vice Mayor and Town Commissioners \$1.00 Annual Salary – Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton presented the Mayor, Vice Mayor and Members of the Town Commission with their \$1.00 Annual Salary.

I. Special Presentation to Bill Evans Public Works Director – Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton spoke very highly of Mr. Evans, Public Works Director, and expressed how proud he is of seeing him move up in the Public Administration world to the position of Assistant Manager of Sunny Isles Beach.

2. Quasi-Judicial Hearings (None)

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

Commissioner Kligman made a motion to approve the Consent Agenda minus the pulled items. The motion received a second from Vice Mayor Karukin and all voted in favor.

***A. Minutes** - December 11, 2012 – Regular Commission Meeting

B. Budget to Actual Summary as of October 31, 2012 – Donald Nelson, Finance Director

Vice Mayor Karukin would like to add the word “Reserves” in the report so that everyone could understand it. On the Resort Tax he would like to see the total revenue and then the distribution to the General Fund and TEDAC.

Vice Mayor Karukin asked how the accounting for the voluntary proffers from developers would be handled.

Town Manager Roger M. Carlton stated that all the voluntary proffers will be run through the Capital Improvement Fund and then the Town Commission will receive a report on those and it will be done every month as an extra page to the Budget to Actual Summary.

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

Item 1, Page 22 – Commissioner Graubart expressed his concerns about the parking facilities and believes that there should be a referendum regarding this.

Item 6, Page 24 – Commissioner Olchyk expressed her confusion with the beach concessions. She stated that she was designated to deal with Miami Dade County on this issue but she has not been invited to any meetings for the last six months. She stated that the Town was supposed to submit something for the Beach Management Agreement and she wants to understand if this is Surfside or Miami Dade County's responsibility. Town Manager Roger M. Carlton explained that for many years the County has been responsible for cleaning the beaches, the State of Florida

determined that for areas that they did not have a lease agreement with Miami Dade County they wanted to enter into an agreement. The lease with Miami Dade County was approved and this allows the County to enter into a Management Agreement with Surfside and that has to do with what type of concessions which can be put on the beach, if any. There has been no meeting to talk about the concessions agreement.

Item 10, Page 25 – Commissioner Kligman asked the Town Manager for an update regarding the FEMA Flood Insurance Status. Mayor Dietch asked if the item could be discussed along with Commissioner Graubart’s item later on the agenda. Commissioner Kligman agreed.

Item 12, Page 26 – Commissioner Olchyk asked for some clarification regarding the Dog Park. Town Manager Roger Carlton explained that the pump station today is above ground and once all the work is done it will be underground. The contractor has agreed to prepare the site for the Town as a contribution to the community and the Town’s expense will be within budget to put a fence, landscape, signage and everything that goes with that with a budget of \$12,000.

Vice Mayor stated that there is a lot of excitement and interest in the community about the dog park.

Item 24, Page 30 – Commissioner Olchyk asked how many people are anticipated to use the Electric Car Charging Station, if it will be cost effective and why is the Administration moving forward with this item. Town Manager Roger M. Carlton stated that the Administration has completed the research and as stated in the last sentence of page 30 of the Points of Light, the Administration needs direction from the Town Commission. Vice Mayor Karukin made a motion to discuss the item, the motion received a second from Commissioner Graubart. Vice Mayor Karukin stated that he was skeptical at the beginning but he understands that there will be more hotels and tourists around and their patrons may use the service. Duncan Tavares, TEDACS Director spoke more about this item.

Commissioner Kligman stated that she is looking forward to see this item in the agenda and commended the Mayor for bringing this item forward.

Commissioner Olchyk asked why they set priorities and then they go back and work on the ones that are not priorities. Town Manager Roger M. Carlton stated that the priority setting was for the items that the Town Commission would like him to focus on during his last three months of employment with the Town and that the rest of the items would still need to be taken care of in the future.

All voted in favor to move forward with the item.

Item 37, Page 34 – Commissioner Kligman stated that there has been discussion during the last few meetings about the Code Enforcement Priorities Workshop. There are concerns in the community and in her opinion it would be good for the Town to educate the public along with having code enforcement goal be a matter of compliance and not solely to generate revenues. She also spoke about the priorities of the Commission in regards to code enforcement are not yet clear.

Vice Mayor Karukin stated that he is in agreement with scheduling a workshop.

Mayor Dietch stated that the Town did not have a code enforcement program prior to Mr. Damian coming on board and for the last year and a half Mr. Damian has been doing triage and dealing with life safety issues that needed to be addressed and suggested to schedule a workshop as soon as possible so that they can give direction.

Vice Mayor Karukin agreed with scheduling a workshop as soon as possible.

Commissioner Graubart stated that he was not in agreement with the Mayor's statement. He stated that the Town did have a Code Enforcement prior to Joe Damien, but the Town Commission did not stand behind the Code Compliance Officer.

Commissioner Olchyk spoke about how some of the condominiums leave furniture outside the buildings to be picked up a day or two later. She also spoke about the amount of trash outside the Best Western Hotel by the bus stop.

Town Manager Roger M. Carlton suggested having a workshop in March 2013. Vice Mayor Karukin suggested to have the workshop later on when the new Assistant Code Compliance officer has been hired. The Mayor suggested making it no later than April of this year. Commissioner Kligman asked the Manager to have the Points of Light reflect this information.

Item 41, Page 35 – Commissioner Graubart asked Yamileth Slate McCloud when the cutoff date is to accept resumes. Yamileth Slate-McCloud explained the process and stated that the advertisement had no closing date.

Commissioner Kligman made a motion to cut off the resumes on Tuesday, February 26, 2012. Vice Mayor Karukin seconded the motions. Motion passed 4-0 with Commissioner Olchyk absent from the dais.

Item 42, Page 35 – Commissioner Kligman would like the Administration to research the cost of doing a Special Transportation Service (STS) with the County as a way of getting our seniors to Mount Sinai Hospital or any other options available to our seniors.

Commissioner Graubart suggested to contact Bay Harbor and Bal Harbour and see how they serve their seniors and how they take them to Mt. Sinai Hospital.

Item 23, Page 35 – Commissioner Graubart would like to get updated and possibly a calendar with all of the stipulation and conditions that were supposed to be met and were part of the Surf Club Development Agreement. A consensus was reached that the Town Manager will make a presentation providing the information requested during the next Town Commission meeting.

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

***D. Town Attorney's Report – Lynn M. Dannheisser, Town Attorney (Not Provided)
- Reconfirmation of the January 24, 2013 Quasi-Judicial Hearing to Consider
the Chateau Project.**

Interim Town Attorney Miriam Maer stated that the Town Commission direction during the December meeting was for her to work with staff and come to closure so that we get to the point where she can withdraw any recommendation for deferral. She stated that thanks to the professionalism and efforts of Sarah Sinatra, Elizabeth Hernandez and Matthew Barnes and subject to two (2) issues which are the disclosure of interest and public easement she no longer has any reasons to recommend deferral.

Commissioner Kligman made a motion to reaffirm Tuesday, January 24, 2013 at 7:00 p.m. as the scheduled date for the Quasi-Judicial Hearing to consider the Chateau Project. The motion received a second from Vice Mayor Karukin and all voted in favor.

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

F. Committee Reports – Roger M. Carlton, Town Manager (*Note: Vice Mayor Karukin has requested that Committee minutes appear on the Consent Agenda. The most recent approved minutes have been included*)

- November 5, 2012 Tourist Board Minutes

***G. Certification of Charter Amendments Election Results – November 6, 2012** – Sandra Novoa, Town Clerk

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE CHARTER AMENDMENTS ELECTION HELD ON NOVEMBER 6, 2012; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent

***H. Retroactive Approval of Expenditure of Forfeiture Funds to Replace Electronic Control Devices** – Chief of Police David Allen

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RETROACTIVELY PROVIDING FOR THE FISCAL YEAR 2012/2013 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$7,330.20 FROM THE FORFEITURE FUND TO PURCHASE SIX TASERS AND ACCESSORIES FOR THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent

***I. Purchase of a Replacement Parking Enforcement Truck** – Chief of Police David Allen

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE PURCHASE OF A PARKING ENFORCEMENT TRUCK FROM THE MUNICIPAL PARKING FUND FOR \$18,042 BUDGETED UNDER MUNICIPAL PARKING FUND ACCOUNT #402-9500-545-6410 FOR FY 2012/2013; PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent

J. Amendment to the Miami Dade County Prisoner Processing Project Contract – Chief David Allen

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE (“TOWN”), FLORIDA AUTHORIZING THE TOWN MANAGER TO EXECUTE AMENDMENT #1 TO THE FY 2013 CONTRACT BETWEEN MIAMI-DADE COUNTY AND THE TOWN IN ORDER TO EXTEND THE MIAMI-DADE COUNTY ASSOCIATION OF CHIEFS OF POLICE (MDCACP) PRISONER PROCESSING PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on Consent

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. Building Frontage Ordinance – Vice Mayor Michael Karukin**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Kligman made a motion to approve. Commissioner Graubart seconded the motion.

Vice Mayor Karukin presented the item.

Commissioner Graubart spoke on the item and stated that he would like to increase the set back and made a friendly amendment to change the maximum frontage to 250 feet.

Commissioner Graubart asked the Interim Town Attorney if a change in the Ordinance takes place, would the City have to re-advertise the item again. Interim Town Attorney Miriam Maer stated that the ordinance would have to go back to the Planning and Zoning Board.

Vice Mayor Karukin did not accept the friendly amendment.

The motion passed 4-1 with Commissioner Graubart voting in opposition.

Vice Mayor Karukin made a motion to direct staff to have this item be added to the Comprehensive evaluation to mitigate the construction of large structures. Commissioner Kligman seconded the motion and all voted in favor.

**The below public hearing discussion occurred after agenda item 5G.

Town Clerk Sandra Novoa re-read the title of the ordinance.

Mayor Dietch opened the public hearing.

Seeing no one wishing to speak on this item, the Mayor closed the Public Hearing.

Vice Mayor Karukin made a motion to approve the Building Frontage ordinance.

Mayor Dietch seconded the motion. The motion passed 4-1 with Commissioner Graubart voting in opposition.

Mayor Dietch stated that this will be the official vote for this item and not the one previously done.

***2. Amending to Chapter 90 Planning & Zoning to Merge Function of DRB into P&Z Board Functions – Lynn Dannheisser, Town Attorney**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” BY DISSOLVING THE DESIGN REVIEW BOARD AND CONSOLIDATING THE DESIGN REVIEW FUNCTION INTO THE EXISTING FUNCTIONS OF THE PLANNING AND ZONING BOARD, CHANGING MEMBERSHIP REQUIREMENTS FOR PLANNING & ZONING BOARD; AND PROVIDING FOR FILLING OF VACANCIES; INCLUDING A TRANSITIONAL PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance

Commissioner Kligman made a motion to accept. The motion received a second from Vice Mayor Karukin. The motion passed 5-0.

**The below public hearing discussion occurred after agenda item 5G.

Town Clerk Sandra Novoa re-read the title of the ordinance.

Mayor Dietch opened the public hearing.

Seeing no one wishing to speak on this item, the Mayor closed the Public Hearing.

Vice Mayor Karukin made a motion to approve. The motion received a second from Mayor Dietch. The motion passed 5-0

Mayor Dietch stated that this will be the official vote for this item and not the one previously done.

3. Amendment to Lobbyist Registration and Adoption of Forms – Lynn Dannheisser, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 2-235 OF THE CODE OF THE TOWN OF SURFSIDE RELATING TO LOBBYIST REGISTRATION AND; PROVIDING FOR DEFINITIONS; PROVIDING FOR ANNUAL EXPIRATION AND RENEWAL FOR LOBBYIST REGISTRATIONS; REQUIRING REGISTRATION OF PRINCIPALS; REQUIRING DISCLOSURE OF ANNUAL LOBBYIST EXPENDITURE BY JANUARY 15TH OF EACH YEAR; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance

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

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

B. First Reading Ordinances

***1. Amendment to Short Term Rental Ordinance to Allow for Alternative Notice and Amendment to Paragraph References – Lynn Dannheisser, Town Attorney Page 133-137**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-41.1 “SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOUSES” 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.

Town Clerk Sandra Novoa read the title of the ordinance

Vice Mayor Karukin made a motion for discussion purposes. The motion received a second from Commissioner Graubart.

Interim Assistant Town Attorney Sarah Johnston introduced the item and explained that the language in the ordinance needed to match the actual procedures of the Town for how the violations are noticed. This amendment clarified the ordinance to meet the goal.

The motion passed 5-0.

5. Resolutions and Proclamations

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

***A. Sensible Gun Law Resolution – Mayor Daniel Dietch**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) CALLING ON THE FEDERAL GOVERNMENT TO REDUCE GUN VIOLENCE IN AMERICA AND HELP PREVENT FUTURE MASS SHOOTINGS THROUGH PASSAGE OF: THE FIX GUN CHECKS ACT, WHICH WOULD REQUIRE A BACKGROUND CHECK FOR EVERY GUN SALE AND ENSURE THAT ALL CRIMINALS AND OTHER DANGEROUS PEOPLE WHO ARE PROHIBITED FROM BUYING A GUN ARE LISTED IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM; AS WELL AS LEGISLATION THAT WOULD KEEP MILITARY-STYLE WEAPONS AND HIGH-CAPACITY MAGAZINES OFF OUR STREETS, AND WOULD MAKE GUN TRAFFICKING A FEDERAL CRIME; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch presented the item to the Members of the Town Commission. Commissioner Graubart made a motion to approve. The motion received a second from Commissioner Olchyk and all voted in favor.

***B. Business Improvement District Consultant Agreement – Duncan Tavares, TEDACS Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING WAIVING THE COMPETITIVE BID PROCESS AND AUTHORIZING THE BUSINESS IMPROVEMENT DISTRICT ORGANIZATIONAL PLAN AGREEMENT WITH REDEVELOPMENT MANAGEMENT ASSOCIATES, INC.; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton presented the item. Duncan Tavares, TEDACS Director spoke on the item. Interim Assistant Town Attorney Sarah Johnston answered questions from the Town Commission. Commissioner Kligman made a motion to approve. The motion received a second from Mayor Dietch and all voted in favor.

***C. Retroactively Approving Sidewalk Staining – Bill Evans, Public Works Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING AN AFTER THE FACT AWARD OF BID IN THE AMOUNT OF \$97,000 TO LYNX CONSTRUCTION LLC TO STAIN THE SIDEWALKS FROM 87TH STREET TO 96TH STREET ON BOTH EAST AND WEST SIDES OF COLLINS AVENUE FOR CONTINUITY IN THE COLOR OF THE SIDEWALKS THROUGHOUT THE TOWN OF SURFSIDE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton introduced the item.

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

***D. Resolution in Support of the League of Women Voters of Florida –**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA PROCLAIMING SUPPORT OF THE LEAGUE OF WOMEN VOTERS OF FLORIDA REQUEST TO GOVERNOR RICK SCOTT AND THE FLORIDA LEGISLATURE FOR CREATION OF AN ELECTION REFORM TASK FORCE.

Commissioner Graubart introduced the item.

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

***E. Amendment to Settlement Agreement Between the Town of Surfside and Indian Creek Village – Roger M. Carlton, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING THE AMENDMENT TO THE SETTLEMENT AGREEMENT BETWEEN TOWN OF SURFSIDE AND INDIAN CREEK VILLAGE (“VILLAGE”), PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Roger M. Carlton introduced the item and thanked Commissioner Graubart for bringing this issue forward.

Commissioner Graubart asked when the final payment would be received.

Town Manager Roger M. Carlton stated that final payment will be received once the undergrounding project on 91st that it is being paid by the Surf Club is 50 percent complete.

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

***F. FDOT Sidewalk Lease Agreement – Duncan Tavares, TEDACS Director**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) GRANT THE TOWN A PUBLIC PURPOSE LEASE ON A1A/HARDING AVENUE FROM 93RD STREET TO 96TH STREET, WHERE THE TOWN PROPOSES TO ISSUE PERMITS FOR SIDEWALK CAFES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE TERMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Duncan Tavares, TEDACS Director presented the item to the Town Commission.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman. The motion passed 4-1 with Commissioner Graubart voting in opposition.

***G. Town Attorney – Mayor Daniel Dietch (TIME CERTAIN 9:00 P.M.)**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, TERMINATING THE EMPLOYMENT OF TOWN ATTORNEY LYNN M. DANNHEISSER PURSUANT TO SECTION 9.A. OF HER EMPLOYMENT AGREEMENT WITH THE TOWN; AUTHORIZING THE MAYOR TO ENTER INTO A SEPERATION AGREEMENT BETWEEN TOWN ATTORNEY LYNN M. DANNHEISSER AND THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Dietch introduced the item.

Town Attorney Lynn Dannheisser read a prepared statement.

Brett J. Schneider, Special Labor Counsel to the Town explained the Separation Agreement to the Town Commission.

After much discussion, Vice Mayor Karukin made a motion to accept. The motion received a second from Commissioner Kligman. The motion carried 3-2 with Commissioner Graubart and Commissioner Olchyk voting in opposition.

Commissioner Olchyk suggested the Administration contact the League of Cities and ask them for an interim attorney for three months until the Town finds a new Town Attorney.

Vice Mayor Karukin made a motion to appoint Sarah Johnston as the Interim Town Attorney.

Commissioner Kligman stated that they should first ask Sarah or Linda rather than volunteering them. She said that if one of her colleagues has a strong opinion about not moving forward with an individual firm, she will respect that. She stated that she prefers to have someone in house rather than outside counsel.

Sarah Johnston stated that Linda and herself are both licensed Attorneys and they have both been working in the Attorney's office a long time and they can deal with most of the day to day issues and Agenda preparation.

Mayor Dietch made a friendly amendment to appoint Linda Miller as the Interim Town Attorney

Vice Mayor Karukin made a motion to appoint Sarah Johnston as the Interim Town Attorney temporarily. The motion received a second from Commissioner Olchyk.

Linda Miller from the Office of the Town Attorney asked for the opportunity to speak. She stated that she has been licensed in the State of Florida since 1994 and in the District of Columbia for 5 years. She opened the Town Attorney's office with Lynn in October of 2008. She sat on the Charter Review Board and has been in the Town five days a week and has worked very hard for the Town. She has the knowledge of who the office contracts with and the requirements of the office. She spoke about the Charter requirement of five years' experience to hire an attorney. She and Sarah have been working together for the Town and will be able to carry out those duties.

Mayor Dietch made a friendly amendment to appoint Linda Miller as the Interim Town Attorney and Sarah Johnston as the Interim Assistant Town Attorney until they decide what the next step is to find a Town Attorney. He suggested that Ms. Miller and Ms. Johnston as the first order of business find a land use attorney that could be present and up to speed on the January 24, 2013 Quasi-Judicial Hearing for the Chateau.

Commissioner Graubart made a suggestion to have an emergency meeting as soon as possible to discuss the issue.

Vice Mayor Karukin asked if there is any organization for Town Attorneys. Interim Town Attorney Miriam Maer stated that there is a national one that is the National Institute of Municipal Law Officers (NIMLO) and there are a few others like the Florida Municipal Attorneys Association. She announced that the City and County Local Government Law Section of the Florida Bar currently has 224 Certified Municipal Attorneys in the area. She also added that it was too late at night to contact anyone and that the Town needs an Attorney immediately.

Vice Mayor Karukin and Commissioner Olchyk accepted the Mayor's friendly amendment. The motion passed 4-1 with Commissioner Graubart in opposition.

Commissioner Graubart made a motion to have a Special Town Commission meeting as an emergency to set the recruitment process to hire an independent Town Attorney and or a firm. Commissioner Kligman seconded the motion.

Town Manager Roger M. Carlton asked what preparation or documents would be needed for this special meeting. Commissioner Graubart stated that the Town Commission would have to do some homework and engage the Town Attorney's office to help support this effort.

Mayor Dietch suggested identifying a night the following week through the Clerk.

Vice Mayor Karukin stated that they should direct the Town Attorney's office to prepare some proposals.

Mayor Dietch made a motion to direct the Town Attorney to coordinate with the Town Clerk to schedule an emergency meeting next week. Town Manager Roger M. Carlton asked for clarification on the motion to include that the Town Attorney is to engage a Land Use Attorney for next Thursday, January 24, 2013 Quasi-Judicial meeting since Miriam Maer would not be able to attend.

Town Clerk Sandra Novoa announced to the Town Commission that the only available date to hold the Special Emergency Commission meeting will be Tuesday, January 22, 2013 at 7:00 p.m.

Commissioner Graubart stated that the Commission is the only one that has the authority to set the pay for the Interim Town Attorney and Interim Assistant Town Attorney. Town Manager Roger M. Carlton stated that the Assistant's pay is set by the Town Attorney and there is money in the budget for that. He explained that they will have to set the salary for the Interim Town Attorney but that any adjustment they would like to do on the current compensation can be done retroactively from tonight and it doesn't have to be decided right at the moment.

Vice Mayor Karukin asked the Town Clerk to read the motion back.

The motion was for the Interim Town Attorney's office to engage a Land Use Attorney for the January 24, 2013 Quasi-Judicial Hearing and to schedule a Special meeting on Tuesday, January 22, 2013 to select a new Town Attorney. The motion received a second from Vice Mayor Karukin and all voted in favor.

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.

Pablo Clausell spoke about the notice he received in regards to the Chateau project and he asked if the Town Attorney could provide him with the case law that she had previously mentioned. Mayor Dietch asked him to go speak to the Interim Town Attorney on the matter.

Peter Glynn spoke about his wishes for the Town Commission to prohibit plastic bags. Commissioner Graubart made a motion to make it a Point of Light. Commissioner Kligman seconded the motion. The motion passed 4-1 with Vice Mayor Karukin voting in opposition.

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. Downtown Streetscape Master Plan – Duncan Tavares, TEDACS Director**

Duncan Tavares, TEDACS Director presented the item.

Vice Mayor Karukin made a motion for discussion purposes. The motion received a second from Commissioner Kligman.

Vice Mayor Karukin asked how much of a possibility there is in FDOT closing the Town's sidewalk cafes.

Town Manager Roger M. Carlton stated that he has had numerous conversations with Gus Pego, District Engineer for FDOT and they are interested in receiving a share of our revenues.

The motion passed 4-1 with Commissioner Olchyk voting in opposition.

***B. Red Light Camera Legislative Urging – Mayor Daniel Dietch**

Item deferred

***C. Traffic Study (Please bring the Traffic Study book provided in December 2012) –**

Roger M. Carlton, Town Manager

Commissioner Graubart made a motion to defer.

Vice Mayor Karukin stated that this item has a lot of data and detail and he is afraid that if it is approved tonight, there will be components of the plan that he is not in agreement with.

Town Manager Roger M. Carlton suggested to make the item a time certain for next meeting to allow more time for discussion. The motion received a second from Vice Mayor Karukin and all voted in favor.

***D. FPL Undergrounding Status Report –Update - Roger M. Carlton, Town Manager**

Town Manager Roger M. Carlton provided an update on the item and stated that an ordinance on first reading will be presented in the near future.

Commissioner Graubart opined that a letter from the Mayor and the Commissioners should go out to FPL asking for an extension to make sure the Town has commitment from the telephone and cable companies. He also stated that there should be a cap on the project cost.

After some discussion Vice Mayor Karukin made a motion to direct the Town Manager to request an extension from FPL. The motion received a second from Commissioner Olchyk and all voted in favor.

E. Additional Deco Bike Rental Stations – Commissioner Joe Graubart

Duncan Tavares, TEDACS Director presented the item.

Commissioner Olchyk asked for the need for more bike stations. Vice Mayor Karukin stated that he is a user of the Deco Bikes and he loves it.

Duncan Tavares, TEDACS Director explained that there is no cost to the Town for having these stations and he explained that the Tourism season is just starting and now is when they will see the revenues go up.

Peter Filiberto spoke in favor of the item and ask the Town Commission to consider bike parking in the Downtown area.

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

Vice Mayor Karukin made a motion to extend the meeting 30 minutes. The motion received a second from Commissioner Kligman and all voted in favor.

***F. Outdoor Exercise Equipment – Commissioner Joe Graubart**

Commissioner Graubart presented the item.

Commissioner Kligman made a motion to approve for budget discussion during the FY 13/14 budget process. The motion received a second from Vice Mayor Karukin.

The motion passed 3-2 with Vice Mayor Karukin and Mayor Dietch voting in opposition.

- *G. Re-appointment of Commissioner Kligman as the Miami Dade County League of Cities (MDCLC) Liaison (VERBAL)** – Roger M. Carlton, Town Manager
Vice Mayor Karukin made a motion to re-appoint Commissioner Kligman to the Miami Dade County League of Cities. The motion was seconded by Commissioner Kligman and all voted in favor.
- *H. FEMA Flood Insurance Program** – Commissioner Joe Graubart
Eddie Rojas, Building Official provided an update on this item. No action required.
- I. Agenda Items Deadlines for Commission** – Commissioner Joe Graubart
Commissioner Graubart presented the item.
No action taken by the members of the Town Commission.
- *J. Florida Constitutional Amendment 11 – Provides for Additional Tax Exemption from County and Municipality Taxes for Certain Qualified Seniors** – Roger M. Carlton, Town Manager
Town Manager Roger M. Carlton presented the item.
Vice Mayor Karukin made a motion not to provide the additional tax exemption which would cost more to implement than the savings to taxpayers. The motion received a second from Commissioner Graubart and all voted in favor.
- *K. Scholarship Program** – Commissioner Marta Olchyk/Duncan Tavares, TEDACS Director
Commissioner Kligman made a motion to approve. The motion received a second from Commissioner Graubart and all voted in favor.
- *L. Additive Alternates to Utility Project – Decorative Street Signs**– Bill Evans, Public Works Director
Commissioner Olchyk made a motion to defer. The motion received a second from Vice Mayor Karukin. The motion passed 4-1 with Mayor Dietch voting in opposition.
- *M. Adoption of Priorities for 2013 Florida Legislative Session** – Fausto Gomez, Town Lobbyist
Commissioner Graubart made a motion to omit the legislative priority for park funding due to the State requirement that the Town could not limit access to Town residents only. The motion received a second from Commissioner Olchyk. The motion passed 4-1 with Mayor Dietch voting in opposition.
Commissioner Graubart made a motion to approve the rest of the 2013 Legislative priorities. The motion received a second from Vice Mayor Karukin and all voted in favor.
- *N. Bus Shelters** – Commissioner Marta Olchyk
Commissioner Olchyk wanted the residents to know that the Bus Shelters is not a crazy idea that she is after and is not a light issue to her. She would like for people to understand that for the last two years she has been told that three bus shelters had been ordered. She spoke about an email that she received from Miami Dade County in which they told her the bus shelters were only approved December 26, 2012 and there were only two of them ordered not three. All of this happened after she contacted the president of the company in charge of the project, the Miami Dade County Project Manager and the Miami Dade County Transit Director. Miami Dade County told her that it was partially the previous Town Manager’s fault for not completing the proper documentation on time. She expressed how disrespected, offended and unconsidered

she felt about this issue. She was led to believe all along that the project was moving forward and on time when it was not. She stated that there are people that depend on her to raise their issues.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 12:35 am.

Accepted this ____ day of _____, 2012

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:00 P.M.

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance

2. Town Attorney Recruitment

Mayor Dietch spoke about the purpose of the meeting.

Linda Miller, Interim Town Attorney, gave an overview of the current situation and suggested that the Town Commission appoint her as Interim Town Attorney and Sarah Johnston as Assistant Interim Town Attorney for a period of six (6) months.

Vice Mayor Karukin stated that his preference is to have an in house Town Attorney rather than a firm.

Commissioner Olchyk expressed her agreement with Vice Mayor Karukin in keeping an in house Town Attorney. She stated that she would like to give Linda Miller an opportunity as Interim Town Attorney for a term of six (6) months. She explained that Ms. Miller is very much aware of all the issues in the Town Attorney's office and this will give them time to fill other vacant positions in the Town.

Commissioner Graubart would like to maintain the status quo. He stated that Linda Miller and Sarah Johnston have been with the Town for a long time and they are capable of getting the job done.

Commissioner Kligman agreed with the rest of the Town Commission and she thinks that it would be in the best interest of the Town to appoint Ms. Miller as Interim Town Attorney.

Commissioner Olchyk, Commissioner Graubart, Commissioner Kligman and Vice Mayor Karukin thought that six months was appropriate.

Commissioner Graubart spoke about the compensation for Linda Miller and Sarah Johnston. He stated that Ms. Johnston is currently a contractor and in his opinion she should become a regular Town employee immediately. He suggested that the Town Commission appoint someone to negotiate the salary and bring it back for discussion.

Town Manager Roger M. Carlton suggested that whoever is appointed from the Commission to negotiate should work with Brett Schneider, Special Labor Counsel, to develop an engagement letter for the Town Commission to review and approve during the February 12, 2013 meeting.

Louis Cohen spoke in favor of appointing Linda Miller as the Interim Town Attorney.

Anthony Blate spoke about the importance of having an experienced attorney.

Mark Goldstein stated that he submitted his resume for consideration and wished the Town Commission the best of luck.

Commissioner Olchyk made a motion to appoint Linda Miller as Interim Town Attorney for a period of six months. Commissioner Graubart made a friendly amendment to hire Sarah Johnston as a regular Town employee effective tomorrow and to have Commissioner Kligman as the appointed person to negotiate the engagement letter for Linda Miller including compensation. Commissioner Olchyk accepted the friendly amendment and all voted in favor.

3. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 7:40 p.m.

Accepted this _____ day of _____, 2013

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 7:02 P.M.

B. Roll Call of Members

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

Attorney Nancy Stroud, Land Use Special Counsel and Attorney William Bloom, Title Expert.

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance

2. Quasi-Judicial Hearings

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the agenda item number on which you would like to comment. You must be sworn before addressing the Town Commission and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Town Commission will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any members of the Town Commission. Town Commission members must also do the same.

A. Chateau Site Plan and Conditional Use Application – Roger M. Carlton, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING THE CONDITIONAL USE APPLICATION SUBMITTED BY CHATEAU OCEAN, LLC (THE “APPLICANT”), PURSUANT TO SECTION 90-23-2 OF THE TOWN ZONING CODE TO PERMIT THE DEVELOPMENT OF PRIVATE OUTDOOR DINING FACILITIES, LOBBY BAR, AND POOLSIDE BAR, AND THE SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET. SEQ. OF THE TOWN ZONING CODE TO PERMIT A MULTIFAMILY RESIDENTIAL CONDOMINIUM BUILDING WITH UP TO EIGHTY-FIVE (85) RESIDENTIAL UNITS, INCLUDING A ROOF TOP DECK, POOLS, 180 PARKING SPACES, TANDEM PARKING, AND 24-HOUR VALET

PARKING, TO BE KNOWN AS “CHATEAU OCEAN”, PER PLANS ON FILE DATED JANUARY 10, 2013, CONSISTING OF ONE 12-STORY BUILDING LOCATED AT THE SOUTHEAST CORNER OF COLLINS AVENUE AND 94th STREET, CURRENTLY WITH THREE STREET ADDRESSES OF 9349, 9365 AND 9379 COLLINS AVENUE, SURFSIDE, FL, SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Town Clerk Sandra Novoa swore in everyone wishing to speak in favor or against the item.

Town Attorney Linda Miller spoke about the process and asked the Town Commission if anyone had ex-parte communications with the Applicant or any objector.

Town Clerk Sandra Novoa stated she received copies of ex-parte communication from Commissioner Graubart.

Commissioner Kligman stated that she met with the developer about four (4) months ago but did not discuss the project.

Commissioner Olchyk stated that she met with the developer a few months ago as well and saw them again when they presented the project in a meeting in the building in which she resides.

Vice Mayor Karukin stated that he was requested to meet with the applicant about four (4) months ago but declined and was also contacted by a resident that lives nearby.

Mayor Dietch stated that he met with members of the development team and he also had communication with various Town residents.

Town Planner Sarah Sinatra presented the project to the Town Commission with the staff recommendation.

Commissioner Olchyk asked the Town Planner if this building was higher than the Surf Club that was just approved. Sarah Sinatra Town Planner responded that the Surf Club is actually two feet higher. She asked if the building was going to be the same height as the neighboring Marbella and Azure buildings. Town Planner Sarah Sinatra stated that the Marbella building was built before 1999 and the Azure building after 1999 which makes a difference with the Town Zoning Code and she would be unable to speak for those projects regarding FDEP requirements or why buildings did not use the code provision that allows building height measurement to begin at the wave crest level set by the State. She showed a graphic to explain how height is calculated.

Building Official Eddie Rojas was sworn in. He stated that he researched the Marbella and Azure projects and he found the projects did not take advantage of the code provision stated before by the Town Planner.

Commissioner Olchyk asked why the staff is recommending Option 1 rather than Option 2 for the easement. Town Planner Sarah Sinatra stated that there are only four (4) properties in Town along the east side of Collins Avenue that have not utilized the larger space envisioned in Option 2. She explained that for consistency purposes the expanded area in Option 2 was not necessary. Because the Town has always utilized that hard pack as a walking path and the top of the dune, that is the only area staff believes should be included in an easement.

Vice Mayor Karukin spoke about the building height as well and thanked the Town Planner for her previous explanation. He asked why there were two different numbers under the Florida Department of Environmental Protection (FDEP) Guidelines for Design Elevation; they mention 18.2 and 6.8 feet. He would like to know why one and not the other. Bob McSweeney, Civil Engineer, responded to Commissioner Karukin's question.

Vice Mayor Karukin asked what the Town has required in the past regarding ownership percentages disclosure. Town Planner Sarah Sinatra explained that the only time that this was previously required was during the Surf Club application and at that time it was 20 percent or more.

Vice Mayor Karukin stated that one of the conditions speaks about a sculpture and he would not like for it to be a geometric sculpture and if the Town Commission could have a say in what goes there. Town Manager Roger M. Carlton stated that the sculpture design will have to go in front of the Planning and Zoning Board for approval.

Vice Mayor Karukin asked for clarification on a provision on page 7, section 90.50.2(3) Roof Deck Provisions that states that it exceeds requirements. Town Planner Sarah Sinatra explained that the code establishes a minimum and they are providing a greater setback.

Commissioner Kligman asked about the easement area. It is her understanding that the developers will be doing some work in 94th street and she would like to know if that public access to the beach will remain. Town Planner Sarah Sinatra responded affirmatively.

Commissioner Kligman asked if the developers have discussed with the Town what they would use instead of the passive ponds and walkways if that is declined by FDEP. Outside Council Nancy Stroud stated that if that is declined by FDEP, a site plan amendment and the new design would have to come back to the Town Commission for approval.

Commissioner Kligman concurred that the Surf Club was two feet higher than this project and asked if the Beach House was also higher. Town Planner Sarah Sinatra stated that the Beach House was 5 feet lower.

Commissioner Kligman expressed her concerns about the easement issues. Niesen Kasdin representing the applicant stated that they agreed to Option 1.

Vice Mayor Karukin asked where the ingress and egress of traffic would be. Town Planner Sarah Sinatra referred the question to the Applicant's traffic engineer who explained how traffic would flow in and out of the property.

Mayor Dietch stated that if the project is approved the construction drawings have to be consistent with the South Florida Building Code, so there are more protections beyond the Town Commission requirements.

Neisen Kasdin representing the applicant presented the project to the Town Commission.

Vice Mayor Karukin asked where the ingress and egress of traffic is in the plans. Mr. Kasdin answered his concerns and explained that all of the circulation will stay in the property.

Commissioner Kligman asked if the developer has agreed to the Option 1 easement. Mr. Kasdin responded affirmatively. She referred to page 105 of the agenda packet "Recommendations" and asked if those recommendations have been accepted by the developer of the project. Mr. Kasdin responded that those recommendations were related to the existence of lifts in the garage and they are no longer utilizing lifts.

Mayor Dietch asked what the estimated cost of construction is. Mr. Kasdin responded \$60 million.

Mayor Dietch referred to page 30 of the agenda packet, condition of approval # 5 related to recycling. He would like for the developer to agree to provide the Town with documentation of achieving 80% recycling of demolition materials. Mr. Kasdin representing the developer agreed. Mayor Dietch referred to page 31, condition of approval # 14 that references MD-PERA, he stated that PERA no longer exists and has morphed into another entity and the initials are RER.

Mayor Dietch asked the Town to make sure that all the required parking is provided before issuing the Certificate of Occupancy (CO).

Mayor Dietch opened the public hearing.

Eli Tourgeman, President of the Downtown Business Association of Surfside, spoke in favor of the project.

Silvia Coltrane spoke in favor of the project and thanked Sarah Sinatra Town Planner for her presentation.

Pablo Clausell asked a question regarding the advertisement and the presentation. He spoke about the use of the hardpack and the impact that it would have on the residents' future if they approve Option 1 rather than Option 2.

Louis Cohen, representing Marbella, spoke in favor of the project.

Allan Yarkin, representing Azure, spoke in favor of the project.

Commissioner Kligman asked Sarah Sinatra to explain what an Easement is. Special Counsel to the Town William Bloom of Holland & Knight explained that an easement is a covenant running with the land that will give the public through the Town, the right to use that specific area in perpetuity subject to the conditions set forth in the easement. In this case there is an obligation on the Town to maintain the easement area; there is an obligation on the Town and the Developer not to obstruct the easement area.

There being no one else wishing to speak on the item, Mayor Dietch closed the Public Hearing.

Commissioner Kligman asked the Town Clerk if there were any records of anyone against the development. Town Clerk Sandra Novoa responded in the negative.

Commissioner Olchyk made a motion to approve the project as presented with the understanding that there is no request for variances and that the Applicant fulfills all the Code requirements and obeys all the rules and regulations. Mayor Dietch made a friendly amendment for the Applicant to include documentation of achieving 80% recycling, the disclosure of ownership would be 10%, the developer will work with the Town Manager to put together a plan to utilize local labor resources during construction and operations and to approve Option 1 for the easement. Commissioner Olchyk accepted the friendly amendments. The motion received a second from Vice Mayor Karukin. The motion carried 4-0. Commissioner Graubart was absent.

3. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 9:17 p.m.

Accepted this _____ day of _____, 2013

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 5:02 P.M.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Karukin, Commissioner Olchyk and Commissioner Kligman. Commissioner Graubart joined the meeting at 5:04 p.m.

C. Pledge of Allegiance

Chief of Police David Allen led the Pledge of Allegiance

2. Town Manager Recruitment Discussion and Potential Ranking

Mayor Dietch thanked the more than 800 candidates that submitted their qualifications to the Town. He thanked the candidates that were short listed and the candidates that were interviewed. He stated that they have a difficult decision on their hands.

Commissioner Graubart stated that they have very good candidates. He said that you can pull any of their names out of a hat and end up with a good Town Manager.

Commissioner Olchyk stated that she was very fortunate to interview the candidates and they are all qualified and any of them will be an excellent Manager for the Town.

Commissioner Kligman thanked Human Resources Director Yamileth Slate-McCloud and Town Manager Roger M. Carlton for putting together the entire process.

Vice Mayor Karukin stated that it was a very organized process and thanked Yamileth Slate-McCloud, Human Resources Director and Town Manager Roger M. Carlton as well for an excellent process.

Town Manager Roger M. Carlton asked Human Resources Manager Yamileth Slate McCloud to explain the level of background check that has been completed so far.

Mayor Dietch asked Human Resources Director Yamileth Slate-McCloud to provide an overview of the entire process for the benefit of the residents that are present and the ones watching.

Human Resources Yamileth Slate-McCloud gave an overview of the entire process and explained the level of background checks that has been completed for the candidates that were interviewed. These checks included credit, driving, police, neighbors and Google. Academic credentials were not verified, however, diplomas have been provided.

Vice Mayor Karukin asked if other reference checks will be completed. Yamileth Slate-McCloud stated that if the Town Commission decides that reference checks were needed, she will do the references, however, such checks are often of little value since only positive references are provided.

Commissioner Graubart suggested that maybe they should do a ballot type of selection. Each member of the Town Commission writes their two top choices on a piece of paper and have the Clerk announce the results.

Vice Mayor Karukin suggested using the top three.

Members of the Town Commission wrote their top three candidate names on a sheet of paper and provided it to Town Clerk Sandra Novoa. Number one choice received 3 points, number two choice received 2 points and the number three choice received 1 point.

Town Clerk Sandra Novoa and Human Resources Director Yamileth Slate-McCloud counted the points. Town Clerk Sandra Novoa announced the results as follows:

1. John Mark Taxis, Assistant Manager of Doral, received 10 points
2. Michael Crotty, former Mayor of Satellite Beach, received 7 points
3. Steve Alexander, Interim Manager of South Miami, received 6 points

Mayor Dietch suggested that they follow the process that has been laid out and negotiate an employment agreement with Mr. Taxis and bring it back for their review during the March 12, 2013 Town Commission meeting.

Commissioner Olchyk asked what the criteria would be for the agreement because she thinks that sometimes they are very liberal.

Mayor Dietch asked Commissioner Olchyk to share her thoughts as to what she would like to see and he would do his best to honor them.

Commissioner Olchyk would like to know how much will the salary be and what conditions is the Mayor going to offer.

Mayor Dietch stated that he does not know yet and there was a salary range previously approved and he would review salary history and negotiate fairly.

Commissioner Kligman made a motion to formalize the votes and the ranking, and to authorize Mayor Dietch to work with Labor Counsel Brett Schneider from Weiss Serota to prepare an agreement and bring it back to the Town Commission for approval. The motion received a second from Commissioner Olchyk and all voted in favor.

3. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 5:47p.m.

Accepted this _____ day of _____, 2013

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

**TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2012/2013**

AS OF

December 31, 2012

25% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: March 12, 2013

GOVERNMENTAL FUNDS

ACTUAL

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

GENERAL FUND

REVENUE	\$3,208,342 *	\$10,225,227	31%
EXPENDITURES	\$2,999,530 A-1	\$10,225,227	29%
Net Change in Fund Balance	\$208,812		
Fund Bal.-Beg. of FY(unaudited assigned+unassigned)	\$5,349,497 A		
Fund Balance-December 31, 2012	<u>\$5,558,309</u>		

RESORT TAX (TEDAC SHARE)

REVENUE	\$30,822 *	\$230,811	13%	B
EXPENDITURES	\$49,165	\$230,811	21%	
Net Change in Fund Balance	(\$18,343)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$173,018			
Fund Balance-December 31, 2012	<u>\$154,675</u>			

POLICE FORFEITURE/CONFISCATION

REVENUE	\$3	\$162,490	0%	C
EXPENDITURES	\$19,025	\$162,490	12%	
Net Change in Fund Balance	(19,021)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$122,312			
Fund Balance-December 31, 2012	<u>\$103,291</u>			

TRANSPORTATION SURTAX

REVENUE	\$34,299 *	\$185,830	18%	D
EXPENDITURES	\$54,406	\$185,830	29%	
Net Change in Fund Balance	(20,107)			
Fund Balance-Beg. of Fiscal Year (unaudited)	\$123,002			
Fund Balance-December 31, 2012	<u>\$102,895</u>			

CAPITAL PROJECTS

REVENUE	\$25,112	\$561,000	4%
EXPENDITURES	\$51,113	\$561,000	9%
Net Change in Fund Balance	(26,001)		
Fund Balance-Beg. of Fiscal Year (unaudited assigned)	\$126,313		
Fund Balance-December 31, 2012	<u>\$100,312</u>		

NOTES:

* Many revenues for December, 2012 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.

A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$3,349,497 is unassigned fund balance.

A-1. Includes Town's annual General Fund pension contribution of \$473,991 & Davis Settlement

B. Timing Difference - December Resort Tax revenues are received in January 2013.

Total Resort Tax Revenues of \$78,260.01 were received in November, 2012 (\$30,822.22 to TEDAC, \$47,437.79 to the General Fund).

C Forfeiture revenue fluctuates widely.

D. Timing Difference - December 2012 CITT revenues are received in March, 2013.

ENTERPRISE FUNDS

ACTUAL	ANNUAL BUDGETED	% BUDGET
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WATER & SEWER

REVENUE	\$1,251,817	\$4,990,121	25%
EXPENDITURES	\$816,241	\$3,022,367	27%
Change in Net Assets	\$435,576		
Unrestricted Net Assets-Oct 1 (unaudited)	\$2,343,427		
Restricted Net Assets-Renewal & Replacement	\$1,017,776		
Unrestricted Net Assets-December 31, 2012	\$3,796,779		
Capital Project Expenses to date for Water & Sewer	\$1,866,152	\$1,967,754	95%

MUNICIPAL PARKING

REVENUE	\$215,278	\$904,661	24%
EXPENDITURES	\$156,113	\$757,389	21%
Change in Net Assets	\$20,151		
Unrestricted Net Assets-Oct 1 (unaudited)	\$1,660,702		
Unrestricted Net Assets-December 31, 2012	\$1,680,853		
Capital Project Expenses to date for Municipal Parking	\$20,170	\$147,272	14%

SOLID WASTE

REVENUE	\$309,926	\$1,232,457	25%
EXPENDITURES	\$291,314	\$1,232,457	24%
Change in Net Assets	\$18,612		
Unrestricted Net Assets-Oct 1 (unaudited)	\$246,064		
Unrestricted Net Assets-December 31, 2012	\$264,676		

STORMWATER

REVENUE	\$250,553	\$1,173,781	21%
EXPENDITURES	\$87,309	\$505,000	17%
Change in Net Assets	\$163,244		
Unrestricted Net Assets-Oct 1 (unaudited)	\$444,247		
Unrestricted Net Assets-December 31, 2012	\$607,491		
Capital Project Expenses to date for Storm Water	\$211,976	\$668,781	32%

NOTES:(con't)

- E. Includes rate stabilization of \$651,144, renewal and replacement of \$1,017,776 and \$1,660,476 is unrestricted.
- E-1. Includes bond interest payment of \$292,881 for water & sewer for the period of November 2012 to May 2013.



Donald G. Nelson, Finance Director



Roger M. Carlton, Town Manager

**ATTACHMENT

**Town of Surfside
Fund Balance
December 31, 2012**

FUND	9/30/2010	9/30/2011	9/30/2012	12/31/2012
General	\$ 3,163,038	\$ 4,256,315	\$ 5,349,497	\$ 5,558,309
Resort Tax	179,035	184,867	173,018	154,675
Police Forfeiture	71,825	117,889	122,312	103,291
Transportation	416,500	239,760	123,002	102,895
Capital	4,888,357 *	399,754	126,313	100,312
Water & Sewer	2,108,920	2,692,379	3,361,203	3,796,779
Parking	2,043,034	1,385,581	1,660,702	1,680,853
Solid Waste	82,210	207,462	246,064	264,676
Stormwater	194,564	342,240	444,247	607,491
Total	\$ 13,147,483	\$ 9,826,247	\$ 11,606,358	\$ 12,369,280

4,201,479 *

\$ 8,946,004

*Committed to Capital Project (Community Center)

1. Downtown Vision Project: Commissioner Michelle Kligman

Current Status: The Downtown Vision Advisory Committee (DVAC) met on February 25, 2013. New topics of discussion included details on requiring storefronts to illuminate their businesses at night, wayfarer kiosks and emerging technologies and the vision for downtown to be a place that appropriate national brand retail and restaurants such as Starbucks serve as anchors for a thriving destination which could also encourage “mom and pop” businesses.

- *Parking Structure Feasibility Study:* A second meeting of the Parking Study Sub-Committee is being scheduled for the week of March 18, 2013 to review the draft study with the goal of having it before the Town Commission at the April 9, 2013 Meeting.
- *Downtown Streetscape Master Plan:* Staff met with C3TS/Santec, the Town Commission approved firm to conduct and implement the plan, on March 7, 2013. The project is on schedule to bring a comprehensive landscape and streetscape plan to DVAC by May, 2013 and the Town Commission by June, 2013.
- *BID:* The consultants (RMA) conducted meetings with the downtown business owner/operators and downtown property owners on February 13, 2013. The firm has also conducted a survey of the two stakeholder groups. The consultants are on track with the approved timeline: drafting a BID plan, building ownership and consensus amongst commercial property owners and establishing the geographical boundaries of the BID. They will conduct a detailed update to DVAC at the next meeting on April 3, 2013.
- *Commissioner Heyman’s Mom & Pop Grant Program 2013:* With the Town’s assistance, eleven (11) businesses have applied for the grant this year. A determination on awardees will be made by April 2013. This demonstrates Town Staff’s commitment to supporting small business growth in the downtown area.

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

Current Status: This project is entering the final stages of completion. Key issues that remain are:

1. Installation of the final lift (layer) of asphalt. Phase I and part of Phase II have been completed.
2. Resolve issue with the Village of Bal Harbour related to final cost of the joint force main. A meeting will be scheduled to achieve this goal before the end of March, 2013.
3. Resolve any closure requirements for the old force main with the Village of Bal Harbour and the City of Miami Beach.
4. Determine if sufficient funds are available for the additive alternatives including street signs and street trees.
5. Closeout the project with a final report in April, 2013.

3. Tourist/Resort Tax Audit/Certificate of Use/Local Business Tax Receipt/Short Term Rentals

Current Status:

Resort Tax Audit II: Completion of the majority of audits is anticipated by the end of March 2013 with the exception of six (6) businesses that are presently going through the Code Compliance Special Master process for not responding to the Auditors' numerous requests for information.

Certificate of Use (CU) /Local Business Tax Receipt (LBTR): Presently there are eleven (11) businesses that have ignored staff efforts over the last five (5) months to foster compliance. These companies will go through the Code Compliance process and may end up at a Special Master hearing.

Short Term Rentals: The new Code Compliance Officer was hired effective February 4, 2013. This additional staff resource, in conjunction with the Code Compliance Priority Workshop to be scheduled in April 2013 (**Action Item**), will allow greater focus on the Commissioners' various code compliance concerns.

4. Residential Home Businesses

Current Status: At the direction of the Mayor and Town Commission, enforcement of the Local Business Tax Receipt and Certificate of Use provisions was stayed for Home Based Businesses for FY 2012/2013, until such time as code compliance priorities are established and additional resources are available. As time permits, the Code Compliance Division has continued to pursue information available on several internet based databases, including the Secretary of State's. However, the time and resources available for this task have been limited.

5. Bus Shelters: Commissioner Marta Olchyk

Current Status: All three bus shelters have been installed and the contractor is finishing restoration and clean up. Commissioner Olchyk has placed an item on this Agenda (**Action Item**) to determine if the Town Commission wishes to order three additional shelters at a cost of \$75,000 using the Transportation Fund. The three additional shelters will be located at 9011 and 9365 Collins Avenue and 9280 Harding Avenue. There still remain ten (10) other bus shelter locations for consideration if funding becomes available.

6. Beach Concessions

Current Status: The lease agreement with the State of Florida and Miami Dade County was presented to the County Recreation and Cultural Affairs Committee on September 10, 2012 and moved forward to the Board of County Commissioners on October 2, 2012. The lease application and documents are being prepared by Miami Dade County and will be submitted to the State for approval. Once the State approval is received, Miami Dade County along with the Town of Surfside, will have 10 months to submit a Beach Management Agreement to the State. This process has been slowed by the County's need to move forward on beach restoration along our entire coastline due to Hurricane Sandy. During this time the County will continue the every day beach maintenance it is currently providing to the Town of Surfside. At this time the County has not been able to provide an estimated time line for the State approval. Updated reports will be provided as the process moves forward and is completed.

7. 95th Street End Project

Current Status: Due to the need to complete the street end project contemporaneously with the 9501 building construction which began construction in mid-May 2012, the Administration has moved forward with the project for one block only using the architectural/engineering firm Bermello Ajamil (from the approved rotation). The Town Commission confirmed this on July 17, 2012 and selected the design "look" on August 15, 2012. The thematic design will be usable for all three blocks of 95th Street should the Town Commission determine to expand the project in the future. Bermello Ajamil has completed the design and submitted the bid package which will be advertised mid-March 2013 (**Action Item**). The project will be brought to the Town Commission for award during the April, 2013 Town Commission meeting.

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

Current Status: This program 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. A presentation was made by Chad Friedman and Steve Alexander regarding the program during the October 9, 2012 Town Commission meeting. Recently, Bay Harbor Islands agreed to join the program. This matter will be brought to the Town Commission during the April 9, 2013 meeting for a determination.

9. FPL/AT&T/Cable Undergrounding Project: Commissioner Michelle Kligman

Current Status: The Town Commission allocated \$300,000 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. FPL has completed the study of the cost of undergrounding Town-wide, the Town Commission authorized retaining bond counsel and financial advisor to assist with the project during the November 13, 2012 Town Commission meeting. During the December, 2012 Town Commission meeting, Staff was authorized to schedule five televised public meetings that have been held and a FAQ's was mailed to all addresses in the Town. At the direction of the Town Commission the cost estimate validation process has been contracted to HPF and Associates for \$2750. This firm has done similar work for Golden Beach and the Miami Beach Palm/Hibiscus Sunset Islands underground projects. This Agenda includes a sixth status report on the project (**Action Item**).

10. FEMA Flood Insurance Status

Current Status: On February 20, 2013, we received an informal reply from the FEMA office with regard to the status of the Town's January 30, 2013 response to the Community Assistance Visit (CAV) report. Of the seventeen (17) outstanding properties that were outlined in the Town's response, two (2) properties require additional information with regard to the certification of the required flood plain elevations and three (3) properties require minor remedial work to correct existing deficiencies. The remaining twelve (12) properties have been accepted and are in compliance with all the FEMA regulations as demonstrated in the Town's response and no further action will be required.

The Owners/Agents of the properties that require certification of the flood plain installation, have since been notified of the situation. The Building Official is working closely with them to assist in bringing the properties into compliance.

With regard to the three (3) properties that require remedial work, Owners/Agents have been notified of the deficiencies. The Building Official has visited the sites and is coordinating the effort to execute the required work. The Owners/Agents have agreed to cooperate with this endeavor and the Town has agreed to assume the costs associated with the repairs. A State Certified General Contractor has been retained to perform the work under the supervision of the Building Official. The costs have been estimated not to exceed \$3,500. This decision (**Action Item**) keeps the process moving and is far less costly than an uncooperative effort with related appeals.

Meanwhile, progress continues with preparations for the Insurance Services Office (ISO) visit. The Building Official is working closely with the staff to develop an outreach program to inform customers and home owners of the importance of proper flood plain management. The information will be posted on the Town's website during April 2013.

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

Current Status: The Spiaggia Condominium review has been completed and the building has been determined to be sixteen (16) usable spaces short from its required number of spaces. This is due to the design of the parking facility which makes certain spaces unusable. Staff in conjunction with the Town Attorney's office is developing a draft agreement with the Spiaggia condominium board to resolve the situation. The goal is to present the agreement to the Town Commission in May, 2013.

12. Dog Park: Mayor Daniel Dietch

Current Status: An agreement with the newly formed non-profit and the Town is scheduled to come before the Town Commission at the April 9, 2013 meeting. As the proposed site is at an existing pump station, which is being reconstructed as part of the final phase of the water/sewer/storm drainage project, an opening is anticipated, barring any unforeseen circumstances, in early May 2013.

13. Turtle Sculptures - Art in Public Places

Current Status: "Ruth the Turtle" made it to Newtown CT in time for the opening event of the Healing Newtown Through The Arts Center on February 14, 2013. Mayor Daniel Dietch, Ruth K. Broad K-8 Center Art Teacher Maggie Vidal-Santos and TEDACS Director Duncan Tavares represented the Town and School at the event. Details of this extraordinarily emotional event will be presented to the Town Commission as part of the March 12, 2013 meeting Agenda (Attachment 1).

Presently there is a dispute between one of the artists and Prince Media Development (PMD) with regard to the final artist stipend payment of \$150. The Town is held harmless in its agreement with PMD and the dispute is solely between the artist and PMD. A meeting was held with Heather Bettner, the Town Manager, TEDACS Director and the Legal Department to try and facilitate a resolution. Also discussed during that meeting was the vandalism to three of the Turtles - all occurring at busy downtown Harding Avenue locations. Efforts are underway to find a solution to make the sculptures more resistant to vandalism. Since the installation of the Turtles they have been on police watch and are each inspected a minimum of once a day, seven days a week.

From the standpoint of tourism development and creating an awareness of art, the project continues to be a huge success.

14. FDOT Surfside Repaving

Current Status: The Collins/Harding Avenue repaving project has been completed by FDOT. This leaves the Kane Concourse (96th Street) from the Surfside Town limits to Collins Avenue and Collins Avenue in Bal Harbour from 97th Street to the Haulover bridge projects to be completed. The stamped asphalt crosswalks on Harding and Collins Avenues were finished in December, 2012. Staff authorized an additional stamped asphalt crosswalk for the 93rd Street/Harding Avenue intersection to tie together the pedestrian path from the single family neighborhood to the Community Center at a cost of \$14,000. This cost will be covered in the final change order for the water/sewer/storm drainage project (**Action Item**).

15. Parking Structure Feasibility Study

Current Status: Rich and Associates is in the process of printing the completed draft study. The DVAC Parking Feasibility Subcommittee is scheduled to meet March 20, 2013 at 6 p.m. to review and analyze the study. The study will be brought to the Town Commission during the April 9, 2013 meeting.

16. Bal Harbour Shops Expansion Status Report

Current Status: Press coverage and discussions with Stanley Whitman confirm that Bal Harbour Shops has completed negotiations with the Church by the Sea. The members of the Church approved the agreement on June 3, 2012.

In a meeting on June 27, 2012 with Gus Pego, FDOT District Secretary, we were disturbed to learn that FDOT's role in reviewing traffic issues related to such large scale projects has been

virtually eliminated by the Legislature. This will make our negotiations with the Whitmans more difficult and greatly supports the decision to have a traffic study completed by CGA as a tool to support these negotiations. The study was completed during November, 2012, appeared on the December 2012 Agenda for the possible scheduling of a workshop and was deferred to the January, 2013 Agenda. The study was again deferred by the Town Commission and is included on the March 12, 2013 Town Commission Agenda. One area of particular concern is that an expanded number of commercial vehicles will serve the project and how those trucks will impact the 96th Street and Byron Avenue intersection. There is also a new development in that the Whitman family has announced that they will partner with Swire Properties to build a new very high end retail center in the new Brickell Center project at SW 7/8th Streets and Miami Avenue. They may also build a similar project in the expanded Miami Beach Convention Center redevelopment. The implication of this change for the Bal Harbour Shops expansion schedule is not known (Attachment 2).

Staff will monitor developments in the Bal Harbour Shops project and will keep the Town Commission updated with the Points of Light.

17. North Force Main/Building Better Communities Bond Program

Current Status: There is both progress and pushback on this effort to obtain funding for this critically important second sewage disposal alternative for Surfside, Bal Harbour and Bay Harbor Islands. Miami-Dade County WASD has retained the firm of Hazen and Sawyer to study the situation at the North Dade Regional Plant and the 163rd Street force main. This is recognition that something needs to be done that will resolve the issue which we keep top of their minds. The negatives are that specific projects which would facilitate acceptance of our sewage are not listed in the draft settlement agreement with EPA and FDEP. Surfside was represented in a community meeting held by WASD September 27, 2012 and our concerns were placed on the record. Roger Carlton, Donald Nelson and Mayor Daniel Dietch also attended a meeting held at WASD on October 25, 2012 in which the draft settlement agreement was further discussed. A new resolution was approved by the Board of County Commissioners that gave specific direction to the County Administration to consider innovative municipal projects as they prioritized the Building Better Communities bond funding. This amendment was written by your Town Manager and supported by County Commissioner Sally Heyman. Finally, the risks inherent in the Virginia Key plant (where our sewage is treated) have been documented in the Miami Herald.

In a recent conversation with Doug Yoder, Assistant WASD Director who is handling the negotiations with EPA and DEP, it was learned that an environmental group has filed a lawsuit which questions the advisability of upgrading shoreline sewer plants that may go underwater if global warming raises sea level. Therefore WASD is looking at the alternative of an inland plant at a higher elevation. There is a long way to go on this issue.

18. Best Western (Chateau) Project

Current Status: The Best Western property sale closed on March 27, 2012 in the amount of \$50 million. The Design Review Group (first step of the review process) met on August 2, 2012. A second DRG meeting was held on September 11, 2012 to complete this stage of the review. The Development Impact Committee met three times to review the project to negotiate certain items contained in the Resolution which were approved unanimously by the Planning and Zoning Board/Design Review Board on December 4, 2012. The Town Commission approved the Resolution in a 4 to 0 vote during the Special Meeting on January 24, 2013. Staff took the position that the nearly \$100,000 pass through costs for outside legal counsel, and Town consultants be reimbursed before the Resolution is filed with the Clerk of the Court. The applicant has posted the entire \$100,000 (\$50,000 in escrow) with the Town and has reserved the right to review all the costs before the final \$50,000 is released. That review is underway.

There is also an issue regarding lack of disclosure by the former Town Attorney and Special Counsel regarding the Town's use of Bill Bloom of Holland and Knight for assistance with the easement issue. The disclosure questions relates to the fact that Mr. Bloom told our Special Counsel that he also represented the Chateau Group and that information was not provided to the Town Commission. Commissioner Olchyk has placed an item on this Town Commission Agenda to remedy this situation in the future (**Action Item**) the memorandum informing the Town Commission of the issue is also included on this Agenda. The items are linked for discussion.

19. Island Community Initiative Automatic License Plate Reader Project (ALPR)

Current Status: The Island Community Initiative ALPR Project was originally planned as a new crime prevention program involving the Bal Harbour, Bay Harbor Islands, Golden Beach, Sunny Isles Beach, and Surfside Police Departments. Dispatchers and police officers in all of the communities would have been alerted automatically at police stations and on laptops in real time to stolen cars, BOLOs, Amber Alerts, Silver Alerts, and hot lists. The project would also provide inter-agency sharing of investigative intelligence. Surfside's cost was to be \$100,000 to become a participant in the project. In the original plan Surfside was slated to receive eight ALPR cameras to secure the south end of the five communities and to share a server.

The project has become complicated with issues including verifying vendor capabilities, retention of records, FDOT and Miami-Dade County right of way use approvals. Golden Beach moved ahead with a vendor on its own and began the installation of ALPR's and surveillance cameras. Sunny Isles Beach approved a different vendor at its December 2012 Commission meeting. Bay Harbor Islands is expected to piggy back on the Golden Beach contract. Bal Harbour is on hold at this time. Due to the complications, four of the five Towns have or will move ahead with their own ALPR systems.

Surfside has met with several vendors in January 2013 for review of their proposals. Surfside will be able to piggy back off either the Golden Beach or the Sunny Isles Beach contracts. On January 10 and 31, 2013, Police Department Staff met with Iron Sky, the vendor who was awarded the contract with Sunny Isles Beach. In order to secure the perimeter of the Town, the number of ALPR's will double and we will need our own server. The original cost was \$100,000 approved from forfeiture funds. The new cost is expected to be approximately \$250,000. Based on the new cost, we are investigating leasing the equipment which will still allow the project to be funded with forfeiture funds over a five year period. We have also learned that our red light camera vendor, ATS, has developed an ALPR capability. Given the fact that this company is an existing vendor, this should lower the cost significantly. Staff will continue to review the options and will make a recommendation in April, 2013.

20. Sidewalk Ordinance Implementation

Current Status: The Town is currently working on the roll out of the application process to the downtown businesses community with a goal of compliance by the October 1, 2013 Certificate of Use and Local Business Tax Receipt renewal deadline. All three requirements will be streamlined into a "one-stop" application process. Compliance is a challenge and appropriate actions are being pursued per the Code. There is a related item on the March, 2013 Agenda (**Action Item**) to clarify an ambiguity between the sidewalk café ordinance and the zoning code.

21. Imaging Town Documents

Current Status: Since the implementation of dedicated daily time given by the full time staff of the Building Department at the end of each business day, productivity in the scanning has increased. We have managed to organize all the files in the file room properly grouping them by address. Documents within each file are currently being organized chronologically and categorized by permit type. This methodology is allowing for more organization and consistency in terms of scanning. A log is being created that lists all the addresses in the jurisdiction of the Town. This log will allow for an accurate accountability and tracking of the files that have been scanned and that remain to be completed. As an alternative to speed the process, the Building Official is reviewing the potential to outsource a portion of the scanning. As of February 28, 2013, we have estimated that approximately 30 percent of the scanning has been completed. This number is substantially less than was represented by the previous Building Official. Procedures put in place by Ed Rojas will catch us up to previously reported percentage completion numbers over the next six months.

There is also a new report regarding monthly building permit activity which is presented to the Planning and Zoning Board. The first report (Attachment 3) in this new format is provided for your review.

22. Five Year Tourism Strategic Plan

Current Status: Two meetings were held for the business community on February 13, 2013 at the Town's Community Center to discuss the objectives of a Five Year Tourism Strategic Plan and to solicit input. Meetings with Silvia Coltrane and the Best Western operators were held the week of March 4, 2013. The consultants presented an update to the Tourist Board at their March 4, 2013 meeting. The consultants are on track with the timeline, analysis of existing tourism and marketing expenditures, reviewing the existing market research, reviewing current Resort Tax projections, reviewing the existing Resort Tax Ordinance, conducting an e-survey of area business and downtown property owners and the identification of target markets.

23. The Shul Project

Current Status: An application in sufficient form to start the Design Review Group process has been received and the first meeting was held on August 22, 2012. A second Design Review Group meeting was held on February 13, 2013. An additional meeting was held with Stanley Price representing the Shul, Town Manager Roger Carlton and Interim Town Attorney Linda Miller on March 1, 2013 to further refine the voluntary proffers including an alternative to a Payment In Lieu of Taxes (PILOT). Staff will keep the Town Commission aware as this project evolves.

24. Electric Car Charging Station: Mayor Daniel Dietch

Current Status: A meeting with the vendor, Police Parking and Legal Departments is being organized so that an agreement and accompanying resolution can be brought before the Town Commission at the April 9, 2013 meeting (Attachment 4).

25. 5 Year Parks and Recreation Capital Plan

Current Status: The Surf Club developer agreed to provide \$400,000 to this project and the Chateau developer has agreed to add \$200,000 for a total of \$600,000. During the Planning and Zoning Hearing meeting on the Surf Club held September 25, 2012, the condition was modified to allow the contribution to be used for any Parks and Recreation capital project subject to a comprehensive Parks and Recreation infrastructure plan. With \$600,000 in voluntary proffers to the Parks and Recreational capital budget, an initial meeting with the Parks and Recreation Committee to develop a Capital Plan was held on December 17, 2012. During the December 17, 2012 Parks and Recreation Committee Meeting the Second Floor of the Community Center was listed by the Committee as the top priority for the P&R Infrastructure Plan. A more comprehensive plan to detail cost and time frame for the proposed P&R projects was presented

to the P&R Committee during their February 11, 2013 meeting. During the February meeting eight (8) potential capital items were presented to the Committee for priority recommendations. At this time the group has listed the top four (4) priorities as Community Center second floor, Renovation of 96th street Park, Renovation of Tennis Center and Renovation of Hawthorne Tot Lot. The remaining four (4) items will be reviewed and ranked by the Parks and Recreation Committee during the March 18, 2013 Meeting. A report will follow by Staff to the Town Commission in April, 2013 detailing the Committee's recommendations if the Parks and Recreation Committee has completed its task.

26. Pool Tot Lot (Water Playground) Community Center

Current Status: Funtraptions, the original contractor for the Community Center water playground, is no longer in business and not available for any warranty work or repairs. At the completion of the project, a 10 percent retainer fee was held back by the Town until full satisfaction was met with the water play structure. The retainer (\$22,600) will be utilized to cover the cost of repairs of warranty items that need to be addressed. Reliable Pools, a local qualified contractor experienced in working with Funtraptions equipment has been retained to work on the repairs. The amount of retainage should be sufficient to achieve this goal. A technician from Reliable Pools was on site December 10, 2012 and again on January 7, 2013 and January 25, 2013. A set date for the completion of the work was scheduled for the end of January 2013 depending on the scope of work required. At this time Reliable Pools has been unable to meet the January, 2013 commitment for the completion of work needed. Due to other commitments on other large projects Reliable Pools has been unreliable.

At this time Staff has reached out to another vendor within the State of Florida that has had experience in repairing this specialized equipment. Water Works is the company and has been on site since January 28, 2013 reviewing the water playground operations and reviewing the water playground pool blue prints. Due to the complexity of the work to be performed Staff is working with Water Works to come up with a realistic time frame for the completion of work and cost associated with the this project. We are still operating within the original funds set aside for this project. The water playground continues to remain open. Updates will be provided as we move forward with the new vendor (**Action Item**).

27. Bullying Program: Commissioner Michelle Kligman

Current Status: The bullying program was held on January 16, 2013 in the Community Center Multipurpose Room. The event consisted of an informative session that included an expert panel in the control of bullying with a question and answer session and a showing of the movie *Bully*. The event was a great success with approximately 100 people in attendance. Commissioner Kligman has proposed a robust program that incorporates surrounding communities and the School Board to further

this program. A resolution defining this effort was approved by the Town Commission during the February 12, 2013 Commission Meeting. The resolution along with an outline for implementing the program will be introduced to the Parks and Recreation Committee during their March 18, 2013 meeting. This will be an ongoing process and updates will be provided each month in the Points of Light.

28. Seawall Project

Current Status: The seawall design project was awarded to Calvin Giordano and Associates with the commitment that the grant application cost would not be paid until a grant in the amount of not less than \$250,000 was made available (Attachment 5). The design work is underway. As a result of Hurricane Sandy, the seawall at Carlyle and 88th Street is near collapse, endangering the Town's \$250,000 investment in the new storm water pump station. It is necessary to do an emergency repair. A recommendation to declare the project an emergency was made to the Town Commission during the November 13, 2012 meeting. Based on authority granted at the November 13, 2012 Town Commission meeting, Staff applied for the emergency permit from Miami-Dade County and received quotes from Palm Beach Marine (\$60,000), BK Marine (\$88,000) and Shoreline Foundation Incorporation (\$92,000). Palm Beach Marine which provided the lowest quote, was the only firm proposing to do the work from the waterside and has been awarded the work. Miami-Dade County requested additional information on the emergency permit which was completed and the permit was resubmitted. The U.S. Army Corps of Engineers permit was received the last week of February, 2013. We anticipate receiving the Miami Dade County permit in mid-March, 2013. Once the permit is received, the notice to proceed will be issued (**Action Item**).

29. Traffic Calming Study

Current Status: This project reviews traffic flows, traffic calming devices and provides a model to simulate future traffic impacts. The study was completed in November, 2012 and has been deferred twice by the Town Commission and once by the Town Manager. The study will be brought back during the March, 2013 meeting for scheduling a workshop (**Action Item**).

30. Federal Road Designation Removal in Single Family Neighborhood

Current Status: A meeting was held with the FDOT District Engineer on September 13, 2012 to discuss the need to downgrade the single family streets to the lowest federal classification. The 10 year FDOT update is underway and we have provided necessary information to support the change. The downgrade was recommended by FDOT (Attachment 6) and the designation should be changed in late 2013. This is very important to ensure that our single family streets

maintain their current residential status. This is also important should the Town Commission determine to close Byron Avenue at 88th Street in the future.

31. Legislative Priorities

Current Status: A meeting with the Town Manager and Fausto Gomez took place on January 8, 2013 to discuss legislative priorities. A subsequent meeting was held January 10, 2013 with State Representative Joe Gibbons and Mayor Dietch to discuss how the Representative may be helpful. The Town Commission approved the legislative priorities during the January 15, 2013 meeting with an amendment and Fausto Gomez is working the issues in Tallahassee. The session began March 4, 2013 and we will remain in constant contact with Fausto Gomez. Two very significant items include a raid by FDOT on 50 percent of our on street meter revenues and changes to pension regulations which are both bad (lower the 7.5 percent earnings assumption) and good (allows us to use Section 185 money to supplement the basic pension).

32. Credit Card Accepting Single Space Meters

Current Status: During the September 19, 2012 Town Commission meeting, a 90 day experiment to install credit card accepting single meters was approved with IPS Inc. The thirty single space locations were identified and installation for the project was completed on November 20, 2012. An informational flyer was created and was advertised in the November, 2012 edition of the Gazette. A preliminary one month comparison of the revenue was conducted. The original thirty meters collected \$572 during the thirty day period before the new meters were installed. The credit card accepting meters collected \$1300 during the immediate thirty day period after installation. The new meters collected \$1900 during the second thirty day period. The final thirty day period of the ninety day experiment was completed on February 20, 2013 and showed similar increases. IPS Inc. has also agreed to upgrade the meters to a newer model which has a 100% larger display screen; a longer battery life of 3-5 years; built-in integration with Pay-by-Cell, IPS Sensor and IPS Smart Collection System technologies; and the capability to display advertising and public alerts at no additional cost. The recommendation to purchase the new meters based on convenience and increased revenue appears on the March 12, 2013 Town Commission meeting agenda (**Action Item**).

33. Solar Panels and TV Antennas (Dishes)

Current Status: Solar panels are becoming less expensive to install and more cost effective as technology advances. TV antennas (dishes) are proliferating where some buildings have as many as ten facing main streets causing visual clutter and excess wiring. Both devices are a part of urban life, however, guidelines need to be developed. Therefore this matter was sent to the Planning and Zoning

/Design Review Board for discussion during their January 31, 2013 meeting. The Board determined to take up the issues and Staff is preparing appropriate ordinances for the Board's review.

34. Regulation of Power Grass Blowers and Disposal of Yard Waste

Current Status: With the completion of our expanded and upgraded storm sewer system, the need to avoid landscapers blowing grass and leaves into the storm sewer has become apparent. In some cases we have already had to clean new storm sewers which became clogged with yard refuse. We have also found residential garbage and large piles of tree cuttings in the gutters which impedes the flow of water, blocks driving lanes and creates a visual mess throughout Town. Staff and the Interim Town Attorney are developing an ordinance which will better regulate this process for Town Commission consideration in early 2013.

35. Starbucks

Current Status: Starbucks is coming to the Condotti Men's Clothing Store location. It has been approved by the Planning and Zoning Board during their January 31, 2013 meeting. Look to enjoy a cup in Fall of 2013! Thank you to Sergio Castaneda for his long service to Surfside and welcome to our first national tenant in a very long time.

36. Beach Erosion

Current Status: Hurricane Sandy and very high full moon tides and wind have caused significant erosion on our beach. Due to the storm, Surfside lost up to 75 feet of beach (with nearly 25 feet returning by natural shift of sand) and was one of the least damaged segments of beach countywide. Staff has begun work on many fronts to ensure that various agencies with authority and funding initiate a renourishment program. A meeting was held with Miami Dade County staff on December 20, 2012 and the County has accepted responsibility for coordinating the renourishment. Town Staff will be kept updated as Miami Dade County moves forward with any renourishment project. The Town Commission will be kept aware monthly of progress with this matter.

37. Code Compliance Priorities Workshop

Current Status: The Mayor and Town Commission previously directed the Administration to schedule a workshop in April 2013 to address Code Compliance priorities. At the February 12, 2013, Commission meeting the Administration was asked to submit several dates that would be available for the workshop. The following dates in April (April 16th, 17th, or 18th) at 6:00 p.m., were identified for the Commission's consideration (**Action Item**). The Administration will move forward with the

Workshop on the date agreed to by the Commission, and is currently working on the agenda for the workshop which will be forwarded to the Mayor and Commissioners once completed.

38. Charter Amendment Implementation

Current Status: The Town Commission during the February 12, 2013 meeting determined to initiate the Charter review process no later than August, 2013.

39. Forty Year Building Certification on Collins and Harding Avenues

Current Status: As of February 28, 2013, notices have continued to be sent to property Owners and/or Condominium Associations. In an effort to educate and inform the community, we have posted information regarding the Forty Year Certification regulations, procedures and required documentation on the Town website. A log is being created that lists all the properties that have reached the 40 year mark and have been sent notice. The log will allow for the Building Department to track and monitor progress.

40. Sidewalk Staining to Match Colors

Current Status: The only remaining section of sidewalk to be completed is Harding Avenue from 94th Street to 96th Street. This work must be done at night and requires additional time to complete. Once Harding Avenue is completed workers will touch up driveway entrances along Collins Avenue.

41. Town Manager Recruitment

Current Status: This process nears completion with the ranking of candidates by the Town Commission February 26, 2013. Mark Taxis, Assistant Manager of Doral, was ranked first and the negotiation of an Employment Agreement with the assistance of Brett Schneider, Outside Labor Counsel, is underway (**Action Item**).

42. Mt. Sinai Bus Route: Commissioner Michelle Kligman

Current Status: Staff reviewed the bus rider records kept by Sunny Isles Beach and discovered that during a six month period from June 1, 2012 thru December 31, 2012 they did not transport any Surfside residents to Mt. Sinai. Based upon this information, providing bus service to Mt. Sinai is not warranted, however, as per the direction of the Town Commission during the February 12, 2013 Agenda, contact will be made with the Miami Dade County Special Transportation Service (STS) and

the new Jewish Family Service program to determine what alternatives are available. A report will be made in April, 2013 regarding this item.

43. Outdoor Fitness Equipment: Commissioner Joe Graubart

Current Status: The Parks and Recreation Department was requested to research the possibility of installing outdoor fitness equipment at the Community Center. The two possible areas for the equipment to be placed would be on the green space area east of the pool deck or on the pool deck. Installing the equipment on the green space would reduce area that is used for special events. Staff would have to monitor the green space area more closely to ensure resident use only and there would be additional wear and tear on the grass leading to the equipment. The benefits of installing the equipment on the green space would be shade provided by the seagrape trees, large green open area with little congestion on a daily basis and out of the way from the public. Installing the equipment on the pool deck would eliminate pool deck space for lounge chairs, shade area that is limited and Staff would have to supervise the patrons using the equipment (i.e. young children playing on the equipment). Staff suggests that a minimum of three different pieces of equipment be considered. This would include machines focusing on upper body, core section and legs (lower body).

Staff is still researching the cost estimates, however, it is estimated that each piece of equipment would cost in the range of \$2,000 - \$3,000. This would include the equipment only. It is estimated that the total cost for installation and the equipment would be between \$8,000 and \$11,000 depending on the vendor and equipment selected. The warranty on the equipment ranges from 2 years to 10 years. The installation would have to be approved by Department of Environmental Protection if the equipment is installed in the lawn area east of the bulkhead. Based on the complexity of this project, the funding necessary and the potential for requiring Staff resources to monitor use, it was recommended that this project be discussed during the FY 13/14 budget process. The Town Commission directed this item to be included for review for funding during the FY 13/14 budget process. Item completed until FY 13/14 Budget process is underway.

44. Plastic Bag Ban

Current Status: The Town Manager and Interim Town Attorney are reviewing ordinances from other communities for this initiative proposed by Peter Glynn during the January 15, 2013 Town Commission meeting Good and Welfare discussion. This is not viewed as a high priority and progress will be made as Staff resources allow.

45. Report on Tracking Development Orders

Current Status: Staff is working with Vice Mayor Michael Karukin to develop a system. It is our goal to initiate the new system as an element of the April 12, 2013 Town Commission meeting Agenda.

46. Discussion of Joint Park with City of Miami Beach

Current Status: Initial contact has been made with the Miami Beach Interim City Manager Cathy Brooks for this project located south of the Tennis Center and discussions have begun with our Parks and Recreation Committee. A coalition of tennis advocates is beginning to form in the same manner as the Dog Park and Community Garden. There is a long way to go on this concept and it is suspected that progress will not occur until a new Miami Beach Manager is named (Attachment 7).

47. Surf Club

Current Status: Staff and the Interim Town Attorney's office have been contacted by Fort Capital, the developer, to review a possible amendment that would incorporate aesthetic and lowered density suggested by architect Richard Meier and Kobi Karp. The combined DRG/DIC meeting on the revised proposal was held March 4, 2013. The item was forwarded to the Planning and Zoning Board for their review in late March, 2013. The date for their meeting has not been finalized due to the Passover Holiday.

48. Update Emergency Operational Plan

Current Status: Town Staff held an initial planning meeting to update the Town's Emergency Operation Plan. The Department Heads were assigned to their areas of responsibility. Department Heads are required to ensure that their personnel have the mandated NIMS training. Emergency plan information was collected and provided to the consultant to add to the update. The updated Plan will be presented to the Town Commission in April, 2013.

49. Delivery of New Bus

Current Status: The new bus is expected to be delivered to the dealer the first week of March, 2013 and the "skin" with the Town's new graphic design will be applied (Attachment 8). The bus will be in service by the end of March, 2013 and the existing bus will be held in reserve to avoid the need to contract bus service whenever possible.

50. Scholarship Program: Commissioner Marta Olchyk

Current Status: Commissioner Olchyk has volunteered to spearhead the selection of the scholarship program committee and selecting two scholarship award winners to the Parks and Recreation Committee during the February 11, 2013 meeting. The Parks and Recreation Committee has accepted the responsibility of reviewing and determining two overall winners of \$1,000 dollars each. The number of scholarships and the amount was approved by the Town Commission during the February 12, 2013 Commission Meeting. The Parks and Recreation Committee requested that the program be advertised by the Town on the website, Gazette and at all Town facilities and sources. This advertising process has been completed. The application deadline is April 26, 2013. All qualified applications will be reviewed by the Parks and Recreation Committee in May, 2013 and the winners will be presented to the Town Commission during the June 2013 Town Commission Meeting.

51. Online Bill Pay: Vice Mayor Michael Karukin

Current Status: The on-line payment by credit card of the water and sewer and storm water utility bills by residential and commercial customers is projected to be completed by the end of March, 2013. The Finance Department is currently working with SunGard (the utility billing software application) to set up test files with simulated customer accounts to test the process. This test process includes the coordination with SunTrust Merchant Services, the credit card processor, CBOSS and the utility bill preparer, Municipal Code Corporation.

52. Street Signs Replacement

Current Status: This item is deferred until the final costs of the water/sewer/storm drainage project are known (**Action Item**).

53. Website - Citizen Request Management (CRM)

Current Status: Based on very low usage of the existing feature in the Town's new website, the upgraded CRM will no longer be considered (**Action Item**).

54. Indian Creek Village Settlement Agreement Update

Current Status: We have received the first payment in the amount of \$100,000 from Indian Creek Village. The original resolution approved by the Surfside Town Commission established the due date for the funding as the end of December, 2012. The schedule for the Indian Creek Village Council did not allow approval of the required amendment until the end of February, 2013. Therefore the Town

Manager extended the date (**Action Item**). The remaining \$50,000 will be paid when the beautification/undergrounding of 91st Street is 50 percent complete.

55. Collins Avenue Sidewalk Utility Box Repairs: Commissioner Marta Olchyk

Current Status: Per the request of Commissioner Olchyk, a walking survey has been completed and all utilities have been requested to make repairs.

56. Possible Mid-Block Access to Abbott Lot

Current Status: TEDAC Director Duncan Tavares and Town Manager Roger Carlton met with Donald Kahn who owns the Subway and the two stores to the north to discuss a new building proposed for the site and the potential for access to the Abbott lot. There will be more to report on this during the April 9, 2013 Town Commission meeting.

57. Film Permit Study

Current Status: This project has languished far more than a year. The item will be scheduled for discussion during the April 9, 2013 Town Commission meeting.

These items have been completed and deleted from the February 2012 Points of Light report

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Ruth K. Broad/Bay Harbor K-8 Center



COVER PHOTO: TURTLE TO HEAL

Students in Maggie Vidal-Santos' art class at **Ruth K. Broad/Bay Harbor K-8 Center** decorated a loggerhead turtle sculpture. Affectionately named *Ruth the Turtle*, the sculpture is part of the Town of Surfside's public art program *Tales of the Surfside Turtle*.

Ruth the Turtle will reside in Newtown, CT. The students and the Town of Surfside donated the sculpture as a healing gesture. And Ruth will be in good company, as Sandy Hook Elementary has a beloved pet turtle named Shelley who has been relocated with the students.

Aventura • Bal Harbour • Bay Harbor Islands • Biscayne Park • Eastern Shores • Golden Beach
 Highland Lakes • Miami Shores • North Miami • North Miami Beach • Ojus
 Skylake • Sunny Isles Beach • Surfside + Hallandale Beach (special Uptown neighbor)

Media Advisory



Miami-Dade County Public Schools

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FOR IMMEDIATE RELEASE

Thursday, February 7, 2013

CONTACT: John Schuster

Miami-Dade County Public Schools
305-995-1126

MEDIA ADVISORY

RUTH K. BROAD/BAY HARBOR K-8 CENTER AND TOWN OF SURFSIDE TO DONATE 'RUTH THE TURTLE' SCULPTURE TO NEWTOWN, CT

- WHO:** Ruth K. Broad/Bay Harbor K-8 Center students, teachers, staff, district officials, and Town of Surfside representatives
- WHAT:** Donation of Turtle Sculpture to Newtown, CT
- WHEN:** Friday, February 8, 2013
10 a.m.
- WHERE:** Ruth K. Broad/Bay Harbor K-8 Center
1155 93 Street
Bay Harbor Islands, FL 33154
- WHY:** Students in Maggie Vidal-Santos' art elective class at Ruth K. Broad/Bay Harbor K-8 Center decorated a loggerhead turtle sculpture that they affectionately named "Ruth the Turtle." The sculpture is part of a unique public art event in the Town of Surfside.

The Town of Surfside and Ruth K. Broad/Bay Harbor K-8 Center are donating the sculpture to Newtown, CT as a healing gesture. Sandy Hook Elementary has a beloved pet turtle named Shelley who has been relocated with the students. The turtle sculpture will be delivered to Connecticut and arrive for February 14 to be presented to the families of Newtown, CT.

The donation will be accepted by Healing Newtown, which was established to manage the overwhelming response from the art community and outpouring of support nationally and worldwide. Healing Newtown plans to develop a sustainable operation for long-term healing through arts-based efforts.

#

13-JJS/026/VVL

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Local News

So. Fla. students donate turtle sculpture to Newtown survivors



Posted: 02/08/13 at 6:05 pm EST

BAY HARBOR ISLANDS, Fla. (WSVN) -- Some South Florida grade school children donated a loggerhead turtle sculpture to the students of Sandy Hook Elementary.

The Ruth K. Broad Bay Harbor K-8 Center and the Town of Surfside made the generous gesture to the survivors of the Newtown, Conn. massacre as a healing gesture.

The sculpture, named "Ruth," was decorated by the students themselves. Sandy Hook Elementary had a beloved pet turtle named Shelley.

The students who worked on the project are hoping Ruth and Shelley can bring students peace and hope. "Well, suppose they have negatives," said Jorge Cortes, one of the students who worked on the sculpture. "We're gonna turn [them] into a positive by giving them this masterpiece that our classroom made," he continued.

Adam Lanza opened fire on students and staff at Sandy Hook Elementary Dec. 14, killing 20 children and six adults. The gunman also killed his mother and would take his own life, as well.

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Date: Fri, 8 Feb 2013 19:22:34 -0500

To: Roger Carlton <RCarlton@townofsurfsidefl.gov>

Subject: So. Fla. students donate turtle sculpture to Newtown survivors

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So. Fla. students donate turtle sculpture to Newtown survivors

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So. Fla. students donate turtle sculpture to Newtown survivors

Video updated on: 2013.02.08 at 06:06 PM EST

Story posted 2013.02.08 at 06:10 PM EST

BAY HARBOR ISLANDS, Fla. (WSVN) -- Some South Florida grade school children donated a loggerhead turtle sculpture to the students of Sandy Hook Elementary.

The Ruth K. Broad Bay Harbor K-8 Center and the Town of Surfside made the generous gesture to the survivors of the Newtown, Conn. massacre as a healing gesture.

The sculpture, named "Ruth," was decorated by the students themselves. Sandy Hook Elementary had a beloved pet turtle named Shelley.

The students who worked on the project are hoping Ruth and Shelley can bring students peace and hope. "Well, suppose they have negatives," said Jorge Cortes, one of the students who worked on the sculpture. "We're gonna turn [them] into a positive by giving them this masterpiece that our classroom made," he continued.

Adam Lanza opened fire on students and staff at Sandy Hook Elementary Dec. 14, killing 20 children and six adults. The gunman also killed his mother and would take his own life, as well.

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Story posted 2013.02.08 at 06:10 PM EST

From: Jennifer Johnston [<mailto:balletteach101@yahoo.com>]
Sent: Tuesday, February 12, 2013 4:17 PM
To: Duncan Tavares
Subject: Fw: Ruth The Turtle

OMG - yes she has arrived and she is BEAUTIFUL! Thank you!

----- Forwarded Message -----

From: Donna Mangiafico <djmangiafico@aol.com>
To: Jennifer Johnston <balletteach101@yahoo.com>
Sent: Tuesday, February 12, 2013 3:27 PM
Subject:



Sent from my iPhone

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Healing Newtown Through the Power of the Arts

Newtown and the Sandy Hook Community are deeply appreciative of the outpouring of love, support and generosity from our fellow citizens locally, regionally, nationally and worldwide.

To facilitate support and coordinate arts-focused efforts made on our behalf for today, tomorrow and into the future we have designated this website to be managed by the Newtown Cultural Arts Commission, supported by the Cultural Alliance of Western Connecticut and the Connecticut Office of the Arts (COA).

As Newtown and the Sandy Hook Community work through the many stages of healing we invite you to visit this site often to learn how you can help and how to become part of our arts healing process. This arts action team will address all related inquiries, ideas, and fundraising. An official arts healing fund has been established for this purpose.

DONATE NOW

Special Announcement:

The New York Philharmonic will be at WestConn March 9th - all proceeds to benefit HealingNewtown! For tickets:

http://www.wcsu.edu/tickets/Show_pages/NYPhilharmonic.htm
(http://www.wcsu.edu/tickets/Show_pages/NYPhilharmonic.htm)

The event will begin at 2 p.m. with "Fun with the Philharmonic," during which children can join a musician for musical games. At 3 p.m., the concert will feature works by Bizet, Mozart, Britten and more. Concert-goers can experience "Hands-On Fun" at 3:45 by trying a string instrument.

Special Announcement:

CLICK HERE: "[Connecticut Voices For Heroes" CD Release Party!](https://www.facebook.com/events/128288004016076/)
(<https://www.facebook.com/events/128288004016076/>)

Saturday, March 23rd - Crowne Plaza Danbury - 4pm to 9pm
PUBLIC EVENT. Please JOIN to tell us you are coming!

To learn more about "Voices for Heroes please visit their website: [Voices For Heroes](http://www.voicesforheroes.com/) (<http://www.voicesforheroes.com/>)
All proceeds go to HealingNewtown

Special Announcement:

Tickets now on sale for "RANDOM ACTS OF MUSIC" Friday April 12th, 7pm at Edmond Town Hall - only \$15! All proceeds are being donated to HealingNewtown. Click [HERE](https://www.vendini.com/ticket-software.html?)
(<https://www.vendini.com/ticket-software.html?>)



Department of Economic and Community Development
Office of the Arts

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More Information: Email info@HealingNewtown.org
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Tel. 203-364-9230

Visit HealingNewtown Arts Space
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HealingNewtown Arts Space Hours

Sunday: Noon to 4pm

Monday: 10am to 3pm

Tuesday: 10am to 3pm

Wednesday: 10am to 7pm

Thursday: CLOSED

Friday: 10am to 7pm

Saturday: Noon to 4pm

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Healing Newtown Image Gallery

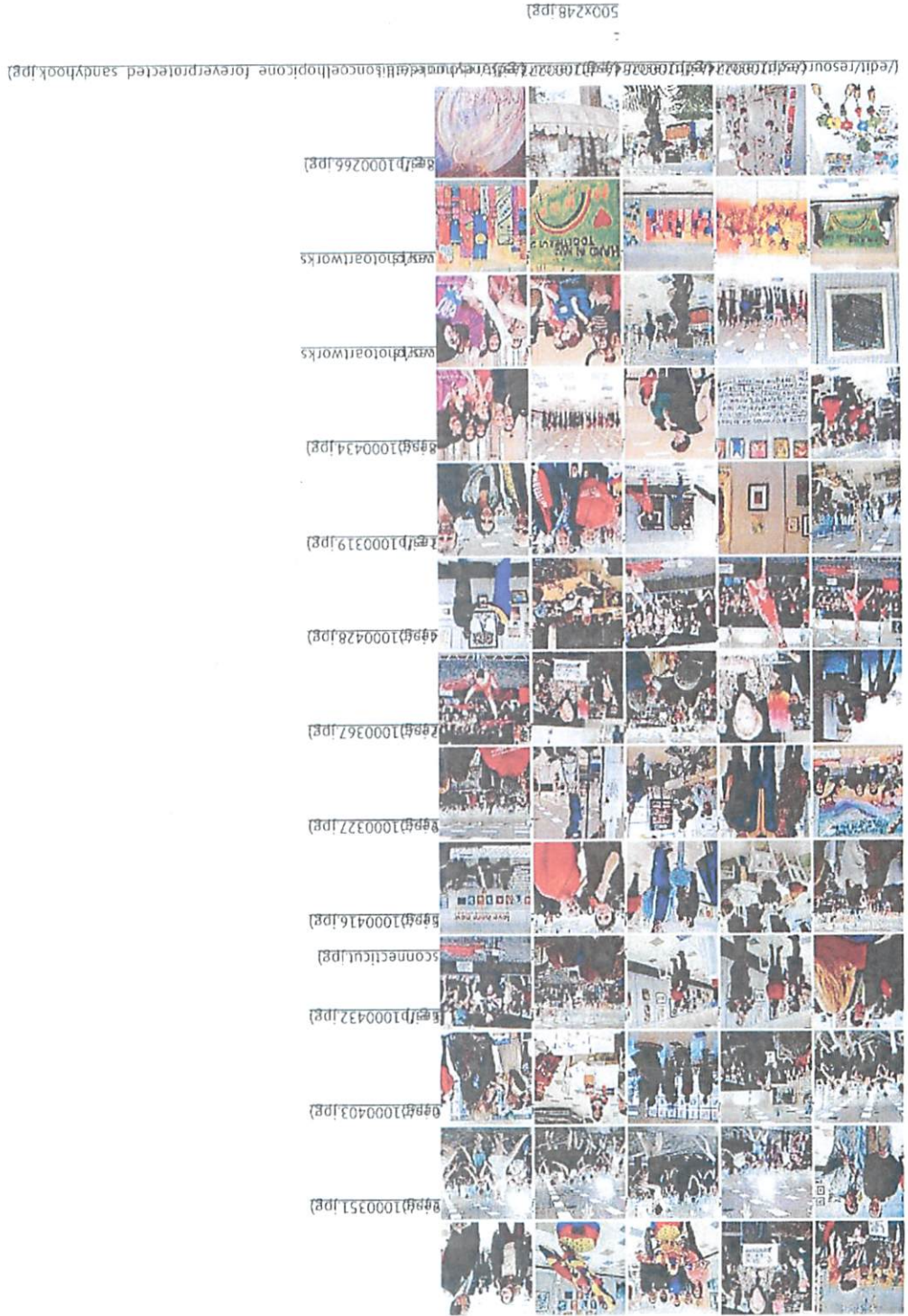
HEARTS WITH SANDY HOOK (<http://www.heartswithsandyhook.com>)
 Zynga players from around the world searched for a way to express their support for the families and community of Newtown. Nearly 1 million did. The "Hearts with Sandy Hook" site was created to share players' heartfelt messages of love and hope. The visualization was created by artists and engineers at Zynga and shared with the Newtown community through the United Way of Western Connecticut. The United Way in turn reached out to The Cultural Alliance of Western Connecticut and the Newtown Cultural Arts Commission (the sponsors of HealingNewtown) for us to share with Newtown and the world. Please do visit their site and this remarkable gift from 1 million people. <http://www.heartswithsandyhook.com> (<http://www.heartswithsandyhook.com/>)

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http://wagnerphotography.smugmug.com/Other/Healing-Newtown/27416395_m2GKkW#i=2305791144&k=fJlBMLJ Darren Wagner

Photo Art Works (http://www.smugmug.com/gallery/28051609_jhCjzr#!i=2369388566&k=LdH5sL5) Marleen Cafarelli

From The Newtown Bee:
Grand Opening Held For HealingNewtown Art Space
http://newtownbee.com/News/News/2013-02-15_13-34-53/Grand+Opening+Held+For+HealingNewtown+Art+Space





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Celebrating a day of love in Newtown

Updated: Thursday, 14 Feb 2013, 10:55 PM EST
Published : Thursday, 14 Feb 2013, 5:56 PM EST

- Nneka Nwosu

NEWTOWN, Conn. (WTNH) -- On this valentine's day, a day when we celebrate love, the focus at the grand opening of "Healing Newtown" is showing love and healing hearts.

From magicians making cards disappear, to jugglers teaching tricks and kids making jewelry out of clay, "Healing Newtown" is a new space that hopes the arts will mend hearts broken by tragedy.

Artist Pedro Yanowitz brought this wall where visitors create art out of healing words. The New York City resident says a similar interactive project was affective post 9/11.

"When a tragedy strikes on a place, it's just nice to have a creative outlet," said Yanowitz.

For Carlo Tischio's daughter, Teresa, singing helped her heal.

"I think there are all different ways to express our grief and when we find outlets for it, then we can let it go," said Tischio.

She was one of dozens of kids to attend the grand opening of the arts space this Valentine's day, exactly 2 months after a gunman entered Sandy Hook Elementary School, killing 20 children and 6 adults.

For Newtown children like Ryan Greguski, this is a place where kids can be kids.

"It's fun for everybody to have something fun to do," said Greguski.

It is just a temporary space. The purpose of the event is also to fundraise so Healing Newtown can move into a permanent space and continue the work many say is so necessary.

"I think art is always good for everyone, in every circumstance. It's a way to express yourself, so it's a good idea," said Newtown resident Janice Tarten.

And through art they show the world after Tragedy. They "see the sun shining again."

"Everyone that's up there right now is just breaking my heart. They're just such beautiful expressions and words. I couldn't pick just one but there's magic going on," said Yanowitz.

Advertisement



The advertisement features the University of New Haven logo and name at the top. Below is a photograph of three people in a classroom setting. To the right of the photo, the text reads: "Graduate OPEN HOUSE" in red, "MARCH 20" in blue, and "4:30 p.m.-6:30 p.m." in black. At the bottom right, there is a red link that says "Click here to learn more." with a mouse cursor icon.



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Newtown Arts Center Opens With Whiffenpoofs, An Acrobat, Painted Turtle

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February 14, 2013, By MATTHEW STURDEVANT, msturdevant@courant.com, The Hartford Courant

NEWTOWN — Since September, Maggie Vidal-Santos has had her class of middle school students in Bay Harbor Islands, Fla., painting a fiberglass turtle with the plan of displaying it in nearby Surfside, outside Miami.

"I have 31 students and I designated a space for each student to work on," Vidal-Santos said, describing the bright yellow, blue and red loggerhead turtle, similar to those that nest on Florida's beaches

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Then the Dec. 14 shooting at Sandy Hook Elementary School in Newtown gave the class another idea

They heard that Sandy Hook educators were moving the school mascot, a live turtle named Shelly, to the Chalk Hill School in Monroe, where they have been attending classes since the shooting

So now the fiberglass turtle from Florida, named Ruth, has become a gift to Newtown

"We ended up calling it 'Ruth meets Shelly,'" Vidal-Santos said

Ruth was among a number of art projects on display in a vacant former Ace Hardware store next to Caraluzzi's grocery in the heart of Newtown. The donated space is a temporary venue for the brand new HealingNewtown Arts Space. Hundreds of people gathered Thursday for the opening of the art gallery and performance-art venue

HealingNewtown is designed to promote using art to mend emotional scars from the school shooting that left 20 first-grade students and six educators dead

Gov. Dannel P. Malloy and First Selectman E. Patricia Llodra both spoke at the opening on Valentine's Day, exactly two months after the shooting

"This is a magnificent way to continue the process of bringing people together, of healing as much as we can over whatever period of time we have to heal. It is in so many ways therapeutic to be able to experience art around this issue and in support of the community," Malloy said

Llodra thanked people for their efforts in making the art center, drawing laughs when she said, "I have absolutely no art talent, but I'm the world's best appreciator."

Crowding around a stage in the middle of the plaza store, people watched Yale's a cappella group, The Whiffenpoofs, sing "Somewhere Over the Rainbow," and other songs. Later, acrobat Li Liu of Cirque du Jour twirled three plates on thin sticks with her left hand while standing on her right hand and pointing her toes to the ceiling, among other remarkable gymnastic feats

The performance that had some people choking back tears was a combination of dance and singing by the Newtown Centre of Classical Ballet and a Newtown children's chorus

HealingNewtown Arts Space, at 5 Queen St., also began fundraising Thursday, in part to generate money for a permanent location. It will be open during regular business hours. The center is operated by volunteers in the Newtown Cultural Arts

Turtle
Art Therapy

Commission and supported by the Cultural Alliance of Western Connecticut, the state Department of Economics and Community Development and the Connecticut Office of the Arts

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The center will display donated works, but it will also offer art therapy, performances and workshops, said Jennifer Johnston, chairwoman of the Newtown Cultural Arts Commission. The Arts Center is the official body coordinating memorial submissions and planning the use of gifts donated to the town as memorials.

Antonio St. Lorenzo and his wife, Courtney McKenna, of Newtown watched the acts with their daughter, 5-year-old Lucia St. Lorenzo. Lucia took part in a theater workshop at the art center a few weeks ago — the center has been in the works since the week after the shooting.

"I was really moved by the performance with the children," McKenna said. They moved to Newtown last summer from Westport and the art center is an example of the bond people in town have had since Dec. 14.

"This terrible tragedy awakens a humanity in people," she said.

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The Register Citizen (registercitizen.com), Serving Torrington, CT

News

Newtown's HealingNewtown Arts Space opens; Malloy attends event

Friday, February 15, 2013

By Mark Zaretsky

mzaretsky@nhregister.com

@markzar on Twitter

NEWTOWN >> It will take more than just an art show, or even a series of art shows, to heal Newtown.

But on Thursday, at the Valentine's Day grand opening of the new HealingNewtown Arts Space, dozens of kids made bells and jewelry, created on-the-spot poetry and printed t-shirts as a couple of hundred people watched Yale's Whiffenpoofs sing African-American spirituals and other timeless classics.

Newtown singer-songwriter Jim Allyn sang with the Newtown Youth Choir to provide a backdrop for young dancers from the Newtown Center of Classical Ballet.

Li Liu of Cirque du Jour, a Beijing-born acrobat, got Newtown kids spinning plates on sticks after performing her own feats of wonder to the tune of "El Condor Pasa," the most famous Peruvian folk song.

Artists who flew — and drove — in from as far away as Florida and Chicago for an opening that featured art they donated in the wake of the Dec. 14 tragedy that extinguished the lives of 20 first-graders and six educators at Sandy Hook Elementary School met and swapped stories with Newtown artists whose work hung right alongside.

Gov. Dannel P. Malloy and his wife, Cathy, stopped by. So did Lt. Gov. Nancy Wyman and First Selectwoman Patricia Llodra.

Lots of Newtowners smiled and laughed.

There was reason for optimism.

"It is comforting to know that you're not alone," said Newtowner Carolyn DePasquale, whose husband, Adam, is one of the pastors of the Walnut Hill Community Church in Bethel. She said she came to the grand opening "just to be a part of the community."

It made DePasquale feel good "to think that all these people were thinking of us when they made these things," she said as she walked around the new HealingNewtown Arts Space in the former Newtown Ace Hardware space.

Earlier, Jennifer Johnson, chairwoman of the Newtown Cultural Arts Commission, which created the Arts Space at 5 Queen St. with support from the Cultural Alliance of Western Connecticut and the state Department of Economic and Community Development's Connecticut Office of the Arts, had explained that the purpose was to lift people's spirits and

help promote healing.

"At a difficult time like this, it is important for all of us to realize the important role art can play" in healing, Johnson said. "Now this space will be here" as part of an "arts-focused healing process."

And for DePasquale, at least, it was working.

Ditto for Jen Meyer and Jill Baimel and their children, Ellie Meyer and Jack Baimel, both 8. They all stopped in at the Healing Newtown Arts Space opening — where Jill Baimel was among the exhibitors — after attending the March for Change in Hartford.

"It's great," said Jen Meyer, who said what brought her there was "just curiosity. We were touched by all the things that people donated" to the town in the wake of the tragedy, she said.

"It's nice that it's brought people together," Meyer said.

"It's amazing how global it all is," said Baimel, whose photo was one of the more striking things on exhibit. It's a mostly black-and-white photograph of two sets of hands, one slightly darker and larger than the other, cradling a hand-tinted green heart.

On the opposite wall of the gallery hung a mixed-media "Tree of Life" artwork by Lonnie Posley Sr. of Joliet, Ill., near Chicago — who drove 16 hours straight with his two brothers, Douglas and Steve, to deliver the artwork in time for Thursday's opening.

He hopes that viewing it will be as healing for Newtown as creating it was for him.

Work on the piece began soon after the shootings.

"I was in the bed laying down, and when I woke up, I could hear the voice of God saying, 'You need to dedicate a piece to Newtown — because it healed you and it can heal them,'" Posley said.

While the Arts Space was created with outside support, the hope is to make it locally self-sustaining over time, said Llodra. To donate to support future activities can get information and a schedule of upcoming events at www.healingnewtown.org.

Posley, an ordained minister at the New Canaanland Church in Joliet who owns galleries in Joliet and Chicago, began creating trees of life to work through his own pain after his mother died of breast cancer and later his son, four years ago, was diagnosed with schizophrenia and as bipolar.

The pain Posley experienced in his life plunged him into a deep depression and "this healed me from depression," he said of the Tree of Life. "God has just opened up so many doors."

Meanwhile down in Bay Harbor Islands, Fla., just north of Miami Beach, Maggie Vidal-Santos and 31 of her sixth- and seventh-grade students at the Ruth K. Broad Bay Harbor K-8 Center were already working on a three-foot fiberglass turtle — named "Ruth" — when they heard about what happened at Sandy Hook.

Somewhere in one of the news accounts, it mentioned that Sandy Hook School's mascot was Shelley the turtle. It was the kids who decided that they needed to send Ruth up to meet Shelley and try to cheer her — and her kids — up, Vidal-Santo said.

Ruth — who the kids were painting in colorful shades of red, yellow, gold and white, with each student doing one shell panel — was almost done at that point.

Now, "It's our gift," to be used as Newtown sees fit — although "we'd really hope it could end up at the school with the kids," she said.

Call Mark Zaretsky at 203-789-5722.

URL: <http://www.registercitizen.com/articles/2013/02/14/news/doc511dc13b41639423302347.prt>

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A Grand Opening For HealingNewtown Art Space

By [Eliza Hallabeck](#)
 Monday, February 18, 2013



Governor Dannel P. Malloy spoke at the grand opening event for the HealingNewtown Art Space on Thursday, February 14.

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Popular this week

The HealingNewtown Art Space was filled with people, looking at art on display, talking between themselves, and participating in activities before Governor Dannel P. Malloy, Newtown First Selectman Pat Llodra, and Newtown Cultural Arts Commission Chair Jennifer Johnston spoke at the space's grand opening on Thursday, February 14.

"Today, Valentine's Day, marks the two-month anniversary of the tragic day at Sandy Hook," said Ms Johnston, who was the first to speak at the event. "Since that day, Newtown and the larger Sandy Hook community have been the recipients of an outpouring of love, support, and generosity from artists throughout the world."

People have wanted to help, said Ms Johnston, and said, "At a difficult like this it is so important for us to realize the magnitude of the arts, and how people, especially children, express themselves through the arts."

Around the HealingNewtown Art Space, located next to Caraluzzi's Market at 5 Queen Street, some of the donations of art could be seen as the first exhibit of permanent and rotating exhibits that will be displayed there.

While the space, donated by Brause Realty Inc, recently opened and began offering programs, the grand opening event marked the official opening with an open house, activities, and speakers.

At the center of the space on Thursday, the Newtown Juggling & Circus Arts Club offered demonstrations and invited others to practice at the art, and along the walls of the space other stations were set up for people to participate in artistic activities.

Members of Ben's Bells, an organization that was created by a couple in Tucson, Ariz., as a reaction to their son's sudden death, had a table set up where people could create their own bells to distribute in communities that have faced traumatic incidents.

Near the back, children were making paper hearts to share words of love and peace in different languages. According to Desirée Galassi,

- » [Elected Officials Are Fundamentally Dishonest](#) (1,670)
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who was overseeing the effort, the hearts will be distributed at the Connecticut Council of Language Teachers (COLT) World Language Rhyme Celebration, which will be held at the Academy of International Studies Magnet School in Danbury on March 21. The Paper Hearts Project will also be set up on February 24 from noon to 5 pm at the scheduled Community Giveaway at Reed Intermediate School.

The grand opening also offered live music and refreshments.

“This space will be here to facilitate, support, and coordinate arts-focused healing efforts,” said Ms Johnston.

To create the HealingNewtown Art Space, Ms Johnston said the Newtown Cultural Arts Commission joined forces with the Cultural Alliance of Western Connecticut and the Connecticut Office of the arts.

“This project will be managed by the Newtown Cultural Arts Commission,” said Ms Johnston, “[and] will serve as a family-focused center to promote healing for the entire community.”

Ms Johnston said the Newtown Cultural Arts Commission hopes to raise the funds needed to make the HealingNewtown Art Space a permanent Newtown fixture.

When Gov Malloy spoke, he recognized Mrs Llodra for all the work she has done in the last couple months, and asked those in attendance to thank her “one more time” with a round of applause.

“This is a magnificent way to continue the process of bringing people together, of healing as we can over the period of time we have to heal,” Gov Malloy said.

He thanked all of the people who helped to make the HealingNewtown Art Space possible, and said the Newtown community has been an inspiration for the rest of the world.

“You may not fully appreciate inspiration that you are,” the governor said, “but I can tell you, when I am speaking to leaders around the country, for that matter around the world, they know how this community has come together, how this community has worked, and how beautiful a community it actually is.”

When Mrs Llodra spoke, she also said the town has so much to be proud of.

Following the events of 12/14, Mrs Llodra said she thought of the Newtown Cultural Arts Commission first to become the “archivists” of all the support that was coming into town.

“I can tell you, my heart was just so happy when I heard they had a space to start storing some of the wonderful gifts that we were getting,” said Mrs Llodra.

The first selectman also said she hopes the space will be a permanent one for the Newtown Cultural Arts Commission.

Further information about the planned events and more listings are available at www.HealingNewtown.org, and a longer story and slideshow of the opening is available at www.newtownbee.com.

More stories like this: [12/14](#), [art](#), [Malloy](#), [NewtownHealing](#)
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The Miami Herald

Posted on Fri, Feb. 22, 2013

Surfside gives Newtown turtle sculpture as Valentine of healing

By ANGEL L. DOVAL
The Miami Herald



Ruth the turtle is flanked by the students at Ruth K. Broad Bay Harbor K-8 Center Feb. 8 during a ceremony announcing the donation of the fiberglass turtle to Newtown, CT.

President Lyndon Johnson once said that peace is a journey of a thousand miles and that it must be taken one step at a time.

On Feb. 8, "Ruth the turtle" took the first step and then traveled more than 1,300 miles in the hope of bringing much-needed cheer and peace to the survivors of Sandy Hook Elementary, the site of a devastating school shooting in Connecticut in December that left 20 children and six adults dead. Despite a blizzard in the Northeast and a circuitous route to avoid the storm, she

arrived just in time for Valentine's Day.

"Ruth the turtle," a fiberglass sculpture of a loggerhead turtle, was part of the "Tales of the Surfside Turtles" public art project that opened in Surfside in January. Eighteen of Ruth's fellow turtles were painted by South Florida artists and are now located throughout town.

Ruth was being painted in bright hues of red, yellow, white and blue by students at Ruth K. Broad Bay Harbor K-8 Center in Bay Harbor Islands when news of the assault on the Connecticut school occurred.

Over the next few weeks, the students and Surfside commissioners and town officials decided that some sort of healing gesture was necessary.

Through news reports and some research, it was discovered that the students at Sandy Hook Elementary had a real pet turtle named Shelly, a red slider turtle. Shelly was being moved to his new home in the library of the Chalk Hill School in Monroe, Conn., where students of Sandy Hook have been attending classes since the shooting.

A decision was made to donate Ruth, and on Feb. 8, the turtle sculpture was dedicated to Sandy Hook Elementary in a ceremony attended by Miami-Dade School Superintendent Alberto M. Carvalho, Surfside Mayor Daniel Dietch, Surfside commissioners and students of Ruth K. Broad.

"Ruth the turtle" is among several art projects on display in a vacant store in the heart of Newtown. The donated space is a temporary venue for the new HealingNewtown Arts

Space. Hundreds of people gathered on Valentine's Day for the opening of the art gallery and performance-art venue.

Among them was Surfside Mayor Daniel Dietch — who once lived in the same county where Newtown is located — Surfside director of tourism Duncan Tavares and Maggie Vidal-Santos, art teacher at Broad K-8.

"Everyone in that town has lost someone," Dietch said about the tragedy in Newtown. "Lives have changed. It was very sad to be there, but it felt right to be there."

Dietch said he felt proud when, during the art venue's opening ceremonies, Jennifer Johnson, chair of the Newtown Cultural Arts Commission, mentioned Dietch, Tavares and Vidal-Santos in her opening remarks.

"It was amazing. It was a privilege to represent our community there," Dietch said.

The opening included a dance troupe, jugglers, acrobats, live music, and bells and jewelry handcrafted by children. "It was quite an event," Dietch said.

The donation of Ruth the turtle is one of many items received by Newtown in an outpouring of support nationally and worldwide.

"In [Newtown's] old town hall, there were hundreds of letters and posters from around the world," Dietch said. The new town hall, which is larger, "was filled with boxes of letters that spanned two to three hundred feet. There was a poster from as far away as Liberia. And items from Miami and Fort Lauderdale also were represented."

Dietch said that when classes resumed for Newtown's children in their new school, the kids were most concerned about their pet turtle, Shelly.

When the children were introduced to Ruth the turtle, "they accepted her. What it meant to them is beyond words," Dietch said.

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MONDAY, MARCH 4, 2013  The Miami Herald

BUSINESSMCAIDAY

GUCCI



The founder of Bal Harbour Shops defied critics and created one of the world's top luxury shopping destinations. Now the Whitman family faces new challenges amid a changing marketplace. Page 14

PRESERVING THE WHITMAN LEGACY



CHARLES TRAINOR JR./MIAMI HERALD STAFF

PRESERVING THE WHITTMAN FAMILY LEGACY

The founder of Bal Harbour Shops defied top luxury shopping destinations. But now face new challenges amid a changing m

BY ELAINE WALKER
ewalker@miamiherald.com

When Stanley Whitman first set out to recruit tenants for the Bal Harbour Shops more than 50 years ago, everyone told him he was crazy. The industry's leading economist suggested he would be better off building an apartment complex on the site.

But Whitman had a plan for turning the former German World War II prisoner of war camp into one of the country's finest luxury shopping centers. He saw an opportunity to fill a void as luxury retailers were leaving Lincoln Road, where Whitman's family owned property. Whitman, then a retired U.S. Navy officer, had been managing that property as well as using his family's money to flip waterfront land and spec homes in South Florida.

Whitman took his blue eyes and his charm on the road, researching the best designs for shopping centers and visiting luxury retailers from New York to Los Angeles and Chicago to Dallas. When top executives wouldn't meet with him, he hung out in lobbies, hoping to corner someone for five minutes and make his case.

"It was nothing to go and spend a half a day waiting for a big shot to come out," said Whitman, who at 94 still comes into the office at least three days a week. "I was about as welcome as a skunk at a picnic. I got thrown out of more stores than anyone that ever lived. I wasn't graciously thrown out; I was violently thrown out."

The rejection didn't faze Whitman. It took several years to line up tenants, secure financing and ultimately build what was then a \$3.5 million project. At the opening in 1965, tenants included FAO Schwarz, Maus & Hoffman and Abercrombie & Fitch. By the time Nei-

WHAT'S IN STORE: Shoppers mingle near the Prada store in the Bal Harbour Shops. The site is home to South Florida's top luxury retailers and faces new challenges as competition heats up.

man Marcus opened in 1971 and Saks Fifth Avenue in 1976, Whitman's dream was well on its way to reality.

'A VISIONARY'

His success is now legendary. The International Council of Shopping Centers last year deemed the Bal Harbour Shops the most productive luxury shopping center in the world. The 450,000-square-foot mall in 2012 hit a record with sales of nearly \$2,730 per square foot — more than six times the national average.

"Stanley is a visionary with a great sense of quality," said Michael Gould, chairman and chief executive of Bloomingdale's. While Whitman never convinced Gould to open a Bloomingdale's at Bal Harbour, the two have remained friends for more than two decades.

"He's one of the unique guys in the industry who built a single individual center that makes you say, 'Wow. He has done something special.'"

In the beginning Whitman broke a lot of the industry rules. He paid too much for the land — \$2 per square foot compared to 15 cents at Dadeland Mall or 163rd Street Mall. Whitman insisted on charging for parking because he wanted to ensure neighboring employees didn't take up all his customers' spaces. He put trees inside the mall, which industry experts decried because of the mess; his tenants tried to cut them down. He designed his rents with low flat rates and large percentage rents, so he shared in the retailer's success.

The formula worked. Retailers and industry experts credit Whitman with putting luxury retail on the map in South Florida and creating one of the country's premier destinations. Those who know Whitman say it was a combination of his attention to detail and strong-willed personality that made it happen.

"One of the things I admire most about Stanley and his family is that they're very protective of the center," said Wayne Hussey, senior vice president of real estate and store de-

his critics and created one of the world's
w the property and the Whitman family
retplace and increasing competition.

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CARL JUSTE/MIAMI HERALD STAFF

RICH HISTORY: An original advertising brochure sits on Stanley Whitman's desk. Founder and developer of the Bal Harbour Shops, Whitman is considered a pioneer in luxury shopping.

velopment with Neiman Marcus, who previously held the same position with Saks Fifth Avenue. "Stanley is a man of his convictions. He's very forthright and candid. With Stanley, you know the playing field and where you stand. You have to respect him for that."

CHALLENGES TO LEGACY

For decades, Whitman has fought to protect Bal Harbour's unique position in the market. Now, that legacy faces what could be its greatest challenge.

For years the family argued there was room for only one luxury destination in Miami-Dade and Broward counties and used leases with "radius" clauses to discourage rivals. Now, the Whitman family has decided to take ownership in two other retail projects in South Florida. The Whitmans have partnered with Swire Properties on the retail component of Brickell CityCentre and are also part of one of the two groups bidding to redevelop the Miami Beach Convention Center.

Those moves came as a reaction to a changing retail marketplace that has the Bal Harbour Shops facing the stiffest competition in its history. Some of Bal Harbour's most prominent luxury retailers — Louis Vuitton, Cartier, Hermes, Dior and Celine — have closed their doors in Bal Harbour and opened in the Miami Design District.

Whitman blames it all on the fourth richest man in the world. That would be Bernard Arnault, chairman and chief executive of the French luxury giant Louis Vuitton Moët Hennessy, whose stable of brands have lead the way in the departure from Bal Harbour. L Real Estate, a Paris-based investment fund backed by LVMH, is partnering with Craig Robins on the redevelopment of the Design District.

"Without [Arnault] there wouldn't be a Design District," Whitman said. "He wanted more space and we didn't have it."

Whitman's son Randy and grandson Matthew Whitman Lazenby, who handled the negotiations, say they made every effort to work with Louis Vuitton and the other brands. Executives from Louis Vuitton and LVMH declined to comment for this story.

"They gave us an ultimatum: give us 20,000 square feet or we're going to leave," Randy Whitman said. "To kick out 10 to 20 tenants to accommodate them that just was not fair."

WHITMAN'S 'SET OF RULES'

Yet, luxury retailers and others close to the industry say the story isn't as black-and-white as what the Whitmans describe. For decades the Whitman family has had a reputation in the industry of being at-

• TURN TO COVER STORY, 16G



CARL JUSTE/MIAMI HERALD STAFF

DEDICATED OWNER: Stanley Whitman, 94, founder and developer of the Bal Harbour Shops has turned over management to his son and grandson, but still works three to five days a week.

Bal Harbour Shops' rich history spans generations

COVER STORY, FROM 146

legant. They used their power to dictate how much space each retailer could have and who would get the choice first floor locations. Punishment meant exile to the second, less trafficked, level.

The Bal Harbour leases originally prohibited retailers from having another store south of Worth Avenue. In recent years, that was cut back to prohibiting another store in Miami-Dade County, unless retailers wanted to pay Bal Harbour a portion of the sales at the second store. The only exception was following the settlement of litigation related to the opening of the Village of Merrick Park.

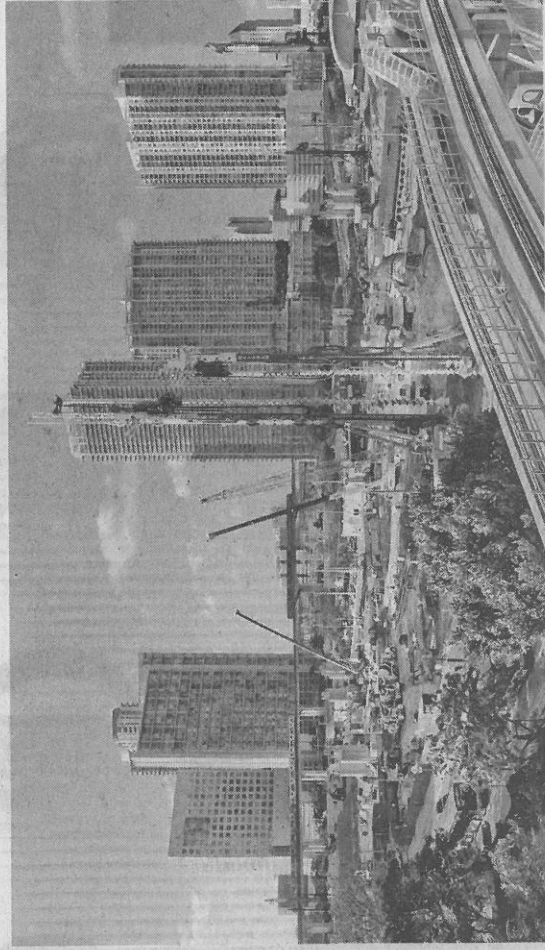
"Stanley's method of protecting his turf served him very well for quite a long time," said Arthur Weiner, chairman of AWE Talisman, a Coral Gables firm that handles retail leasing and development. "He had a set of rules and he made those rules very clear. They may have been rude. They may have been limiting. They may have been distasteful, but he saw it as his job."

The problem industry experts say: As Miami grew, the Whitmans were slow to adapt.

"The writing has been on the wall for a long time," Weiner said. "They fought the good fight and fought it with blinders. They just assumed they could hold the line."

A POWER SHIFT

These days, the balance of power has swung and the luxury brands are the ones dictating the course. Based on the growth of Miami's luxury market over the last decade, retailers see a need for expansion — either adding multiple stores in the region or more space to showcase their brand in a flagship



PATRICK FARRELL/MIAMI HERALD

THE NEXT STEP: Bal Harbour has decided to join forces with one of its potential competitors: Brickell CityCentre, under construction on South Miami Avenue.



PATRICK FARRELL/MIAMI HERALD

WORKING TOGETHER: Swire Properties' CEO Martin Cubbon, left, President Stephen Owens and Bal Harbour's operating partner Matthew Lazenby.

But even at 94, Whitman wouldn't be anywhere else. If he's feeling well, he comes to the office between three and five days a week, where he reads the trade magazines, signs checks and stays up-to-date on everything happening both in the industry and on the property. His quick wit and memory are still very much intact.

While Randy Whitman, who at 69, is angling toward retirement, that's not a word in Stanley's vocabulary. Whitman is still not shy about voicing his opinions. He doesn't agree with the plan for the mall's expansion that grandson Lazenby, 35, is proposing because he thinks it's going to be too costly and take too long.

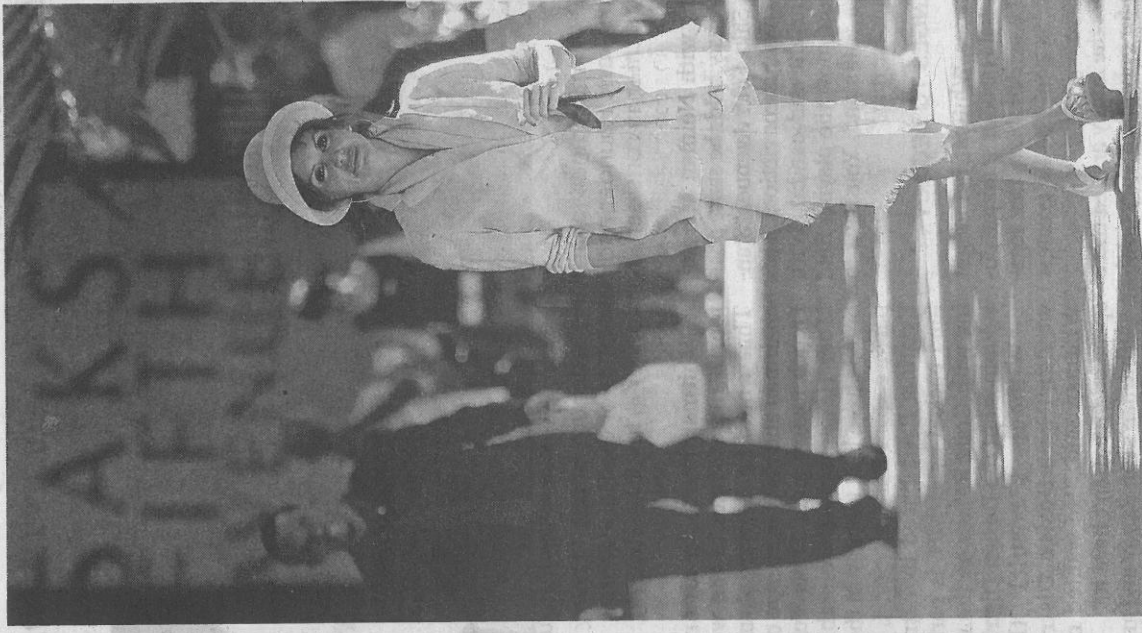
He doesn't agree with the plan for the mall's expansion that grandson Lazenby, 35, is proposing because he thinks it's going to be too costly and take too long.

EXPANSION PLAN

The plan, which has not yet been submitted to Bal Harbour for approval, would allow for the construction of another 225,000 square feet including more small luxury shops, a potential department store and maybe a luxury movie theater. The newest design creates a circular loop in the center of the shops, includes knocking down the existing parking garage, taking over

the land now occupied by the Church by the Sea and rebuilding the church on some of the center's existing property. The soonest an expansion could be ready would be late 2015 — and it could take until 2017, Lazenby said.

Whitman favors another design that would convert Bal Harbour's linear layout to more of an L-shaped design. It's similar to a plan Whitman began working on himself more than a decade



CHARLES TRAINOR, JR./MIAMI HERALD STAFF

SAFE HARBOUR: Shoppers stroll Bal Harbour Shops in January. The site is still a top luxury destination, and the owners are planning to expand.

ago. Ultimately, he says the decision will be left to his son and grandson.

"They're going to live with the expansion, not me," Whitman said. "I'll be very happy if I live to see it. I don't think a 94-year-old man has any business trying to control a business from beyond the grave."

Whitman still lives in the same three-bedroom house in Miami Shores that he built in 1949. Only in his 50s

As the luxury market evolves, so does Bal Harbour

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add he trade in his trademark Ford car for a Mercedes. "He's kind of like Sam Walton, only he doesn't have a pick-up truck," Randy Whitman said.

PASSING THE TORCH

Before Stanley allowed any of his family members to join him in the business, he made them go out and get other real estate industry experience. When he joined his dad after working for about three years leasing office space for the Allen Morris Co., Randy Whitman admits they had their share of disagreements.

One of the classics came when Randy Whitman suggested turning a sunken seating area in the mall's interior courtyard into a fish pond. Whitman vehemently dug in his heels and fought his son over the project for five years.

"I just wore him down until he finally gave in and told me, 'Put in your god damn fish pond,'" Randy Whitman said. "Then when I put it in he liked it so much, he put in another one at the other end of the center."

When Lazenby joined the business in 2003, after working in retail leasing at the Taubman Co., he found himself playing referee between the two.

"Whatever I said, I would make one of them happy and piss off the other," Lazenby said. "I always had to be careful because I never wanted to have too many opinions that sided with one of them and not the other."

The only one who was known to be able to keep Stanley in check was his late wife Dorothy, who died in September 2008 about three years after suffering a stroke that left her bedridden. The two were college sweethearts who met at Duke University and were married for 66 years. Stanley was by his wife's side when she died in



RETAIL LEGEND: Stanley Whitman, founder and developer of the Bal Harbour Shops, sits near one of the mall's ponds. He has turned over ownership to his family, but still wields influence as an advisor.

their Miami Shores home. "My mother had to be one tough bird," Randy Whitman said. "The battles in our house were unbelievable. My mother was the only one that could tell him he was full of bologna, which she did often. He wouldn't take it from anyone else. We used to say he was afraid of her."

A diagnosis of Spinal stenosis a decade ago has put an end to Whitman's tennis and golf game. He's frequently confined to a wheelchair or using a walker to get around. But he still makes his assistant push him around the property and stops in to say hello to

long-time tenants like Todd Rauchweger, the owner of J.W. Cooper. Whitman always calls Rauchweger "son," and asks him how business is going.

"He's makes a point to visit, and that's what impresses me more than anything," Rauchweger said. "Most mall executives or owners, they don't give two minutes to the guy in the retail store, especially the independent. It's unbelievable."

LONG-TIME LOYALTY

Mitchell Kaplan, owner of Books & Books, says he feels a sense of loyalty to Stanley Whitman for recog-

nizing the need for a local bookstore at Bal Harbour and allowing the store to remain without paying top dollar for the space.

Kaplan looks forward to lunches with Whitman, who loves an audience to talk about the history of Bal Harbour, "Miamuh" and retailing.

"Being with Stanley is like being with a walking history book," Kaplan said. "I like to hear him talk about the early days of retail. He's lively and interesting. In many ways he's someone to emulate. Stanley Whitman is one of the giants in retailing, because he is in our midst, a lot of people might not real-

ize that."

Craig Robins certainly does. When he started on his plans for the Design District, Robins went to meet with Whitman. He walked away impressed and hoping that one day they could find a way to collaborate.

"Stanley is one of my heroes," Robins said. "I have tremendous admiration for him. Stanley proved the value of staying focused and perfecting something."

Will Robins put a dent in the legacy of his hero? Time will tell.

Whitman acknowledges the Bal Harbour Shops may lose some sales to the De-

History of the Bal Harbour Shops

1956: Whitman family buys commercial land in Bal Harbour for \$500,000 from developer Robert C. Graham for what would eventually become the Bal Harbour Shops

1957: Graham decides not to be partners with Whitman and sells the family the rest of the land for \$750,000.

1965: FAO Schwarz becomes first tenant to open at Bal Harbour Shops. Other original tenants were Martha, Lily Dache, Maus & Hoffman, Abercrombie & Fitch, Schrafft's Restaurant, Andrew Geller and Nessa Gaulois

1971: Neiman Marcus opens a two-story store, its first outside of Texas

1973: Neiman Marcus adds a third floor

1976: Saks Fifth Avenue opens

1978: Gucci is the first international luxury retailer to open

1983: Bal Harbour Shops opens a second level

2001: Bal Harbour Shops suffers its first annual sales decline following 9/11

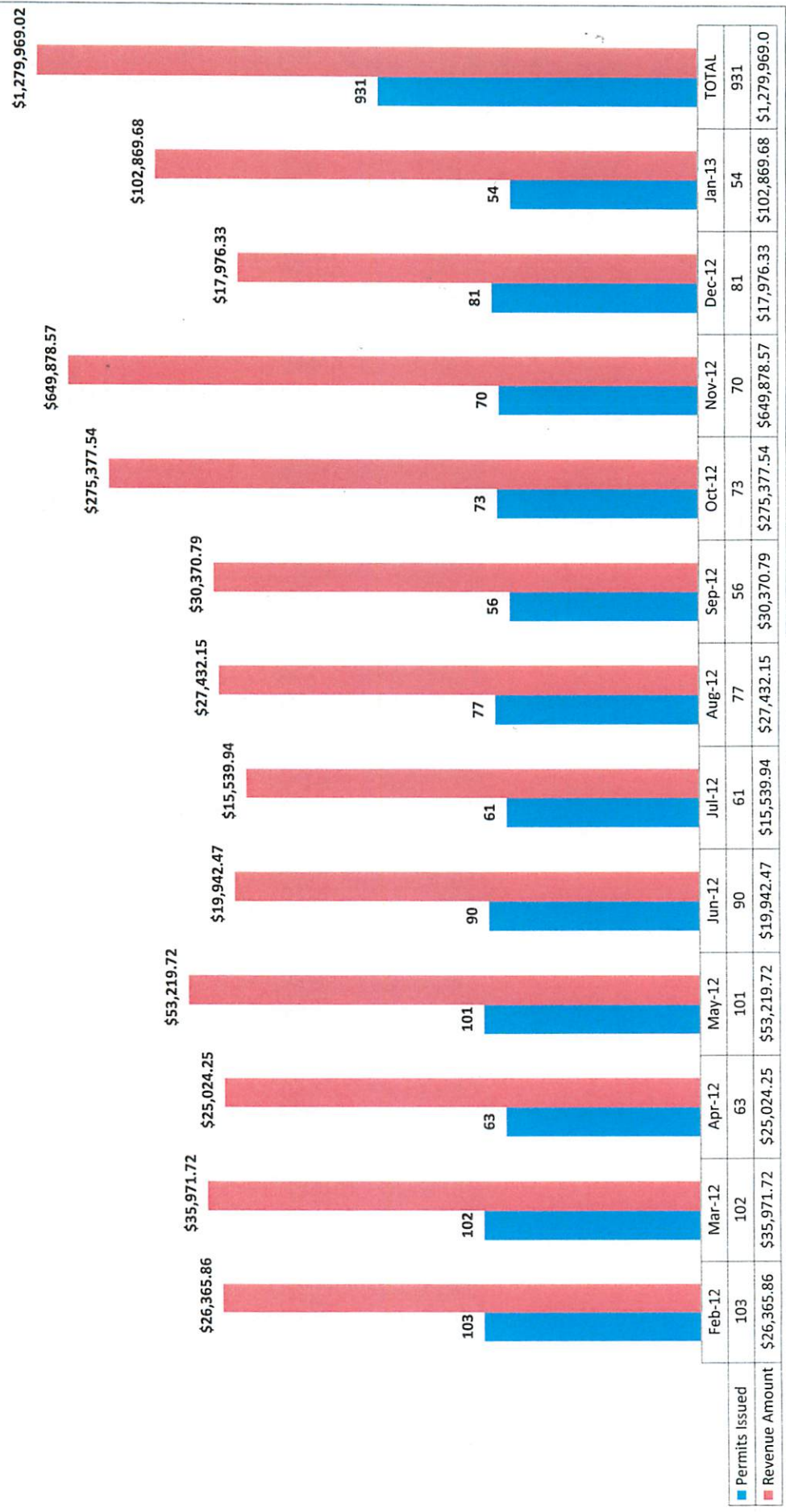
2013: The Whitman family announces plans to partner with Swire Properties in the development of Brickell CityCentre

sign District. But he's not in the least concerned about his property's long-term future.

"I'm firmly convinced we will remain No. 1 in the world," Whitman said. "The Design District is overblown. If the Omni couldn't be a threat, Mayfair wasn't a success and Merrick Park didn't hurt us, then why should the Design District?"

CARL JUSTE/MIAMI HERALD STAFF

Permits Issued/Revenue Report



THE ELECTRIC RIDE

Page 88

You see hybrids all over, with U.S. sales exceeding 5 million, but all-electric plug-ins are having a tougher go. Still, as one owner says, someone has to be first.

BY JENNY STALETOVICH
jennyhiasen@bellsouth.net

Last fall, Andrew Frey, a local apartment developer with an interest in sustainable building, made the decision to look for a new car. The hybrid he'd been driving was not coming close to the mileage he anticipated and he had a new baby boy. So he set himself a goal.

"I was going to the cutting edge," he said. "Nobody out there could say they had a more fuel-efficient car than me."

Then he did what many of us to do when we need to answer a pressing question. He Googled it.

What he found was the Ford Focus Electric, which requires absolutely no fuel, and averages the highest ever city mileage for a five-passenger electric car. While the Chevrolet Volt, the Toyota Prius plug-in and the Nissan Leaf have far outsold the Focus, introduced just last year, the Focus has improved electric technology, the new darling of efficiency, prompting critics to sing its praises and give it high ratings.

Frey tracked down the only local dealer authorized at the time to sell it, Metro Ford in Miami, and in October he became the proud first buyer at a South Florida dealership. Last month, after installing a charging station at his Coconut Grove house and impatiently waiting when Ford decided to pull his car from the line to ensure everything was working perfectly, Frey's zippy black Focus arrived.

And so far, so good. With a



PATRICK FARRELL/MIAMI HERALD STAFF

PLUGGED IN: Andrew Frey bought one of the first electric cars in South Florida. Below, the charging station he had installed at his Coconut Grove home.

range of 76 miles per charge, he's been able to go everywhere he needs to go by simply plugging in his car overnight. His electric bill rose, but only by 20 percent, he said. He forgot to plug in the car one night, but had enough charge on the car's battery to take care of business the next day.

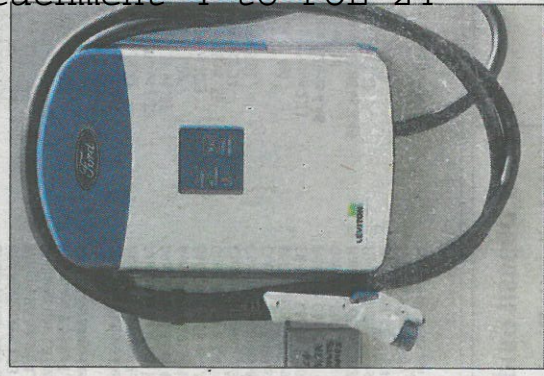
"You get comfortable with what your parameters are. And it's not a bad thing," he said. "It's nice to be conscious of your energy consumption, I you care about things like that."

Fourteen years ago Honda introduced the first mass-produced hybrid in the United States, followed a year later by the Toyota Prius, the first four-door sedan. In the years that followed, the de-

mand for hybrids has been clear, with sales in the United States exceeding 2.5 million vehicles. But all-electric plug-ins are having a tougher go.

Over the years, the technology centered in Europe, with Fiat, Citroen, Volkswagen and even a Russian car company selling plug-in cars. The Netherlands is now developing a national grid of charging stations to bolster electric vehicle use.

But in the United States, progress has been slower. General Motors and Toyota made electric vehicles available as early as the mid-1990s, but for leasing only. In March 2008, Tesla launched its



CHUCK FADELY/MIAMI HERALD STAFF

• TURN TO ELECTRIC CARS, 4C

Electric cars playing catch-up to hybrid cousins

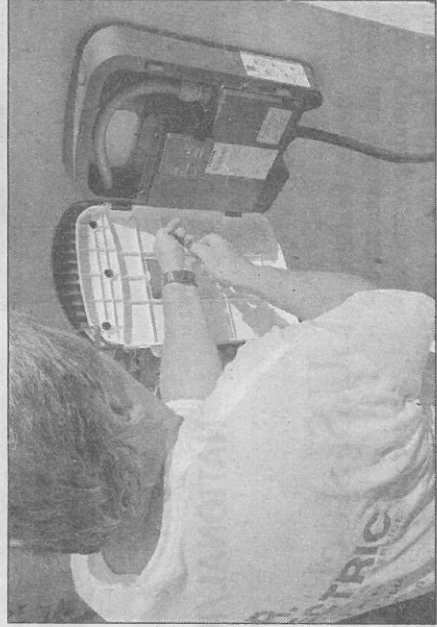
• ELECTRIC CARS, FROM 1C

Page 89 Padster, but at a prohibitively expensive cost of \$9,500. Still, nearly 2,500 of the cars sold and Tesla became an innovator in technology. At this year's Detroit auto shows, it unveiled a model that can travel almost 300 miles on a fully charged battery.

It wasn't until December 2010, that the United States saw more reasonably priced, highway capable vehicles when Nissan and General Motors launched their Leaf and Volt. Ford rolled out its first electric Focus in California in May.

While just over 50,000 of the vehicles sold in the United States last year, that is triple the number from the year before. And automakers say they are committed to the technology despite sluggish sales. General Motors announced plans at the January auto shows to begin producing an upscale version of the plug-in Volt in the form of the Cadillac ELR. Nissan, meanwhile is stripping down a version of the Leaf to offer a cheaper base model. In the next two years, BMW will begin selling its i3, followed by a Mercedes B-Class and models from Volkswagen and Audi.

Because electric plug-ins are powered without any liquid fuel, they produce no emissions. Critics have argued that the calculations done to determine fuel efficiency are based on the notion that power plants are operating with total efficiency, and are therefore inaccurate. But a 2012 study cited by Congress's biparti-



POWER CENTER: Curt Perry installs a Ford Electric Vehicle Charging Station at Andrew Frey's home.

CHUCK FADELY/MIAMI HERALD STAFF

and-go city driving works well for electric, which have breaks that recharge the battery. But highway driving can sap it faster than you can say where's the next exit. And cold weather can decrease mileage even more.

Electric cars can plug in to an ordinary 110-volt outlet and recharge in eight to 14 hours. But most buyers opt to install a 240-volt charging station (designed specifically for the car. To charge as quickly as it does, the Focus must be connected to a 40-amp service.

California, on the forward edge, has more than 100 charging stations registered with the Car Charging Group within 50 miles of Los Angeles.

But in South Florida, the group lists only 16 between Miami and West Palm Beach. And ChargePoint.com, another mapping site, lists only six.

Nationwide, there are only 12,000 public charging stations, according to J.D. Power. By comparison, there are an estimated 105,000 gas stations, according to the U.S. Bureau of Labor Statistics.

To remedy that problem, most electric car makers have created Apps to update drivers on their car's charge. (The same Apps can be used to find charging stations.) Frey set his App to sound an alarm every night to remind him to plug in his car. Ford also included a portable charger in the trunk for emergencies.

Part of Frey's odyssey in getting his Focus was installing the charging station in his carport. Metro Ford

Popular models

As they evolve, electric cars are becoming more and more affordable, particularly the Nissan Leaf which dropped its price about \$6,000 from 2012. Below are 2013 base prices for some of the most popular models, as advertised by the carmakers.

Nissan Leaf: \$21,300

Chrysler Volt: \$31,645

Toyota Prius Plug-In: \$32,000

Ford Focus Electric: \$37,995

Tesla Model S: \$57,400

has signed a deal with Best Buy's Geek Squad to handle the installation. Best Buy in turn subcontracted with Mr. Electric of the Palm Beaches. Curt Perry, Mr. Electric's director of business development, said the biggest delay is in pulling permits.

Some cities allow electricians to apply and obtain the permit on the same day. Other governments, he said, can take three to four weeks.

"The more times you work with a particular municipality, the easier it gets," he said.

While he had installed chargers for Fiskers (which has since halted production), Frey's was his first Focus, he said. So far, he's installed about 15 electric car chargers between Miami-Dade and Palm Beach County, he said. Typically his electricians can finish a job in three hours, with the cost averaging about \$2,000. The chargers, he said, are universal so will work on any car, no matter the make.

Another hitch may be the car's expense. Electric cars are typically higher. The Fo-

cus lists at \$39,500 and comes with a \$7,500 federal tax refund. Charging stations are also eligible for a 30 percent tax credit up to \$1,000. And in some states, including California, Oregon, Utah and Colorado, there are additional state tax breaks.

"I assume I'm overpaying for the car, but I'm OK with that," Frey said. "Somebody's got to be the first to buy it. You can't get economies of scale without the first people adopting the technology."

For Frey, owning the car is as much an adventure as a necessity.

"Do I call electrical engineer now instead of my mechanic?" he joked.

Joking aside, Frey said he was willing to shoulder the inconveniences if it means driving a greener car.

"I value the future of our planet and I don't like causing pollution any more than I have to. I think every ecosystem is fragile and delicate and if I want my kids and grandkids to grow up in the beautiful nature we have in South Florida, we have to minimize pollution."

FLORIDA INLAND NAVIGATION DISTRICT



To: Local Governments
 From: Janet Zimmerman, Assistant Executive Director
 Subject: 2013 Waterways Assistance Program
 Application Availability Notice
 DATE: January 4, 2013

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The Florida Inland Navigation District is accepting applications from Local Governments for assistance funding through the District's 2013 Waterways Assistance Program. This year, the application will be available for downloading on our web site at <http://www.aicw.org/> in PDF or MS Word format (zip file). You may also request a CD version or printed copy of the application by e-mail (to JZimmerman@aicw.org) or by letter. Applications will not be automatically mailed to you unless requested. Applications are due in the District office by **4:30 PM, April 01, 2013.**

Through the 24 years of this program, the District has provided over \$156 million in funding assistance to local governments within our District to perform waterways improvement projects. Project types eligible for funding include public navigation, public waterway access facilities, public recreation, inlet management, beach renourishment, environmental education and boating safety projects directly related to the waterways. The District has some limited grant eligibility for land acquisition which includes opportunities for waterway access. Generally, ineligible costs include project maintenance, landscaping, in-house staff and reoccurring fees. Please see the program rules for more details on project eligibility.

The funding level of this year's program will be determined in July based upon the availability of funding and the quality and number of applications received. Please contact me should you have questions or need more information about this program.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, Florida 33172-5800

OFFICE OF THE
SECRETARY

March 1, 2013

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

Subject: Town of Surfside Request for Federal Functional Reclassification

Dear Mr. Carlton:

The Department has completed the initial review of the federal functional classification of roads within the Town of Surfside. The District's review and findings are consistent with the Town's request outlined in your letter of September 25, 2012. The review concludes that the four roadways which were requested to be reclassified from collector to local should be reclassified as local roadways. Please see the attached map showing the proposed federal functional classification illustrating this finding. The District will include the proposed Surfside changes as we move into the next phase of the process. The overall County-wide functional classification update is scheduled to be completed by the end of this calendar year.

We greatly appreciate the Town's interest and participation in the reclassification of local roadways. Thank you for your on-going partnership with the Department in this effort. Should you have any questions, please feel free to contact me or Aileen Boucle, AICP, Intermodal Systems Development Administrator at (305) 470-5201 or aileen.boucle@dot.state.fl.us.

Sincerely

A handwritten signature in blue ink, appearing to read "Gus Pego".

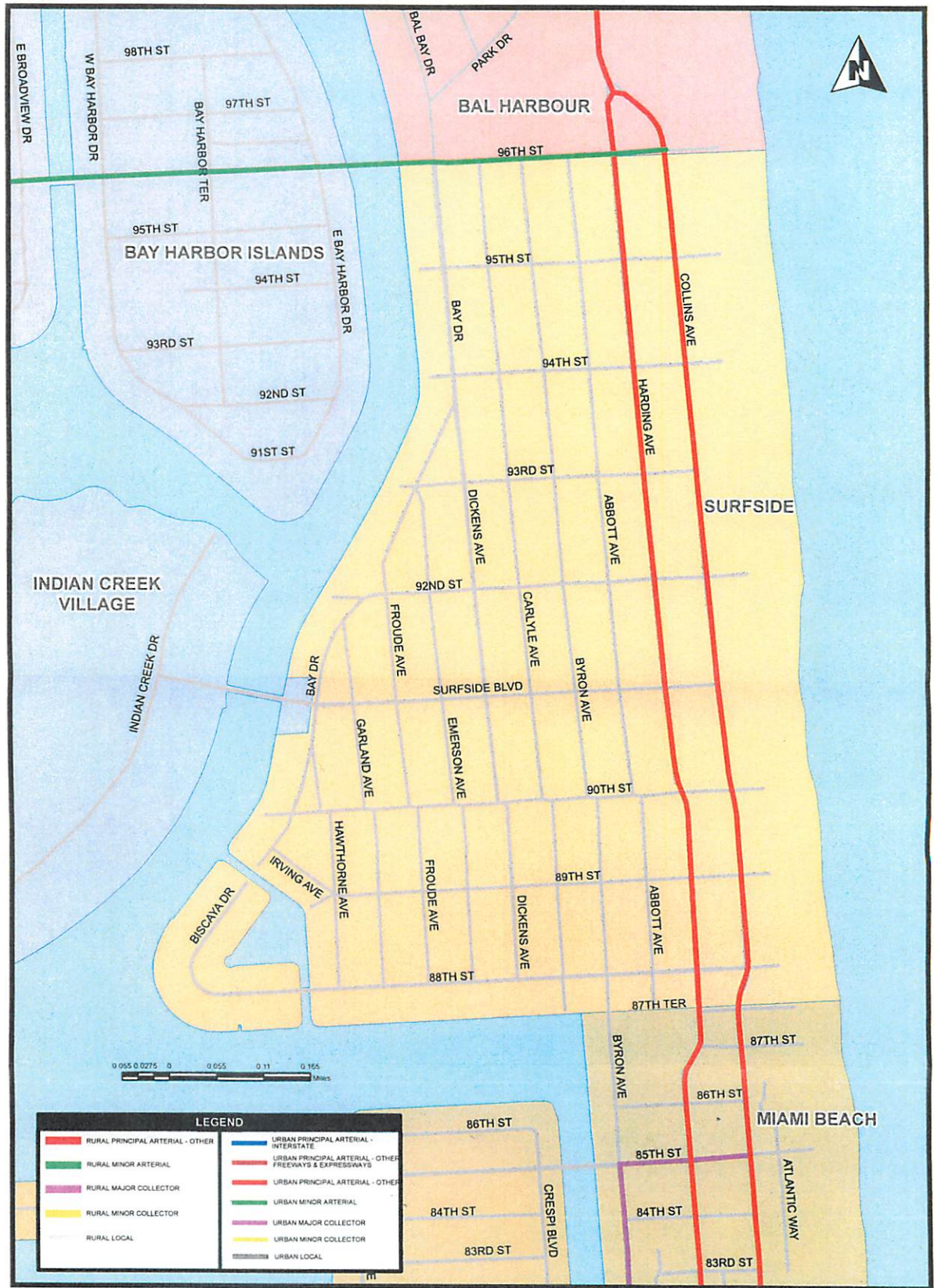
Gus Pego, P.E.
District Secretary

Attachment

cc: Harold A. Desdunes, P.E., FDOT
Aileen Boucle, AICP, FDOT

www.dot.state.fl.us

Proposed 2010 Federal Functional Classification



INTERMODAL SYSTEMS DEVELOPMENT OFFICE

FDOT DISTRICT 6

March 1, 2013

TOWN OF SURFSIDE



My Home



miamidade.gov

ACTIVE TOOL: SELECT



Show Me:

Property Information ▾

Search By:

Select Item ▾

- [Text only](#)
- [Property Appraiser Tax Estimator](#)
- [Property Appraiser Tax Comparison](#)

Summary Details:

Folio No.:	02-3202-006-0430
Property:	226 87 TER
Mailing Address:	CITY OF MIAMI BEACH
Address:	1700 CONVENTION DR MIAMI BEACH FL 33139-

Property Information:

Primary Zone:	3900 MULTI-FAMILY - 38-62 U/A
CLUC:	0065 PARKING/VACANT LOT ENCLOSED
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	15,313 SQ FT
Year Built:	0
Legal Description:	ALTOS DEL MAR NO 2 PB 4-162 PARCEL 1 AKA N1/2 BLK 11 LOT SIZE 87.500 X 175

Assessment Information:

Year:	2012	2011
Land Value:	\$888,154	\$689,085
Building Value:	\$6,415	\$6,494
Market Value:	\$894,569	\$695,579
Assessed Value:	\$765,136	\$695,579

Taxable Value Information:

Year:	2012	2011
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$765,136/\$0	\$695,579/\$0
County:	\$765,136/\$0	\$695,579/\$0
City:	\$765,136/\$0	\$695,579/\$0
School Board:	\$894,569/\$0	\$695,579/\$0

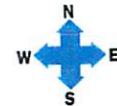
Additional Information:

Click here to see more information for this property.
Community Development District
Community Redevelopment Area
Empowerment Zone
Enterprise Zone
Zoning Land Use
Urban Development Boundary
Zoning
Non-Ad Valorem Assessments
Environmental Considerations



Legend

- Property Boundary
- Selected Property
- Street
- Highway
- Miami-Dade County
- Water



Aerial Photography - 2012

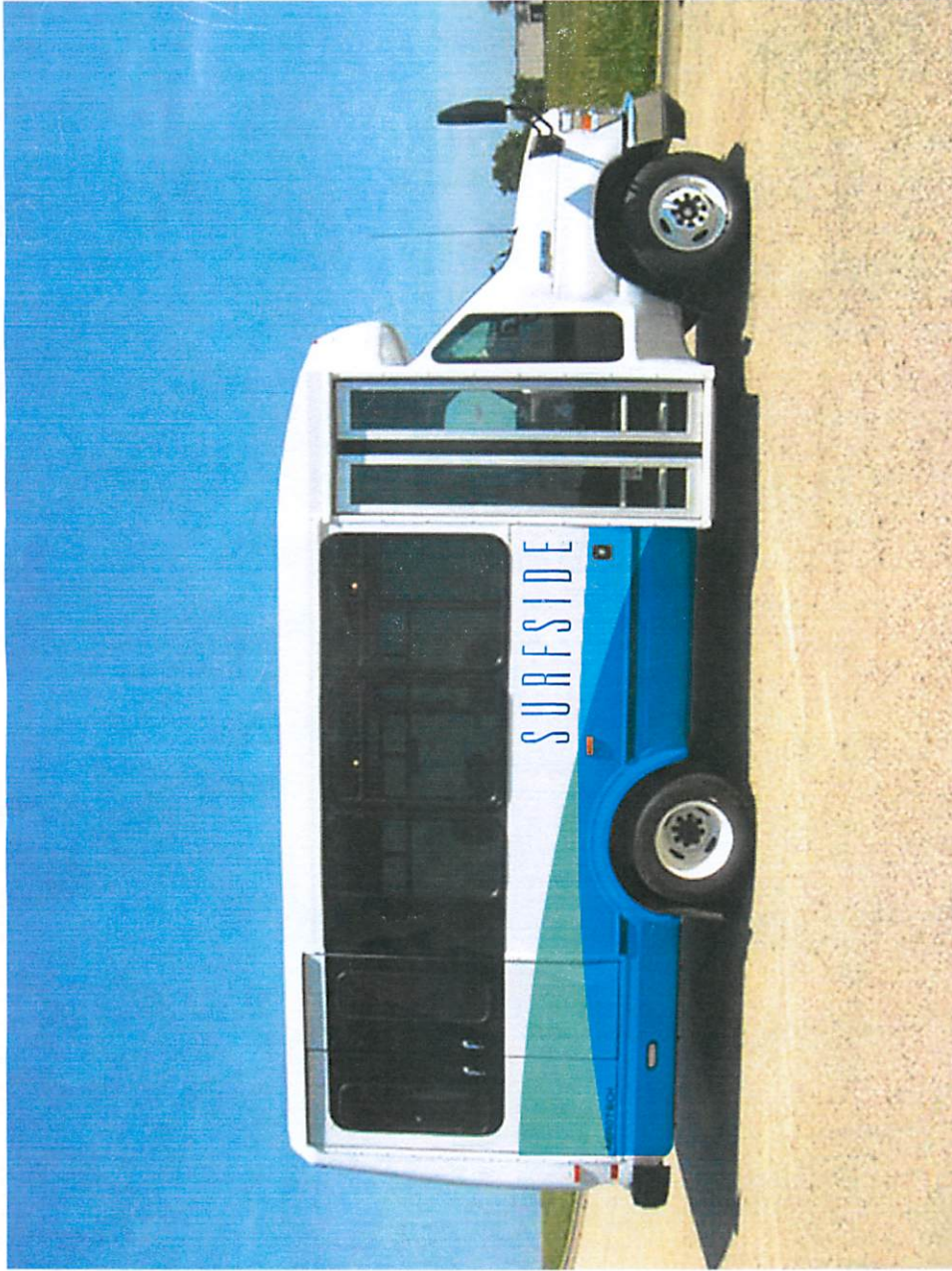
0 118 ft

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If you experience technical difficulties with the Property Information application, or wish to send us your comments, questions or suggestions please email us at [Webmaster](#).

Web Site
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1 Surfside Shuttle Bus Graphics - Concept
Scale: None

y a z i	project: Town of Surfside drawing: Surfsude Shuttle Bus		sheet: 1.0
	230 viscaya avenue coral gables, florida 33134 phone & fax (305) 648-1267 www.yazi.com	sign type: drawn by: Chris Rogers	date: 2/25/2013 revised:



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

TO: Town Commission

FROM: Linda Miller, Interim Town Attorney

CC: Roger M. Carlton, Town Manager
 Sarah Johnston, Interim Assistant Town Attorney

DATE: March 12, 2013

SUBJECT: Office of the Town Attorney Report Feb. 12, 2013 to Present

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

February 12, 2013 Commission Meeting
 February 13, 2013 Tourism & Business Improvement Meeting
 February 25, 2013 DVAC Meeting
 February 27, 2013 Special Master Hearing
 February 28, 2013 Planning & Zoning Board Meeting
 March 4, 2013 DRG – DIC for Surf Club Site Plan Amendment
 March 4, 2013 Tourist Board Meeting

Ordinances prepared:

- Corner Clearance Ordinance
- Outdoor Dining Zoning Ordinance

Resolutions prepared:

- Variance for 1233 Biscaya Drive
- Proclamation to Recognize Dr. Allyn Bernstein
- Resolution Urging the Florida Legislature to Ban Texting While Driving
- Consultants Competitive Negotiations Act “CCNA” Supporting Change in Legislation

- IPS Parking Meter Agreement
- Attorney Client Conflict Disclosures and Waiver Policy
- Opposing Transportation Committee Bill re: Parking Meters
- Bus Shelters Purchase Resolution

Town Manager:

- Finalize Chateau Resolution
- Review Surf Club Amended Site Plan and attend DRG/DIC meeting
- Young Israel foundation permit and follow-up for special event permit
- Follow-up with Shul expansion project
- Research various municipal codes for revisions to Surfside Code for home based businesses and interplay between certificates of use and Business Tax receipts; begin draft ordinance.
- Redraft agreement to address parking issues with Spiaggia Condo
- Follow up discussion for Bal Harbour shops expansion issues.
- Review and strategize re FPL cost of undergrounding and research legal implications.

Town Clerk:

- Review lobbyist issues, forms, and work with Clerk for preparation of revisions to ordinance.
- Opine on public records requests/sunshine issues.
- Follow-up re: Seawall FIND Grant Resolution.

February 28, 2013 Planning and Zoning Board Agenda:

- Quasi-judicial Hearing – 1233 Biscaya Drive - Request for Variance
- Presentation on update on the Planning and Zoning Board Process and Review of Variance Criteria
- 8939 Abbott Avenue request to convert carport to garage and add privacy wall
- 1452 Biscaya Drive request to re-roof portion of home
- 9592 Harding request to redesign the existing building façade
- 9390 Bay Drive request to build a two story single family residence

Building Department/Code Enforcement/Planning:

- Coordinate with Building Official and outside FEMA counsel for follow-up to CAV response.
- Follow-up with Code Enforcement for Special Master Hearing (February 27, 2013).
- Follow-up research with various municipalities re: solar panels/dish antennas.
- Research for preparation of draft ordinance regulating power grass blowers and disposal of yard waste.
- Follow-up research for solicitation issues.
- Follow-up with Code Enforcement for resident concerns.
- Research code issues re: marina and lots.

Human Resources Department:

- The State of New York Unemployment Insurance Appeal Board has upheld the Administrative Law Judge's prior ruling that former employee, Mr. Aponte is not entitled for unemployment insurance benefits in connection with his Town employment.
- Review and discussions re: Town Manager Employment Agreement.

Finance Department:

- Continue analysis of finance issues with outside bond counsel and FPL for undergrounding utilities.

Parks and Recreation:

- Review A/C system control panel maintenance agreement.
- Follow-up with policy for dog park.
- Follow-up for Bullying Policy and collaborative initiative through an Interlocal Board to develop and implement an awareness campaign and anti-bullying policy.
- Initial phase will begin with introduction of the Bullying Program at the March 18, 2013 Park & Recreation Advisory Committee.

Public Works:

- Follow-up issues re: final lift of asphalt.
- Review Janitorial contract for amendment and preparation of Resolution.

Tourist Bureau/Downtown Vision Advisory Board:

- Follow -up re: post Tourist Board requests.
- Follow- up re: post Downtown Vision Advisory Board requests.
- Downtown Vision Project continuing issues including creation of a Business Improvement District; research various municipalities in preparation for revisions to draft ordinance.
- Legal guidance on Public Notice for Parking Survey Meeting.
- Resort Tax Penalty Clarification.
- Follow-up Ethics Policy and Procedures for Tourist Board.
- Follow-up rules of procedure inquiry.

Police Department:

- Prepare Amendment to Taser Agreement.
- Review and revise Agreement and Amendment for IPS credit card enabled single space meters.
- Follow-up update on Emergency Preparedness Plan.
- Revisions to Amendments to Debris Monitoring and Debris Removal Contracts.
- Follow- up Solicitation issues and Code compliance

Litigation:

In Re Forfeiture Of \$18,155.00 U.S. Currency; 2012 Honda Civic, V.I.N. 2HGHB2F84CH503951, Case No. 12-41877 CA 23 Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. We work with outside counsel on this forfeiture case re: David Barrocas Furman. A hearing on the Town's Motion For Default and Final Default Judgment will be heard on March 14. If the Court enters a final judgment, the Town will be free to use all seized items as provided by Florida law.

Florida Municipal Insurance Trust ("FMIT") has covered/provides coverage for following matters:

1. Case Summary: On January 23, 2012, the Town Commission approved a settlement agreement for Young Israel of Bal Harbour, Inc. vs. Town of Surfside Civil Action No. 1:10-CV-24392 in the United States District Court for the Southern District of Florida. A site plan was approved by the Town Commission on April 10, 2012. On September 27, 2012, Judge Martinez entered the Final Order of Dismissal With Prejudice and Order Denying All Pending Motions As Moot. Per the Settlement Stipulation, Florida Municipal Insurance Trust issued a check to Young Israel in the amount of \$40,000.00. The Federal Court retained jurisdiction in this case solely for purposes of enforcing the stipulated settlement if necessary. On January 28, 2013, Young Israel executed a Hold Harmless and Indemnification Agreement with the Town prior to issuance of the Foundation Permit. The Town continues to monitor the conditions of the Young Israel Site Plan for compliance.
2. Pieter Bakker vs. Town Of Surfside, a municipal corporation of the State of Florida and Young Israel Of Bal Harbour, Inc. In The Circuit Court Of The Eleventh Judicial Circuit In And For Miami-Dade County, Florida Case No. 12-17783 CA04, ("State Court Matter") filed on May 30, 2012 alleges counts against the Town include contract zoning, charter violations, and a request for a writ of certiorari to quash Resolution 12-Z-2078 approving a site plan application to permit Young Israel to build a synagogue on 9580 Abbott Avenue. Bakker filed a Motion to Abate which has not been ruled on by the Court.
3. Pieter Bakker vs. Town Of Surfside, a municipal corporation of the State Of Florida and Young Israel Of Bal Harbour, Inc. United States District Court Southern District Of Florida, Civil Action No. 12-cv-24053 ("Federal Court Matter") filed on November 8, 2012 includes allegations as to whether the Town violated Bakker's constitutional rights by entering into a Settlement Stipulation that allowed Young Israel to violate the Town's comprehensive plan, charter and land development regulations. Judge King issued a Trial Order and this case has been scheduled for trial during the two-week period commencing January 13, 2014. Bakker has filed a Motion to Amend Complaint and the Town filed a Motion Opposing Bakker's Motion to Amend the Complaint.

Ongoing FMIT matters:

Michael Henderson has filed a claim alleging excessive force. This claim is currently under pre-suit investigation by the Florida League of Cities in accordance with the Town's insurance policy.

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



TOWN OF SURFSIDE
 PROJECTS PROGRESS REPORT
 CALVIN, GIORDANO & ASSOCIATES, INC.
 March, 2013

1. **Planning and Community Development** – In August 2012, the Shul submitted a site plan application for an expansion. Staff met with the applicant to discuss the review comments and they have resubmitted the plans on January 25, 2013. Staff held a Development Review Group meeting on February 13, 2013. There are still outstanding comments and once these comments are addressed, a Development Impact Committee meeting will be scheduled. The Surf Club has submitted a site plan amendment. The amendment includes relocating a portion of the cabanas to the north of the property, reducing the length of the southern building by approximately 30 feet and changing the overall look of the façade by including architect Richard Meier’s signature “see-through” glass design. A joint Development Impact Committee/Development Review Group meeting was held March 4, 2013 and the amendment will be forwarded to the Planning and Zoning Board for their review on March 28, 2013. Staff continues to answer approximately 80 zoning calls monthly and questions and reviews permit applications.

2. **Information Technology & TV Broadcasts** - Per the Town Manager, IT placed the order for a laptop vehicle mount for the Code Compliance Director on January 9, 2013. The expected delivery date for the vehicle mount is February 13, 2013. A new Fujitsu scanner was ordered for the Building Department and was installed on January 22, 2013. ScanPath software was ordered on January 29, 2013 in order to create searchable PDF documents from all existing copiers. The ScanPath software will be fully deployed by February 8, 2013. IT has provided cost estimates to the Finance Department for SunGard and Municode to allow paying utility bills online and is awaiting approval/direction. IT ordered replacement copiers for the Police Department and Town Manager’s office on January 28, 2013. The copiers have been installed. IT ordered a new desktop computer for the Town Attorney’s office which arrived on February 14, 2013. As of January 31, 2013, the mail server had been up and running for a continuous 205 days, the last downtime was July 11, 2012 for a scheduled update. The IT staff continues to receive approximately 300 support requests via phone and email each month.

3. **Public Utilities / Engineering** – The Water/Sewer/Storm Drainage Project commenced on August 15, 2011 in the southern sector of the Town (Phase I). The project involves water main/water service replacements, lining or replacement of the gravity sewer mains and sewer lateral replacements, rehabilitation of the sewer pump stations, and improvements to the stormwater collection system including three (3) new storm drainage pump stations. Phase II which is the middle area of Town and includes the most complex storm drainage work is substantially complete, with work on the private water services remaining and soon to be completed. Phase III construction commenced in August, 2012, and focused initially on the

successful completion of all major construction activities on the Byron Avenue corridor north of 95th Street, prior to the start of the school year. Phase III is now substantially complete. All of the sewer mains have been lined and the TV crews are completing the post construction videos for the Town’s review and approval. The final lift of asphalt installation commenced February 25, 2013. The paving subcontractor began in the south end of Town and will follow the phasing schedule to complete the paving in March 2013. Work on the drainage and sanitary pump stations will be finalized in March 2013. The public information project website continues to be updated frequently and receives 15 to 30 views monthly.

Both Surfside and the Village of Bal Harbour are currently utilizing the newly installed Collins Avenue force main with no issues. Surfside staff and consultants are now in the process of meeting with Bal Harbour staff and consultants to decide the most cost effective method for abandonment of the existing Byron Avenue force main. A report regarding the condition of the existing Byron Avenue force main with recommendations is expected to be provided to the Town Commission in late March 2013.

Partial refinancing of the project has been completed to reduce the interest costs and provide funding for additional utility main replacements, and other costs within the original scope. A comprehensive status report for the project was provided in the August 14, 2012 Commission Agenda package and authority was granted to complete the project within a total budget of \$23.635 Million. The goal of the Town Manager is to provide the Town Commission with a capstone report for the project before his retirement on April 26, 2013.

Funding Summary –

<u>Funding Status:</u>	<u>Amount</u>	<u>Amount Received</u>
FDEP Grant	\$873,500	\$0 **
FDEP Grant	\$125,000	\$12,500 **
FDEP Grant	\$100,000	\$100,000
FDEP State Revolving Fund Loan*	\$9,312,881	\$4,792,023 ***
BBC Bond	\$859,000	\$787,335
TOTAL	\$11,270,381	\$5,691,858

*This loan has the potential of \$2-\$3 Million being forgiven by the State. This reimbursement has been included in the Town’s 2013 Legislative Program.

*Partial Reimbursement #2 is in process for \$2.9MM bringing total requested to \$7.7MM

**Reimbursements currently being processed by FDEP

*****The State of Florida has reduced the interest rate from 2.12% to 1.87% fixed over the life of the loan. This will save approximately \$200,000 of interest cost.**

4. **Neighborhood Improvements** – CGA Staff completed the traffic computer modeling of the Town’s roadway system as an element of the Town-wide traffic calming study. The initial traffic counts to complete the traffic study occurred in September, 2012. A number of the counts were finalized in late October due to construction activities. These counts are incorporated into the Draft Traffic Study Report that has been deferred by the Town Commission twice and once by the Town Manager with the intent to schedule a separate workshop. When authorized by the Town Commission, staff will hold public meetings to discuss and receive resident input. The Town Manager will also utilize this study during his discussions with the Village of Bal Harbour regarding the potential mall expansion, and discussions with Miami-Dade County regarding additional traffic calming devices and street beautification projects.

5. **Emergency Management** - CGA is updating the Town’s Emergency Operations Plan (EOP). An EOP Planning Meeting was conducted with the Emergency Operations Center team members on Friday, February 8, 2013. Numerous revisions, policies, and agreements have been forwarded to incorporate in the plan. A complete draft of the Plan will be presented to the Town Commission during the April 2013 Agenda.

6. **Emergency Seawall Repair at 88th & Carlyle** - The drawings have been reviewed and permitted by the Town Building and Planning Departments. Miami Dade County RER (Formerly DERM) has completed the Biological Opinion (BO). The results of the BO were submitted to the Town and CGA has incorporated the BO permit requirements into our final plans. The final plans have been submitted for final permits. The US Army Corps of Engineers (USACE) permit was obtained in late February 2013. The South Florida Water Management District (SFWMD) and Miami Dade County DERM permits are expected in March 2013. Once these permits are received, the project will be awarded to the lowest cost of its three bidders.

7. **Town-Owned Seawall Repair** - The Plans are currently undergoing 90% Quality Control (QC) review. The 90% plans were submitted to the Florida Inland Navigation District (FIND) Commissioner Spencer Crowley, III, who represents Miami Dade County on the FIND Board. The project received a favorable response from the Commissioner and we are cleared to submit our project for founding requests in April 2013. Simultaneously, while we are applying for the FIND funding we will be working on obtaining the required USACE and Miami Dade County RER permits.



**TOWN OF SURFSIDE DVAC
Streetscaping Masterplan Sub-
Committee Meeting**

Wednesday, January 9, 2013 – 7:00 p.m.
Commission Chambers

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

MINUTES

I. Town Manager Welcome / Roll Call

Town Manager, Roger Carlton called the meeting to order at 7:00pm.

Jammy Bengio, Eli Tourgerman, Shaun Grenald, Andy Labrada, Allen Callashica, Jackie Murphy, Peter Filiberto, Louis Cohen, Ken Arnold, Barbara Cohen, Eddie Lamas, Mayor Daniel Dietch, Commissioner Michelle Kligman, Town Manager Roger Carlton, Director Duncan Tavares, Meridith Beattie (7:02) Jennifer Brilliant(7:02), Jennifer Dray, Joe Corderi (7:04). 7:07- Barbara MacLaughlin . Vice Mayor, Michael Karukin (7:15)

II. Harding Avenue Streetscape Concept ~ C3TS Presentation

Duncan Tavares presented renderings of what the Harding Avenue Streetscape could look like. Roger Carlton stated all of the upcoming projects and improvements (The Surf Club and Best Western “The Chateau”). He also mentioned the completion of the water and sewer project.

Duncan Tavares continued with demonstrating how the Downtown would look in different scenarios, including renderings with majestic palm trees, expansion of sidewalks (with the approval from the Commissioners of a parking structure), sidewalk furniture and stained sidewalk.

Lou Cohen asked who would be involved in negotiating the removal of parking from Harding Avenue. Roger Carlton replied it is the State of Florida. Roger Carlton also stated that removal of parking on Harding Avenue is not yet approved until the Parking Structure debate is settled. Duncan Tavares mentioned that the Commission needs to complete a Parking Structure before approving the removal of parking from Harding Avenue.

Eli Tourgeman asked how many Palms would be needed. Roger Carlton stated the amount of palms is estimated to be 25 through 30. Eli Tourgeman suggested an ordinance be implemented to require every business to obtain awnings in order to create an outside walking mall so that pedestrians will not get wet. Roger Carlton stated that the topic could be brought up in the next DVAC meeting as an amendment. It would then go to P&Z. Eli Tourgeman suggested painting all the light poles black. Roger Carlton stated that, if money became available, the Town may look into creating a Phase II to include replacing the light poles with modernized and contemporary ones. Shaun Grenald suggested creating an ordinance mandating store front lights to remain on. Ken Arnold also suggested for kosher restaurants to be open on Saturdays. Roger Carlton suggested putting that item on the table for discussion and for staff to do a little more investigation on that topic. Bernie Oberlander stated that awnings are something that requires more research before enforcing. Barbara MacLaughlin asked if there is a determined height on the palm trees? Roger Carlton stated that the palm trees need to be tall enough to be above the signs and that there is not much

that can be done to control the growth of the palm trees. Ken Arnold also mentioned having additional foliage to separate pedestrians from the cars. Roger Carlton agreed that the Town does not have enough greener. The purpose of the item shown in the meeting is to obtain the consent of the DVAC committee and the residents present. Roger Carlton continued stating that many more meetings are to come as the design project matures with the assumption that the Town Commission agrees to move ahead with this initiative. Jennifer Dray stated that she agreed to putting everything on street level and that more greenery is needed. Peter Filiberto also suggested small bike racks for the Harding Ave Business District.

Eddie Lamas gave a few examples of streets his firm has worked on. He continued mentioning the experience his firm has in strip commercial areas with the enhancing of the pedestrian activity.

Roger Carlton stated if the Town Commission goes forth, C3TS will continue with the project. He stated that in order for the project to be done by this November or December it must get started now. Jackie Murphy asked what the total budget for the project is. Roger Carlton stated with inclusion of street lights, landscaping and street furniture is \$650,000. Not including the traffic light poles and possible expansion of sidewalks. Meredith Beattie asked what kind of shade will be provided by the palm trees. Roger Carlton stated the palm trees are not intended to be shade trees, however, it would be an improvement from the current shade obtained by the current trees. Joe Corderi asked how the awnings ordinance would work. Eli Tourgerman stated that over time every business would have an awning. The whole idea is to create an ambience pleasant enough to invite pedestrians to downtown.

Vice Mayor Karukin stated that DVAC had addressed the awnings about a year ago and would like the Town to go back to that vision. Bernie Oberlander asked how many palm trees are really needed to make a difference – not what is based on the rendition. Roger Carlton stated that whatever number to improve that street presence.

III. Next Step

Roger Carlton stated the next step will be to present the item to the Commission at the Town Commission meeting on January 15, 2013 in order to receive a “go ahead.”

IV. Public Comment

Joe Corderi asked for the purpose of the meeting. Roger Carlton stated that the Streetscaping project was an item on next Tuesday’s agenda in the hope that there will be a directive to go-forth with the project. Jaymy Bengio suggested having a light pole pointing down on the streets and the businesses rather than having business leaving their lights on. Roger Carlton stated the purpose of having businesses leaving lights on is to create a sense of something going on in Downtown. Jennifer Brilliant commented that loosing street parking would not be a good idea. Eli Tourgerman stated that leaving lights on makes a difference and that sending a friendly reminder to business will make a huge difference in enhancing Downtown. Andy Labrada asked, if the project passes through Commission, who reviews the capital budget? Roger Carlton stated that the capital budget will be reviewed by the Commissioners.

MOTION

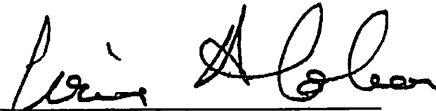
The Town of Surfside DVAC Streetscaping Masterplan Sub-Committee recommended moving forward in presenting the Streetscaping Masterplan agreement with C3TS to the Town Commission. Eli Tourgerman made the motion, Joe Corderi seconded the motion. The motion passed unanimously.

V. Adjournment


The Town of Surfside DVAC Streetscaping Masterplan Sub-Committee called for the adjournment of the meeting. The meeting adjourned at 7:55pm.

There being no further business to come before the Committee, the meeting adjourned at 7:55 p.m.

Accepted this 25 day of FEBRUARY, 2013


Lou Cohen

Attest:



Jenergen Guillen
Recording Clerk



**TOWN OF SURFSIDE
DVAC Committee**

Monday, January 28, 2013 – 7:00 p.m.
Commission Chambers
Town Hall 9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

I. Call to Order and Roll Call

Town Manager Roger Carlton called the meeting to order at 7:03pm.

In attendance: Jackie Murphy, Andy Labrada, Ken Arnold, Lou Cohen, Shaun Grenald.

Also in attendance; Commissioner Michelle Kligman, Town Manager Roger Carlton, Recording clerk Jen Guillen, Interim Town Attorney Linda Miller, Law Assistant Sarah Johnston, TEDACS Director Duncan Tavares, Terrell Fritz from Redevelopment Management Associate, Barbara Cohen. Commissioner Joe Graubart (arrived at 8:12)

II. Approval Meeting Minutes:

November 28, 2012 –

MOTION

The Town of Surfside DVAC committee recommended approval of November 28, 2012 minutes. **Shaun Grenald** motioned to approve, Lou Cohen seconded the motion. Motion passed unanimously.

III. BID Consultant Presentation – RMA ~ Terrell Fritz

Terrell Fritz with Redevelopment Management Associates gave a presentation describing a Business Improvement District (BID). He gave a brief description of his firm and the experience obtained with projects completed in Coral Gables and Miami Beach. He continued on to describe the diverse RMA team. He stated the advantages of a Business Improvement District: increase activity from the local market and tourism, increase retail & restaurant sales, increase in rents and property values, and increase local government revenues, and etc. He stated the different types of actions from BIDS including capital improvement projects such as that of Lincoln Road/Miami Beach, façade renovations, and marketing activities seen in Coconut Grove/Miami. He continued describing various BID sizes. He stated the different BID-Florida Statutes being FS 163 Part IV- Neighborhood Improvement Districts, FS 189.4041-Special Districts and FS 170-Special Assessment Districts.

Andy Labrada asked who is funding the project. Roger Carlton stated that the study process is funded in the Town's budget for \$25,000; it was part of the discussion over the summer as the budget was adopted. Andy Labrada asked if once the project is passed and the BID goes through if it would be funded primarily by business owners. Terrell Fritz stated that yes, according to the assessment methodology; it would be collected annually and recommended an approval of a five year budget process. The functionality will be identified in the organizing documents.

Lou Cohen asked for Florida Statue FS 170-Special Assessment Districts to be described more in detail. Terrell Fretz stated that a BID is formed by the majority of support from individual properties owners in the district itself and the assessment is only on the property and has no direct

impact on surrounding areas or residential communities.

Shaun Grenald asked how long the Town has to wait before having to readdress bringing a BID up for vote if it fails the first time. **Terrell Fritz** stated there is no time frame that is mandated or in State Statute. He also stated that a plan could be created to follow the five year assessment in which property owners decide if they wish to continue to follow.

IV. Parking Structure Study Update

Duncan Tavares described the two subcommittee meetings: First - Parking Structure feasibility study, and Second - the Downtown Streetscape Plan. Roger Carlton mentioned the parking lots included in the study: Abbott parking lot, Post Office lot and the 94th Street lot. He continued mentioning the different alternatives of structures. Duncan Tavares stated that some of the initial concept renderings may be found on the Town's website.

V. Downtown Streetscape Plan Update

Duncan Tavares stated that Town has \$650,000 from voluntary proffers from the Surf Club and Chateau Development as of January 24th to go towards redoing the downtown's Streetscape in thanks to Commissioner Michelle Kligman. He also stated that at the January 15th meeting the Town Commission authorized an agreement with C3TS to come up with a detailed plan for the redesign of the downtown streetscaping . Duncan Tavares stated the goal is to get started with streetscaping before season starts later this year in order to have as little impact on businesses in the downtown area as possible. Roger Carlton stated that three of the street ends (94th, 95th and 90th) have been funded and will be completed in a couple of years, each with different designs. Roger Carlton also stated that Starbucks signed a lease for downtown. They are planning to open the end of summer /early fall, making this the first national retail to open downtown in decades.

VI. Awnings Ordinance Amendment Discussion ~ requiring awnings with each new renovation to create a continuous pedestrian coverage.

Duncan Tavares stated that this subject was brought forth on a recent meeting in discussion of the Streetscape. There was a suggesting requiring any new renovation to continue pedestrian coverage with their awnings. He stated previous awnings regulations that were addressed by DVAC and enacted by Town Commission. Ken Arnold stated that awnings could take away from the design of the building therefore making a bad visual presence. Roger Carlton stated that Eli Tourgaman mentioned the item in a previous meeting and should come to a subsequent DVAC meeting to lobby for this changed.

VII. Storefronts Lighting Ordinance Discussion ~ requiring storefronts to maintain lighting at night

Duncan Tavares stated that Storefronts Lighting was brought up in previous DVAC meetings in an effort to create an ordinance requiring businesses to leave lights on in order for pedestrians to view merchandise and enhance the ambiance of downtown. Shawn Grenald agreed to drafting of such an ordinance. Lou Cohen disagreed in making an ordinance for Storefronts Lighting.

MOTION

The Town of Surfside DVAC committee recommended the drafting of an ordinance for Storefronts Lighting. Shaun Grenald made the motion, Ken Arnold seconded the motion. Lou Cohen opposed. Motion passed.

VIII.

Action Item:

1. Bring Eli Tourgerman to the next meeting to speak about Awnings.
2. Storefronts Lighting draft ordinance for review.
3. Andy Labrada would like to invite an Electronic vendor for signage.

IX.

Public Comment

Tammel Tucker student from FAU introduced himself – he attended the meeting for a school assignment.

X.

Next meeting:

Tentatively Monday, February 25, 2013

XI.


Adjournment

MOTION

The Town of Surfside DVAC committee called for the adjournment of the meeting. Commissioner Michelle Kligman moved, Shaun Grenald seconded the motion. The motion passed unanimously. The meeting adjourned at 8:22pm.

There being no further business to come before the Committee, the meeting adjourned at 8:22 p.m.

Accepted this 25 day of FEBRUARY, 2012


 Lou Cohen

Attest:



Jenorgen Guillen
Recording Clerk



TOWN OF SURFSIDE
SPECIAL PENSION BOARD MEETING
Tuesday, January 29, 2013 – 2:00 p.m.
9293 Harding Avenue - Town Hall - Chambers

MINUTES

Pension Board Members

Michael K. Feldman, Chair
Stan Bershad, Vice Chair
Roger M. Carlton, Secretary
Sgt. Julio E. Torres
Yamileth “Yami” Slate-McCloud

Town of Surfside Consultants

Alyce Jones, A.M. Jones – C.P.A., P.A.
Larry Wilson, Gabriel Roeder Smith & Co.
Robert Klausner or Stuart Kaufman, Esq, Klausner & Kaufman
Donald Nelson, Finance Director
Mayte Gamiotea, Third Party Administrator
Jenorgen “Jen” Guillen, Recording Clerk

I. Call to Order and Roll Call

This meeting was called to order at 2:04pm.
Pension Board members and consultants noted above were present. A quorum was established.

II. Approval of Minutes

a. Regular Pension Board Meeting – November 29, 2012

MOTION

The Town of Surfside Pension Board recommended the approval of the November 29, 2012 minutes of the Regular Pension Board meeting as amended. Roger Carlton moved, Stan Bershad seconded. The motion passed unanimously.

III. Agenda Additions and Deletions

*None

IV. Reports and Updates

a. Klausner & Kaufman

Stuart Kaufman presented a draft letter sent to Burgess Chambers, Burgess Chambers & Associates and Grant McMurry, ICC Capital Management clarifying duties with regards to rebalancing the portfolio. The letter details the rebalancing protocol. It grants Burgess Chambers and Grant McMurry the authority to discuss if the portfolio needs to be rebalanced. The letter has been reviewed/approved by Burgess Chambers and Grant McMurry without changes.

MOTION

The Town of Surfside Pension Board recommended executing the letter, placing it on Town of Surfside letterhead with the Chairman, Michael Feldman's signature and give to Burgess Chambers and Grant McMurry. Sgt. Julio E. Torres moved, Roger Carlton seconded. The motion passed unanimously.

b. Alyce Jones, A.M. Jones – C.P.A., P.A.

Alyce Jones reported on the pension audit. She stated that there was a \$2,092,000 increase on the net assets available for benefits compared to the prior year \$187,000 loss. Stan Bershad asked what kind of impact would the changes on the Gabriel Roeder Smith Actuarial Valuation report would have on Alyce Jones' report. Alyce Jones stated that her financial statements would not change. The numbers that would change are the ones in the letter of transmittal, management's discussion and analysis, and the note to financial statements. She stated the \$2,092,000 increase in net assets really helped the plan. The biggest component was the net appreciation in the investments. She stated refunds of contributions went down given that there were fewer terminations during the year.

MOTION

The Town of Surfside Pension Board recommended adopting the Alyce Jones' Pension audit subject to Gabriel Roeder Smith Actuarial Valuation Report changes. Stan Bershad moved, Yami Slate-McCloud seconded. The motion passed unanimously.

c. Gabriel Roeder Smith -Larry Wilson

Larry Wilson presented the actuarial valuation report to determine the Town's contribution for the FY 13/14. Larry Wilson mentioned the Town's contribution is higher than the prior year due to the results of the investment returns as filtered through the five-year smoothing. He stated that at market value, the fund earned 18% with an assumption rate of 7.5%.

Michael Feldman asked how much longer would be necessary to be smoothing the previous loses. Larry Wilson stated that a five year smoothing will be needed. Roger Carlton asked if the five year process for smoothing was an adopted policy by the Board or an actuarial policy. Larry Wilson stated that the assumption and methods are recommended by the actuary and approved by the Board. He stated the smoothing commenced in 2004 and believed it has served

the Board well with the three negative years in which the contribution would have been much more volatile. Roger Carlton asked what most jurisdictions do, five years or seven years? Larry Wilson stated that most jurisdictions do five year smoothing. Larry Wilson stated that the investment return in which was recognized was a considerable increasing cost, and strengthening the mortality assumptions. Roger Carlton stated the assumption change for the new mortality table is about 80,000. Larry Wilson stated that the investment lost & increase in payroll was also factors for the increase of the Town's contribution. The combined actuarial gain & lost was about \$47,000.

Roger Carlton recommended the Board adopt the report subject to it being reworked with the following two items: First, reduction of the impact of having a new table, in recalculating numbers of life expectancy. Second, make an adjustment of \$35,000 because it would be paid on time this year.

Larry Wilson stated that if the Board gave him directions to change his current report, the report presented would then become a draft. He will then reissue the report with the interest adjustment and the mortality table assumption changed.

The Board Members discussed that the mortality table used in preparing the Annual Actuarial Valuation Report will be reviewed next year before the valuation report is prepared.

MOTION

The Town of Surfside Pension Board recommended accepting the Gabriel Roeder Smith & Co. Actuarial Valuation Report or amended to include the earlier payment of the Town contribution and middle of the road mortality table.

Michael Feldman offered an amendment to the motion to have a motion to accept the change on the report so the Town's contribution amount can be paid October rather than December and save \$35,000 interest. The second, motion to vote on which mortality tables the Board would like to use.

MOTION

The Town of Surfside Pension Board recommended accepting the Gabriel Roeder Smith report with changes so the Town's contribution amount can be paid in October rather than December and save \$35,000 in interest. Roger Carlton moved, Sgt. Julio E. Torres seconded. The motion passed unanimously.

SECOND MOTION

The Town of Surfside Pension Board recommended the amended motion on accepting the RP2000 with Scale AA what has been referred to "the middle of the road" mortality tables. Roger Carlton moved, Yami Slate-McCloud seconded. Vice Chair, Stan Bershada voted no, Roger Carlton voted yes, Sgt. Julio E. Torres voted yes, Chairman, Michael Feldman voted no. The motion passed 3 to 2.

V. Review of FY 2012 CAFR & Actuarial Valuation Report

*Done under IV a. and b. (Alyce Jones and Larry Wilson)

VI. Administrator

a. Antonio Mesa - Drop Application Package Revised (effective 10/1/2012)

MOTION

The Town of Surfside Pension Board approved the Antonio Mesa Drop application. Yami Slate-McCloud moved, Sgt. Julio E. Torres seconded. The motion passed unanimously.

b. Niclasse Jean-Mary-Retired effective (December 20, 2012) \$1,214.09

Elected: 10 year certified \$1,214.09 monthly

MOTION

The Town of Surfside Pension Board recommended approval of Niclasse Jean-Mary's retire subject to auditor Alyce Jones' approval. Yamileth "Yami" Slate-McCloud moved, Sgt. Julio E. Torres seconded the motion. The motion passed unanimously.

VII. New Business

Roger Carlton mentioned the Naples Letter in which the State Department of Management Services has told the city of Naples regarding the use of insurance premium tax revenues for extra benefits "appears inaccurate." And that if we submit a letter such as the Naples letter the Town may be able to use funds from the 185 and that he just wanted the board to be aware of that.

VIII. Trustees' Comments/Concerns

*None

IX. Meeting Dates

Regular Pension Meeting-February 19, 2013- reschedule

X. Adjournment

MOTION

The Town of Surfside Pension Board called for the adjournment of the meeting. Yami Slate-McCloud moved, Stan Bershad seconded. The motion passed unanimously. The meeting adjourned at 4:08pm.

There being no further business to come before the Committee, the meeting adjourned at 4:08 p.m.

Accepted this 28 day of February, 2012


Chairman

Attest:


Jenorgen Guillen
Recording Clerk

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, URGING THE HONORABLE GOVERNOR AND THE STATE OF FLORIDA LEGISLATURE TO OPPOSE THE “PROPOSED TRANSPORTATION COMMITTEE BILL” REQUIRING MUNICIPALITIES TO REMIT 50% OF REVENUE GENERATED FROM ANY FEES COLLECTED BY ON-STREET PARKING METER DEVICES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida House of Transportation and Infrastructure, Subcommittee Highway and Transit has put forth a “Proposed Transportation Committee Bill” (hereinafter “Bill”); and

WHEREAS, the proposed Bill would require municipalities to remit 50% of revenue generated from any fees collected by parking meter devices existing within the right-of-way of State roads under the State Department of Transportation jurisdiction; and

WHEREAS, many of the streets included in the State Department of Transportation have been dedicated and the Town is solely responsible for collection, maintenance and installation of meters; and

WHEREAS, the proposed legislation does not guarantee that the jurisdiction losing revenue will see the lost revenue returned in the State of Florida fairly for roads in that jurisdiction; and

WHEREAS, the Town of Surfside has invested heavily in the beautification of these state roads including Harding and Collins Avenues; and

WHEREAS, it is in the best interest of the Town of Surfside and safety of its residents to urge the Honorable Governor and The State of Florida Legislature to oppose the passing of the Bill.

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

Section 1. Recitals. The above-stated recitals are hereby adopted and confirmed.

Section 2. Implementation. The Mayor and the Town Manager are hereby authorized to take any and all action necessary to implement this Resolution.

Section 3. Direction to Town Clerk. The Town Clerk is hereby directed to send a certified copy of this resolution to The Honorable Governor and The State of Florida Legislature.

Section 4. Effective Date. This Resolution shall be effective immediately from adoption hereof.

PASSED and ADOPTED on this ____ day of _____, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION


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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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



Linda Miller, Interim Town Attorney

RESOLUTION NO. 13 _____**A RESOLUTION OF THE TOWN OF SURFSIDE ADOPTING A PROCLAMATION HONORING YEARS OF EDUCATIONAL SERVICE BY DR. ALLYN BERNSTEIN, PH.D.; PROCLAIMING MAY 2, 2013 AS “DR. ALLYN BERNSTEIN DAY”; PROVIDING APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Surfside wishes to honor Dr. Allyn Bernstein for years of distinguished service in education in Miami-Dade County, Florida; and

WHEREAS, Dr. Allyn Bernstein has served as the principal of Nautilus Middle School since 2006; and

WHEREAS, Dr. Allyn Bernstein will retire in May, 2013 as the Principal of Nautilus Middle School; and

WHEREAS, Dr. Allyn Bernstein has had a major positive impact on the families of many of the citizens of Miami-Dade County and the Town of Surfside; and

WHEREAS, Dr. Allyn Bernstein achieved authorization for Nautilus Middle School as an International Baccalaureate World School and guided , implemented, sustained and supported the International Baccalaureate Middle Years Programme (IB/MYP), as part of the Miami Beach International Baccalaureate K-12 Continuum; and

WHEREAS, Dr. Allyn Bernstein developed Junior Scholars International as a prestigious advanced academic program; and

WHEREAS, Dr. Allyn Bernstein sponsored, developed and maintained a world class, internationally recognized, wellness and fitness center for students and faculty at Nautilus Middle School; and

WHEREAS, Dr. Allyn Bernstein re-invented *The Spirit of Nautilus* through a commitment to collaboration, cooperation and teamwork promoting parental and community involvement; and

WHEREAS, Dr. Allyn Bernstein has forged a strong, sustainable and inclusive partnership with the PTSA emphasizing and promoting open communication and participation through the First Friday Coffee Van Monthly Chats, *PTSA Reflections*, the ING Miami Marathon *The Final Mile*, and the Corporate Run; and

WHEREAS, Dr. Allyn Bernstein has re-invigorated school spirit emphasizing sports teams, extra-curricular activities, required community service, STEM participation, Grad-venture and the 8th Grade Happening; and

WHEREAS, Dr. Allyn Bernstein has supported development of Parent Safety Council and put in place School Zone warning lights, signs and markers; and

WHEREAS, Dr. Allyn Bernstein has inspired countless students, teachers and parents to pursue high levels of personal development and career advancement through leadership, guidance and mentorship; and

WHEREAS, Dr. Allyn Bernstein has assembled a world class team of instructional and non- instructional staff dedicated to educating the whole child; and

WHEREAS, the Town of Surfside strongly supports a Proclamation honoring Dr. Allyn Bernstein for distinguished education service for Miami-Dade County; and

WHEREAS, the Town Commission of the Town of Surfside, hereby proclaims May 2, 2013 as “Dr. Allyn Bernstein Day.”

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

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

Section 2. Approval and Authorization. The Town Commission approves and authorizes the Town Manager and/or his designee to take all actions necessary to implement this Resolution to proclaim May 2, 2013 as “Dr. Allyn Bernstein Day.”

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

PASSED AND ADOPTED this ____ day of March, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

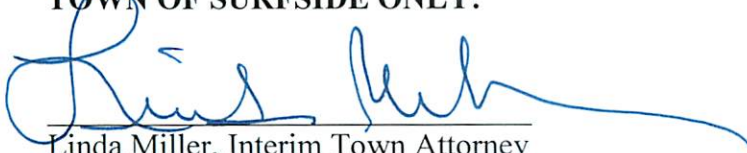
Commissioner Joseph Graubart	_____
Commissioner Michelle Kligman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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



Linda Miller, Interim Town Attorney

RESOLUTION NO. _____**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; URGING THE HONORABLE GOVERNOR AND FLORIDA LEGISLATURE TO BAN TEXTING WHILE DRIVING; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, according to a December, 2011 survey from the International Association for the Wireless Telecommunications Industry, there are an estimated 331.6 million wireless subscriber connections in the U.S., which outnumber the total U.S. population; and

WHEREAS, these statistics reflect a rapid and substantial increase in the number of wireless subscriptions from 203,600 in June, 1985; and

WHEREAS, the number of text messages sent also has risen dramatically to approximately 2.3 trillion text messages sent during calendar year 2011, up from 15.8 billion text messages sent during calendar year 2006, the first year in which text message data was collected by the International Association for the Wireless Telecommunications Industry; and

WHEREAS, according to a June 2011 national survey by the American Automobile Association (AAA) Foundation, 94 percent of drivers consider texting while driving a serious threat; and

WHEREAS, public concern over distracted driving has resulted in a number of jurisdictions making it illegal to use hand-held cellular telephones for talking or texting or both while driving; and

WHEREAS, during the 2002 regular session, the Florida Legislature enacted Chapter 2002-179, Laws of Florida (HB 358), which preempted local governments from regulating the use of electronic communications devices in motor vehicles; and

WHEREAS, on December 13, 2011, the National Transportation Safety Board urged all U.S. states to ban drivers from using electronic devices while driving, including for text messaging, after several investigations found that texting was the cause of deadly accidents; and

WHEREAS, as of May, 2012, 37 states and the District of Columbia have banned texting while driving for all drivers, and another five states have banned texting while driving for holders of learner's permits, drivers under age 21, school bus drivers and/or public transit operators, according to a National Conference of State Legislatures survey; and

WHEREAS, Florida is one of only eight states, along with Arizona, Hawaii, Montana, New Mexico, Ohio, South Carolina and South Dakota, that have not imposed any ban on texting while driving, whether for all drivers or limited groups of drivers; and

WHEREAS, in recent years, bills have been filed in the Florida Legislature each session that would ban talking or texting or both while driving, but these bills have not passed; and

WHEREAS, bills were filed for consideration during the Florida Legislature's 2012 session that would have banned texting while driving enforced as a secondary offense, SB 416 by Senator Nancy C. Detert (R – Venice) and HB 299 by Representative Ray Pilon (R – Sarasota) but these bills did not pass; and

WHEREAS, the Town of Surfside strongly supports passage of legislation during the Florida Legislature's 2013 session that would ban texting while driving.

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

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

Section 2. Approval and Authorization. The Town Commission approves and authorizes the Town Manager and/or his designee to take all actions necessary to implement this Resolution.

Section 3. Direction to the Town Clerk. The Town Clerk is hereby directed to transmit a certified copy of this Resolution to the Miami-Dade County Municipal Clerk, The Honorable Governor, and The State of Florida Legislature to urge the Florida Legislature to pass legislation that would ban texting while driving.

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

PASSED AND ADOPTED this ____ day of _____ 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION


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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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



Linda Miller, Interim Town Attorney



Town of Surfside Commission Communication

Agenda Item #: 4B1
Agenda Date: March 12, 2013
Subject: Required Clearance Clarification
From: Roger M. Carlton, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

Background: Section 90-52 of the Code (Attachment 1) requires that all new construction maintain a corner clearance distance of 25 feet along both lot lines and that this corner clearance area remain free of all obstructions greater than 24 inches in height.

Code Section 90-92 (Attachment 2) also requires a 25 feet corner clearance area, but this code provision states that this area shall provide an unobstructed view of 30 inches for eight feet in height. This code provision does not reference if it is for new or existing structures.

Graphics: These concepts are demonstrated in Attachment 3 (cross reference Code Section 90-52) and Attachment 4 (cross reference Code Section 90-92)

Analysis: Although Code Section 90-52 provides for a lower height for obstructions within this corner clearance area, the additional six inches provided in Code Section 90-92 will offer homeowners the ability to plant landscaping groundcover in this area. Also, a maximum height of 30 inches within the corner clearance area is typical within zoning codes. Lastly, Code Section 90-92 of the zoning code references new development, however this concept should be applicable to all properties.

Recommendation: Town Commission directed staff to prepare an ordinance striking Code Section 90-52. Staff recommends that the Town Commission approved this ordinance on first reading, which will be presented in March to the Planning and Zoning Board and the Town Commission in April for second reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Roger M. Carlton, Town Manager

Section 90-52

Attachment 1

Sec. 90-52. - Required clearances.

As an aid to free and safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and for property, for proposed construction hereafter, there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures, construction, and planting on corner lots in all districts where front yards are required as follows:

(a) All corner properties shall provide and maintain unobstructed corner clearance areas measured a distance of 25 feet along both the front and side lot lines, measured from the point of intersection, of the intersecting lot lines.

(b) All objects within any corner areas as previously defined shall be limited to a maximum height of 24 inches above the established elevation of the nearest curb;

(c) Any permanent or semi-permanent structures, including trees or shrubs, with the exception of walls or fences subject to the height limitations stated herein, shall not be allowed or constructed within any part of the corner clearance areas; and

(d) It shall be unlawful for any person to plant or cause to be planted any tree or shrubs or to place any structure in the public right-of-way without a permit from the Town Manager or designee. The elevation grades of the public right-of-way adjacent to private property shall not be altered.

Section 90-92

Attachment 2

Sec. 90-92. - Sight triangles and clearances.

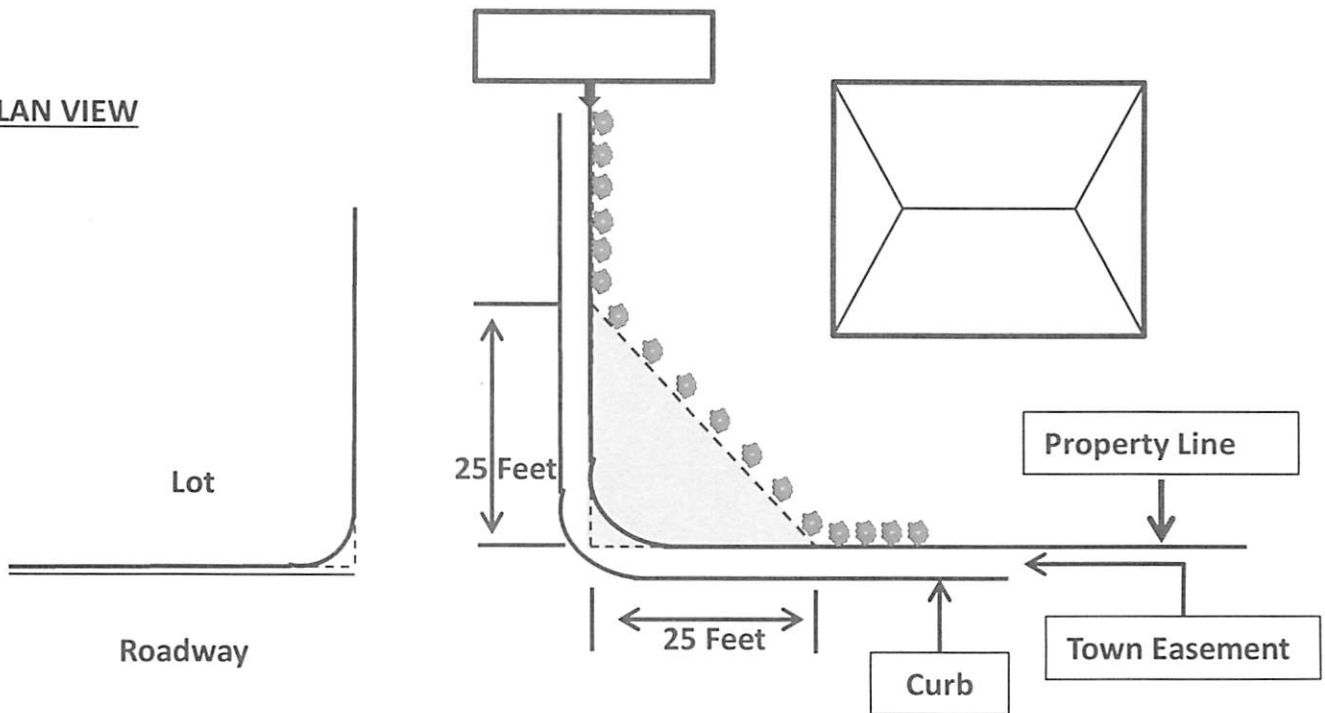
When the subject property abuts the intersection of one or more streets or access ways, all landscaping within the triangular area located within 25 feet of the intersection of the front and side street property lines shall provide unobstructed cross-visibility at a level between 30 inches and eight feet, with the exception of tree trunks that do not create a traffic hazard. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. Landscaping, except required turf and groundcover, shall not be located closer than five feet from the edge of any roadway and three feet from the edge of any alley or pavement. All sight triangles shall be indicated on the landscape plans.

NOTE: The town traffic engineer shall have final approval of the clear sight triangles.

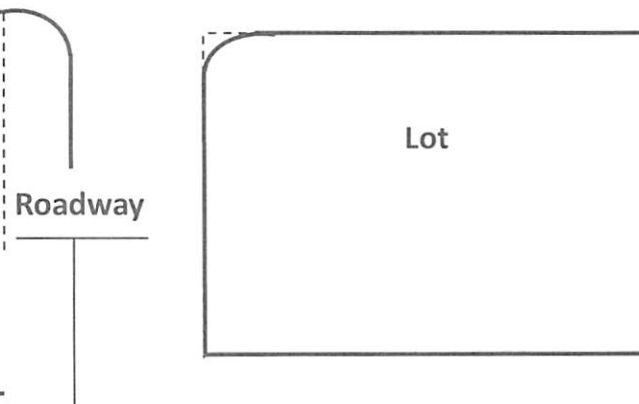
**Section 90-52
Attachment 3**

SIGHT TRIANGLE DIAGRAM

PLAN VIEW



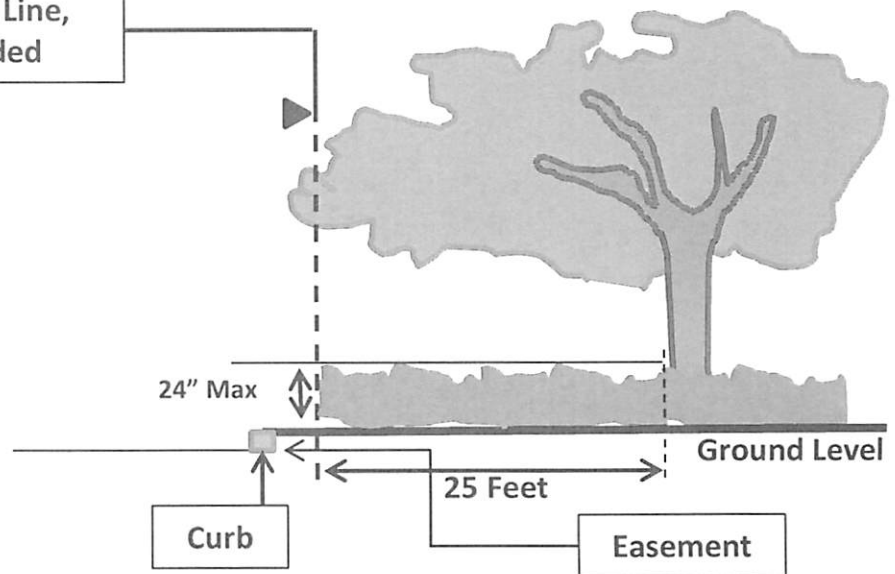
NOTE: Your property lines may or may not be set back away from the concrete curb of the roadway and should be checked against your property survey to ensure accuracy. In many instances there is a Town Easement between your property line and the curb/edge of the roadway.



ELEVATION VIEW

Property Line, as extended

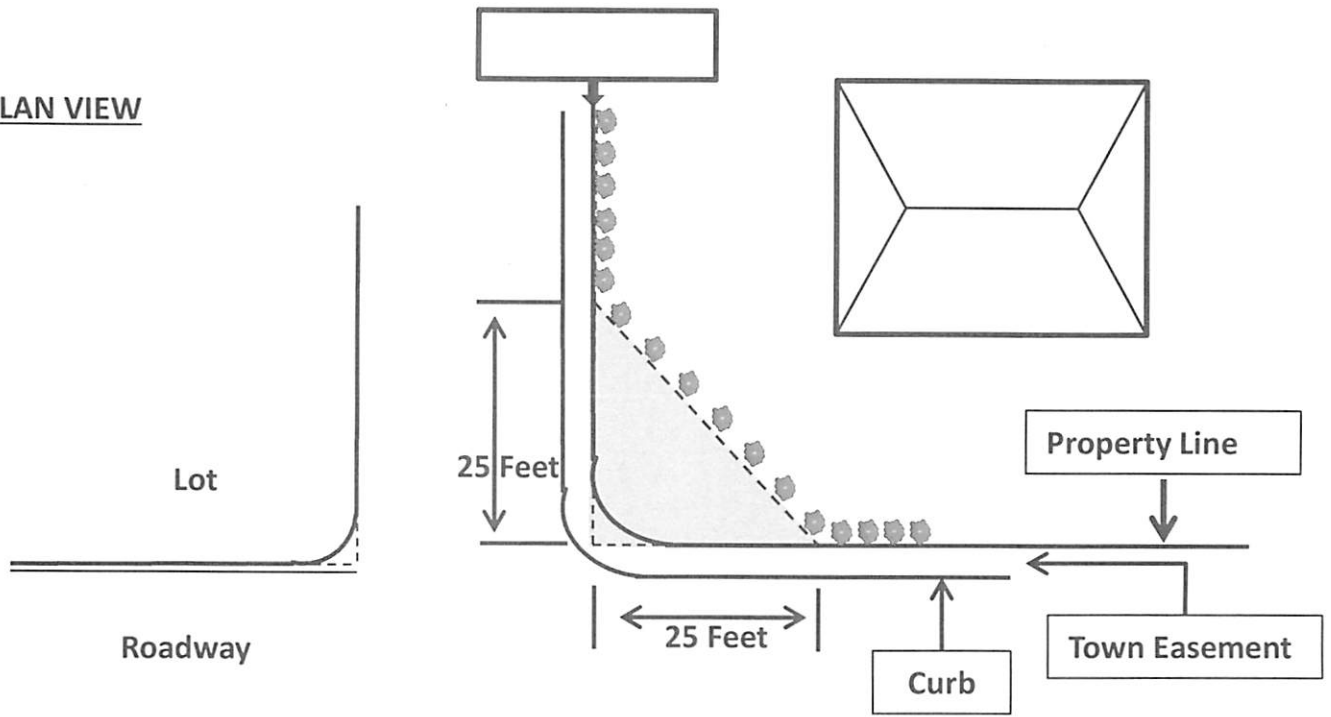
Any hedge, shrub, bush, tree or other obstruction within the Sight Triangle must be less than 30 inches in height and provide a clear unobstructed view up to 8 feet in height.



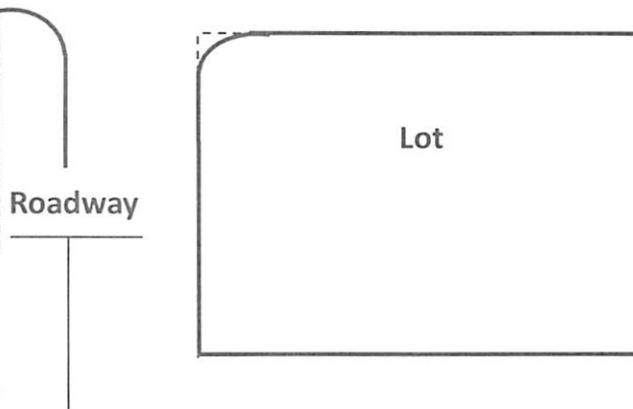
**Section 90-92
Attachment 4**

SIGHT TRIANGLE DIAGRAM

PLAN VIEW



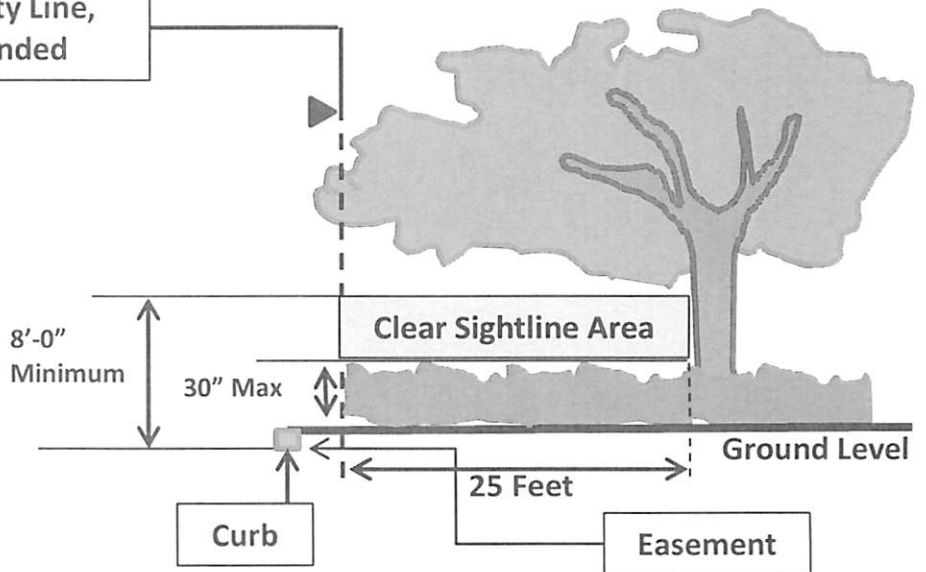
NOTE: Your property lines may or may not be set back away from the concrete curb of the roadway and should be checked against your property survey to ensure accuracy. In many instances there is a Town Easement between your property line and the curb/edge of the roadway.



ELEVATION VIEW

Property Line, as extended

Any hedge, shrub, bush, tree or other obstruction within the Sight Triangle must be less than 30 inches in height and provide a clear unobstructed view up to 8 feet in height.



Sec. 90-52. ~~Required clearances.~~

~~As an aid to free and safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and for property, for proposed construction hereafter, there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures, construction, and planting on corner lots in all districts where front yards are required as follows:~~

~~(a) All corner properties shall provide and maintain unobstructed corner clearance areas measured a distance of 25 feet along both the front and side lot lines, measured from the point of intersection, of the intersecting lot lines.~~

~~(b) All objects within any corner areas as previously defined shall be limited to a maximum height of 24 inches above the established elevation of the nearest curb;~~

~~(c) Any permanent or semi permanent structures, including trees or shrubs, with the exception of walls or fences subject to the height limitations stated herein, shall not be allowed or constructed within any part of the corner clearance areas; and~~

~~(d) It shall be unlawful for any person to plant or cause to be planted any tree or shrubs or to place any structure in the public right of way without a permit from the Town Manager or designee. The elevation grades of the public right of way adjacent to private property shall not be altered.~~

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" STRIKING CODE SECTION 90-52 REQUIRED CLEARANCES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-52 of the code requires that all new construction maintain a corner clearance distance of 25 feet along both lot lines and that this corner clearance area remain free of all obstructions greater than 24 inches in height (See Attachment 1); and

WHEREAS, Section 90-92 also requires a 25 feet corner clearance area, but this code provision states that this area shall provide an unobstructed view of 30 inches for eight feet in height and this code provision does not reference if it is for new or existing structures (See Attachment 2); and

WHEREAS, Section 90-52 provides for a lower height for obstructions within this corner clearance area; and

WHEREAS, the additional six inches in height provided in Section 90-92 offers homeowners the ability to plant landscaping groundcover and a maximum height of 30 inches within the corner clearance area; and

WHEREAS, the Town Planner recommends the Town Commission strike Section 90-52 of the Code because it is conflicts with Section 90-92; and

WHEREAS, the Town Commission held its first public hearing on March 12, 2013 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on March 28, 2013 with due public notice and input; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on April 9, 2013.

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. 90-52. Required clearances.~~

~~As an aid to free and safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and for property, for proposed construction hereafter, there shall be limitations on the height of fences, walls, gateways, ornamental structures, signs, hedges, shrubbery, and other fixtures, construction, and planting on corner lots in all districts where front yards are required as follows:~~

~~(a) All corner properties shall provide and maintain unobstructed corner clearance areas measured a distance of 25 feet along both the front and side lot lines, measured from the point of intersection, of the intersecting lot lines.~~

~~(b) All objects within any corner areas as previously defined shall be limited to a maximum height of 24 inches above the established elevation of the nearest curb;~~

~~(c) Any permanent or semi-permanent structures, including trees or shrubs, with the exception of walls or fences subject to the height limitations stated herein, shall not be allowed or constructed within any part of the corner clearance areas; and~~

~~(d) It shall be unlawful for any person to plant or cause to be planted any tree or shrubs or to place any structure in the public right of way without a permit from the Town Manager or designee. The elevation grades of the public right of way adjacent to private property shall not be altered.~~

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 second reading this ____ day of _____, ____.

Daniel Dietch, Mayor

Attest:

Sandra Novoa
Town Clerk

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



Linda Miller, Interim Town Attorney

On First Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

Mayor Daniel Dietch	yes_____ no_____
Vice Mayor Michael Karukin	yes_____ no_____
Commissioner Graubart	yes_____ no_____
Commissioner Kligman	yes_____ no_____
Commissioner Olchyk	yes_____ no_____



Town of Surfside Commission Communication

Agenda Item #: 4B2

Agenda Date: March 12, 2013

Subject: Outdoor dining

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

Background: Currently, Outdoor dining is classified as a conditional use in the SD-B40 zoning district. Conditional use applications require additional review by Town staff, the Planning and Zoning Board, and Town Commission. This is not consistent with the recently adopted Outdoor Café ordinance, Section 18-81 which sets very detailed rules and requirements for open air cafés (Attachment 1). In order to create a lively Downtown environment and encourage outdoor dining opportunities, an amendment to the zoning code to classify outdoor dining as a permitted use has been proposed.

Analysis: Applications for approval of a conditional use are heard by the Planning and Zoning Board and the Planning and Zoning Board's report may contain recommendations to the Town Commission in approving the conditional use. The Town Commission may establish these and/or additional conditions. The permit dictates hours of activity and other conditions necessary to provide compatibility with the surrounding neighborhood.

The proposed ordinance (Attachment 2) changes outdoor dining from a conditional use to a permitted use in the business district to encourage new outdoor dining opportunities. Language was also added to refer applicants to Chapter 18 which has existing requirements and standards for outdoor dining in Section 18-80 Open air cafés. Outdoor dining facilities relating to multi-family residential and hotels in the H-40 and SD-B40 zoning districts are not included in this ordinance and will continue to be reviewed as conditional uses with ultimate approval by the Town Commission.

Recommendation: Staff recommends that the Town Commission approve the outdoor dining modification on first reading. The ordinance would be presented in March to the Planning and Zoning Board and the Town Commission in April for second 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. 12- 1587

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 18 AND SPECIFICALLY DIVISION 3 "SIDEWALK BUSINESSES" AND SPECIFICALLY AMENDING SECTIONS 18-80, 18-81; AND CREATING SECTIONS 18-82, 18-83, 18-84, 18-85, 18-86, 18-87, 18-88, 18-89, 18-90, 18-91, 18-92, AND 18-93 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to establish guidelines and regulations for sidewalk businesses.

WHEREAS, The Town Commission held its first public reading on February 14, 2012 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the sidewalk business regulations on February 23, 2012 with due public notice and input; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on May 8, 2012 and further finds the proposed change to the Code necessary and in the best interest of the community.

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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:

DIVISION 3. SIDEWALK BUSINESSES

Sec. 18-80. Open-air cafes, Definitions.

~~As an exception to sections 18-26, 54-62, 54-63 and 54-64 of this Code, a restaurant holding a valid local business tax receipt may serve customers at tables placed on the sidewalks adjacent to the restaurant. The tables may not unnecessarily impede traffic, including pedestrian traffic, or they shall be considered a nuisance and shall be removed. These tables shall be referred to as open air cafes in conjunction with a restaurant or food establishment and shall be considered an accessory use in this district.~~

Town manager means the town manager or the town manager's designee.

Code compliance officer means the code compliance officers, fire inspectors, or any other authorized agent or employee of the Town whose duty it is to assure code compliance.

Menu holder means a board allowing for the posting of a restaurant's complete menu and fabricated in such a manner so as not to constitute a form of general advertising or establishment identification. The location, size, design, materials and color of the menu board shall be approved by the town manager and shown on the sidewalk cafe site plan (as hereinafter defined). Menu boards shall be no larger than one and one half (1 ½) square feet and in conformance with requirements set forth in Article IV Signs of the Code. The menu board shall not be a sandwich or "A" frame sign (as defined herein) provided that for limited special events, the Town may utilize a temporary menu holder.

Permittee means the recipient of a sidewalk cafe permit under the terms and provisions of this division.

Restaurant for purposes of this division only, means a duly licensed food service establishment that is maintained and operated as a place where food and/or beverages are prepared and/or served and sold for consumption within the premises, or a business establishment which has, as an ancillary or secondary use, a part thereof where food and/or beverages are prepared and/or served and sold for consumption within the premises. Sidewalk cafe permits shall be issued to a restaurant whose local business tax receipt or certificate of use licensed for take-out only for certain items and. Such restaurant may have a bench, or similar furniture, only subject to application approval.

Right-of-way means land in which the state, the state department of transportation, the county or

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the town owns the fee or has an easement devoted to or required for use as a transportation facility or street.

Sandwich or "A" frame sign means a freestanding, A-frame structure located on a sidewalk or street which may be placed in position or is collapsible and which contains a sign (as defined in section 90-68).

Sidewalk means that portion of the right-of-way which is located between the curb line or the lateral line of a street and the adjacent property line and which is intended for use by pedestrians.

Sidewalk cafe means a use located on the sidewalk portion of the right-of-way which is associated with a restaurant and is primarily characterized by tables and chairs; may be shaded by awnings, canopies or umbrellas; and may include such other sidewalk cafe furniture (as hereinafter defined) as permitted and/or approved pursuant to this division.

Sidewalk cafe furniture means those nonpermanent items, furnishings and equipment associated with the operation of a sidewalk cafe and approved pursuant to this division including, without limitation, tables, chairs, umbrellas, planters, heaters, fans and menus and/or specials boards.

Sidewalk café signage means a sign located on an umbrella that is used as shelter for sidewalk tables.

Sidewalk cafe site map means a town-approved map detailing the location of the pedestrian pathway as it relates to a sidewalk cafe.

Sign shall have the same meaning as provided for in section 90-68.

Specials board means a board allowing for the posting of a restaurant's daily specials and fabricated in such a manner so as to not constitute a form of advertising or establishment identification. The location, size, design, materials and color of the specials board shall be approved by the town manager and shall be shown on the sidewalk cafe site plan. specials boards shall be no larger than one and one half (1 ½) square feet; and in conformance with requirements set forth in Article IV Signs of the Code. The menu board shall not be a sandwich or "A" frame sign (as defined herein).

Street means that portion of a right-of-way improved, designed or ordinarily used for vehicular traffic and/or parking.

Sec. 18-81. Conditions and restrictions-Declaration of necessity and intent.

~~(a) A site plan, drawn to scale, which shall have been approved by building and planning department staff, shall be submitted and approved by the town manager and his/her designee, as appropriate. Such plan shall include the floor plan of the existing restaurant, including tables, chairs and restrooms, and the proposed open air cafe. The plan shall also show the existing parking, any proposed landscaping, location of refuse containers, proposed lighting, layout of all tables, chairs, benches, and other furniture, and pedestrian ingress and egress. An open air cafe~~

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located on sidewalks must remain at the elevation of the existing sidewalk. All provisions of the South Florida Building Code with respect to handicapped accessibility and restroom fixtures shall apply.

~~(b) The operation of such open air cafe shall not be conducted in such a way as to become a public nuisance and that the operation of such business shall not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, alleys or sidewalks. A minimum space of 44 inches shall be allowed for pedestrian circulation.~~

~~(c) The service of patrons of the open air cafe shall be at tables only and no counter service, self service or pass through window shall be permitted.~~

~~(d) The open air cafe shall not occupy an area of more than 30 percent of the total area of the primary restaurant operation in the B-1 district.~~

~~(e) The open air cafe shall be unenclosed and shall be open except that it may be covered with a canvas cover or structural canopy of a building's arcade, loggia or overhang as may be permitted by the Code. In the event such covering or canopy is utilized, the permitting requirements of Section 301.1, South Florida Building Code, shall apply.~~

~~(f) All kitchen equipment used to service the open air cafe shall be located within the kitchen of the primary restaurant.~~

~~(g) The open air cafe shall be kept in a neat and orderly appearance and shall be kept free from refuse and debris. After the close of business, all tables and chairs shall be removed from the premises unless they are properly secured.~~

~~(h) No additional signage shall be permitted in the open air cafe area.~~

~~(i) No outdoor speaker, stereo system, live bands, or outdoor entertainment shall be allowed except on occasion when a special permit for an event is issued by the town.~~

~~(j) In reviewing any site plan open air cafe, the department may prescribe appropriate conditions and safeguards in conformity with the provisions of the Code. Violations of such conditions and safeguards, when made a part of the terms under which the open air cafe is approved, shall be deemed grounds for revocation of the accessory use and punishable as a violation of the Town Code~~

~~(k) Seating and tables employed for an open air cafe shall comply with accessibility standards of F.S. §§ 553.501 through 553.513.~~

It is hereby found and declared that:

(1)

There exists the need for outdoor eating establishments (sidewalk cafes) in certain areas of the town to provide a unique environment for relaxation and food and/or beverage consumption.

(2)

The existence of sidewalk cafes encourages additional pedestrian traffic to these areas.

(3)

The presence of sidewalk cafes may however impede the free and safe flow of pedestrian traffic and thus there is a need for regulations and standards for the existence and operation of sidewalk cafes to facilitate and ensure a safe environment in these areas.

(4)

The establishment of permit conditions and safety standards for sidewalk cafes is necessary to protect and promote the general health, safety and

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welfare of the residents of the town and is granted only to the extent the Town enjoys a possessory interest in the sidewalks pursuant to a lease agreement for that purpose by and between the Town and the State of Florida Department of Transportation.

Sec. 18-82. Removal and storage fees; disposition of property.

If, pursuant to this Section 18, the town removes, relocates, and/or stores any sidewalk cafe furniture, the permittee shall be responsible for the reasonable expenses incurred by the town for the removal, relocation, and/or storage of all such sidewalk cafe furniture. The town manager shall promulgate and review, as needed, regulations regarding the storage and disposition of sidewalk cafe furniture under this division. The town and its officers and employees after due notice for non-compliance shall not be responsible for any damage to or loss of any sidewalk cafe furniture, removed, relocated and/or stored pursuant to this division.

Sec. 18-83. Appeals from the decision of the town manager.

Appeals from decisions of the town manager made pursuant to this division shall be to the special master in accordance with the procedures set forth in sections 15-12 and 15-13 hereof. Appeals from the decisions of the special master shall be to a court of competent jurisdiction by petition for writ of certiorari.

Sec. 18-84. Notice of Violation.

1. Code compliance officers shall issue 24-hour warning notices for all non-life safety violations of this division.
2. No warning notices shall be required prior to the issuance of life safety violations and/or sidewalk cafe site plan violations, and such violations shall be corrected immediately. Life safety violations are defined as those conditions which, in the reasonable determination and judgment of the town manager, involve serious danger and/or risk to the public health, safety or welfare (including, without limitation, blocking pedestrian pathways and violations of the state handicapped accessibility code for building construction). Site plan violations are defined to include those instances where the permittee is operating outside of the permitted sidewalk cafe area (as approved herein) and shall include a table or tables set up outside the approved boundaries of the sidewalk cafe site plan, and/or umbrellas, heaters, fans and other sidewalk cafe furniture found to be outside the approved site plan; but shall not be deemed to include instances where a chair or chairs are moved outside the approved boundaries of site plan by a sidewalk cafe patron(s).
3. If a code compliance officer finds a violation of this division, such code compliance officer shall issue a notice of violation to the violator, as follows:
 - a. For non-life-safety violations of this division (where a 24-hour notice has been previously issued within the preceding 60 days for the same violation), a violation will be issued.
 - b. For life safety violations of this division and for site plan violations, no 24-hour

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warning notice is required, and a violation may be issued at any time.

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

1. The following civil fines and penalties shall be imposed for violations of this division:
 - a. First violation \$100.00
 - b. Second violation within the preceding 12 months \$250.00
 - c. Third violation within the preceding 12 months \$500.00
 - d. Fourth within the preceding 12 months \$750.00
 - e. Fifth violation within the preceding 12 months, suspension of the sidewalk cafe permit for one weekend (Saturday and Sunday) and \$1,000.00
 - f. Sixth violation within the preceding 12 months, revocation of the sidewalk cafe permit for the remaining portion of the permit year and \$1,000.00
 - g. Failure to apply for permit—termination of sidewalk cafe operations.
 - h. Failure to renew permit—suspension of sidewalk cafe operations.

2. A permittee who has been issued more than six violations pursuant to this division within a permit year shall be prohibited from applying for and obtaining a sidewalk cafe permit for a period of two permit years, following the permit year in which the applicant/permittee incurred the aforesated violations.

Sec. 18-86. Rights; payment of fine; right to appeal; failure to pay civil fine or to appeal.

1. A violator who has been served with a notice of violation shall elect either to:
 - a. Pay the civil fine in the manner indicated on the notice; or
 - b. Request an administrative hearing before a special master, to appeal the decision of the code compliance officer which resulted in the issuance of the notice of violation. Warnings may not be appealed.

2. The procedures for appeal shall be as set forth in sections 15-12 and 15-13 hereof.

3. Failure of the named violator to appeal the decision of the code compliance officer within twenty (20) days after the date printed on the notice of violation shall constitute a waiver of the violator's right to administrative hearing. A waiver of the right to administrative hearing shall be treated as an admission of the violation, and penalties shall be assessed accordingly.

4. Any party aggrieved by the decision of a special master may appeal that decision to the circuit court pursuant to section 15-15.

Sec. 18-87. Recovery of unpaid fines; unpaid fines to constitute a lien; foreclosure.

1. The town may institute proceedings in a court of competent jurisdiction to compel payment of civil fines pursuant to section 15-14.

2. A certified copy of an order imposing a civil fine may be recorded in the public records

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and thereafter shall constitute a lien upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien which remains unpaid, the town may foreclose or otherwise execute on the lien.

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

1. Sidewalk cafes shall only be located where permitted by the town's zoning ordinance and land development regulations, as same may be amended from time to time.
2. The approval and issuance of a sidewalk cafe permit is conditional at all times and shall serve as an exception to sections 18-26, 54-62, 54-63, and 54-64.
3. It shall be unlawful for any person to operate a sidewalk cafe without a valid permit as required by this division. No permit shall issue without a Landlord's prior written approval
4. The town manager shall have the right to immediately remove, after 24-hours written and/or verbal notice to the permittee, any sidewalk cafe furniture used in connection with a sidewalk cafe which is operating without a valid permit.
5. The town manager may cause the immediate removal, relocation, and/or storage of all or part of a sidewalk cafe in emergency situations or for public safety considerations.
6. The town manager may require the temporary removal and/or relocation of all or part of a sidewalk cafe when street, sidewalk, or utility repairs, or other public construction, necessitates such action. If such temporary removal exceeds 15 days, the town manager shall pro-rate the remaining permit fee for each additional day the sidewalk cafe (or portion thereof) is removed and apply a credit toward the following year's permit fee or, upon written request by the permittee, refund the remaining fee to the permittee.
7. Upon written and/or verbal notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning by Miami-Dade County, whichever occurs first, the permittee shall, within no more than four hours of same, remove and place indoors all tables, chairs and any other sidewalk cafe furniture located on the right-of-way. The notification by the town manager of a hurricane or other major weather event, or the issuance of a hurricane warning, shall constitute a public emergency situation as referenced in this division. The town manager may remove, relocate, and/or store any sidewalk cafe furniture found on the right-of-way that has otherwise not been removed by the permittee pursuant to this subsection. Any and all costs incurred by the town for removal, relocation and/or storage of sidewalk cafe furniture shall be the responsibility of the permittee. Sidewalk cafes will not re-open for business following a

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hurricane or other major weather event until notified by the town manager. Violation of this subsection (g) shall result in the issuance of an immediate \$1,000.00 fine, and/or suspension, for up to 30 days, of the sidewalk cafe permit.

Sec. 18-89. Application.

1. A sidewalk cafe permit shall be effective for one year, from October 1 until September 30 of the following year. During the first year of implementation of this ordinance and/or permit application, the permit fee shall be pro-rated.
2. Application for a permit to operate a sidewalk cafe shall include, but not be limited to, the following information:
 - a. The name, address and telephone number of the applicant/permittee.
 - b. The name and address of the business establishment seeking a permit to operate the sidewalk cafe (including the name and address of the restaurant).
 - c. A copy of a valid town local business tax receipt to operate the restaurant in front of which the proposed sidewalk cafe will be operating. The total count of chairs to be utilized for the restaurant must include the number of chairs used in conjunction with the sidewalk cafe and the number of chairs inside the restaurant, as authorized by the license.
 - d. A copy of a valid certificate of use for the restaurant in front of which the proposed sidewalk cafe will be operating.
 - e. Copies of current certificates of insurance in the amounts and categories required by section 18-93.
 - f. At the time of the first request for approval, a site plan drafted by the Town Building Official or designee and paid for by the Applicant must be submitted and it shall accurately depict the layout and dimensions of the existing sidewalk area and adjacent private property; proposed location, size and number of tables, chairs, umbrellas, and any other sidewalk cafe furniture; and location of doorways, steps, trees and/or landscaped areas, fountains, parking meters, fire hydrants, bus shelters, directory/kiosks, public benches, trash receptacles, and any other existing public fixtures, furnishings and/or other obstruction(s), within the proposed sidewalk cafe area. The sidewalk cafe site plan must be approved by the town manager prior to the issuance of a sidewalk cafe permit and the permit shall be specifically limited to the subject area shown on the approved site plan. This requirement shall be waived each year thereafter provided there are no modifications to the originally approved site plan. Any changes will require the filing of a new site plan and associated fee.
 - g. Photographs, drawings or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, and any other sidewalk cafe furniture related to the operation of the sidewalk cafe. Tables, chairs, umbrellas, and any and all other sidewalk cafe furniture shall be approved by the town manager prior to the issuance of a sidewalk cafe permit.
 - h. A copy of the approved sidewalk cafe site plan, shall be maintained on the permittee's premises and shall be available for inspection by town personnel at all times.
 - i. The annual leasing permit and initial fees are set forth in Appendix A.
 - j. Applications shall be reviewed for compliance with applicable local, state and

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federal laws, and must be reviewed and approved by the town's public works department; fire department; office of risk management; finance department; planning and zoning department; and building department.

- k. Prior to issuance of a sidewalk cafe permit, the town's Finance Director shall certify that there are no outstanding fines, monies, fees, taxes or other charges owed to the town by the applicant/permittee and/or the business establishment/restaurant. A sidewalk cafe permit will not be issued until all outstanding debts to the Town are paid in full.
 - l. A sidewalk cafe permit may not be transferred and/or otherwise assigned. A new owner and/or operator of a restaurant and/or business establishment with a sidewalk cafe permit will be required to apply for and obtain a new permit.
 - m. The permit covers only the public right-of-way. Tables and chairs on private property will be governed by other applicable regulations. No outdoor seating authorized pursuant to this division shall be used for calculating seating requirements pertaining to location of, applications for, or issuance of, a liquor license; nor shall the outdoor seating be used as the basis for computing required seating for restaurants, or as grounds for claiming exemption from such requirements under the provisions of any applicable town, county, and/or state law.
 - n. Sidewalk cafes shall comply with all applicable accessibility codes including, without limitation, the Americans with Disabilities Act (ADA), and state code provisions addressing accessibility for building construction, as same may be amended from time to time. Any café that would violate the terms of the lease agreement between the Town and Florida Department of Transportation shall be deemed in violation of this ordinance.
3. Renewals. As provided in subsection 82-371(b), a permittee who has been issued more than six violations pursuant to this division within a permit year, shall be prohibited from applying for and obtaining a sidewalk cafe permit for the following two consecutive permit years. Renewals shall be applied for and accompanied by the business tax receipt and certificates of use applications.

Sec. 18-90. Permit fee; penalties for late payments; review of fee.

1. The annual permitting fee for operation of a sidewalk cafe shall be as set forth in Appendix A, and shall be based on a per square foot calculation of permitted sidewalk area (including the area between the tables and chairs).
2. The town manager, in his reasonable discretion and judgment, may suspend or prorate the annual permitting fee in cases of public construction or public emergency situations.
3. The permitting fee shall be paid on or before October 1, and shall cover the time period from October 1 through September 30 of the following calendar year (license year). If the fee exceeds \$2,000.00, the fee may be paid in two semiannual installments, with the first installment due on October 1, and the second due on April 1. No permit shall be issued for any portion of a year, but any person/entity operating a sidewalk cafe for a period beginning after the commencement date of the full permit year (October 1) may obtain a permit for the remaining portion of that permit year upon payment of a pro-rated portion of the permit fee calculated from the first day of the month of issuance of the permit to

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the end of the permit year. Except as expressly provided in this division, no refund of the permitfee shall be granted.

4. Late payments for fees shall accrue at the rate of ten percent per annum for the first 30 days. If the permit fee is not paid within 60 days after it is due, the permit shall terminate automatically. Any continued operation of a sidewalk cafe after termination of a permit shall be construed as operating a sidewalk cafe without a valid license, and the town manager shall have the right to remove, upon 24 hours' written and/or verbal notice to the permittee, any and all sidewalk cafe furniture used in connection with the sidewalk cafe.

Sec. 18-91. Permitted sidewalk café frontage; requests for expansions.

1. Sidewalk cafes are restricted to the sidewalk frontage of the restaurant to which the permit is issued or, if the restaurant is an ancillary and/or secondary use to another type of business establishment, the sidewalk cafe shall be restricted to the sidewalk frontage of the building (or portion thereof) of the "primary" business establishment (within which the restaurant is located).
2. An applicant for a sidewalk cafe permit may be permitted, upon prior written request by the permittee to the town manager, to extend by a maximum total of 50 feet in the right-of-way on one side and/or the other side of the restaurant to which the permit is issued (of the business establishment where the restaurant is located); the permittee shall make written application to the town manager setting forth the reason(s) for the proposed expansion and provide a site plan showing the proposed expansion. All requests for expansions pursuant to this subsection (b) shall be reviewed by the town manager on a case by case basis. In reviewing such requests, the town manager, in making his determination to approve or deny, shall consider the following:
 - a. Pedestrian access.
 - b. Visibility of the front of the adjacent owner's business.
 - c. Obstructions.
 - d. Accessibility to the adjacent owner's business by patrons.
 - e. The town manager, shall solicit input from businesses and property owners on the same block including, without limitation, the immediately adjacent (i.e., next door) business and property owners.
 - f. The property owner of record for the applying shall provide written notice via certified mail to the adjacent business establishment (tenant) and property owner of record on to whose frontage the sidewalk cafe proposes to expand. The notification shall include the following information: the name and address of the permittee/business establishment requesting the expansion; the approximate location and size of the area requested; and the name and address of the town

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official and/or employee to forward comments to, and the time period within which to forward said comments (which time period shall be no less than fourteen (14) days). Said notice shall be sent, as to the adjacent business establishment (tenant), to the name and address on file with the town for the establishment's local business tax receipt and, for the property owner, to the name and address identified in the records of the Miami-Dade County Property Tax Appraiser's Officer. Any objections not submitted and received by the town within the date provided in the notice shall be deemed waived.

- g. The town manager may also consider any history of violations and/or warnings.
3. In the event of approval by the town manager to expand a sidewalk cafe pursuant to this subsection (b), the additional square footage will be computed into the new permit fee.
 4. Notwithstanding the town manager's approval of a sidewalk cafe expansion pursuant to this subsection (b), in the event that the adjacent business establishment and/or property owner (on to which a sidewalk cafe has expanded) subsequently elects to apply for a sidewalk cafe permit to operate a cafe in front of its premises, that new applicant/permittee shall provide the town manager with notice of such intent stating the applicant's name; the property address; the name of the business establishment and/or the restaurant (of which the cafe is a part of); and the anticipated opening date. The town will provide the business establishment (tenant) and property owner which is currently expanding into the proposed new applicant/permittee's frontage with a courtesy copy of the notice. Following receipt of said written notice by the town, and provided that the new applicant/permittee obtains a sidewalk cafe permit, as well as any other required permits and/or licenses for operation of the business establishment and/or restaurant associated with the proposed new sidewalk cafe, then the town manager's prior consent for expansion shall terminate, and the town shall provide written notice to the adjacent sidewalk cafe permittee advising it of such termination, and providing a termination date therefore. The town's notice shall provide the adjacent property owner with at least seven calendar days' notice prior to the effective date of termination of the expansion. Upon the termination date of the town's consent to expansion, the sidewalk cafe permit and the permit fee will be adjusted accordingly.

Sec. 18-92. Minimum standards, criteria, and conditions for operation of sidewalk cafes.

1. The permittee shall take any and all actions to assure that its use of the public right-of-way in no way interferes with patrons of other sidewalk cafes, or limits their free, unobstructed passage thereto, or the use of the public right-of way (including sidewalks) by the general public.
2. Sidewalk cafes shall be located in such a manner that a distance of not less than five feet is maintained at all times as a clear and unobstructed five-foot pedestrian path around public amenities and areas such as, by way of example, fountains, landscaped areas (excluding town planters), and seating/shade structures. Notwithstanding the preceding, the town manager, in his reasonable judgment and discretion, and on a case-by-case basis, may approve and allow for a pedestrian path of less than five feet where an applicant/permittee's sidewalk cafe operation would be significantly impacted. In

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considering such cases, and in determining whether an applicant/permittee is "significantly impacted," the town manager may apply the criteria set forth in subsections 82-384 (c)(1)—(4). A five-foot pedestrian path shall also be required and established where the town manager, in his reasonable judgment and discretion, determines that the operation of a sidewalk cafe inhibits pedestrian access to an adjacent business establishment or adversely affects the visibility of an adjacent storefront.

3. No tables, chairs, umbrellas, or other sidewalk cafe furniture shall be permitted within ten feet of a bus bench and/or bus shelter. A distance of five feet shall be maintained from taxi stands, fire hydrants, bike racks, directory signage/kiosks, and/or other similar public street furniture and/or fixtures.
4. No tables, chairs, umbrellas or other sidewalk cafe furniture shall be permitted within five feet of an alley, pedestrian crosswalk, or corner curb cut.
5. No object shall be permitted around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the free use of the tables and chairs by the public, or which would have the effect of obstructing the pedestrian path or public access.
6. The area covered by a sidewalk cafe permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation, and again at the close of each business day, or as may otherwise be determined by the town manager. The permittee shall be responsible for pressure cleaning the floor surface on which the sidewalk cafe is located at the close of each business day. The town shall pressure wash the right-of-way from time to time in accordance with such schedule as shall be established in the reasonable judgment and discretion of the town manager. In establishing said schedule, the town manager shall use reasonable efforts to assure that the town's pressure cleaning of the public right-of-way occurs at such times as will cause the least disruption to sidewalk cafe operations.
7. Tables, chairs, umbrellas and any other sidewalk cafe furniture shall be maintained in a clean, attractive, and orderly appearance, and shall be maintained and kept in good repair at all times.
8. All sidewalk cafe furniture shall be of high quality, design, materials, and workmanship and shall be maintained in such condition so as to ensure the safety and convenience of the public.
9. Only the sidewalk cafe furniture specifically shown on the approved sidewalk cafe site plan shall be allowed in the permit area.
10. All tables, chairs, umbrellas, and any other sidewalk cafe furniture shall be readily removable, and shall not be physically attached, chained, or in any other manner affixed

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to any public structure, street furniture, signage, and/or other public fixture, or to a curb and/or public right-of-way.

11. The stacking or piling up of chairs shall be prohibited on the right-of-way. Any and all other sidewalk cafe furniture may only be maintained in the permit area during hours of operation provided however, that planters that cannot be readily removed may remain within the permit area subject to the provisions hereof. Notwithstanding anything contained in this subsection, the town manager may require a permittee to store its tables, chairs and/or umbrellas off of the right-of-way if, in his reasonable judgment and discretion, the town manager determines that the sidewalk cafe permit area and immediately adjacent public right-of-way are not being adequately maintained in accordance with this division.
12. No storage of dishes, silverware or other similar sidewalk cafe equipment shall be allowed in the permit area, or in any other portion of the public right-of-way, or outside the structural confines of the building in which the restaurant is located.
13. There shall be no live entertainment or speakers placed in the permit area unless expressly permitted as a special event. Conditions such as hours and days of operation and audio levels will be regulated by the town's special events office, and these may vary during the year.
14. With the prior written approval of the Town Manager or his designee, one menu board and one specials board shall be permitted, per sidewalk cafe, for every 50 feet of frontage.
15. No food preparation, food storage, refrigeration apparatus or equipment, or fire apparatus or equipment, shall be allowed on the right-of-way. The use of garbage receptacles is also prohibited.
16. No food displays shall be permitted on the public right-of-way. No advertising signs or business identification signs shall be permitted on the public right-of-way except that the restaurant name and/or its logo may be permitted on umbrellas but such logos and/or lettering may not exceed six inches in height.
17. Umbrellas shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than six feet eight inches above the right-of-way. Two or more umbrellas may not be clipped, zipped or otherwise fastened together in order to form a tent like structure. Clear plastics or other materials may not be fastened, rolled or otherwise be attached to umbrella edges in order to create an enclosure. No additional signage shall be permitted on the umbrellas.
18. Permittees may make written request to the town manager to use town electricity for powering floor fans during the summer months. Summer months are defined as the period beginning on May 1, and ending on September 30. The town manager will make electrical outlets operable upon payment of a flat fee, which fee shall be determined, and

Ordinance No. 12-1587

may be adjusted from time to time, in the reasonable judgment and discretion of the town manager, for each of the calendar days during the summer months. Town electrical outlets will be restricted to powering floor fans only. Using the electrical outlets for powering lights, menu board lighting, and any other electrical device is strictly prohibited. Any outside lighting must comply with existing building codes and is subject to approval. Permittees violating this restriction will have the electrical boxes deactivated and forfeit any monies paid for electrical use. Fans must be UL approved for outdoor use and fan blades must be fully encased for the safety of patrons and passersby. Extension cords are not allowed.

19. No permit shall be granted in an area designated in the sidewalk cafe site map as restricted for special and cultural events; provided however, that the town manager may approve temporary use of such area(s), on a case by case basis, and only for a defined, limited time.

Sec. 18-93. Indemnification and insurance.

1. The permittee agrees to indemnify, defend, save and hold harmless the town, its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit or the permittee's activity on the public right-of-way.
2. The permittee agrees to meet and maintain for the entire permit period, at its own expense, the following requirements:
 - a. Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
 - b. For sidewalk cafes which serve alcoholic beverages, liquor liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
 - c. Workers' compensation and employers' liability as required by the state.
3. All policies must be issued by companies authorized to do business in the state and rated B+:VI or better per Best's Key Rating Guide, latest edition.
4. The town must receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.
5. The permittee must provide and have approved by the town an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.
6. Failure to comply with these requirements shall be deemed to be operating without a

Ordinance No. 12-1587

valid permit and shall cause an immediate suspension or revocation of the permit.

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.

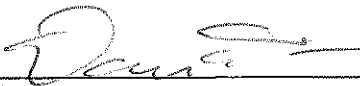
Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

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 14th day of February, 2012.

PASSED and ADOPTED on second reading this 8th day of May, 2012.

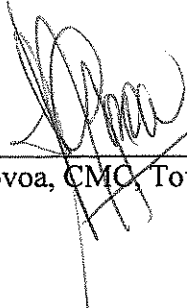


Daniel Dietch, Mayor

Attest:


Ordinance No. D-1587

Attest:



Sandra Novoa, CMC, Town Clerk

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



Lynn M. Dannheisser, Town Attorney

On First Reading Moved by: Comm. Kopelman

On Second Reading Seconded by: Lisbon

VOTE ON ADOPTION:

Commissioner Michelle Klugman	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Sheldon Lisbon	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Commissioner Marty Olchyk	yes <u>Absent</u>	no <u>Absent</u>
Vice Mayor Michael Karukin	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>
Mayor Daniel Dietch	yes <input checked="" type="checkbox"/>	no <input type="checkbox"/>

Ordinance No. 12-1587

APPENDIX A

Fee Schedule

Initial Sidewalk Café Permit Application (Subsequent annual renewals are part of the Certificate of Use process)	\$80 onetime charge
Initial Town Issued Sidewalk Café Site Plan (Not required as part of an annual renewal if unchanged)	\$250 per plan
Annual Sidewalk Café Permit For Use Of Public Space (Percentage due Florida Department of Transportation per annual agreement)	\$15 per square foot

Ordinance No. 12-587

ORDINANCE NO. 13- _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", ARTICLE IV "DISTRICT REGULATIONS" AND SPECIFICALLY AMENDING SECTION 90-41 "REGULATED USES" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES ADDING OUTDOOR DINING AS A PERMITTED USE IN THE SD-B40 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to classify outdoor dining as a permitted use; and

WHEREAS, Section 90-41(d)(1)(b) "Regulated Uses" provides that uses not specifically authorized are prohibited and in an effort to ensure consistency with the recently adopted Outdoor Café Ordinance the Town has added outdoor dining as a permitted use in the SD-B40 Zoning District; and

WHEREAS, The Town Commission held its first public reading on March 12, 2013 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the regulated uses on March 28, 2013 with due public notice and input; and

Ordinance No. _____

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on April 9, 2013 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

Sec. 90-41. - Regulated uses.

Applicability and validity of tables. Nothing shall be used to misconstrue or reinterpret the provisions, limitations and allowances made here in.

(a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within the district in which they are located and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right, subject to the required permits and procedures described in this section. Permitted uses require final site plan review and approval for compliance with the standards applicable to a particular permitted use as provided in this zoning code.

(b) *Permits required.* Except as explicitly provided herein, no use designated as a permitted use in this chapter shall be established until after the person proposing such use has applied for and received all required development permits.

(c) *Table—Regulated uses.*

	H30A	H30B	H30C	H40	H120	SD-B40
Outdoor dining facilities						<u>CUP (24)</u>

(24) Outdoor dining facilities on private property shall be permitted subject to all applicable zoning code requirements. Outdoor dining facilities that are on public right of

Ordinance No. _____

way shall be solely subject to the open air café requirements provided in Chapter 18 of this Code of Ordinances.

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

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

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

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

PASSED and ADOPTED on first reading this _____ day of _____, 2013.

PASSED and ADOPTED on second reading this ____ day of _____, 2013.

Daniel Dietch, Mayor

Attest:

Sandra Novoa, Town Clerk

Ordinance No. _____

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


Linda Miller, Interim Town Attorney

On First Reading Moved by: _____

On Second Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner Michelle Kligman	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Commissioner Joseph Graubart	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____

Ordinance No. _____



Town of Surfside Commission Communication

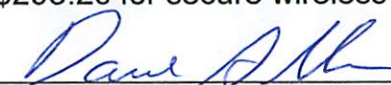
Agenda Item #: 5A
Agenda Date: March 12, 2013
Subject: IPS Parking Meter Agreement

Background: During the September 19, 2012 Town Commission meeting, a 90 day experiment to install thirty credit card accepting single meters was approved with IPS (Attachment A). The thirty single space locations were identified and installation for the project was completed on November 20, 2012. An information flyer was created and was advertised in the November, 2012 edition of the Gazette. A preliminary one month comparison of the revenue was conducted. The original thirty meters collected \$572 during the thirty day period before the new meters were installed. The credit card accepting meters collected \$1317 during the immediate thirty day period after installation. The new meters collected \$1938 during the second thirty day trial period. The final thirty day trial period was completed on February 20, 2013 with a collection of \$1651. The total cost of the ninety day experiment was \$747.50 and there is no additional cost if the Town Commission does not approve the purchase of the new meters. A decision was to be made by the Town Commission after the ninety day trial period was completed based on convenience and increased revenue.

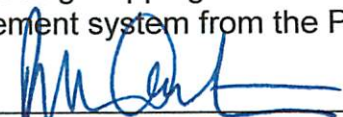
Budget Impact: The cost to purchase fifty-one New Version MK5 credit card accepting single meters is \$25,245 plus \$510 for shipping. There is a one year warranty included. An extended warranty can be purchased for \$3060 per year. The ongoing monthly costs are \$0.13 per credit card transaction; \$3.75 per meter per month for the secure wireless Gateway Data Rate for a total of \$191.25 per month; and \$2.00 per meter per month for the web-based management system fee for a total cost of \$102 per month. The cost will be from the Parking Fund.

Staff Impact: The Parking Department will perform first line meter maintenance. The vendor will respond to major repairs within 48 hours.

Recommendation: Town staff recommends that the Town Commission approve a resolution (Attachment B) authorizing the purchase of fifty-one IPS New Version MK5 single space parking meters for a total cost of \$25,755 including shipping and a monthly fee of \$293.25 for secure wireless and web-based management system from the Parking Fund.



David Allen, Chief of Police



Roger M. Carlton, Town Manager



Town of Surfside Commission Communication

Agenda Item #:

Agenda Date: September 19, 2012

Subject: IPS Parking Meter Field Trial Agreement

Background: The vendor, IPS will install thirty credit card enabled meter heads on our current single space meters at no charge for installation and equipment for a trial period of ninety days (Attachment A). The goal of the Town in installing the new parking meter heads is to provide the public with a greater range of payment options and increased convenience in paying for parking. The new meters are easy to use and deliver improved benefits including a range of payment options. The new meters will accept coins, credit cards and debit cards. After the completion of the ninety day trial period, the Town will review the increased revenues, if any, from the new meters and make a business case decision whether or not to recommend a permanent agreement to the Town Commission.

Budget Impact: The Town will pay the vendor a one-time credit card set up fee of \$125; \$0.13 per credit card transaction; \$3.75 per meter per month for the secure wireless Gateway Data Rate; and \$2.00 per meter per month for the web-based management system fee; and \$3.50 per sensor per month for the wireless data. The total cost for the ninety day experiment will be \$747.50. If we decide to end the experiment there is no additional cost. If we decide to purchase the credit card accepting meters, the cost will be \$24,750.00 for the Town's fifty meters. That decision would be made by the Town commission after the test period.

Staff Impact: The Parking Department will perform first line meter maintenance. The vendor will respond to major repairs within 48 hours.

Recommendation: Town staff recommends that the Town Commission approve a resolution (Attachment B) authorizing the ninety day IPS Parking Meter Field Trial Agreement.

David Allen, Chief of Police

Roger M. Carlton, Town Manager



Mr. Elinor Joseph
Town of Surfside, FL

IPS Meter and Management
System

QUOTATION
Purchase of New M5 Meters
February 21, 2013

Prepared by:

Sherry Fountain
IPS GROUP INC
5601 Oberlin Drive
San Diego CA 92121, USA
Phone: (858)-568-7768
Fax: (858)-404-0603

Contact:

Sherry Fountain
IPS Group
Phone: 858-568-7768
Cell: 479-418-9239
Email: sherry.fountain@ipsgroupinc.com



PRODUCT SUMMARY

Product Information and Technology

IPS Group Inc. has the pleasure of offering our Single Space Parking Meter Technology.

One of the major drawbacks to single-space meters historically has been the lack of credit card payment and access to data. The IPS Meter is the ultimate Single Space Meter. We will provide you with a modern, technologically advanced mechanism providing an easy and cost-effective solution, while still providing all the traditional benefits of single space metering – especially, ease of use to the motorist.

Please refer to the installation video at our website: <http://www.ipsgroupinc.com/installvideo>



Credit Card Meter

- Patented meter mechanism accepts payment by coin, credit / debit and smart card
- Wirelessly networked to a web-based management system
- Retrofits into existing meter housings/poles, and maintains all current meter enforcement and collection processes
- Solar Powered with Rechargeable battery pack
- PA-DSS and Level 1 PCI-DSS Certified
- Pay-by-Cell Options



Web-Based Management System

- No need for local software or new hardware installation
- Comprehensive set of financial and technical reports, and administrative management tools
- Always uses the latest in encryption and internet security
- Real-time data available 24/7/365
- Intuitive point-and-click user operation

IPS METER SYSTEMS - PRICING DETAILS

IPS is very pleased to provide the following pricing details for our credit card enabled single space meter system. There are so many benefits to the IPS system, such as credit card payment, wireless data, solar power, and web-based management system. Whether its improvements in operational efficiency, the ability to use data to price parking rates in line with demand, or merely the opportunity to provide the public with the most convenient single-space meter in the industry, the IPS system puts the Customer in complete control.

CREDIT CARD ENABLED SINGLE-SPACE PARKING METERS

Item	Quantity	Unit Price	Ext Cost
Electronic Parking Meter Mechanism w/Dome Top (New Version MK5)	51	\$ 495.00	\$25,245.00
Installation (can be left out if self-installation is chosen)	1	\$2,000.00	\$ 2,000.00
RFID Technology - automated synchronization of meter configurations	51	No Charge	No Charge
Shipping	51	\$ 10.00	\$ 510.00
*Optional: Extended Warranty (for each additional 12 months up to 60 months maximum)	51	\$ 60.00	\$ 3,060.00

Pricing is valid for 90 days from date listed in the cover letter of this proposal. Please note, these prices do not include post or meter housing installation.

ONGOING MONTHLY COSTS

Item	# Meters	Cost per meter	Total Monthly
Secure Wireless Gateway/Data Fee (*Applies to Active Installed Meters only) No monthly fees for meters flagged as inactive in management system.	51	\$3.75*	\$191.25
Management System License Fee (*Applies to Active Installed Meters only) No monthly fees for meters flagged as inactive in management system.	51	\$2.00*	\$102.00
Credit Card Transaction Fee (per transaction)** - IPS serves as your gateway provider helping decrease your cost by eliminating additional middlemen between the use of the credit card and the deposit of the money into your merchant bank account.		\$0.13** per credit card transaction	Varies based On usage

NOTE: Price per meter (per unit) is the total fixed price for the equipment. Additional ongoing costs associated with wireless services, management system access, and credit card fees are ongoing and outlined above. Pricing does not include any applicable state or local taxes that might be required to be paid by the city. Credit card fees are not inclusive of any additional fees charged by the Customer's Bank

or Processor. Ongoing fees are subject to annual adjustment due to increases in Inflation as published by the US Bureau of Labor Statistics for All Items Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City Average, and will not exceed 3% annually.

METER SETUP, INSTALLATION & TRAINING:

- ~~A one-time setup fee of \$125* will be charged to establish connection with City Credit Card Processor.~~ *This fee has already been paid by the City as part of your Trial and will not be Charged again.
- Meter Installation - This covers all costs associated with initial installation, and testing services, and is a one-time fee at the time of original installation. Self-install may be chosen by City eliminating the need for this cost.
- Training costs will be covered as part of the installation fee above.

DELIVERY TERMS

- **Delivery** – Standard lead time is estimated to be 10-12 weeks from order placement. Can bring this forward based on current inventory levels.
- **Freight** – FOB San Diego, CA as quoted in the above pricing table.

PAYMENT TERMS

- Standard payment terms are Net 30 days.
- A service charge of 1.5% per month or the lawful prevailing rate, whichever is lower, will be applied to all invoices which are past due.

IPS METER SYSTEMS - ADDITIONAL OPTIONS AND DETAILS

METER SPARE PARTS/ WARRANTY / CUSTOMER SERVICE

Recommended Spare Parts Inventory

Replacement Components	Price	Suggested Quantity
Spare Meter Mechanism	\$495.00	1
Hybrid Card Reader	\$49.00	2
Coin Validator	\$69.00	3
Complete Top Cover	\$69.00	1
Lexan for Top Cover	\$29.00	2
Coin Entry Slot	\$2.00	3
Battery Pack	\$29.00	3

Warranty

IPS is including a standard 12 month warranty with options to purchase an extended warranty at \$60 per meter for each year up to 5 additional years.

Service / Training / Customer Service

IPS meters are very similar to that of traditional single space meters. Maintenance technicians will be given meter diagnostics cards to conduct in field diagnosis and will be trained in troubleshooting of any IPS meter maintenance issues. Additionally, service technicians can either log meter maintenance activities on the meter interface itself, or access a web-based maintenance logging system via smart phone. The IPS system also allows technicians to receive automatic maintenance notifications via SMS or email.

IPS LIMITED WARRANTY

IPS will provide a limited warranty for any new meter product manufactured and supplied by IPS for 12 months against defects in materials and workmanship from the point of installation or 15 months from the date of delivery, whichever is sooner, and 90 days from the date of delivery received in the case of spare or repaired products. IPS does not cover defects caused by improper care or use, lack of preventative maintenance, and does not warranty any defects due to vandalism or other factors contained as a part of the Force Majeure clause below.

Additional Provisions:

- Repair or replacement under warranty of any defective product does not extend the warranty period for that product
- IPS will either repair or replace products, at our discretion, to replace parts that are found to be defective within the warranty period
- Any sub-component (does not include complete meter mechanism) installed will have a warranty period beginning on the date installed
- Returns for credit will only apply once IPS has confirmed that defects were within the warranty period and are covered under the terms and conditions of the warranty provided.

Exclusions:

- Problems caused by faulty installation of replacement components or damage due to inadequate packaging for meters returned for warranty repair.

- Warranty voided by use of non-IPS replacement parts, un-authorized alterations to the equipment (hardware or software)
- Force Majeure: IPS shall not be liable for any warranty provisions where such product failure is as a result of Acts of Nature (including fire, flood, earthquake, storm, hurricane or other natural disaster), war, invasion, act of foreign enemies, hostilities (whether war is declared or not), civil war, rebellion, revolution, insurrection, military or usurped power or confiscation, terrorist activities, nationalization, government sanction, blockage, embargo, labor dispute, strike, lockout or interruption or failure of electricity [or cellular telecommunication failures caused by any of the events or causes described above).

Preventative Maintenance (Meters):

- Preventative maintenance will be similar to current single-space parking meters. However, the primary elements will be a working battery, card reader and coin validator.
- Meters surfaces should be kept clean with mild soap and water
- The card reader heads should be cleaned with a cleaning card every 1-2 months to ensure optimum performance. Cleaning cards may be purchased from IPS.
- At 9-12 month increments, the coin validator shall be visually inspected for any damage or debris. Compressed air may be used to keep the card reader and coin acceptor clear of debris, every 9-12 months.
- Additional preventative maintenance shall be administered by City staff at such times as it is apparent to be necessary, even if it should occur on a more frequent basis than described herein.

RESOLUTION NO. 2013 ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE AGREEMENT WITH IPS GROUP INC., FOR THE PURCHASE OF FIFTY-ONE (51) CREDIT CARD ENABLED SINGLE-SPACE PARKING METERS AND WEB-BASED MANAGEMENT SYSTEM; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the “Town”) desires to purchase fifty-one (51) credit card enabled single-space parking meters and web-based management system from IPS Group, Inc. (hereinafter “IPS”); and

WHEREAS, in September, 2012 the Town Commission approved in Resolution 12-2113 a ninety-day trial agreement to assess the effectiveness and revenue of the new meters; and

WHEREAS, upon the conclusion of the ninety-day trial period Town Staff determined there was an increase in customer convenience and revenue; and

WHEREAS, IPS has provided the Town of Surfside with a proposal to purchase fifty-one (51) credit card enabled single-space meters and a one-year warranty for \$25,245 and ongoing monthly costs for secure wireless and web-based management system for \$293.25 per meter per month for the web-based management system fee;

WHEREAS, the Town Commission finds that approval of the Agreement between IPS and the Town is in the best interest of the Town.

NOW, THERE, 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 of Agreement. The Agreement between IPS and the Town of Surfside to purchase fifty-one (51) credit card enabled single-space meters and a web-based management system, a copy of which is attached as Exhibit “A”, together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

Section 3. Authorization of Town Officials. The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

Section 4. Authorization of Fund Expenditure. The Town Manager is authorized to expend Municipal Parking funds to implement the terms and conditions of the Agreement.

Section 5. Execution of Agreement. The Town Manager is authorized to execute the Agreement on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Town Attorney.

Section 6. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this ____th day of _____, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller, Interim Town Attorney

EXHIBIT "A"

ADDENDUM TO AGREEMENT

Between

IPS Group Inc., AND THE TOWN OF SURFSIDE, FLORIDA.

This ADDENDUM TO THE SERVICE AGREEMENT AND PROPOSAL, (collectively, "AGREEMENT"), is made and entered into this ____ day of _____, 20__, by and between IPS Group, Inc., his/her HEIRS, SUCCESSORS, DEVISEES, AGENTS, ASSIGNS, REPRESENTATIVES and INTERESTS (hereinafter "IPS") and the Town of Surfside, including, without limitation, any and all of its agencies, boards, the Town of Surfside and commissions, their insurer(s), officers, directors, employees, representatives, and agents,(hereinafter the "Town").

WHEREAS, the Town intends to purchase fifty-one (51) credit card enabled single-space parking meters with a web based management system from IPS and IPS has offered in the proposal, at the Town's option, installation services; and

WHEREAS, in Resolution 12-2113 the Town and IPS entered into a ninety-day trial agreement and as result of that trial period the Town desires to purchase fifty-one (51) credit card enabled single-space parking meters with a web-based management system; and

WHEREAS, the items to be purchased and the services to be provided are detailed on the IPS proposal (attached as exhibit "A").

NOW, THEREFORE, in exchange for the mutual promises contained herein, the parties agree as follows:

Additional Terms and Conditions

1. **Addendum Controlling.** In the event there is a conflict between the terms and conditions of the Addendum and of the Trial Agreement, IPS's proposal, or any attachments, exhibits or amendments thereto and this Addendum, this Addendum shall control.
2. **IPS Responsibilities.** IPS agrees that the Town of Surfside will perform first line meter maintenance and IPS will be responsible for major repairs pursuant to the one-year warranty. IPS further agrees to respond to requests for major repairs within forty-eight (48) hours for the duration of the one-year warranty period and any extended warranty options the Town elects to purchase.
3. **Hold Harmless and Indemnification.** For other good and valuable consideration the receipt and adequacy of which is hereby acknowledged, IPS agrees to indemnify, defend and hold harmless, the Town, its officers, agents, and employees from, and against any and all claims, actions, liabilities, losses and expenses including, but not limited to, attorney's fees for personal, economic or bodily injury, wrongful death, loss of or damage to property, at law or in equity, which may arise or may be alleged to have risen from the negligent acts, errors, omissions or other wrongful conduct of the IPS, agents or other personnel entity acting under IPS's control in connection with the IPS's performance of services under this Agreement and to that extent the IPS shall pay such claims and losses and shall pay all such costs and judgments which may issue from any lawsuit arising from such claims and losses including wrongful termination or allegations of discrimination or harassment, and shall pay all costs and attorneys' fees expended by the Town in defense of such claims and losses including appeals. That the aforesaid hold-harmless agreement by IPS shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations of IPS or any agent or employee of IPS regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.
4. **Entire Agreement.** This Agreement, any Addendum thereto shall constitute the entire agreement and understanding of the parties relating to the subject matter hereof superseding all prior communications between the parties whether oral or written, and this Agreement may not be altered, modified or otherwise changed nor may any of the terms hereof be waived, except by a written instrument executed by both

- 13. **Conflict of Interest.** ECS agrees to adhere to and be governed by the Miami-Dade County Conflict of Interest Ordinance Section 2-11.1, as amended; and by Town of Surfside Ordinance No.07-1474, which are incorporated by reference herein as if fully set forth herein, in connection with the Agreement conditions hereunder. IPS covenants that it presently has no interest and shall not acquire any interest, direct or indirectly that should conflict in any manner or degree with the performance of the services.
- 14. **Ownership of Documents.** All work products developed by IPS pursuant to this Agreement shall become the sole property of the Town without restrictions or limitation upon their use and shall be made available by IPS at any time upon request by the Town. When each individual section of work requested pursuant to this Agreement is complete, all of the above work products shall be delivered to the Town for its use. IPS agrees to turn over all documents in process developed up until the time of termination of this contract if any herein. IPS agrees that all documents maintained and generated pursuant to this Agreement shall be subject to all provisions of Chapter 119, Florida Statutes. It is further understood that any report, tracing, plan, map or other work product, without limitation, given by Town to IPS pursuant to this Agreement shall at all times remain the property of Town, shall be returned to Town, and shall not be used by IPS for any other purpose without the written consent of the Town.
- 15. **Confidentiality of Documents.** In addition to Section 11 *Confidentiality/Intellectual Property* of the Agreement, IPS understands the Town is subject to Florida's Public Records Act, Chapter 119, Fla. Stat. and that such books, records, documents and data maintained by the Town are public records unless expressly exempted by general law.
- 16. **Force Majeure.** This section shall replace the section referencing same in the proposal. Neither party will be liable to the other or be deemed to be in breach of this Agreement for any failure or delay in rendering performance arising out of causes beyond its reasonable control and without its fault of negligence. Such causes may include, but are not limited to, acts of God or the public enemy, terrorism, significant fires, floods, earthquakes, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or governmental authorities approval delays which are not caused by any act or omission by IPS. The party whose performance is affected shall request an extension of time to perform its obligations stated in this Agreement by notifying the party, which it is obligated within ten (10) days following the event. If the notified party agrees that the event was the cause of the delay, the time to perform the obligations stated in this Agreement shall be extended by the number of days of delay caused by the event. If the required notice is not given by the delayed party, no time extension shall be granted.

IN WITNESS WHEREOF, the parties, intending to be legally bound, hereby have executed this Agreement as of the date set forth.

TOWN OF SURFSIDE
A Florida Municipal Corporation,

BY: _____
 Roger M. Carlton, Town Manager Date _____

BY: _____
 Chad P. Randall, Chief Operating Officer Date _____
 IPS Group Inc.

Attest: _____
 Sandra Novoa, CMC, Town Clerk Date _____

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

BY:  _____
 Linda Miller, Interim Town Attorney Date _____

EXHIBIT "A"



Mr. Elinor Joseph
Town of Surfside, FL

IPS Meter and Management
System

QUOTATION
Purchase of New M5 Meters
February 21, 2013

Prepared by:

Sherry Fountain
IPS GROUP INC
5601 Oberlin Drive
San Diego CA 92121, USA
Phone: (858)-568-7768
Fax: (858)-404-0603

Contact:

Sherry Fountain
IPS Group
Phone: 858-568-7768
Cell: 479-418-9239
Email: sherry.fountain@ipsgroupinc.com



PRODUCT SUMMARY

Product Information and Technology

IPS Group Inc. has the pleasure of offering our Single Space Parking Meter Technology.

One of the major drawbacks to single-space meters historically has been the lack of credit card payment and access to data. The IPS Meter is the ultimate Single Space Meter. We will provide you with a modern, technologically advanced mechanism providing an easy and cost-effective solution, while still providing all the traditional benefits of single space metering – especially, ease of use to the motorist.

Please refer to the installation video at our website: <http://www.ipsgroupinc.com/installvideo>



Credit Card Meter

- Patented meter mechanism accepts payment by coin, credit / debit and smart card
- Wirelessly networked to a web-based management system
- Retrofits into existing meter housings/poles, and maintains all current meter enforcement and collection processes
- Solar Powered with Rechargeable battery pack
- PA-DSS and Level 1 PCI-DSS Certified
- Pay-by-Cell Options



Web-Based Management System

- No need for local software or new hardware installation
- Comprehensive set of financial and technical reports, and administrative management tools
- Always uses the latest in encryption and internet security
- Real-time data available 24/7/365
- Intuitive point-and-click user operation

IPS METER SYSTEMS - PRICING DETAILS

IPS is very pleased to provide the following pricing details for our credit card enabled single space meter system. There are so many benefits to the IPS system, such as credit card payment, wireless data, solar power, and web-based management system. Whether its improvements in operational efficiency, the ability to use data to price parking rates in line with demand, or merely the opportunity to provide the public with the most convenient single-space meter in the industry, the IPS system puts the Customer in complete control.

CREDIT CARD ENABLED SINGLE-SPACE PARKING METERS

Item	Quantity	Unit Price	Ext Cost
Electronic Parking Meter Mechanism w/Dome Top (New Version MK5)	51	\$ 495.00	\$25,245.00
Installation (can be left out if self-installation is chosen)	1	\$2,000.00	\$ 2,000.00
RFID Technology - automated synchronization of meter configurations	51	No Charge	No Charge
Shipping	51	\$ 10.00	\$ 510.00
*Optional: Extended Warranty (for each additional 12 months up to 60 months maximum)	51	\$ 60.00	\$ 3,060.00

Pricing is valid for 90 days from date listed in the cover letter of this proposal. Please note, these prices do not include post or meter housing installation.

ONGOING MONTHLY COSTS

Item	# Meters	Cost per meter	Total Monthly
Secure Wireless Gateway/Data Fee (*Applies to Active Installed Meters only) No monthly fees for meters flagged as inactive in management system.	51	\$3.75*	\$191.25
Management System License Fee (*Applies to Active Installed Meters only) No monthly fees for meters flagged as inactive in management system.	51	\$2.00*	\$102.00
Credit Card Transaction Fee (per transaction)** - IPS serves as your gateway provider helping decrease your cost by eliminating additional middlemen between the use of the credit card and the deposit of the money into your merchant bank account.		\$0.13** per credit card transaction	Varies based On usage

NOTE: Price per meter (per unit) is the total fixed price for the equipment. Additional ongoing costs associated with wireless services, management system access, and credit card fees are ongoing and outlined above. Pricing does not include any applicable state or local taxes that might be required to be paid by the city. Credit card fees are not inclusive of any additional fees charged by the Customer's Bank

or Processor. Ongoing fees are subject to annual adjustment due to increases in Inflation as published by the US Bureau of Labor Statistics for All Items Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City Average, and will not exceed 3% annually.

METER SETUP, INSTALLATION & TRAINING:

- ~~A one-time setup fee of \$125*~~ will be charged to establish connection with City Credit Card Processor. ***This fee has already been paid by the City as part of your Trial and will not be Charged again.**
- Meter Installation - This covers all costs associated with initial installation, and testing services, and is a one-time fee at the time of original installation. Self-install may be chosen by City eliminating the need for this cost.
- Training costs will be covered as part of the installation fee above.

DELIVERY TERMS

- **Delivery** – Standard lead time is estimated to be 10-12 weeks from order placement. Can bring this forward based on current inventory levels.
- **Freight** – FOB San Diego, CA as quoted in the above pricing table.

PAYMENT TERMS

- Standard payment terms are Net 30 days.
- A service charge of 1.5% per month or the lawful prevailing rate, whichever is lower, will be applied to all invoices which are past due.

IPS METER SYSTEMS - ADDITIONAL OPTIONS AND DETAILS

METER SPARE PARTS/ WARRANTY / CUSTOMER SERVICE

Recommended Spare Parts Inventory

Replacement Components	Price	Suggested Quantity
Spare Meter Mechanism	\$495.00	1
Hybrid Card Reader	\$49.00	2
Coin Validator	\$69.00	3
Complete Top Cover	\$69.00	1
Lexan for Top Cover	\$29.00	2
Coin Entry Slot	\$2.00	3
Battery Pack	\$29.00	3

Warranty

IPS is including a standard 12 month warranty with options to purchase an extended warranty at \$60 per meter for each year up to 5 additional years.

Service / Training / Customer Service

IPS meters are very similar to that of traditional single space meters. Maintenance technicians will be given meter diagnostics cards to conduct in field diagnosis and will be trained in troubleshooting of any IPS meter maintenance issues. Additionally, service technicians can either log meter maintenance activities on the meter interface itself, or access a web-based maintenance logging system via smart phone. The IPS system also allows technicians to receive automatic maintenance notifications via SMS or email.

IPS LIMITED WARRANTY

IPS will provide a limited warranty for any new meter product manufactured and supplied by IPS for 12 months against defects in materials and workmanship from the point of installation or 15 months from the date of delivery, whichever is sooner, and 90 days from the date of delivery received in the case of spare or repaired products. IPS does not cover defects caused by improper care or use, lack of preventative maintenance, and does not warranty any defects due to vandalism or other factors contained as a part of the Force Majeure clause below.

Additional Provisions:

- Repair or replacement under warranty of any defective product does not extend the warranty period for that product
- IPS will either repair or replace products, at our discretion, to replace parts that are found to be defective within the warranty period
- Any sub-component (does not include complete meter mechanism) installed will have a warranty period beginning on the date installed
- Returns for credit will only apply once IPS has confirmed that defects were within the warranty period and are covered under the terms and conditions of the warranty provided.

Exclusions:

- Problems caused by faulty installation of replacement components or damage due to inadequate packaging for meters returned for warranty repair.

- Warranty voided by use of non-IPS replacement parts, un-authorized alterations to the equipment (hardware or software)
- Force Majeure: IPS shall not be liable for any warranty provisions where such product failure is as a result of Acts of Nature (including fire, flood, earthquake, storm, hurricane or other natural disaster), war, invasion, act of foreign enemies, hostilities (whether war is declared or not), civil war, rebellion, revolution, insurrection, military or usurped power or confiscation, terrorist activities, nationalization, government sanction, blockage, embargo, labor dispute, strike, lockout or interruption or failure of electricity [or cellular telecommunication failures caused by any of the events or causes described above).

Preventative Maintenance (Meters):

- Preventative maintenance will be similar to current single-space parking meters. However, the primary elements will be a working battery, card reader and coin validator.
- Meters surfaces should be kept clean with mild soap and water
- The card reader heads should be cleaned with a cleaning card every 1-2 months to ensure optimum performance. Cleaning cards may be purchased from IPS.
- At 9-12 month increments, the coin validator shall be visually inspected for any damage or debris. Compressed air may be used to keep the card reader and coin acceptor clear of debris, every 9-12 months.
- Additional preventative maintenance shall be administered by City staff at such times as it is apparent to be necessary, even if it should occur on a more frequent basis than described herein.

RESOLUTION No. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH PREMIERE DESIGN SOLUTIONS, INC. TO PURCHASE AND INSTALL THREE (3) BUS SHELTERS: TWO (2) ON COLLINS AVENUE AND ONE (1) ON HARDING AVENUE; AUTHORIZING THE PURCHASE OF THREE BUS SHELTERS FOR APPROXIMATELY \$75,000; AUTHORIZING THE APPROPRIATION OF FUNDS IN FISCAL YEAR 2012-13 FROM THE MUNICIPAL TRANSPORTATION FUND IN THE AMOUNT OF \$40,000 AND FROM THE CAPITAL FUND IN THE AMOUNT OF \$35,000; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside’s Public Works Department (hereinafter “PWD”) has determined that bus shelters installed in three (3) locations: two (2) on Collins Avenue and one (1) on Harding Avenue will enhance public transportation facilities along the Town’s main corridors; and

WHEREAS, funds are to be appropriated in Fiscal Year 2012-13 from the Municipal Transportation Fund in the amount of \$40,000 and from the Capital Fund in the amount of \$35,000; and

WHEREAS, the Town and Premiere Design Solutions, Inc. (hereinafter “PDS”) will enter into an agreement to purchase and install the bus shelters including all cost of permits and signs; and

WHEREAS, the Town of Surfside seeks to make using public transit more convenient and a place where riders can obtain transit related information and are encouraged to use the provided services.

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

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

Section 2. Approval and Authorization. The Town Commission hereby authorizes the appropriation of funds in the amount of \$40,000 from the Municipal Transportation Fund and \$35,000 from the Capital Fund for the Fiscal Year 2012-2013.

Section 3. Implementation. The Town Manager and the Public Works Director are hereby authorized to take any and all action necessary to implement this Resolution in accordance with the Municipal Transportation Fund requirements.

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

PASSED AND ADOPTED this ____ day of March, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

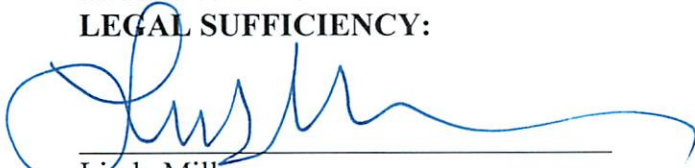
Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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




Linda Miller
Interim Town Attorney



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

COMMISSION COMMUNICATION MEMORANDUM

TO: Town Commission

FROM: Linda Miller 
 Interim Town Attorney

CC: Roger M. Carlton, Town Manager
 Sarah Johnston, Interim Assistant Town Attorney

DATE: March 12, 2013

SUBJECT: A Resolution Establishing The Town's
 "Attorney/Client Conflict Disclosures And Waiver" Policy

On February 26, 2013, Town of Surfside Commissioner Marta Olchyk requested the following proposal be placed on the Town Commission's March 12, 2013 meeting agenda:

If the Town attorney is hiring an attorney to represent the Town of Surfside whose office also represents the other party, the Commission needs to be consulted before a final decision on hiring is reached.

Pursuant to said request, the Town Attorney's Office has prepared the attached Resolution establishing a Town of Surfside "Attorney/Client Conflict Disclosures and Waiver" Policy.

Once adopted, this Policy will formally require the consent of the Town Commission prior to the Town Attorney retaining Special Legal Counsel to address a conflict under the relevant Florida Bar Rule of Conduct 4-1.7.

CONCISE LEGAL ANALYSIS:

The Supreme Court of Florida has established the "Florida Bar Rules of Conduct" as the behavioral standard for attorneys practicing law in this State. Accordingly, in those limited instances in which the Town Attorney deems it necessary to retain the expertise of Special Legal Counsel, the review of applicable Bar

Rules is a required practice in order to assess potential issues concerning attorney/client conflicts.

The attached Resolution formally codifies as Surfside legislation those standards of professional behavior specifically contained in Florida Bar Rule of Conduct 4-1.7, requiring the Town Commission's consent prior to hiring Special Legal Counsel in those instances when:

(1) The Special Counsel's representation of the Town will be directly adverse to another client of that lawyer; or

(2) There is a substantial risk that the representation of the Town will be materially limited by the Special Counsel's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

By adopting this Resolution, the Town Commission will formalize the process for retaining Special Legal Counsel, via placement of the Town Attorney's conflict assessment on Town Commission meeting agendas, and establishing procedure for Commission consent. In turn, this formalization of Town policy will contribute towards ensuring the loyalty and professionalism of Town Special Counsel, as well as provide for greater transparency in the selection of such Counsel.

RECOMMENDATION:

Having analyzed applicable Florida Bar Rules of Conduct and related Florida Bar advisory opinions in the context of Commissioner Olchyk's subject proposal, it is my recommendation that the Town Commission adopt the attached Resolution establishing the Town of Surfside's "Attorney/Client Conflict Disclosures and Waiver" Policy.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, (“TOWN”) ESTABLISHING THE TOWN’S “ATTORNEY/CLIENT CONFLICT DISCLOSURES AND WAIVER” POLICY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, consistent with those powers and duties specifically imposed upon the Town Attorney pursuant to Town Charter Article II, section 28 thereof, and in recognition of the complexities of legal issues presented to the Town, on occasion the Town Attorney requires the services of Special Legal Counsel with expertise in a particular area of law; and

WHEREAS, pursuant to Florida Bar Rule of Conduct 4-1.7 (applicable to attorneys practicing law in the State of Florida), prior to being retained such Special Counsel must obtain the consent of the Town Commission in those instances when:

- (1) The representation of 1 client will be directly adverse to another client; or
- (2) There is a substantial risk that the representation of 1 or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer; and

WHEREAS, in order to ensure transparency regarding the Town’s process of retaining Special Legal Counsel, and in furtherance of affording the Town Commission a reasonable opportunity as Client to consider the risks and alternatives of such retention and to raise questions and concerns related thereto, the Town Commission hereby establishes the following policy governing “Attorney/Client Conflict Disclosures and Waiver”.

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

SECTION 1. Recitals.

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

SECTION 2. “Attorney/Client Conflict Disclosures and Waiver Policy”.

For purposes of this Policy, the Town Commission shall constitute the “Client” for purposes of affording Town waiver of Special Counsel conflicts under Florida Bar Rules.

In those instances in which the Town Attorney has determined a need to retain the services of Special Legal Counsel, prior to such retention the Town Attorney shall analyze applicable Florida Bar Rules of Conduct in order to determine whether such Special Counsel presents conflict issues. In the event the Town Attorney has determined that

conflict issues exist requiring Client consent (or, in the event Special Counsel makes independent request for Client consent), the Town Attorney shall prior to retaining such Special Counsel, place on a public meeting agenda of the Town Commission a written explanation of the matter—including an explanation of the implications of the subject common representation and the advantages and risks involved--along with recommended action. Should a conflict issue not exist under the Florida Bar Rules, the Town Attorney shall nonetheless notify the Commission in the event such Special Counsel is retained, with no Commission action thereon. If, after being fully informed, the Town Commission consents to waive the conflict by a majority vote of the Commission, the Town Attorney may retain the Special Counsel, with the public record of said Town Commission meeting reflecting such vote and consent. Should the Town Attorney determine that a conflict issue does not exist under the Florida Bar Rules, the Town Attorney may retain Special Counsel with no Commission action thereon, and shall thereafter provide notice to the Commission of such retention.

SECTION 3. Implementation.

The Town Manager and Town Attorney are hereby directed to ensure that the matters set forth in this Resolution shall serve as the Town’s Policy on “Attorney/Client Conflict Disclosures and Waiver” and that it shall be referenced in all future Town contracts for professional legal services, and shall further be posted prominently on the Town Attorney’s website page.

SECTION 4. Effective Date.

This Resolution shall become effective immediately upon its adoption.

PASSED and ADOPTED on this day _____ day of _____, 2013.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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



Linda Miller, Interim Town Attorney

RESOLUTION NO. 13_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, DECLARING SUPPORT FOR PROPOSED CHANGES TO SECTION 287.055, FLORIDA STATUTES, ALSO KNOWN AS THE “CONSULTANTS COMPETITIVE NEGOTIATION ACT” OR “CCNA”; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, local and state agencies through-out Florida are experiencing severe and significant reductions in revenue; and

WHEREAS, professional service agreements constitute a significant public expenditure; and

WHEREAS, many local and state agencies through-out the United States routinely compare fees among competing firms before selecting an architect or engineer; and

WHEREAS, current Florida law prohibits local and state agencies from competitively comparing architectural/engineering fees and related costs; and

WHEREAS, several public organizations including the Florida Association of Counties, the Florida Governmental Finance Officers Association, the Florida Association of Public Procurement Officers and the National Institute of Government Purchasing support the use of alternative procurement methods for the acquisition of professional services; and

WHEREAS, the proposed change would modify the existing state law and would give local and state agencies the discretion to competitively compare fees and make a best value selection that considers qualifications and price among pre-qualified firms.

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

Section 1. Recitals. The above-stated recitals are hereby adopted and confirmed.

Section 2. Approval and Authorization. The Town Commission approves and authorizes the Town Manager and/or his designee to take all actions necessary to implement this Resolution.

Section 3. Direction to Town Clerk. The Town Clerk is hereby directed to send a certified copy of this resolution to the Honorable Governor and The State of Florida Legislature.

Section 4. Effective Date. This Resolution shall be effective immediately from adoption hereof.

PASSED and **ADOPTED** on this ____ day of _____, 2013

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

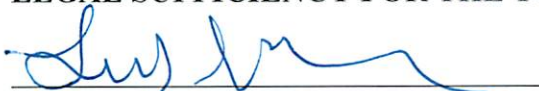
Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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



Linda Miller, Interim Town Attorney



**Town of Surfside
Commission Communication**

To: Mayor and Members of the Town Commission

From: Roger M. Carlton, Town Manager *RM Carlton*
Linda Miller, Interim Town Attorney *L Miller*

Date: February 15, 2013

Subject: Concern re: Conflict of Interest

The Town Commission has worked very hard to ensure openness and transparency in the conduct of the Town's business. To that end every significant meeting is televised and the Town's website has been expanded and upgraded. We have workshops on many issues, the committee system as a means for citizen involvement is robust and the Gazette has been greatly expanded. With all this hard work an event has occurred of which we must inform the Town Commission.

It has come to our attention that Holland & Knight which represented the Town in the negotiation of the easement for the Chateau Surfside also represents related Chateau companies in legal matters. This was disclosed to the Chateau companies and a conflict of interest waiver was granted by the Chateau companies to allow the firm to represent the Town of Surfside. This was not disclosed to the Administration or the Town Commission and hence a waiver was not requested or discussed.

While the outcome of Holland & Knight's representation was positive and an easement was granted for the first time in Surfside's history, this matter should be discussed by the Town Commission as to how conflicts are addressed in the future. To that end, this matter will be placed on the March 12, 2013 Town Commission Agenda for discussion and direction.

Sandra Novoa

From: Roger Carlton
Sent: Thursday, February 28, 2013 5:18 PM
To: Dawn Hunziker; Donald Nelson; Andria Meiri; Sandra Novoa
Subject: FW: Nurse for RKB Bay Harbor K-8 Center
Attachments: Motions Made by the Quality of Education Committee.pdf

Agenda Item for March in the 9's. Sandra, print out the attachment as well as the e-mail.

From: Rosenfeld, Leslie [mailto:LeslieRosenfeld@miamibeachfl.gov]
Sent: Thursday, February 28, 2013 4:42 PM
To: Roger Carlton
Cc: Rosenfeld, Leslie
Subject: RE: Nurse for RKB Bay Harbor K-8 Center

Dear Mr. Carlton,

Please see below anticipated estimate of cost for a full-time nurse to be shared by the three schools based on two scenarios:

If the amount recommended is \$ 65,000 for a full-time RN, the following would apply:

\$21,666	City of Miami Beach for North Beach Elementary
\$8,666	City of Miami Beach for Treasure Island Elementary (40% of cost)
\$12,999	City of North Bay Village for Treasure Island Elementary (60% of cost)
\$21,666	Surfside, Bal Harbor, Bay Harbor for Ruth K. Broad Bay Harbor Elementary (100% of cost divided by 3 municipalities at \$7,222 each)

I did not include the \$30,000 from the Chamber AETNA funds in the above calculation, as those would be used for the full-time medical assistant, in order to ensure we can use the Trust approved HCIOS model.

If we are not interested in following the Trust model, and applying the Chamber AETNA funds for a full-time nurse, the amounts will be as follows:

If the amount recommended is \$65,000, with \$30,000 coming from the chamber AETNA funds, the following would apply:

\$11,667	City of Miami Beach for North Beach Elementary
\$4,666	City of Miami Beach for Treasure Island Elementary (40% of cost)
\$7,000	City of North Bay Village for Treasure Island Elementary (60% of cost)
\$11,667	Surfside, Bal Harbor, Bay Harbor for Ruth K. Broad Bay Harbor Elementary (100% of cost divided by 3 municipalities at \$3,889 each)

I have also attached the memorandum prepared for our Finance Committee where the recommendation to partner with our neighboring municipalities was suggested.

I am available to attend your upcoming Commission meeting if so desired. I look forward to our meeting. As mentioned in the letter from our City Manager, as partners we will continue to look for alternative means of sustaining this valuable and much needed service for our youth.

Thank you,
Leslie

From: Andrew Simon [<mailto:lisa.simon@att.net>]
Sent: Thursday, February 28, 2013 2:22 PM
To: Roger Carlton
Cc: Rosenfeld, Leslie; Julia Magnani; Maria T. Rodriguez; Tamar Oppenheimer
Subject: Re: Nurse for RKB Bay Harbor K-8 Center

Dear Mr. Carlton,

I apologize for not having responded to your request earlier.

I communicated with Dr. Leslie Rosenfeld, Organizational Development Coordinator at City of Miami Beach, and she will be addressing the questions and providing you with the information you have requested. She is working directly with the City Manager of Miami Beach and is most knowledgeable and best equipped to reply to your email. I forwarded the email you sent me.

On behalf of RKB Bay Harbor, I thank you for your immediate response to our request.

Please let me know if you have any concerns.

Lisa Simon
305.283.3168
lisa.simon@att.net

On Feb 26, 2013, at 11:03 AM, Roger Carlton wrote:

Please give me a specific request with the total cost and the justification for Surfside's allocation. Also, what will happen if funding is not available in subsequent years? I will place this on the Town Commission agenda for March 12, 2013 for discussion. Our agenda deadline is this Friday so please have the one page proposal in by COB this Friday March 1, 2013.

From: Andrew Simon [<mailto:lisa.simon@att.net>]
Sent: Tuesday, February 26, 2013 8:21 AM
Subject: Nurse for RKB Bay Harbor K-8 Center

Dear Friends,

I am the representative for RKB Bay Harbor K-8 Center at a monthly Quality of Education meeting for the City of Miami Beach. I am writing you this letter to ask for your assistance in helping to fund a nurse at RKB Bay Harbor K-8 Center.

RKB Bay Harbor K-8 Center does not have a nurse to help with the unfortunate accidents and illnesses that occur everyday. If you would like to see a nurse at our neighborhood school, PLEASE send your council members, commissioners, and/or mayor an email letting them know you support funding a nurse at RKB Bay Harbor K-8 Center for the school year of 2013-2014.

The following are the email addresses for the 3 municipalities that will link you to your commissioners and mayor:

Village of Bal Harbour <http://www.balharbourgov.com/government/council.html>

Town of Bay Harbor <http://www.bayharborislands.org/contactus.aspx>

Town of Surfside http://www.townofsurfsidefl.gov/Pages/SurfsideFL_Commission/index

Thank you in advance for your support . Should you have any questions, please contact me.

Lisa Simon
305.283.3168
lisa.simon@att.net

NOTE: Florida Public Records Law provides that most written communications to or from Municipal employees regarding town business are public records, available to the public and media upon request. Therefore, this e-mail message may be subject to public disclosure.



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

CITY MANAGER'S OFFICE
Tel: 305-673-7010, Fax: 305-673-7782

February 14, 2013

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

Dear Mr. Carlton:

The City of Miami Beach Committee for Quality Education (Committee) advises the City on strategies to improve and strengthen public education. The Committee is made up of parent representatives from all Miami Beach feeder schools and appointees who represent the Mayor and City Commission.

On September 24, 2012, the Committee made the following motion regarding health care in our feeder public schools:

The health and well-being of our children is of paramount importance and should be considered a community priority and responsibility. Therefore, the Committee for Quality Education recommends the Mayor and City Commission review the Health and Well-being activities in the Education Compact to strengthen them and consider funding support.

The Education Compact with Miami-Dade County Public Schools, referred to in the motion, was established in 2008 and includes the outcome to increase the health and well-being of students in Miami Beach public schools. One of the activities included in the agreement to support this outcome is the expansion of full-time nurse practitioners and/or registered nurses at schools without health clinics.

There are eight (8) Miami-Dade County Public Schools that fall under the Miami Beach Senior High School feeder pattern, five (5) of which have Health Connect in Our Schools (HCIOS) Suites funded by the Children's Trust. They include Biscayne Elementary, South Pointe Elementary, Fienberg-Fisher K-8 Center, Nautilus Middle School, and Miami Beach Senior High School. The HCIOS provides nursing assessments, administration of first aid, and consulting with parents and caregivers. During the 2011-12 school year, there were 12,798 visits to the health suites at the five (5) HCIOS schools.

Each of the five (5) schools with HCIOS have one (1) health aide onsite, full-time to provide the day-to-day services in the health suites; the equivalent of two (2) full time higher-level nurses provide services to all five (5) schools. Additionally, a social worker serves each school.

However, three (3) schools in our shared public school feeder pattern do not have access to HCIOS or onsite health care services. The schools within our cities that do not have onsite health services are North Beach Elementary (1,024 students), Treasure Island (683 students), and Ruth K. Broad Bay Harbor K-8 Center (1,265 students).

As such, the Committee motion was referred to the City's Finance and Citywide Projects Committee (FCWPC) for discussion and a recommendation. The FCWPC recommended the City of Miami Beach fund a proportionate share of the estimated \$65,000 for a full-time, registered nurse with benefits for the 2012-13 school year subject to the other municipalities needing these onsite services funding their proportionate share and to Commission action.

The Miami Beach Chamber of Commerce has collaborated with the City to assist in sustaining many of the Education Compact components. Most recently, the Chamber won the AETNA Health Challenge competition and was awarded \$30,000 to support a full-time nurse in those schools in the Miami Beach feeder pattern with no access to health care.

Accordingly, the City Administration is reaching out to the Town of Surfside to determine your City's interest in supporting the hiring of a full-time registered nurse to our underserved schools. Dr. Leslie Rosenfeld, City of Miami Beach Education Liaison, will be contacting your office in the next few weeks to discuss next steps. As partners, we will continue to look for alternate means of sustaining this valuable and much needed service for our youth.

We are hopeful to be successful in securing the funding required so that we can present this request to our City Commission as soon as possible.

Thank you in advance for your support and consideration. Please do not hesitate to contact me if I can be of any assistance. I may be reached at 305-673-7010.

Sincerely,

A handwritten signature in blue ink, appearing to read 'KGB', is positioned below the word 'Sincerely,'.

Kathie G. Brooks, AICP
Interim City Manager

KGB:LDR



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Finance and Citywide Projects Committee

FROM: Kathie G. Brooks, Interim City Manager

DATE: December 20, 2012

SUBJECT: Discussion Regarding Motions Made By the Quality of Education Committee During Their September Meeting

On October 24, 2012, Commissioner Libbin requested the motion made by the Committee for Quality Education regarding health care in feeder pattern public schools be referred to the Finance and Citywide Projects Committee to discuss consideration of the request to strengthen Education Compact activities as they relate to health and well-being. The Committee for Quality Education made the following motion at the September 24, 2012, meeting regarding health care in our public schools:

The health and well-being of our children is of paramount importance and should be considered a community priority and responsibility. Therefore, the Committee for Quality Education recommends the Mayor and City Commission review the Health and Well-being activities in the Education Compact to strengthen them and consider funding support.

The Education Compact with Miami-Dade County Public Schools (M-DCPS), established on January 16, 2008, includes the outcome to increase the health and well-being of students in Miami Beach public schools. The activities included in the agreement to support this outcome include the following:

- The school District will maintain health clinics (nurse practitioners and/or registered nurses) at Fienberg-Fisher, Biscayne, Nautilus, and Miami Beach Senior High, subject to continued available funding, and will work with all Miami Beach schools to coordinate visits from the Health Connect on Wheels service (as available) or similar service to schools and/or Miami Beach recreation centers;
- The District and the City will collaborate to deliver information regarding health and wellness education, prevention and intervention strategies regarding nutrition, physical activity levels, and health maintenance in accordance with the District's Wellness Initiative;
- The City will explore the development of a middle school-level after-school program. The District will collaborate with the City by assisting with the recruitment of students, including providing space within District-owned facilities as needed, and exploring expanded transportation options for participating students; and,
- District will explore the expansion of full-time nurse practitioners and/or registered nurses at schools without health clinics, subject to available funding.

Of the eight Miami Dade County Public Schools that fall within the City of Miami Beach feeder pattern, there is Health Connect in Our Schools (HCIOS) Suites in five of them: Biscayne Elementary, South Pointe Elementary, Fienberg-Fisher K-8 Center, Nautilus Middle School, and Miami Beach Senior High School. For students that do not require routine medications, the HCIOS is used for nursing assessments, administration of first aide, consulting with parents and caregivers, etc. These are considered Non-Routine Medication visits and they account for over 90% of all the services provided amongst the HCIOS health suites. During the 2011-12 school year, there were 12,798 visits to the health suites of the five HCIOS schools. This represents roughly 4.6% of the over 275,000 visits that occurred in all 157 HCIOS sites. Nautilus Middle accounted for nearly 1/3 of all visits, although based on enrollment; it only represented 20% of the student population of the five schools. The two elementary schools accounted for another 30% of all visits. Conversely, Miami Beach Senior High School accounts for over 40% of the student population, but only 15% of the health suite visits.

Each of the schools above with health services has one health aide on site full-time to provide the day-to-day services in the health suites. The equivalent of two full time higher-level nurses provides services to all five schools. Additionally, a social worker serves each school, however, MDCPS provides this portion at Biscayne Elementary, South Pointe Elementary, and Miami Beach Senior High School. The remaining schools have HCIOS social workers.

The Children's Trust contracts with nine providers to deliver health services via school based health suites to approximately 5,793 students at five schools in Miami Beach currently receiving services. The three remaining schools in the Miami Beach feeder pattern that do not have full-time onsite services are North Beach Elementary (1,024 students), Treasure Island (683 students), and Ruth K. Broad Bay Harbor Elementary (1,265 students), of which approximately 1,297 reside within City of Miami Beach limits and attend either North Beach Elementary or Treasure Island Elementary. Approximately 40 % of students at Treasure Island reside within City of Miami Beach limits, while no students at Ruth K. Broad Bay Harbor K-8 reside within Miami Beach.

Currently, the three school above are considered "Satellite" schools. Satellite (Basic) Schools Health Services was implemented to ensure that some level of basic health services are provided in all Miami-Dade County Public Schools by a registered professional nurse. Nurses are available to address on-call requests and consultations in Satellite (Basic) schools. These schools also receive the following health services from the Miami Dade County Health Department (per Pamela Toomer, Assitant Community Health Nursing Director):

- School site visits throughout the year
- School needs assessments with principal input
- Tracking of students opting out of health services
- Monitor immunization compliance
- Monitor documented Temporary Medical Exemptions/Immunization Records
- Consultation with school staff as needed
- Consultation with parent/guardians as needed
- Individual (Student) Health Care Plans
- Provide child specific trainings

Additionally, per Wilma Steiner, Director Comprehensive Health Service MDCPS, mandated school health services for every public school include preventive dental programs, vision screenings, hearing screenings, scoliosis screenings, growth and development screening/BMI, health counseling, referral and follow up of suspected or confirmed health problems, medication administration, prevention of communicable diseases, and health education curriculum. Complete optometric exams and lenses are offered to low income

students through the Miami- Lighthouse, Children's Vision Program, available at the school site.

Historically, the City of Miami Beach has partnered with Health Connect on Wheels to provide pediatric services to youth at City owned recreational facilities. Recently, the City partnered with the University of Miami Miller School of Medicine Pediatric Mobile Clinic to provide comprehensive health care services free-of-charge to youth in our community who do not have medical insurance up to twice per month at City recreational facilities. The City's responsibilities for the partnership include scheduling of visits, arranging access at recreational facilities, providing space for consultations, and promoting the clinic. Visits have been scheduled through the month of April 2013, and additional visits will be scheduled for the remainder of 2013. Separately, the City is evaluating a potential program through the Fire Department that would support Youth Outreach to provide health and wellness education, prevention and intervention strategies regarding safety, physical activity levels, nutrition, health maintenance, basic first aid assistance, and consulting with parents/caregivers, after-school at City owned recreational facilities using Fire Rescue personnel during regular working hours once per month and is seeking direction from the committee members.

In addition to these existing efforts, Miami Beach Community Health Center, our City's Federally Qualified Health Center (FQHC), has been in preliminary talks with Barry University, Physician Assistant Program, to explore collaborative mobile health services. If pursued, the Center will be able to provide citywide health services using specially equipped vehicles and staffed by physician assistant students completing clinical rotations. Under such a delivery model, youth, the elderly and healthcare challenged populations would be able to access health care within a sustainable service model that would utilize insurance reimbursements, FQHC reimbursement rates for indigent care, and user co-pays, as appropriate, to fund services. In addition to obtaining service under the umbrella of Miami Beach Community Health Center and its provider network (which includes Jackson Memorial Hospital), patients served by the mobile program will be able to access special pricing for pharmacy services. This added feature is critical to ensuring that residents with ongoing medical conditions obtain needed medicines to manage their conditions. Additional information regarding this effort will be shared as progress is made.

The full HealthConnect suite has an estimated annual cost per ranging from \$95,000-125,000), which includes \$62,000 for a full time Registered Nurse (with benefits), and \$30,000 for a full time medical assistant (with benefits). The Children's Trust is working to find the means and the method to expand their school-based healthcare system, known as HealthConnect in Our Schools, into a comprehensive set of services accessible to all students in the Miami-Dade Public Schools throughout our county.

KGB/LDR



MEMORANDUM

TO: Elected Officials
FROM: Roger M. Carlton, Town Manager
CC: Bill Evans, Public Works Director
DATE: December 11, 2012
Subject: Traffic Study

During the May 8, 2012 Town Commission meeting, a Town-wide Traffic Study was awarded to CGA. The purpose of this study was:

1. Provide an independent analysis of existing traffic conditions in Surfside that would incorporate the cumulative impacts of the various projects underway. The study achieves that goal through the year 2017. The Shul expansion, Grand Beach Surfside, Transacta Lanai and Surf Club projects are included. The Chateau is not included as it lessens traffic impacts due to the transition from a hotel to a condominium.
2. Provide a comprehensive document to use for Miami Dade County approval of replacing or upgrading various traffic calming devices that were impacted by the water/sewer/storm drainage project. The process for obtaining such approval is included in the study.
3. Provide the Town Manager with a study that assesses the impact of the expansion of Bal Harbour Shops. The study concludes that the worst traffic impacts through 2017 will be on the east bound movements along 96th Street, not unexpected given current conditions which will be exacerbated by the expansion of the Bal Harbour Shops.
4. The study also provides a model that we can use for future analysis of major developments. This will be very helpful as additional information to that which has been made available only by the developer's traffic study.

The only action recommended for the Town Commission to take at this juncture is to receive the study and authorize a public involvement campaign. This is necessary for obtaining a vote by impacted residents near the traffic calming devices as required under Miami Dade County procedures. While the Town Commission is not requested to make any decisions at this time, Staff welcomes your input.

RMC/drh



**Town of Surfside
Town Commission Meeting
March 12, 2013
7 p.m.**

DISCUSSION / COMMUNICATION ITEM MEMORANDUM

Title: "Financing the proposed conversion of overhead utilities to underground"

Objective: To present a communication to Commission and Staff to evaluate/consider.

Consideration: Financing and/or how Town's residents will pay for 'undergrounding' of utilities.

Action: To give *Town Manager(s) and Town Director of Finance to research suggestions / recommendations made based upon our discussion and hand-out(s). *incoming (new)

Approximate Cost: Minimal / None

Amount of Time this Agenda Item should take: 10 minutes

Thank you for your consideration;

Respectfully,

Joe Graubart, Commissioner

Dear Manager Carlton and Finance Director Nelson,

There exist many questions regarding the financing of this project. As you well know, I believe these questions and answers must eventually be answered in public at a Comm. Meeting.

The Town has listed on page 24 (see attached) of the: "Town of Surfside, Florida Adopted Budget 2012 – 2013" the "General Fund Summary FY 12/13" with "Adopted Revenues." Under that heading ("Adopted Revenues") you will note: "Franchise and Utility Taxes" with the associated amount of \$1,309,853 – as collected on invoices/bills/statements sent to residents/consumers/tenants on Harding Ave., etc. at this time. The projected \$12.00 (+/-) per residential household is to be added to their electric bill (we are not sure what will happen to ATT and Atlantic Broadband – or, at least I am not) if/when project proceeds total amount collected will obviously be in addition* to the \$1,309,853 in FY 12/13. * I understand perhaps not added to, but a separate line item?

Page 23 – Table 12 of the TischlerBise report (attached) re: "Customer Consumption Charge Structure" specifies three "Blocks" of use (consumption) Block 1, Block 2 and Block 3 (three tiers) which indicates that Block One pays the least per unit (of water) as they consume the least... while Block Three pays the most per unit as they consume the most. This was done to: "cut back on wasteful water (their) consumption." Do we want to encourage cutting back on wasteful electric power consumption? As we did with water consumption.

Please note (attached) that the Franchise Fee & Utility/Tax/Charge goes up and down or is 'tied' to the amount of electricity used or what FPL calls "Electric Service Amount" (see attached Exhibit A). Simply, the more you use the more you pay – a **progressive tax/charge**. This also appears to be the case with AT&T, Atlantic Broadband, fees/charges/taxes etc. Please see attached Exhibit A

Perhaps I should attend the FPSC (Florida Public Service Commission) meeting Mr. Carlton spoke of regarding addressing these issues I have raised?

Joe Graubart, Commissioner

Attachments

General Fund Summary
FY 12/13

FY 11/12 Estimated

Millage Rate: 5.5000

Estimated Total Revenues	10,618,606
Estimated Expenditures & Encumbrances	<u>(10,197,251)</u>
Estimated FY 11/12 Year End Difference	<u><u>421,355</u></u>

Projected Unassigned Fund Balance

Audited Unassigned Fund Balance 9/30/2011	1,958,783
Estimated FY 11/12 Year End Difference	421,355
Projected Unassigned Fund Balance 9/30/2012	<u>2,380,138</u>
Use of Fund Balance FY 12/13	<u>0</u>
Projected Unassigned Fund Balance 9/30/2013	<u><u>2,380,138</u></u>

FY 12/13 Budget Summary

Millage Rate: 5.3000

Adopted Revenues

Projected Unassigned Fund Balance 10/1/2012	2,380,138
Real and Personal Property Taxes	5,348,249
Sales and Use Taxes	476,239
Franchise and Utility Taxes	1,309,853
Permits/Licenses/Inspections	1,349,700
Intergovernmental Revenues	529,380
Services Revenues	269,705
Fines and Forfeitures	546,091
Miscellaneous Revenues	396,010
Total Revenue	<u><u>12,605,365</u></u>

Adopted Expenditures

Personnel Costs	7,119,921
Operating Items	3,088,806
Capital Outlay	15,000
Debt Service	0
Non-Operating Expenses	1,500
Projected Unassigned Fund Balance 9/30/2013	<u>2,380,138</u>
Total Expenditures	<u><u>12,605,365</u></u>

Note: There is an additional \$2 million in assigned reserves for hurricane recovery in the General Fund

From: Tischler Bise
" WATER & SEWER RATE STUDY "
MARCH 28, 2011

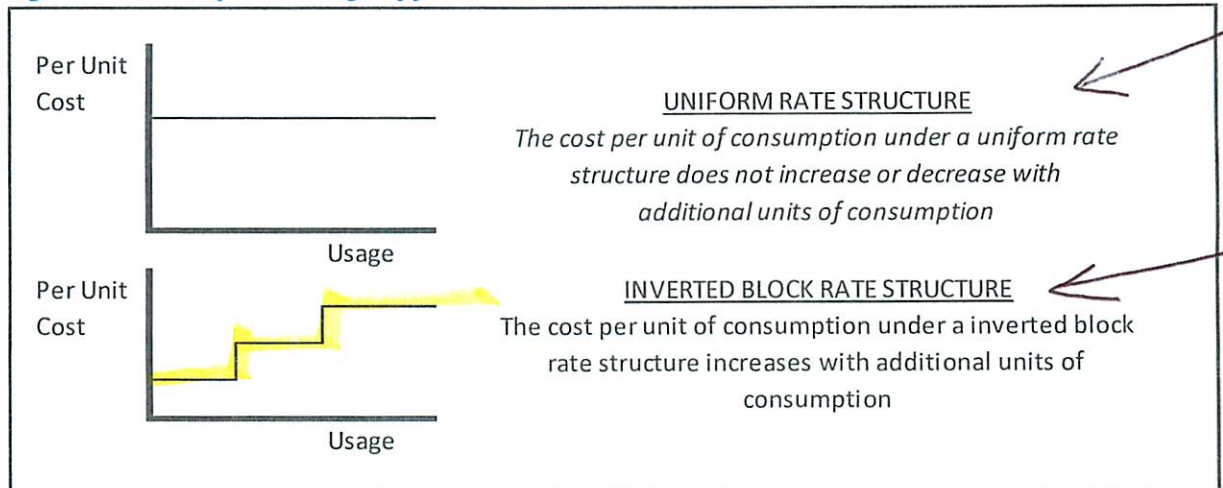
concessions between the various objectives,
leading objectives of the Town.

Overview of Existing Rate Structure

The Town has one water rate structure for its consumption charges: a uniform block rate structure. Regardless of consumption amounts (above a minimum allotment per meter size), the rate per unit of water (1,000 gallons) is consistent. There are some merits to this approach such as some degree of

certainty to a customer bill as well as a moderate incentive to conserve water. However, a more effective conservation pricing structure utilizes an inverted block, or inclining block, approach. This structure increases the marginal price of a unit of water above certain thresholds. Figure 8 provides an overview of the two rate structures.

Figure 8: Consumption Charge Approaches



The former water rate structure included two components: a bi-monthly allotment of water use based on a customer's meter size and a consumption charge of \$3.54 per 1,000 gallons of water use. As discussed above, the consumption rate is the same rate regardless of customer class and does not increase or decrease with amount of water use. The bi-monthly charge includes minimum water amounts depending on meter size. For example, a customer with a 5/8 inch water meter is allotted 12,000 gallons of water use on a bi-monthly basis. This allotment is included in the fixed base charge. If a 5/8 inch meter customer uses no water up to 12,000 gallons during a billing period, the corresponding base charge is the same amount (currently \$42.48 for a 5/8 inch meter customer). If a customer consumes water above the allotted amount, the water bill is calculated using the consumption charge of \$3.54 per 1,000 gallons times the amount of water.

For this analysis, for this analysis the Town eliminated the minimum allotment approach and adopted a cost-based approach including a fixed meter charge based on a customer's meter size and a variable rate for water consumed on a 1,000-gallon basis. We have two reasons for this modification:

- **Customer Equity.** We believe the current rate system to be inequitable to a group of customers who use less water than the allotted amounts. The current rate structure penalizes efficient customers and customers that use less water due to being a smaller customer (by way of small family size, small business, etc.). An efficient or small customer will typically use less than 12,000 gallons in a two-month period. In fact, Town billing records for the past year indicate that approximately 34 percent of all water customers use less than 12,000 gallons in a bi-monthly period. Whether they use 1,000 gallons or 11,000 gallons, they are still billed at the 12,000-gallon amount, or \$42.48.

- Revenue Stability and Cost-of Service-Based. Every utility has certain costs that must be funded regardless of water consumption amounts. These costs are fixed and typically do not fluctuate. If a customer does not use any water during a billing period, there are still costs associated for past use and future service availability. These items include but are not limited to capital replacement for past use, maintenance of assets to provide water in the future, debt service, and customer service. A fixed charge system without minimum water allotments ensures the utility's fixed costs will still be met while creating a more equitable billing system.

Table 10 below presents the recently adopted and suggested future fixed base charges by meter size in a monthly format. The fixed charges are calculated using a meter equivalent approach with the 5/8 inch meter as the baseline meter size in the analysis. As a meter size increases, the hydraulic capacity also increases thus allowing the customer to draw greater amounts of water when needed. With this greater ability to draw water, there is a corresponding increase in costs. Therefore, larger meters will have larger fixed charges associated with them. This approach is a standard in the water rate-making industry. Table 11 presents the meter equivalency approach and corresponding meter ratios. To ensure clarification, the base charges for FY 2010/11 through FY 2014/15 do not include minimum water amounts.

Table 10: Fixed Monthly Base Charges by Meter Size (Adopted and Suggested per Prior Analysis)

Meter Size	Adopted 10/11	FY Forecast 11/12	FY Forecast 12/13	FY Forecast 13/14	FY Forecast 14/15
5/8"	\$ 13.90	\$ 14.60	\$ 15.33	\$ 15.94	\$ 16.58
1"	20.22	21.24	22.30	23.19	24.12
1 1/2"	30.76	32.30	33.91	35.27	36.68
2"	43.40	45.57	47.85	49.76	51.75
3"	72.90	76.54	80.37	83.58	86.92
4"	115.03	120.78	126.82	131.90	137.17
6"	220.37	231.39	242.96	252.68	262.79
8"	346.78	364.12	382.33	397.62	413.53

Sources: Town of Surfside; TischlerBise.

Table 11: Meter Equivalency Ratios

Meter Size	GPM	Meter Ratio
5/8"	20	1.00
1"	50	2.50
1 1/2"	100	5.00
2"	160	8.00
3"	300	15.00
4"	500	25.00
6"	1,000	50.00
8"	1,600	80.00

Sources: AWWA M-5 Manual; Town of Surfside; TischlerBise.

For the variable consumption charge analysis, we present two options: 1) maintain the uniform rate approach regardless of customer class and consumption amounts, and 2) an inclining block rate structure for residential customers and a uniform block structure for all other customer classes (apartments, commercial and place of worship).

The inclining block approach is one that sends a price signal to excessive water users to cut back on their wasteful water consumption. Very efficient or low water users would be rewarded with a lower rate per 1,000 gallons compared to the current uniform rate. We applied the inclining block method to the residential customers only for two reasons: 1) there is less variation in residential water use between each customer compared to other customer classes and therefore average use figures easily apply to all residential customers, and 2) industry experience demonstrates that residential properties, particularly single-family detached residential customers, are most able to cut back on excessive use, and even discretionary use. Therefore, we recommend that the Town consider adoption of the inclining block approach to achieve conservation goals. **Table 12** shows the conservation-oriented rate structure for the Single-family Residential (1 to 4 units) customer consumption charge and the uniform block rate for all other customers. For clarification, the FY 10/11 rates were adopted by the Town Commission in October 2010 while the FY 11/12 through FY 14/15 rates are suggested per the prior rate analysis.

Table 12: Customer Consumption Charge Structure

Description	FY 10/11	FY 11/12	FY 12/13	FY 13/14	FY 14/15
	Rate per 1,000 gal				
Single-Family Residential (1-4 units)					
Block 1 (0 - 6,000 gal/month)	\$ 2.97	\$ 3.12	\$ 3.27	\$ 3.40	\$ 3.54
Block 2 (6,001 - 12,000 gal/month)	\$ 3.56	\$ 3.74	\$ 3.93	\$ 4.09	\$ 4.25
Block 3 (above 12,000 gal/month)	\$ 5.94	\$ 6.24	\$ 6.55	\$ 6.81	\$ 7.08
All Other Customers					
Uniform Rate	\$ 3.67	\$ 3.85	\$ 4.05	\$ 4.21	\$ 4.38

Sources: Town of Surfside; TischlerBise.

Impact of Revenue Increase

In Fiscal Year 2010/11, the approved 18% increase in recommended revenue does not directly correlate to a 18% increase in all water rates. The cost of service analysis and, in Single-family Residential's case, the restructuring of the consumption blocks dictate the actual adjustments to the rates. Figure 9 presents bi-monthly water charges for Single-family Residential customers with a 5/8 inch meter at various consumption levels utilizing the adopted FY 10/11 rates. Because of the inclining block rate structure, customers with low water use will see a decrease in their water bills while high use customers will experience greater monthly water bills.

Figure 9: Customer Billing Analysis: Adopted FY 10/11 Rates

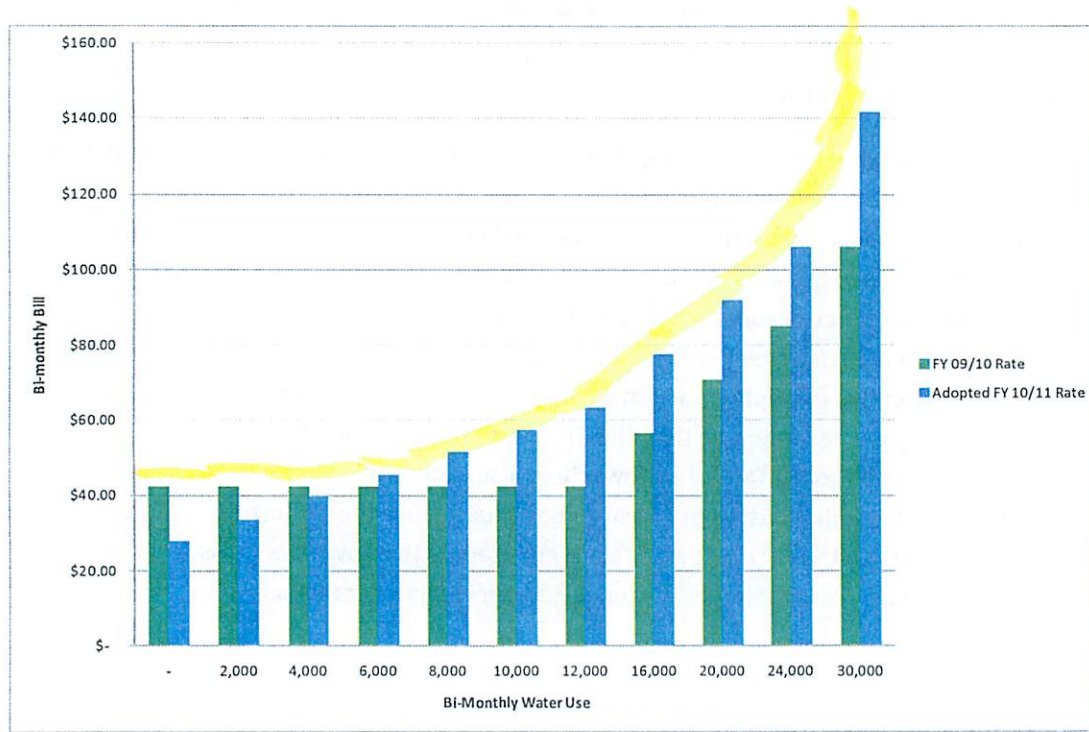
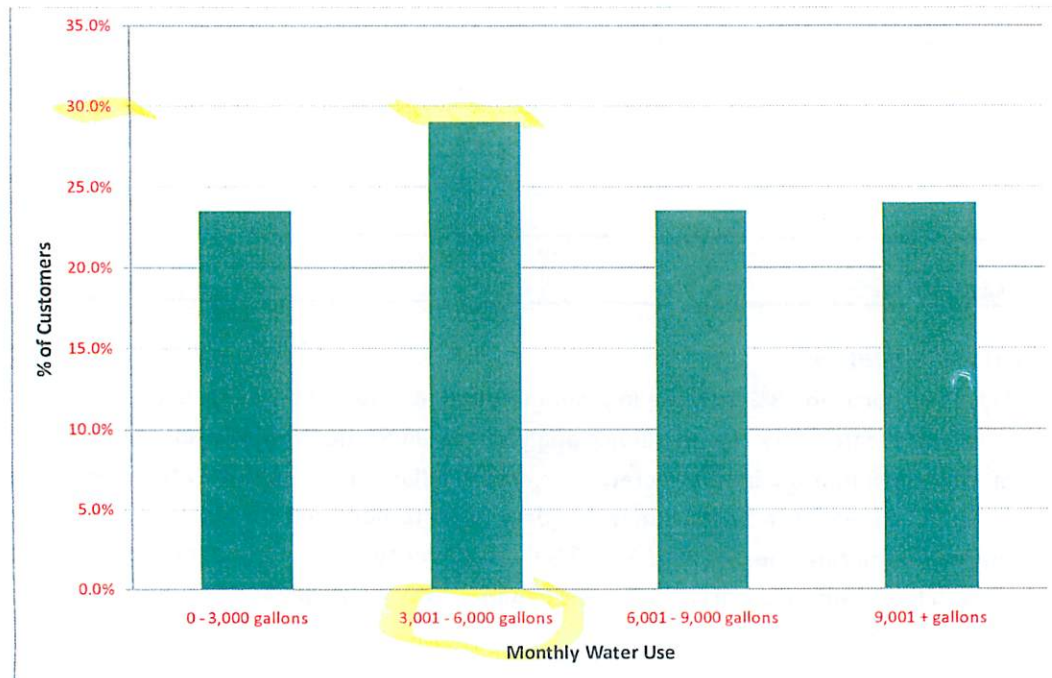


Figure 10 shows a use analysis of Single-family Residential customers at various water use levels.

Figure 10: Customer Monthly Consumption Charge Analysis



*Comm. Graubart's Exhibit "A"

FPL Residential Surfside Customer

<u>Electric Service Amount*</u>	<u>Franchise Charge</u>	<u>Utility Tax</u>	<u>Total Surfside Amount</u>
\$64.70	\$3.82	+ \$5.20	= \$9.02 (<u>Lowest Bill</u>)

*Note: Total Bill Amount: \$75.38

\$245.63	\$14.49	+ \$18.65	= \$33.14 (<u>Highest Bill</u>)
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*Note: Total Bill Amount: \$285.07

Explanation(s) and Additional Info:

- Electric Service Amount + ALL taxes/charges, etc. = Total Amount
- FPL "Fuel and Non-Fuel Charges" are *progressive* as are the Franchise Charge and Utility Tax (See above and below):

FUEL:

"First" 1,000kWh at \$0.027890 (and) "Over" 1,000kWh at \$0.037890

NON-FUEL:

"First" 1,000kWh at \$0.056610 (and) "Over" 1,000kWh at \$0.066610

Other Utilities:

Atlantic Broadband: "Local Cable Communications Service Tax" - \$5.29

AT & T: (wired) "Florida Local Communications Tax" - \$2.62

AT & T: (wireless) "City Local Communications Tax" - \$3.52

Synopsis:

FPL – \$9.02 + \$33.14 = \$42.16 / 2 =	\$21.08 average +/-
AT & T - \$2.62 + \$3.52 =	\$6.14 +/-
Atlantic Broadband -	\$ <u>5.29</u> +/-
Total	\$32.51 monthly +/-

Note: Does not include any fees/taxes/charges for Water/Sewer/Storm Water, Alarm Systems (if any), Satellite TV, etc.

*This all needs to be reviewed, scrutinized – checked for accuracy by our Finance Director.
March 2, 2013



**Town of Surfside
Town Commission Meeting
February 12, 2013
7 p.m.**

DISCUSSION ITEM MEMORANDUM

Title: “Severance / Compensation”

Objective: To determine a fair, just and reasonable severance / compensation policy.

Consideration: Prepare a severance / compensation plan that is more like those found in the private sector.

Action: I am asking the Town Commission to give direction to the Town’s Legal Department to research severance / compensation in both the private and public sectors.

Approximate Cost: None/Minimal

Thank you for your consideration;

Respectfully,

Joe Graubart, Commissioner



**Town of Surfside
Town Commission Meeting
February 12, 2013
7 p.m.**

Commission Communication

Title: “Town Calendar”

Objective: To ensure continuity, compliance and completion of certain contracts, agreements, easements, “proffers” etc., with changes of Elected Officials, Town Officials – Town Manager, Town Clerk, Town Attorney, Building Department officials, etc.

Consideration: Consider the Surf Club project alone RE: Conditions, Stipulations and Proffers; the monies from both the 95th street luxury townhouse project and the contract with Indian Creek RE: Surfside Blvd. improvements. One project promised/planned for mechanical underground ‘stacked’ parking – later it was determined that there isn’t enough height to allow for this type of parking – how long did it take for this outrageous error to be brought to the Commission’s attention? Or continual follow-up on the costly Maranon mess as it unfolded – not after it was too late?

Action: I am asking the Town Commission to think about this matter for now, and in the near future, be prepared to give direction to the Town’s Manager, Legal and Finance Departments to determine the ‘best’ method to establish a ‘Town Calendar’ as pertains to compliance with various contracts, agreements, conditions and stipulations, etc.

Approximate Cost: None/Minimal – NO “action” at this time.

Thank you for your consideration;

Respectfully,

Joe Graubart, Commissioner



**Town of Surfside
Town Commission Meeting
February 12, 2013
7 p.m.**

DISCUSSION ITEM MEMORANDUM

Title: "Commission Directive: Town Manager Short Term Priorities"

Objective: To determine, set and direct this Town Manager's Priorities during his waning days as Town Manager.

Consideration: Goals, objectives, and projects, etc., for Town Manager Carlton to move/push forward before retiring from his position here in Surfside.. Does this Commission want to continue to create a long list of projects and items (priorities) for the next (new) Town Manager to inherit? Thereby doing so without her/his input, consideration and evaluation (approval/disapproval of) – yes or no?

Action: I am asking the Town Commission to give direction to the Town Manager as to the attached list. I will suggest a 'short' list of Level One Priorities. Additions/changes only allowed by Commission directive via a vote.

>> Please see attached lists for Level One, Two, and Three Priorities. <<

Thank you for your consideration;

Respectfully,

Joe Graubart, Commissioner

LEVEL ONE PRIORITIES

- 1. Complete the Water/Sewer/Storm/Drainage project**
- 2. Go/No-Go Decision on Undergrounding Power Lines and Related Utilities**
- 3. Go/No-Go Decision on Parking Structures**
- 4. Go/No-Go Decision on Downtown Business Improvement District**
- 5. Go/No-Go Decision on Community Center Second Story and Comprehensive Park Capital Program**
- 6. Upgrade the Website/Content/Options.**
- 7. Complete the Town-wide Signage Program**
- 8. Enhance the Code Enforcement Program**
- 9. Charter Reform Election**
- 10. Reassess the Zoning Code/ Combined Planning and Zoning/ Design Review Board and Town Commission Meeting**
- 11. Protect Town from Bal Harbour Shop Expansion**
- 12. Develop an Effective Beach Management Program in Cooperation with Miami-Dade County and the State of Florida**
- 13. Determine the Appropriate Level of Service and Cost for Solid Waste/Recycling Program**
- 14. Develop a Succession Plan for Town Manager and Key Positions**
- 15. Continue to Elevate the Level of Service and Accountability at Town Hall (platinum-level service for citizen response)**
- 16. Secure County Commitment for the Sewer Force Main North**
- 17. Develop a Tourism and Economic Development Advisory Committee Strategic Plan**
- 18. Restore FEMA Flood Insurance Discount**
- 19. Build General Fund Reserve to \$5 million**
- 20. Build Water /Sewer/Storm Drainage Reserves to Avoid Rate Increases When Possible**
- 21. Continue to Beautify Surfside's Physical Appearance**
- 22. Complete Bus Shelters**
- 23. Sell More Sponsorships for the Turtle Project**
- 24. Update Five Year Financial Plan**
- 25. ALPR (cameras)**
- 26. Complete Imaging of Town Documents**
- 27. Recruit New Building Official**
- 28. Seawall Replacement Program**
- 29. Complete Development Review Process for Chateau, Surf Club and The Shul**

LEVEL TWO PRIORITIES

- 30. Complete 95th Street Hardpack to Collins Avenue Project**
- 31. Update Town Code to Correct Numerical Errors**
- 32. Complete Dog Park Decision Making Process**
- 33. Bring up Automated Bill Paying and Record Access Systems**
- 34. Complete Sidewalk Ordinance Implementation**
- 35. Complete Newsracks and Bus Benches**
- 36. Implement Bullying Program**
- 37. Repair Kiddie Pool**
- 38. Replace Single Meter Heads with Credit Card Accepting Devices**
- 39. Change Federal Road Designation Amendments in Single Family Neighborhood**

LEVEL THREE PRIORITIES

- 40. Electric Vehicle Charging Program**
- 41. PACE Program**



**Town of Surfside
Commission Communication**

MEMO

To: Mayor and Members of the Town Commission

From: Roger M. Carlton, Town Manager

Date: February 12, 2013

Subject: Priorities

Please note that the direction requested by Commissioner Graubart was provided during the December 11, 2012 Town Commissioner meeting. The minutes of that meeting regarding the “what to finish before the Town Manager retires” are attached for your review.

By way of information, Staff is focused on the “what to finish” priorities and addresses the remaining Points of Light as staff resources allow or as circumstances require.

Attachment



TOWN OF SURFSIDE
COMMISSION COMMUNICATION
DISCUSSION ITEM

TO: Elected Officials

Cc: Roger M. Carlton, Town Manager
Linda Miller, Interim Town Attorney
Sandra Novoa, Town Clerk

FROM: Commissioner Marta Olchyk

AGENDA DATE: March 12, 2013

SUBJECT: Donation Approval Of Over \$850

Discussion: Any/all decision(s) made to spend over \$850 for any donation to any institution, organization or individuals cannot be made unilaterally by any one person including, but not limited to the Town Manager, Mayor or any other Elected Official or staff member. Alternatively, the request should be presented to the Town Commission for approval at the regularly scheduled monthly meeting for consideration.