



**Town of Surfside
Town Commission Meeting
AGENDA
March 11, 2014
7 p.m.**

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

1. Opening

- A. Call to Order**
- B. Roll Call of Members**
- C. Pledge of Allegiance**
- D. Mayor and Commission Remarks** – Mayor Daniel Dietch
- E. Agenda and Order of Business** Additions, deletions and linkages
- F. Community Notes** – Mayor Daniel Dietch
- G. Award for Bay Harbor Island K-8 Center PTA President Julia Magnani** – Commissioner Joe Graubart
- H. Presentation: Brian Flynn from Miami Dade County on Beach Issues and 2015 Beach Nourishment** – Michael P. Crotty, Town Manager **Page 1**
- I. Presentation to Commissioner Graubart** – Mayor Daniel Dietch
- J. Presentation to Commissioner Kligman** – Mayor Daniel Dietch

2. Quasi-Judicial Hearings (None)

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

All items on the consent agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request, 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 – February 11, 2014 Regular Town Commission Meeting Page 2 - 14
- B. Budget to Actual Summary as of December 31, 2013 – Donald Nelson, Finance Director Page 15 - 17
- *C. Town Manager’s Report – Michael P. Crotty, Town Manager Page 18 - 38
- *D. Town Attorney’s Report – Linda Miller, Town Attorney Page 39 - 43
- *E. Projects Progress Report – Calvin, Giordano and Associates, Inc. Page 44 - 45
- F. Committee Reports – Michael P. Crotty, Town Manager Page 46 - 65
 - November 19, 2013 Pension Board Meeting Minutes
 - January 13, 2014 Parks and Recreation Committee Meeting Minutes
 - February 3, 2014 Tourist Board Meeting Minutes
 - February 18, 2014 Charter Review Board Meeting Minutes
- G. Supporting the Expansion of the School Nurse System – Michael P. Crotty, Town Manager Page 66 - 74

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) SUPPORTING THE EXPANSION OF THE SCHOOL NURSE SYSTEM IN THE TOWN OF SURFSIDE; JOINING THE TOWN OF BAY HARBOR ISLANDS, NORTH BAY VILLAGE, BAL HARBOUR VILLAGE AND THE CITY OF MIAMI BEACH IN FUNDING, NOT TO EXCEED \$3667.00 FROM THE FY BUDGET 2014-2015, A NURSE AND MEDICAL ASSISTANTS FOR RUTH K. BROAD K-8 CENTER, NORTH BEACH ELEMENTARY, AND TREASURE ISLAND ELEMENTARY; PROVIDING FOR AN EFFECTIVE DATE.

- H. Proclamation to Officer Maryhelen McCarthy from Newtown, Connecticut – Mayor Daniel Dietch Page 75

- I. Approval of Expenditure of Forfeiture Funds to Replace a Research Investigative Tool – David Allen, Chief of Police Page 76 - 102

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2013/2014 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$2,901.00 FROM THE FORFEITURE FUND TO REPLACE A RESEARCH INVESTIGATIVE TOOL; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

**1. Ordinance Amending Chapter 54 Prohibited and Restricted Noises –
Commissioner Joe Graubart Page 103 - 112**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY AMENDING SECTIONS 54-78 “PROHIBITED NOISES”, 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; AND DELETING SECTIONS 54-80 “SAME—WHEN CONSIDERED ENCLOSED”, 54-81 “SAME—DIVISION OF YEAR INTO PERIODS FOR PURPOSE OF CONTROL”, 54-82 “SAME—WHEN PROHIBITED”, AND 54-83 “SAME—PROHIBITED NEAR HOTELS AND APARTMENTS DURING PERIOD NO. 1”, BY REVISING THE HOURS FOR CONTROLLING PROHIBITED AND RESTRICTED NOISES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**2. Planning and Zoning Board Membership – Linda Miller, Town Attorney
Page 113 - 123**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY AMENDING SECTIONS 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS”, 90-16 “MEETINGS: BOARD YEAR; TIMEFRAME; LOCATION”, 90-17 “POWERS AND DUTIES”, 90-18 “DESIGN REVIEW BOARD”, 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS”, 90-20 “DEVELOPMENT REVIEW REQUIREMENTS FOR SUBMITTALS OTHER THAN SINGLE-FAMILY AND TWO-FAMILY”, 90-23 “CONDITIONAL USES”, AND 90-70 “SIGN PERMITS”, ESTABLISHING THE DESIGN REVIEW BOARD AND

RESPONSIBILITIES OF SUCH BOARD; CHANGING MEMBERSHIP REQUIREMENTS OF THE PLANNING AND ZONING BOARD; ALLOWING FOR AN APPEAL OF DESIGN REVIEW BOARD DECISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

3. **Electric Vehicle Car Charging Station – Sarah Sinatra, Town Planner Page 124 - 130**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; SECTION 90-41 “REGULATED USES”; SECTION 90-71.2 “H30C, H40, MU AND H120 DISTRICTS”; AND SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS”; TO ALLOW FOR THE INSTALLATION OF ELECTRIC VEHICLE CAR CHARGING STATIONS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

4. **Amendments to the Chapter 70 Article IV “Resort Tax” Ordinance – Duncan Tavares, TEDACS Director {LINKED TO ITEM 5B} Page 131 - 147**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING SECTIONS 70-109 “IMPOSITION; AMOUNT”, SECTION 70-124 “COMPOSITION; APPOINTMENT; VACANCIES; COMPENSATION; REMOVAL FROM OFFICE, ETC.”, SECTION 70-125 “ORGANIZATION”, SECTION 70-126 “POWER AND DUTIES”, AND CREATING SECTION 70-128 “BUDGET AND EXPENDITURE OF FUNDS” 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.

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

B. First Reading Ordinances

5. Resolutions and Proclamations

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

- A. Harding Avenue Improvement District (BID): Resolution Establishing A Special Assessment District – Duncan Tavares, TEDACS Director Page 148 - 168**

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, WITH ATTACHMENT(S), ESTABLISHING A SPECIAL ASSESSMENT DISTRICT AREA TO BE KNOWN AS THE SURFSIDE BUSINESS IMPROVEMENT DISTRICT (“BID”) AND AUTHORIZING THE LEVY AND COLLECTION OF A SPECIAL ASSESSMENT FOR A PERIOD OF FIVE (5) YEARS SUBJECT TO THE APPROVAL OF A MAJORITY OF AFFECTED PROPERTY OWNERS; PROVIDING FOR THE NATURE AND ESTIMATE OF BENEFITS TO BE PROVIDED; PROVIDING DETAILS OF ASSESSMENT PROCEDURES, PAYMENTS, AND STATUTORY LIENS; PROVIDING FOR PUBLICATION OF LEGAL NOTICE, AUTHORIZING AND DIRECTING THE TOWN MANAGER, TOWN CLERK, AND ALL OTHER NECESSARY TOWN OF SURFSIDE STAFF, AFTER CONSULTATION WITH THE TOWN ATTORNEY, TO UNDERTAKE ALL NECESSARY ACTIONS AND PROCEDURES TO ACCOMPLISH THE PURPOSE SET FORTH IN THIS RESOLUTION IN ACCORDANCE WITH CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING AN EFFECTIVE DATE.

- B. Amendment to the Chapter 70 Article IV “Resort Tax” – Duncan Tavares, TEDACS Director {LINKED TO ITEM 4A4} Page 169 - 193**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE RESORT TAX BOARD CONFLICT OF INTEREST AND ETHICS POLICY AND OPERATING PROCEDURES; PROVIDING FOR POLICIES, PRINCIPLES, STANDARDS OF CONDUCT, AND OPERATING PROCEDURES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

7. Town Manager and Town Attorney Reports

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

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- A. Final Report of the Charter Review Board – Linda Miller, Town Attorney [TIME CERTAIN 7:45PM] Page 194 - 213**
- B. Infrastructure Rehabilitation Project – Close Out Update – Michael P. Crotty, Town Manager Page 214 - 238**
- C. Status Report on Code Compliance Fines – Joe Damian, Code Compliance Director Page 239 - 251**
- D. Report on Canal/Dock/Point Lake Issue – Michael P. Crotty, Town Manager Page 252 - 263**
- E. Town Manager’s Evaluation – Mayor Daniel Dietch Page 264**
- F. Stop Sign and Crosswalks Plan along Collins and Harding Avenue (Verbal) – David Allen, Chief of Police**
- G. Smoking Ban for “Municipal Use” Property – Commissioner Joe Graubart Page 265 - 267**
- H. Bus Service Update – Michael P. Crotty, Town Manager Page 268**
- I. Miami Dade County League of Cities Director Designation (Verbal)– Mayor Daniel Dietch**
- J. Sight Line Triangle Compliance – Mayor Daniel Dietch Page 269**
- K. Residential Solid Waste Set Out Compliance – Mayor Daniel Dietch Page 270 - 274**

10. Adjournment

Respectfully submitted,



Michael P. Crotty
Town Manager

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR

HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

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

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

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



Town of Surfside Commission Communication

Agenda Item #: 1H

Agenda Date: March 11, 2014

Subject: Presentation on Beach Issues and 2015 Beach Renourishment - Brian Flynn, Miami-Dade DERM

Introduction: Hurricane Sandy and high full moon tides and wind 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 drift 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 re-nourishment program.

A meeting was held with Miami-Dade County staff on December 20, 2012 and the County accepted responsibility for coordinating the re-nourishment. Town Staff will be kept updated as Miami-Dade County moves forward with any re-nourishment project.

Congresswoman Debbie Wasserman Shultz sponsored a Coastal Community Roundtable on April 4, 2013. Governmental representatives from Miami-Dade and Broward Counties heard presentations from U.S. Army Corps of Engineers in Jacksonville, Florida. Of local interest, Corps representatives presented an overview of the sand re-nourishment project scheduled in Bal Harbour (Contract G: August, 2013 Award and start date at the conclusion of Sea Turtle Season). After this project, compatible sand sources for re-nourishment will be depleted.

The Corps began an outreach pertaining to their planned sand source study (Contract J: tentative date August, 2014). The study attempted to locate compatible sand (non-County borrow area) for future projects and the initial findings indicate that the sources of compatible sand is located north of Miami-Dade as far north as Martin/St. Lucie counties.

Brian Flynn, Special Projects Administrator, Miami-Dade DERM is confirmed for the March, 2014 Commission meeting to present an update on the Sand Source Study and for the next County's beach renourishment project coordinated by Miami-Dade which is Surfside in 2015.


Town Manager

1. Opening

A. Call to Order

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

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief David Allen led the Pledge of Allegiance

Vice Mayor Karukin arrived at 7:07 P.M.

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Graubart informed the Commission and the citizens that former Miami Beach Principal Dr. Solomon Lichter a terrific asset to the community passed away.

Commissioner Graubart spoke about the unique town of Surfside and how it should be preserved as such.

Vice Mayor Karukin gave an update on the Charter Review Board.

Commissioner Olchyk announced that she was very doubtful as to whether she would run again for the Commission. Because of all the citizens that have contacted her and asked that she continue serving on the board she has decided to run again.

Commissioner Kligman indicated she had to leave the meeting at 8:45 p.m. after the Comp Plan Item.

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

Commissioner Kligman made a motion that Item 4A3 Ordinance Prohibiting the Sales of Live Animals in Surfside and Item 9.3 Dock Projection be moved up on the

agenda. The motion received a second from Vice Mayor Karukin and all voted in favor.

Town Attorney Linda Miller corrected the date on page 53 of the Town Attorney Report and on page 197 a sentence was omitted regarding federal holidays and a corrected copy was submitted.

Town Attorney Miller said she was informed by the City Clerk that no motion was made to accept the pulled items at the end of the January 14th meeting. Vice Mayor Karukin made a motion to accept the pulled consent agenda items of the January 14, 2014 Commission Meeting. The motion received a second from Commissioner Olchyk and all voted in favor.

Commissioner Graubart made a motion that walk-in item regarding recognition of the PTA President be moved up before Commissioner Kligman leaves. The motion received a second from Commissioner Kligman and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

Mayor Dietch announced the upcoming community events which can be found on the Town's website. The Mayor also gave updates on projects in progress and reminded that the meetings are live streaming.

Commissioner Olchyk thanked Parks and Recreation Director, Tim Milian for the wonderful job and timely completion of the park project.

Commissioner Graubart gave an update on the Tourist Board report.

G. Presentation on Nurse Initiative – Michael P. Crotty, Town Manager

Town Manager Michael P. Crotty presented the item.

Ms. Leslie Rosenfeld with the City of Miami Beach presented a report about the Nurse Initiative to the Town Commission. The Commission had a few questions for further clarification and Ms. Rosenfeld was able to address them satisfactorily.

Vice Mayor Karukin made a motion to bring back to the March Commission Meeting a memorandum of understanding for consideration. The motion received a second from Commissioner Graubart and all voted in favor.

Item 4B4 to be discussed next.

2. Quasi-Judicial Hearings (None)

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

Consent agenda items were discussed after item 9E.

Items pulled as follows:

Commissioner Olchyk pulled item 3, page 26 Mt. Sinai Bus Route.

Vice Mayor Karukin pulled item 37 On Line Bill Pay and item 40 IT Channel 77, page 47.

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

A. Minutes – January 14, 2014 Regular Town Commission Meeting

B. Budget to Actual Summary as of November 30, 2013 – Donald Nelson, Finance Director

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

-Item 3 Mt. Sinai Bus Service pulled by Commissioner Olchyk. Town Manager Crotty gave an update. The Commission requested a recommendation at the March 2014 meeting.

-Item 37 On-line Bill Pay pulled by Vice Mayor Karukin. The Vice Mayor requested that the front desk have the ability to accept credit/debit cards for those who wish to pay their bills.

-Item 40 IT Channel – Vice Mayor Karukin thanked the Town Clerk for the bookmarks.

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

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

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

- November 26, 2013 DVAC Meeting Minutes
- December 16, 2013 Parks and Recreation Committee Minutes
- December 19, 2013 Planning and Zoning Board Meeting Minutes
- January 06, 2014 Charter Review Board Meeting Minutes
- January 06, 2014 Tourist Board Meeting Minutes
- January 21, 2014 Charter Review Board Meeting Minutes

G. Fraternal Order of Police Collective Bargaining Agreement – Yamileth Slate-McCloud, Human Resources Director

RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA APPROVING AND RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF SURFSIDE AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE (FOP) DATED OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2016 ATTACHED HERETO AS ATTACHMENT "B". DIRECTING THE TOWN MANAGER

**TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN;
AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS
NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND
PROVIDING FOR AN EFFECTIVE DATE.**

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

1. Garage Door Modification – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Graubart made a motion to approve. The motion received a second from Vice Mayor Karukin.

Mayor Dietch opened the public hearing. No one wishing to speak, Mayor Dietch closed the public hearing.

The motion carried 4-0 with Commissioner Kligman absent.

2. Side Setback Ordinance – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-45 “SETBACKS”; 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 to approve. The motion received a second from Commissioner Olchyk. The motion carried 4-0 with Commissioner Kligman absent.

Mayor Dietch opened the public hearing. No one wishing to speak, Mayor Dietch closed the public hearing.

Mayor Dietch made an amendment that ten percent of lot frontage have not less than ten feet. Town Planner Sinatra made an amendment that on corner property ten percent of the lot frontage be no less than 20 feet.

Vice Mayor Karukin accepted the amendments. All voted in favor with Commissioner Kligman absent.

3. Ordinance prohibiting the sales of live animals in Surfside – Commissioner Michelle Kligman

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 90.41 “REGULATED USES” PROHIBITING THE SALE OF LIVE ANIMALS AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

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

** Commissioner Graubart made a motion to open the item to open the public hearing. The motion received a second from Vice Mayor Karukin and all voted in favor.

Mayor Dietch opened the public hearing. No one wishing to speak, Mayor Dietch closed the public hearing.

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

Item 9F was discussed after.

Commissioner Kligman excused herself and left the meeting at 9:52 P.M.

4. Ordinance Amending Future Land Use Element of the Comprehensive Plan – Nancy E. Stroud, Esq., Special Land Use Counsel [SET FOR TIME CERTAIN 8:45PM]

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A

USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; 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.

Outside Council Nancy Stroud presented the item to the Town Commission. Commissioner Kligman made a motion for discussion purposes. The motion received a second from Commissioner Olchyk.

Commissioner Graubart asked for clarification on what exactly the Board would be voting on. Vice Mayor Karukin also needed clarification on an item and Ms. Stroud addressed both issues.

Mayor Dietch opened the public hearing.

Public Speaker Attorney Andrew Tobin, representing Peter Bakker spoke on the item and requested the Town Commission not adopt this ordinance.

Public Speaker Pieter Bakker spoke on the item and asked the Town Commission to defer the item for sixty or ninety days.

Public Speaker Barbara McLaughlin spoke on the item and asked the Commission why this item cannot be deferred for sixty to ninety days.

Public Speaker Shirley Bakker also spoke against the item.

Public Speaker Pablo Clausell spoke on the item and asked a question about the Religious Land Use Relief Map.

Ms. Stroud addressed some of the issues raised and explained that this ordinance has nothing to do with the Young Israel project and does not apply to the issues the Bakkers have. Ms. Stroud indicated this ordinance should be acted on to protect the town.

Commissioner Graubart wanted to go on record that he never approved the project years ago.

Mayor Dietch closed the public hearing.

The Town Manager indicated that this ordinance was important to the town and Mayor Dietch explained to the Bakkers that he was in sympathy with them and why this ordinance now is important for the town so an issue of this sort does not happen again. Commissioner Olchyk said she spoke with the town's legal staff to get a better understanding of the issue and their recommendation. She understands what the Bakkers are going through but has to do what is the best and honest thing to do with regards to the town. Commissioner Graubart and

Vice Mayor Karukin expressed their views and said they would be voting in opposition.

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

5. **Business Improvement District Authorization** – Duncan Tavares, TEDACS Director

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE CREATION OF A SPECIAL OR BUSINESS NEIGHBORHOOD IMPROVEMENT DISTRICT BY THE ENACTMENT OF A SEPARATE ORDINANCE FOR EACH; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Graubart made a motion for discussion purposes. The motion received a second from Commissioner Kligman.

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

There was some discussion on the composition of the proposed three member board for the district.

Vice Mayor Karukin asked for clarification of the voting process of business owners. After some discussion Vice Mayor Karukin said he would not be supporting the item as he has several issues with the ordinance and explained each item in more detail. Commissioner Kligman and Mayor Dietch addressed some of the concerns of Vice Mayor Karukin.

The straw ballot was discussed and the number of business owners that have responded.

Mayor Dietch opened the public hearing. No one wishing to speak, Mayor Dietch closed the public hearing.

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

Item 4A4 was discussed after.

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

B. First Reading Ordinances

1. Ordinance Amending Chapter 54 Prohibited and Restricted Noises – Commissioner Joe Graubart

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY AMENDING SECTIONS 54-78 “PROHIBITED NOISES”, 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; AND DELETING SECTIONS 54-80 “SAME—WHEN CONSIDERED ENCLOSED”, 54-81 “SAME—DIVISION OF YEAR INTO PERIODS FOR PURPOSE OF CONTROL”, 54-82 “SAME—WHEN PROHIBITED”, AND 54-83 “SAME—PROHIBITED NEAR HOTELS AND APARTMENTS DURING PERIOD NO. 1”, BY REVISING THE HOURS FOR CONTROLLING PROHIBITED AND RESTRICTED NOISES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Graubart presented the item to the Town Commission.

Town Attorney Linda Miller spoke on the item.

After some discussion a friendly amendment was made to change the hours of operation to 8:00 a.m. to 6:00 p.m. year round. Town Manager Crotty was directed to contact developers and ask if they are willing to amend their development agreements to change their hours of operation.

Mayor Dietch made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 3-0 with Vice Mayor Karukin voting in opposition and Commissioner Kligman absent.

Vice Mayor Karukin made a motion to extend the meeting to 11:15 p.m. The motion received a second from Commissioner Olchyk and all voted in favor with Commissioner Kligman absent.

2. Planning and Zoning Board Membership – Linda Miller, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY AMENDING SECTIONS 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS”, 90-16 “MEETINGS: BOARD YEAR; TIMEFRAME; LOCATION”, 90-17 “POWERS AND DUTIES”, 90-18 “DESIGN REVIEW BOARD”, 90-19 “SINGLE-FAMILY AND TWO-

FAMILY DEVELOPMENT REVIEW PROCESS”, 90-20 “DEVELOPMENT REVIEW REQUIREMENTS FOR SUBMITTALS OTHER THAN SINGLE-FAMILY AND TWO-FAMILY”, 90-23 “CONDITIONAL USES”, AND 90-70 “SIGN PERMITS”, ESTABLISHING THE DESIGN REVIEW BOARD AND RESPONSIBILITIES OF SUCH BOARD; CHANGING MEMBERSHIP REQUIREMENTS OF THE PLANNING AND ZONING BOARD; ALLOWING FOR AN APPEAL OF DESIGN REVIEW BOARD DECISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Karukin made a motion for discussion and the motion received a second from Commissioner Olchyk.

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

3. Electric Vehicle Car Charging Station – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; SECTION 90-41 “REGULATED USES”; SECTION 90-71.2 “H30C, H40, MU AND H120 DISTRICTS”; AND SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS”; TO ALLOW FOR THE INSTALLATION OF ELECTRIC VEHICLE CAR CHARGING STATIONS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Graubart made a motion for discussion and the motion received a second from Vice Mayor Karukin.

The amount of charging stations per units was discussed and a friendly amendment was made that staff come back with a minimum number of units and minimum number of spaces.

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

4. Amendments to the Chapter 70 Article IV “Resort Tax” Ordinance –
Duncan Tavares, TEDACS Director [TIME CERTAIN 7:45PM]

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING SECTIONS 70-109 “IMPOSITION; AMOUNT”, SECTION 70-124 “COMPOSITION; APPOINTMENT; VACANCIES; COMPENSATION; REMOVAL FROM OFFICE, ETC.”, SECTION 70-125 “ORGANIZATION”, SECTION 70-126 “POWER AND DUTIES”, AND CREATING SECTION 70-128 “BUDGET AND EXPENDITURE OF FUNDS” 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.

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

Robert Meyers, Former Director of the Miami Dade County Ethics Commission spoke about the Code of Conduct/Ethics policy.

Vice Mayor Karukin made a motion to approve. Commissioner Graubart seconded the motion for discussion purposes.

There was some discussion regarding sponsored trips for a Tourist Board member for the purposes of promoting the town. Commissioner Olchyk indicated that she was against the accepting of such gifts because other Boards could then apply for such gifts. Mr. Meyers explained that if a Tourist Board Member was going on a trip that was official town business it would not be considered a gift. Anything other than official town business would have to be in compliance with the code. Sponsored gifts from a vendor, contractor or lobbyist or anyone doing business with the town are not allowed.

The State and County laws were discussed and explained in more detail. The voting process for a new Chair of the Tourist Board was also discussed.

Vice Mayor Karukin expressed his concern over three committees now serving the same goal. He supports the expansion of the Tourist Board but feels it is not cost effective to have multiple committees and suggested that TVAC and DVAC be combined into a single entity. Vice Mayor Karukin also said how important these taxes are to the town as it allows it to offset ad valorem taxes as well as other operational expenses and improvements such as the community center.

The Mayor acknowledged former Mayor Eli Tourgeman who was in the audience. Mayor Dietch invited public speakers for their input.

Public Speaker Harald Bindeus, Director of Sales and Marketing of the newly opened Grand Beach Hotel said he supports the expansion of the Tourist Board and explained how the town has changed from years ago and is still changing.

Public Speaker Joel Simmonds also supports more members on the Tourist Board and feels it is a step in the right direction. He also expressed that the taxes received are very beneficial to the town and more board members are required.

Commissioner Kligman requested that the Town Manager look into the requirements of other boards such as attendance and term limits.

Commissioner Graubart made a friendly amendment that newly appointed members do not come from the same entity.

Vice Mayor Karukin accepted the amendment and the motion passed 5-0.

Item 4A3 was discussed after.

5. Resolutions and Proclamations

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

A. Canvassing Board Appointment – Linda Miller, Town Attorney

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPOINTING THE CANVASSING BOARD FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD MARCH 18, 2014; DESIGNATING AN ALTERNATE; ESTABLISHING A QUORUM AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Linda Miller presented the item.

Commissioner Olchyk made a motion to approve the Town Attorney appointment on the Canvassing Board. The motion received a second from Vice Mayor Karukin and all voted in favor with Commissioner Kligman absent.

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

Mayor Dietch opened the meeting to Good and Welfare.

Public Speaker Pieter Bakker distributed to the Commission a study of the three existing parking lots in Surfside. His research disputes prior research presented to the

Commission from an outside source. He indicated there was no shortage of spaces as these lots were never completely filled and has never seen cars driving around looking for a space to park. He is against the town spending millions of dollars on additional garages which he feels will be utilized by people associated with the newly constructed Bal Harbour Shops.

Public Speaker Shirley Bakker spoke against the building of additional garages. She indicated that today she was out and counted over 101 available parking spaces in just the Abbott Parking lot and it was around 1:20 P.M. Then again about 4:00 p.m. when she was coming back she counted over 200 available spaces.

There being no further speakers the Mayor closed Good and Welfare.

7. Town Manager and Town Attorney Reports

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

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

A. “Mini Turtles” – Vice Mayor Karukin Request – Duncan Tavares, TEDACS Director

Vice Mayor Karukin suggested the item be sent to the Tourist Board and all members of the Commission were in favor with Commissioner Kligman absent

B. 96TH Street Park Report (VERBAL) – Tim Milian, Parks and Recreation Director Tim Milian gave an update report

C. Beach Management Agreement – Tim Milian, Park and Recreation Director Tim Milian gave an update report Commissioner Olchyk wanted to go on record that although she is the liaison for this committee she has never been called and feels it is important that the concerns of the Commission are heard.

Vice Mayor Karukin made a motion to extend the meeting to 11:25 p.m. The motion received a second from Commissioner Graubart and all voted in favor with Commissioner Kligman absent.

D. Stop Signs at Crosswalks/Sidewalks – Commissioner Joe Graubart

The Commission directed the Town Manager to present a plan at the March meeting regarding the item.

E. Dock Projection Discussion – Sarah Sinatra, Town Planner

Town Manager Michael P. Crotty presented the item to the Town Commission. Commissioner Olchyk excused herself from the discussion due to a possible conflict of interest.

Building Official Ross Prieto spoke on the item and gave an update.

Public Speaker Daryl Wall spoke on the item and presented some photos related to the item.

Commissioner Graubart suggested that during a hurricane watch/warning the boats in the canal should be removed. If the dock is in need of repairs the boat would have to be removed.

- F. **Award/Recognition for Bay Harbor Island K-8 Center PTA President Julia Magnani and PTA members** – Joe Graubart, Commissioner [ITEM ADDED]
Commissioner Graubart presented the item to the Town Commission.
Commissioner Kligman made a motion to approve. The motion received a second from Vice Mayor Karukin and all voted in favor.

Commissioner Kligman made a motion to have Item 4A5 Business Improvement District be discussed next. The motion received a second from Commissioner Graubart and all voted in favor.

10. Adjournment

Commissioner Olchyk made a motion to adjourn and the motion received a second from Commissioner Graubart and all voted in favor with Commissioner Kligman absent.

There being no further business to come before the Commission, the meeting adjourned at 11.23 p.m.

Accepted this ____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2013/2014

AS OF

December 31, 2013

25% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date:

March 11, 2014

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$ 5,715,717	\$12,197,616	47%
EXPENDITURES	2,798,987	\$12,197,616	23%
Net Change in Fund Balance	2,916,730		
Fund Balance-September 30, 2013 (unaudited)	5,240,418 ^A		
Fund Balance-December 31, 2013 (Reserves)	<u>\$ 8,157,148</u>		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$ 23,675 ^B	\$287,471	8%
EXPENDITURES	56,793	\$287,471	20%
Net Change in Fund Balance	(33,118)		
Fund Balance-September 30, 2013 (unaudited)	94,493		
Fund Balance-December 31, 2013 (Reserves)	<u>\$ 61,375</u>		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$ 7,147	\$46,000	16%
EXPENDITURES	9,072	\$46,000	20%
Net Change in Fund Balance	\$ (1,925)		
Fund Balance-September 30, 2013 (unaudited)	137,325		
Fund Balance-December 31, 2013 (Reserves)	<u>\$ 135,400</u>		
TRANSPORTATION SURTAX			
REVENUE	\$ 35,367	\$196,916	18%
EXPENDITURES	42,073	\$196,916	21%
Net Change in Fund Balance	(6,706)		
Fund Balance-September 30, 2013 (unaudited)	131,475		
Fund Balance-December 31, 2013 (Reserves)	<u>\$ 124,769</u>		
CAPITAL PROJECTS			
REVENUE	\$ 247,523	\$1,054,770	23%
EXPENDITURES	1,007,801	\$1,054,770	96%
Net Change in Fund Balance	(760,278)		
Fund Balance-September 30, 2013 (unaudited)	76,257		
Fund Balance-December 31, 2013 (Reserves)	<u>\$ (684,021)</u>		

NOTES:

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

A. Includes \$2,000,000 available for hurricane/emergencies. The balance of \$3,240,418 is unassigned fund balance (reserves).

B. Resort Tax Revenues for December 2013 are received in January 2014, the (Total collected through December 2013 is \$65,339 (\$23,675 is for TEDAC and \$41,664 is the General Fund).

ENTERPRISE FUNDS

ACTUAL	ANNUAL BUDGETED	% BUDGET
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WATER & SEWER

REVENUE	\$ 667,250	\$3,190,000	21%
EXPENDITURES	618,670	\$3,190,000	19%
Change in Net Assets	48,580		
Unrestricted Net Assets-September 30, 2013 (unaudited)	(1,196,010)		
Restricted Net Assets-Renewal & Replacement	1,017,776		
Capital Project Expenses to date for Water & Sewer	(113,885)		
Unrestricted Net Assets-December 31, 2013 (Reserves)	<u>\$ (243,539) C</u>	\$0	

MUNICIPAL PARKING

REVENUE	\$ 250,517	\$1,052,185	24%
EXPENDITURES	241,147	\$972,185	25%
Change in Net Assets	9,370		
Unrestricted Net Assets-September 30, 2013 (unaudited)	1,068,996		
Capital Project Expenses to date for Municipal Parking	-	\$80,000	94%
Unrestricted Net Assets-December 31, 2013 (Reserves)	<u>\$ 1,078,366</u>		

SOLID WASTE

REVENUE	\$ 436,549	\$1,336,241	33%
EXPENDITURES	339,959	\$1,336,241	25%
Change in Net Assets	96,590		
Unrestricted Net Assets-September 30, 2013 (unaudited)	248,586		
Unrestricted Net Assets-December 31, 2013 (Reserves)	<u>\$ 345,176</u>		

STORMWATER

REVENUE	\$ 123,398	\$505,000	24%
EXPENDITURES	108,134	\$505,000	21%
Change in Net Assets	15,264		
Unrestricted Net Assets-September 30, 2013 (unaudited)	498,417		
Capital Project Expenses to date for Storm Water	(30,692)	\$0	
Restricted Net Assets-Renewal & Replacement	266,140		
Unrestricted Net Assets-December 31, 2013 (Reserves)	<u>\$ 749,129</u>		

NOTES:(con't)

C. The reserves balance of (\$243,539) is the result of a change in current net assets as of December, 2013 of \$48,580, net assets as of September, 2013 of (\$1,196,010), \$1,017,776 for renewal and replacement, less the Capital Project expense of \$113,885 paid through December, 2013 on the Utility Project.

Donald G. Nelson
Donald G. Nelson, Finance Director

Michael P. Crotty
Michael P. Crotty, Town Manager

**ATTACHMENT

Town of Surfside
Fund Balance (Reserves)
December 31, 2013

FUND	9/30/2011	9/30/2012	9/30/2013	12/31/2013
General	\$ 4,256,315	\$ 5,266,374	\$ 5,240,418	\$ 8,157,148
Resort Tax	184,867	171,496	94,493	61,375
Police Forfeiture	117,889	122,272	137,325	135,400
Transportation Surtax	239,760	122,302	131,475	124,769
Capital	399,754	132,783	76,257	(684,021)
Water & Sewer	2,692,379	(1,931,707)	(1,196,010)	(243,539)
Parking	1,385,581	1,258,325	1,068,996	1,078,366
Solid Waste	207,462	228,437	248,586	345,176
Stormwater	342,240	104,651	498,417	749,129
Total	\$ 15,301,180	\$ 11,774,890	\$ 6,299,957	\$ 9,723,804



Town of Surfside

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

TOWN MANAGER'S REPORT MARCH 2014

COMMUNITY PROGRAMS/INITIATIVES/ENHANCEMENTS

1. Sister Cities

The concept of Surfside entering into Sister City relationships with other towns/cities was first discussed within the Administration due to the success of such programs in Surfside's neighboring communities of Miami Beach and Sunny Isles Beach. The idea was recently proposed at the August, 2013 Town Commission meeting by resident Peter Neville as an initiative the Tourist Board might consider given the advent of the revitalization of the Town's tourism economy. Becoming a Sister City (or Town Twinning) creates a broad-based relationship and partnership between two communities nationally or internationally. Traditionally this relationship requires a cooperative agreement between the two towns that often promotes cultural and commercial ties. Possible programs could be established with communities such as Newtown, CT, given the established relationship created by the gift of Ruth the Turtle, with those that have an historical tourism connection (i.e. Canada), as well as with towns based on the heritage of Surfside's population (e.g. those in Israel, Latin and South America) or with those communities that are vested in turtle conservation. The Tourist Board endorsed the idea at their October 7, 2013 meeting but feels that it should be a collaborative effort with the Town Commission. At the January 6, 2014 Tourist Board meeting, the Board unanimously endorsed recommending Newtown, CT as the first Surfside sister city to the Town Commission. The Tourist Board met with members of the Town Commission at the regular monthly Tourist Board meeting on Monday February 3, 2014.

A recommendation on the details of a Sister Cities program for the Town will be vetted by the Tourist Board over the next couple of months and will be provided to the Town Commission as part of the FY 14/15 budgetary review process. Find more information at: <http://sister-cities.org>.

2. Bullying Program

Following up on the successful 2013 anti-bullying initiative, a second anti bully program was held by the Parks and Recreation Department on January 29, 2014. The program was a success. The program was an interactive session between the presenters and patrons. Anti-bully events along with staff and community training will be an ongoing process per the Town Resolution adopted in February, 2013. The Police Department hosted anti-bullying training with a nationally known speaker on March 5, 2014. Police and Parks and Recreation Department staff, teachers from Bay Harbor Island K-8, and police officers from local agencies attended.

3. Bus Service

Following the Town Manager and TEDACS Director meeting with the Jewish Community Services (JCS) team on May 30, 2013 regarding transportation options and related costs, JCS staff prepared a bus proposal. This information was presented to the Town Commission in the FY 13/14 budget process. A subsequent meeting on June 24, 2013 explored further partnership options to mutually benefit Town residents and JCS clients. A Program Modification addressing transportation to Mount Sinai in conjunction with JCS was included in the proposed FY 13/14 budget. Following budget adoption, the Town Manager met with JCS on a proposal that would address the request for a Mount Sinai route and also provide additional services to the Town's seniors through the Surf/Bal/Bay Club. In late November, the Town was notified that JCS has made a financial decision to close the Surf/Bal/Bay Club.

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

Each of these communities provides bus service for its residents using Citizens Initiative Transportation Tax (CITT) funds. The funds are generated through a Miami-Dade County gasoline tax and results from a citizens' initiative to improve transportation throughout the County. [Note: A minimum of 20% of the receipts are required to be spent on mass transit and the Town of Surfside exceeds this obligation. For FY 13/14, \$134,366 (including gas) is budgeted for the community bus service in Surfside].

In order to address this issue on a regional basis (Surf/Bal/Bay), a request will be made to the CITT Director to have a transportation planner conduct an analysis of existing bus routes; ridership and recommended bus transportation routes within the three municipalities in order to make bus service more efficient; responsive to community needs and more cost effective. The transportation planner will be asked to review the establishment of bus service/route to Mt. Sinai as part of the overall analysis. **(Agenda Item)**

4. Joint Skate Park with City of Miami Beach

The proposal of a skate park located between 86th and 87th streets through a partnership between the Town of Surfside and Miami Beach was presented by Miami Beach Parks and Recreation Department to the Miami Beach Commission on January 15, 2014. The Miami Beach Commission requested staff to prepare a comprehensive Master Plan for the considerable amount of land in the very extreme north area of Miami Beach owned by the City. The City Commissioners indicated that this area should be developed as part of an overall plan. Miami Beach staff reports that the recreational master planning process for the North Beach area is moving forward and a skate park is included in the project; however, the location will likely be several blocks to the south and incorporated near or in the development of a recreation complex at the Log Cabin site. It is anticipated that the Master Plan will

move forward through the Miami Beach public process (either Neighborhood Meeting or Commission) in March/April timeframe.

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

Miami-Dade County Public School District is currently in the process of finalizing the startup of a District operated secondary program in environmental sciences at the FIU Biscayne Bay Campus (3000 NE 151st Street, North Miami) for School Year 13/14.

Mayor Daniel Dietch and the Town Manager received a briefing on June 18, 2013 from County School District officials on the start-up of the Environmental Science Program and longer range plans to fund and permanently establish a facility. Commissioner Michelle Kligman also received a briefing from the Superintendent's Office on the proposal.

In a number of locations through the County, municipalities partner with the School District to invest in educational opportunities for its residents particularly as it relates to MAST academies. On September 9th, Surfside and Miami-Dade County School District hosted an information meeting at Town Hall regarding the Environmental Sciences at Florida International University (FIU), located at 3000 NE 151 Street in North Miami. The meeting took place in the Commission Chambers. The agenda and meeting information was posted on the Town's website under Town News. Elected Officials and staff from Bal Harbour and Bay Harbor Islands were invited to attend the September 9th meeting to hear about this opportunity to expand educational opportunities for local students. The Commission was provided with a written report on the September 9th Community meeting. An open house tour of the MAST Academy at FIU was held on October 17. There were approximately 25 attendees at the open house and the Town was represented by Linda Jain, Web and Special Projects Coordinator.

A conference call was held on December 12 with Assistant Superintendent Iraida Mendez-Cartaya, CPA to follow-up on Fausto Gomez's suggestions on possible funding options. The following is a summary of our discussions:

- Student stations that would be eligible for Surfside students would cost \$20,000 per student station. These student stations would be on-going and not just assigned to initial students. Surfside students would have to meet eligibility requirements and the number of seats purchased for Surfside students would be assigned and if the number of eligible Surfside students exceeded the number of student stations, then a lottery would be used.
- Initial estimates for finalizing an agreement on student stations would need to be in place prior to the school year 17/18.
- A number of municipalities have entered into agreements with the County for similar endeavors where direct educational benefit is provided to students in that municipality. Ms. Mendez-Cartaya has provided us agreements between the School District and: 1. Key Biscayne, 2. Cutler Bay; and 3. Sunny Isles.

An added benefit for students from Surfside to attend the MAST@FIU would be for the student to have the ability to complete up to an AA degree at the time of graduation from high school with the cost funded by the School District.

Ms. Mendez-Cartaya will initiate an analysis of student numbers and projected growth to provide input to the Town regarding a recommended number of student stations for the Town to consider.

The Town Manager will follow-up with area Managers regarding their jurisdiction's position on the MAST@FIU.

On February 10, Staff met with School District officials to discuss minimum and future projections for student stations for MAST@FIU and associated anticipated costs.

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

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

For the School District to build the high school (currently MAST@FIU is working out of temporary facilities) it will be necessary to have funding support from the nearby municipalities (including Bal Harbour, Bay Harbor, Aventura, Sunny Isles Beach, North Miami Beach, Golden Beach and Surfside). Funding of a MAST is not an eligible expenditure from the District's Capital Projects fund/budget. Student stations, once purchased are dedicated from the perpetual use by a Surfside student in accordance with admission policies. [Note: each student station is valued at \$20,000].

School officials will make a presentation to the Commission at the May Commission meeting.

As the Commission addresses the allocation of resources from development activities (see Five Year Financial Forecast), a modest, annual educational investment presents a unique opportunity that would benefit current and future generations of Surfside students and have a positive impact on the desirability of raising a family in Surfside and enhance property values.

6. Turtles Project – Art in Public Places

The Tourist Bureau continues to leverage the icon Turtles in promoting Surfside. With the Tourist Board's decision to keep the remaining Turtles and leave them on 93rd Street ("Turtle Walk"), the department can now focus on including them in marketing initiatives. An item requested by the Vice Mayor regarding small turtle statues was presented to the Town Commission on the February 11, 2014. The decision on procuring Turtle souvenirs, etc. was referred to the Tourist Board for a decision at the March 3, 2014 meeting.

7. Newcomers Packet

A "newcomers packet" is in the final review stage and will be presented to new residents.

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

This new initiative will be rolled out at the same time another new initiative begins. The FY 13/14 funded Neighborhood Resource Officer (NRO) program was scheduled to begin in February; however it has been delayed due to personnel issues that could not be avoided or anticipated. When the NRO program is up and running, the Neighborhood Resource Officer will personally deliver a newcomer packet to new residents. They will be identified through a number of sources: opening new utility account; acquiring a Town ID/parking sticker; word of mouth, etc. In the interim, Staff will take the lead in providing the packets.

The newcomer packet will be focused on identifying web based Town information. When the NRO delivers the packet, an assessment will be made if the new resident has the availability to successfully obtain the necessary resident information via web or if Staff needs to follow-up with hard copy information.

Thanks to Dawn Hunziker for spearheading this effort.

DOWNTOWN BUSINESS DISTRICT AND TOURISM

8. Harding Avenue Streetscape Plan

The construction portion of the project is complete. Awaiting delivery of furniture (benches/trash receptacles). The Ribbon Cutting ceremony was held on February 20.

9. Downtown Vision Project

The following BID schedule was presented to the Town Commission on February 11, 2014 with the second reading of the BID enabling ordinance:

- *A local planning ordinance allowing for the authorization of a BID in a subsequent ordinance passed on second reading on February 11, 2014 after going to Planning & Zoning on January 30, 2014. As an enabling legislation, this is the first step in the statutorily prescribed process for the creation of a specific district and levying an assessment for the created district.*
- *A resolution declaring intent to assess a special assessment, creating the actual district, providing for the nature and estimate of benefits for the district and authorizing the Town Administration to prepare a preliminary assessment roll is before the Town Commission on March 11, 2014.
(Action Item)*
- *Upon the passage of this resolution, the Town Clerk shall have on file an assessment plat of the proposed area with plans and specifications as well as an estimate of the associated*

assessment. This resolution will condition creation of the specific BID on a referendum approval of affected property owners (those property owners in the proposed district,) specify the boundaries, and name the proposed district, etc.

- *This referendum must then be held within 120 days. Within 5 days of the close of voting for the referendum the Town Clerk shall present the results to the Town Commission.*
- *Upon an affirmative majority vote of approving the special assessment district and certification of the referendum results, the Town Commission shall also adopt a second resolution fixing a time and place for the special assessment to be heard based on the results of the election.*
- *A second ordinance outlining the BID's governance, purpose, powers and duties, and annual reporting guidelines is then required at this juncture as a more effective means of coordinating the multitude of steps and timelines in this process. This ordinance is contingent upon a referendum approval of the affected district property owners.*

Tentative Sign Code Review Timeline

March: DVAC

May: P&Z/Commission Joint Meeting

July: DVAC

October: Commission

October: P&Z

December: Commission

The DVAC meeting in February was canceled as information on such pertinent items as the Town Manager's recommendation on moving the parking structure forward, and the sign code will be available in time for the March meeting. At that time DVAC will also have a discussion item on a possible color palette for downtown as suggested by the Planning and Zoning Board.

10. Sidewalk Ordinance Implementation

The Town has received the signed copies of the Sidewalk Café Agreement with FDOT. The Building Department will oversee the roll out and management of this with the assistance of Code Compliance and TEDACS. Door to door outreach to the downtown restaurants is set to be completed the week of February 24, 2014.

11. Parking Structure Feasibility Study

The completed study was issued to the DVAC Parking Subcommittee (which includes members appointed by the Town Commission and the Town Manager) on March 8, 2013 for the March 20, 2013 meeting. Rich and Associates and C3TS/Stantec presented to the committee and public in attendance and the meeting was broadcast over Channel 77. The committee unanimously voted in favor of moving the study on to the Planning and Zoning Board (April 3, 2013) and Town Commission (April 9, 2013).

At the April 9, 2013 meeting, the Commission acknowledged receipt of the March, 2013 Parking Structure Feasibility Study. The Commission tasked Staff to develop a public outreach and educational process to move the Study forward in order to ensure all stakeholders have been informed and involved prior to the Commission proceeding with its action on the Study.

Staff began the outreach/education process on the Parking Structure Feasibility Study. At the May, 2013 DVAC meeting, the committee members were asked to share their ideas/suggestions on the community outreach/vision process. At the June 24, 2013 DVAC meeting, the committee members provided ideas/suggestions on the community outreach/vision process. The item was also discussed at the two BID Property Owners/Business Operators meetings held on June 26, 2013.

At its October meeting, the Commission provided direction to move this process forward including:

- Acknowledging the parking deficiencies in the business district; (shortage of parking spaces presents unacceptable conditions for business and customers and needs a comprehensive solution).
- Supporting the outreach effort to develop a final report to be prepared no later than April 1, 2014 containing: detailed recommendations on parking facility improvements to address deficiencies including location; financing options and construction timeframes.
- Recognition that the Commission retains the ultimate decision making authority in how the recommendations of the report are implemented, including method of approval.

On December 18, a Community Dialogue was held as part of the outreach. This meeting was posted on the Town's website Meetings and Community calendars, was mentioned as part of the Mayor's Community Notes at the televised Town Commission meeting on December 10, was the main focus of the Town Manager's message in the December Gazette, sent out as a website eblast and went to all committee/board members asking them to disseminate the information to their community networks. There were over 35 in attendance.

The Town Manager discussed the study and various proposals to address the parking shortage. The majority in attendance expressed their support of the Town proceeding in the most expeditious manner to build a structure. One person in attendance advocated for a referendum on the issue. There was a favorable response to a possible solution at the Town Hall/Community Center Municipal complex and there was support for more than one structure. As many felt that a private, public partnership for the 94th Street lot was a viable idea, there was equal support for something at the Abbott lot as well as the Post Office lot. There were a few residents who expressed their opinion that there is not a need to address the parking situation as they feel the need does not exist. The Town Manager is meeting individually with these residents to further the dialogue and address their concerns. Concerns/input received related to beach parking, no additional resident taxation, traffic flow and impact to the homes on Abbott Avenue.

The report will be presented by the April 1 due date.

12. Five Year Tourism Strategic Plan

Staff is working on implementing the first year identified in the plan (FY 13/14). The Tourist Board finalized the ethics, conflict of interest, policies and procedures as well as governance policies. Suggested changes to the Town's Resort Tax Ordinance were passed on first reading by the Town Commission on February 11, 2014. Second reading is set for the March 11, 2014 Town Commission meeting. **(Action Item)**

INFRASTRUCTURE AND UTILITIES

13. 95th Street End Project

The project is in its final stages. Since the February Manager's report, the lighted bollards at the end of 95th and street light poles on the north side of 95th were installed. The actual lights will be installed by March 15. A meeting on site for the Phase 2 (east of the bulkhead) took place with FDEP on February 6, 2014. It was discussed to make Phase 2 part of Phase 1 which will speed up the permit process. The permit should be issued within the next two weeks. Once issued, Phase 2 will be required to be completed within one year.

14. Seawall Project

Miami-Dade County Regulatory and Economic Resources (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 US Army Corps of Engineers (USACE) permit was obtained in late February 2013 and the FDEP permit was obtained in April 2013. The SFWMD and RER final permits have been received. The Town received final authorization from Florida Inland Navigation District (FIND) and the Commission approved a resolution to allocate the Town's matching funds at the December 2013 Commission meeting. At the January, 2014 meeting, the Commission again stated its support of the original implementation schedule and its desire to replenish the reserves during the FY 14/15 budget process to replace the amount of the reserves utilized on the seawall project as the source of the Town's local match (\$494,445). CGA anticipates the project being out to bid in March. CGA has been requested to include in the specifications that it is the preference of the Town for the selected contractor to make available to residents the "unit prices" of the contract in order to provide residents an opportunity to undertake private seawall replacement at what should be reduced unit prices as the contractor will already be mobilized in the area. Finally, Staff met with PACE Program staff regarding financing opportunities for residents.

15. Beach Renourishment

Hurricane Sandy and high full moon tides and wind 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 drift 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 re-nourishment program.

A meeting was held with Miami-Dade County staff on December 20, 2012 and the County accepted responsibility for coordinating the re-nourishment. Town Staff will be kept updated as Miami-Dade County moves forward with any re-nourishment project.

Congresswoman Debbie Wasserman Shultz sponsored a Coastal Community Roundtable on April 4, 2013. Governmental representatives from Miami-Dade and Broward Counties heard presentations from U.S. Army Corps of Engineers in Jacksonville, Florida. Of local interest, Corps representatives presented an overview of the sand re-nourishment project scheduled in Bal Harbour (Contract G: August, 2013 Award and start date at the conclusion of Sea Turtle Season). After this project, compatible sand sources for re-nourishment will be depleted.

The Corps began an outreach pertaining to their planned sand source study (Contract J: tentative date August, 2014). The study attempted to locate compatible sand (non-County borrow area) for future projects and the initial findings indicate that the sources of compatible sand is located north of Miami-Dade as far north as Martin/St. Lucie counties.

Brian Flynn, Special Projects Administrator, Miami-Dade DERM is confirmed for the March, 2014 Commission meeting to present an update on the Sand Source Study and for the next County's beach renourishment project coordinated by Miami-Dade which is Surfside in 2015. (Agenda Item)

16. Surfside Community Center Dune Renourishment Project

Public Works in conjunction with the Youth Environmental Alliance Group have partnered for a Dune Restoration Project to be held on March 15, 2013 from 9 am to 12 pm just southeast of the Community center. The purpose of the project is to create an awareness of the importance of preserving and restoring our dunes. Renourished beaches protect sea turtle nesting areas and counteract beach erosion negative impacts. Lee Gottlieb has been a tremendous wealth of knowledge and help with putting this together and we look forward to similar yearly projects like this initial effort.



Notices were included in the February and March Gazette:



Thanks to Lee Gottlieb and Public Works Director Joe Kroll for coordinating this event.

17. Pedestrian Crosswalk at Harding Avenue and 96th Street

As reported in the February Manager's report, Staff considers the possible re-establishment of this crosswalk as a completed/closed item.

As a point of information, as part of the Harding Avenue Streetscape project, an architectural feature (fence) is being fabricated to be included in the planting enhancements at this location (on both sides of Harding adjacent to the two bank locations) which will serve as a barrier to prevent pedestrians from crossing at this unauthorized/unsafe location. This feature/fence should be installed prior to March 11.

18. Community Center Expansion: Second Floor Addition

During the December 17, 2012 Parks and Recreation Committee meeting, the second floor of the Community Center was listed by the Committee as the top priority for the Parks and Recreation Infrastructure Plan. The FY 13/14 proposed budget contains \$100,000 funding from voluntary proffers to undertake conceptual planning and design of projects including the second story addition to the Community Center. This funding is subject to the Commission approving a Five Year Capital Parks and Recreation Plan. The Resolution adopting the Five Year Capital Parks and Recreation Plan was approved at the September 17 Commission meeting. Also, the resolutions authorizing engineering and architectural services have sunset and will need to be reviewed.

Finally, since this project contains varied components (structural analysis of an existing facility to determine expansion capability; public outreach to determine features to be included; design and permitting, bidding and construction services) the option of competitively selecting a firm which would be retained for "design build" or "best value". Based on demands of existing projects, Staff has identified an initial report to the Commission in the May timeframe following the completion of the Parking Structure Report/Recommendation due April 1.

19. Tennis Facility

The renovation of the courts and lights was completed as of January 27, 2014. A soft opening occurred during the week of February 3, 2014. Staff is working on the overall programming of the Tennis Courts to include court fees along with tennis lessons. This process has included input from the Parks and Recreation Committee and will be completed during March. With the opening of the Tennis Center this project was completed on time and on budget. A formal grand opening / dedication will be done when landscaping around the Center is completed.

20. Biscaya Drainage

At the November 2013 meeting, the Commission approved the Biscaya Drainage Project in the total amount of \$230,858.81 with a substantial portion of the project being completed by Public Works thus reducing the cost of the project by approximately \$90,000. The "in-house" capability to undertake this project is due to the acquisition of the front loader/back hoe funded in the FY 13/14 budget. The savings to the Town by using Public Works to undertake the project exceeds the purchase cost of the front loader/back hoe.

The project will increase the outfall culvert size (pipe diameter) through replacing the existing outfall running north-south which discharges into the northern canal opening.

This design option will serve to provide increased storm water run-off conveyance and an increased level of service for the affected/identified portion of road Right-of-Way. It is anticipated that using 18" and 24" diameter piping for replacing the existing longitudinal drainage culverts in this area will increase the outfall capacity to meet the 10 year – 1 day rainfall event (meeting Miami-Dade County standards) for the contributing Right-of-Way area and crown of roadway protection. The hydraulic capacity of the pipe size increases shall be verified for the 3 year - 1 hour storm event. Additional elements to be incorporated into the project include adding manatee grates on the islands three outfalls, and installing backflow prevention devices on the three outfalls.

The proposed design will include backflow prevention devices to be installed on the island's three outfalls. These devices are intended prevent tidal water from backing up into the roadway drainage system and subsequently onto the roadway surface through the existing drainage catch basins during extreme high tide events. The current proposal would utilize a single backflow prevention device (in-line or sea wall mounted check valves including but not limited to a duck bill/Red Valve, Tide Flex or flap gate) on each of the three outfalls.

When the Commission approved the project, Staff was requested to meet with Biscaya residents to ensure on-going communication throughout the project.

A meeting was held on November 26 with residents of Biscaya to discuss the project. The following was discussed:

1. Town's approach in planning and addressing the drainage issues including options considered; cost considerations; permitting requirements/variance for upsizing pipe; and safeguards included in the project to address water rise from high tides.
2. Estimated timeframes for the project.
3. Question/Answer session with residents. Resident concerns centered primarily with the impact of water rise/tidal action and the importance of regular maintenance to help offset this impact.
4. Future communications and meetings regarding the project including sending an invitation to residents to attend the pre-construction meeting--estimated to be during May.

The meeting was attended by 5 Biscaya residents and attending from the Town were the Mayor; Town Manager; Public Works Director; and representatives from CGA (Chris Giordano and Bob McSweeney, P.E.).

The plans have passed the 30% QC review (which are now under review by the utilities) and the team is now completing the 60% drawings.

The second neighborhood meeting was held in the Commission Chambers on February 6.

Project engineer Bob McSweeney provided a status of the design of the project; permitting issues and schedule.

Several significant issues were discussed:

- Valves: Bob McSweeney discussed the selection criteria; the valves to be utilized; and the functioning/positioning of the valves.
- Need for a Pump Station: A resident at the meeting inquired about upgrading the project to include a pump station. Bob McSweeney detailed the analysis and options that were considered before a final recommendation was made on how to address the drainage problem on Biscaya. He presented the three options considered by staff and the Commission leading up to the approval of the project.
- Why wasn't Biscaya included in the original W/S/D Project? Following the completion of the W/S/D project, the drainage patterns on Biscaya were altered and slowed. This was due, in significant part, to the tightening to the sanitary system which prior to the W/S/D project accommodated a significant portion of the drainage load. This has necessitated the need to now address the resulting drainage conditions on Biscaya.

The next neighborhood meeting will be held prior to the start of construction (May timeframe, depending on permitting) and will be held on site with the neighbors (on Biscaya).

The 60% plans have been prepared and are under review/contract. CGA has commenced work on the 90% plans. The Town has issued payment to DERM to begin the permitting.

21. Town Hall and Tennis Hut Improvements

Recently, the Police Department floors in certain areas were replaced and during this process mold was discovered under the old tile. Prior to the floor replacement, the Chief reported complaints from personnel about excessive coughing and watery eyes. In response to the personnel input and the identification of apparent mold during the floor replacement, an environmental company was retained to perform an indoor air quality test in Town Hall and at the tennis hut (which also previously had substantial water intrusion).

The testing was performed in early December 2013. A report by CIH Environmental Solutions Inc., has been submitted detailing several locations in Town Hall and tennis hut that were infected with mold and bacterial spores that needed to be removed.

As background information, Town Hall has been experiencing water intrusion from the roof and/or A/C units for several years and this leakage is the main contributor for the presence of mold. The Town has made numerous attempts to rectify these problems with patching areas of the roof and most recently recoating the roof last year and relining the A/C pans which are located on the Town Hall roof. With all these repairs being done we are still experiencing leaks during rain events. These efforts over the past years have proven to be relatively unsuccessful. Prior to the installation of the new roof, the tennis hut experienced similar prolonged exposure to water intrusion.

The following is a summary of the findings/recommendations from CIH Environmental Solutions report:

1. Correct the water intrusion areas affecting the areas of concern in Town Hall, Police Station and tennis hut.
2. Room 129 (Police Chief) remove west wall gypsum board below the window and replace.
3. Replace water damaged ceiling tiles on the second floor hallway.
4. Room 226 (Code Enforcement) replace water damaged tile, replace affected carpet and replace damaged A/C insulation.
5. Training room - replace water damaged tile and A/C insulation.
6. Treat and remove mold infested areas at appropriate stages during repairs.

Tennis hut:

1. Remove all baseboards and gypsum board at least the bottom 2 feet on the east and north walls and replace.
2. Clean and sanitize the wall mounted A/C unit.
3. Replace carpeting.
4. Remove the south and west gypsum board below the windows.
5. Remove the ceiling gypsum board.
6. Treat and remove mold infested areas at appropriate stages during repairs.
7. Remove and replace windows to impact glass.

[Note: This option will harden the building and improve its ability to better withstand storm events].

Following review, Staff is proceeding with a proposal for the Commission's consideration including:

1. The Town Hall roof is flat and drains to the middle with down spouts that drain thru the middle of the building which leak. To fix this, Staff is recommending to re-roof that section with a built up roof system that will drain the water off to one side which will eliminate any standing water and give Town Hall some insulation.
2. The A/C units are scheduled for replacement 2014 (2 units) and 2015 (3 units). The existing units are experiencing excessive deterioration in all areas of the units. Water intrusion is continuing through the bottom of the pans despite applying an epoxy coating on them on at least three occasions. A proposal is being prepared to eliminate the five (5) independent units and replace with a chiller system. This type of system will be more efficient and economical than the current units and will serve Town Hall's 18,000 sqft much more efficiently. The savings on energy to operate this type of system will be substantial. This system should pay for itself in several years as a result of energy savings. Also, this system will eliminate five (5) roof mounted A/C units which are currently exposed to the elements of a corrosive ocean environment.

[Note: To move forward on #1 (roof) and #2 (chiller), professional assistance (architectural/mechanical and engineering) are in the process of being completed. A cost study will be included to illustrate pay-back on the cost of a proposed chiller system].

3. The tennis hut roof was replaced several years ago and the water intrusion has stopped. The solution to remove the mold in the hut will involve replacing the walls and ceiling areas infected. The Devcon Company is meeting with Staff on February 25 to go over the tennis center remediation.

Staff will provide regular updates.

22. Water/Sewer/Storm Drainage Project and Collins Avenue Force Main Project

The final report on the project will be Agenda Item 9A on the March 11 Commission meeting agenda.
(Action Item)

PLANNING, ZONING AND DEVELOPMENT

23. The Shul Project

An application in sufficient form to start the Design Review Group (DRG) process was received and the first meeting was held on August 22, 2012. A second Design Review Group meeting was held on February 13, 2013 and a third was held on March 28, 2013. A meeting took place with Stanley Price representing the Shul, Town Attorney Linda Miller and former Town Manager on March 1, 2013 to

further refine the voluntary proffers. A DRG meeting occurred on July 18, 2013 and additional comments were discussed. A meeting was held on September 12, 2013 between the Shul and Town representatives to continue the dialogue.

A Development Impact Committee meeting was held on October 17, 2013. Initial conditions were discussed, but no items were brought to closure. A main topic of discussion was the alley between 96th Street and 95th Street. The Town expressed concerns relating to pavement quality, drainage, undergrounding the utilities, potentially moving and/or upgrading the water/gas lines in the alley, requiring easement (if necessary) for the transformers and providing lighting. The applicant will need to prepare a study describing the improvements needed in this alley and fund the cost of the improvements. Also discussed in length are the parking concerns. The applicant's proposed site plan is deficient by approximately 100 parking spaces on site. The Code permits both off-site parking, if there is adequate parking within 300 feet of the property, as well as contributions to the Downtown Parking Trust Fund. The applicant indicated at the DIC meeting that they would be proposing to park in a portion of the required parking in the Bal Harbour Shops and a portion of the required parking would be a payment into the Parking Trust Fund. They also indicated a desire to park in Bay Harbor for special events. Staff requested a full operations plan to review the full scope of the applicants request. Bal Harbour has completed an analysis of the available parking in the Bal Harbour Shops, which indicates there is not adequate capacity at the Shops to accommodate 100% of the Shul's off-site required parking needs. Another follow up meeting occurred on December 11, 2013, where the applicant concluded they will not request off-site parking and instead request a payment into the Parking Fund for 100% of their parking deficiency. The second Development Impact Committee meeting occurred on January 9, 2014 to confirm all proffers.

The application was heard at the February 27, 2014 Planning and Zoning Board Meeting and will be scheduled for a Special Town Commission meeting.

24. Massing and Zoning Discussion

At its May 15, 2013 meeting, the Town Commission directed the Town Manager to set up a Joint Workshop with the Planning and Zoning Board to discuss zoning issues. Those issues were clarified at the July 25, 2013 Planning and Zoning Board meeting and the Manager announced that the public is encouraged to provide comments regarding the zoning code on a form provided on the website. Vice Mayor Karukin clarified his concerns in a July, 2013 meeting with the Town Attorney and Staff and these specific issues have been discussed at the August, 2013 Planning and Zoning Board meeting. The Planning and Zoning Board has asked Staff to look at side setbacks as a percentage of the lot width to increase the current setbacks, removing the side setback requirement, require parking below grade, requiring building lengths to be no greater than 150 with 30 feet of separation, explore breezeways and consider building platforms no greater than 30 or 40 feet in height without a break similar to the conditions at the Surf Club.

A presentation with follow-up discussion was made at the October, 2013 Planning and Zoning meeting. Staff prepared a rendering for the December 19, 2013 Planning and Zoning Board meeting demonstrating three options for building length modification. The renderings demonstrated that the

building separations were not adequate for meeting the intent of the Board, therefore Staff prepared additional revisions to the renderings and language for the ordinance, which was presented at the February, 2014 Planning and Zoning Board meeting. The Town Commission will be presented with an ordinance at an upcoming meeting.

TOWN COMMISSION

25. Legislative Priorities

The Commission adopted its 2014 Legislative Priorities at the January Commission meeting. Top priorities included securing a reduction in the interest of the State Revolving Loan for the Water/Sewer/Storm Drainage Project and to again secure funding for seawalls in the amount of \$75,000 which had been included in the legislatively approved budget but vetoed by the Governor.

26. Charter Review Board (CRB)

The Charter Review Board met to discuss Phase I of Charter Review – election issues on February 18, February 24 and March 3. The CRB will present a final report to the Town Commission on March 11, 2014. **(Action Item)**

TOWN DEPARTMENTS

Town Attorney

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

On February 19, 2014, the Town followed-up with Howard Weinberg, Esq. and discussed how to bring the Spiaggia parking issue to a close. This will require revised corrected plans for the Spiaggia parking garage to be submitted within 30 days. The Town advised that a failure to submit the revised, corrected plans within the allotted time will result in the Town following Code Enforcement procedures.

Building Department

28. FEMA National Flood Insurance Program (NFIP)

The commentary provided to the Town of Surfside CAV 5.27. that was re-submitted to Dr. Prasad Inmula, DHS FEMA Region IV, Atlanta was returned with four out of five comments successfully resolved. The fifth and final comment has been corrected and will be provided on February 24 by the Building Official to Dr. Inmula in a meeting in Marathon, Florida.

29. Community Rating System (CRS)

The second and final meeting of the Program for Public Information has been scheduled due to scheduling conflicts for late February in which staff and volunteer committee members will define the Community Rating System program for the Town of Surfside. Current information has been obtained in a communication with Heidi Liles, CFM, ISO/CRS Specialist in regard to present workloads and scheduling at ISO for the year 2014. Staff has been working with Mr. Earl King, Vice-President of CRS Max Consultants, Inc. to complete the Town's application and file by May 1, 2014 submitted to the ISO office. ISO will then review and complete their inquiries by August 1, 2014 and submit the file for ranking by the CRS committee. The ranking results are expected by May 1, 2015. This schedule is due to the recent adoption of a new CRS manual which requires all participants to provide information and re-submit their applications for ranking.

30. Forty Year Building Certification - Collins and Harding Avenues

The 40 Year Building Certification Program is making steady progress toward completion as follows:

Reported certifications: 111 in present case file
Completed certifications: 38
Time extensions granted: 4
Exempt from Certification: 2
Vacant commercial properties: 11
Sent to Code Enforcement for non-compliance: 4

Code Compliance Department

31. Code Compliance Priorities

A Town Commission Special Meeting was held November 7, 2013, and a total of 35 priorities were established for Code Compliance. A summary of the results from that meeting was prepared for the December 10, 2013 Commission meeting, along with recommendations for compliance periods prior to imposition of civil penalties, and fine amounts, but the item was deferred. A summarized report was presented at the January 14, 2014, Commission meeting, and the Administration was asked to bring the compliance periods and fine schedule back in the form of a resolution. The resolution will be presented at the March Commission meeting as extensive review/research is necessary as the current code contains provisions for certain fines. Moreover, there is also an extensive and outdated fine structure previously approved in a 1999 resolution, and it is necessary that the newly proposed resolution eliminates any conflicts or inconsistencies. **(Action Item)**

32. Short Term Rentals

Options/recommendations on short term rentals were provided in the Code Compliance Report at the June 11, 2013, Town Commission meeting. This item was also incorporated in the Code Compliance

priorities discussion at the November 7, 2013 Town Commission Special Meeting and addressed, and also included in the Commission Communication Report submitted on December 10, 2013.

33. Sight Triangle (Hedges) and Corner Visibility

On August 20, 2013, Staff met with Miami-Dade County Traffic Engineer and looked at several intersections in the single family residential neighborhood. After much discussion, the County's position was that the Florida Green Book was the required minimum standard for all municipalities. The County recommended adoption of same into Town Code. Based on the discussions, it appears that compliance with Green Book requirements may not be easily attainable Town-wide, as many corner properties (due to limited width of easements and lack of sidewalks) may not be able to meet the minimum standards. These minimum standards include multiple "sight triangle" scenarios, some that address minimum sight clearances immediately after stop signs, as well as others that address visibility clearances that are related to cross traffic which are based on speed limits. It was also confirmed that many property owners have planted hedges and shrubs in the easement (in many cases, right up to the curb) that also hinder visibility. It was recommended that the most easily achievable resolution to compliance was to cut the hedges and shrubs back. Additional issues were also identified by County staff, such as the traffic circle at 95th & Byron, 4-way stop signs, stop sign locations, and speed limit signs, some of which may have been placed without County review or authorization. A Town Commission Special Meeting to discuss future policy and available alternatives to the corner visibility issues had been scheduled for December 12, 2013, but was subsequently cancelled due to lack of a quorum. The Special Commission Meeting was rescheduled to February 4, 2014; however, this Special Meeting had to be cancelled due to a lack of quorum. The Town Clerk is following up to schedule a date for the meeting.

Finance Department

34. Online Bill Pay

The online payment by credit card of the water, sewer and storm water utility bill by residential and commercial customers was implemented as part of the water bill that was mailed in mid-June, 2013. The online bill pay went live on the website July 1, 2013. SunTrust Bank provides daily notifications to the Town on customer accounts that have been paid by credit card.

The online payment of water, sewer and storm water bills by electronic check (e-check or transfer of bank funds) will be operational in March, 2014 by SunTrust Bank, Municode (utility bill preparer) and CBoss (credit card processor who will also be the processor for e-checks). These three companies are currently testing the e-check process to ensure security and complete transaction processing of a utility payment by e-check.

A credit card terminal and a customer facing PIN pad device has been ordered from First Data through SunTrust Bank. These terminals will be installed at the Front Desk of Town Hall in March, 2014 and will allow customers to make payments securely by credit and debit card.

35. IT/Channel 77 (SCALA)/Video Streaming/Communication/Mobile Application/ERP/Online Agenda Packets (Bookmarks)

1. Bookmarks and file size of Agenda Packets
 - a. Bookmarks were enabled for all future Agenda Packets uploaded to the internet.
 - b. Training provided on how Agenda Packets can now be saved as a reduced file size. This will increase the download time when trying to open Agenda Packets over the internet.
2. Agenda / video integration – indexing Agenda Packet Items with video. This will enable residents to fast-forward video to a specific Agenda item in a pre-recorded meeting from the internet.
 - a. The Town currently has the software in place to index the video with specific Agenda items through E-Cities.
 - b. The Town Clerk will begin the indexing process manually by jotting down the time the Agenda item was discussed during the next meeting. The Clerk would then index the video after the meeting is adjourned.
 - c. Representatives from E-Cities will provide training on the how to use the video indexing software.
3. SCALA – Channel 77 content
 - a. Ideas were discussed on how to create uniform, branding style templates to be used specifically by Town departments when new content is posted on Channel 77.
 - b. Graphic templates are being prepared for a meeting in January to review the design to be used for different event types and the new graphics will be in use March 1.
 - c. SCALA will be operational in January, 2014.
4. SeeClickFix (operational February 11, 2014)
5. ERP – project goals are to find a qualified vendor that will meet the Town's enterprise-wide operational needs for all departments
 - a. Item discussed - Conversion of existing data is a priority. Department Heads will be again provided with functional requirements.
 - b. April 1 RFP deadline. [Note: \$13,190 was budgeted in FY 13/14 for ERP. This represents the cost of the planning analysis and preparation of specifications for systems upgrade. The cost of system upgrades has not yet been determined but the costs will be significant. Implementation of the ERP will be submitted as a Program Modification for the FY 14/15 budget].

36. Tourist/Resort Tax Audit

There are currently three businesses that are behind in their monthly payment of Tourist/Resort Tax, two businesses are making payments and the other is in the process of complying through Code Enforcement. The Finance Director and Staff are working with the businesses to ensure

compliance. If payment is not received, these businesses will go through the Code Enforcement process and the Special Master hearing if necessary.

Parks and Recreation

37. Beach Management Agreement

Over the past 18 months, Staff has been working with representatives of Miami-Dade County to enter into an agreement allowing the Town to undertake beach management issues pursuant to Section 161.201 Florida Statutes which provides the policing authority to the County. FDEP reported on April 23, 2013 that the Joint Coastal Permits which are issued to the County "allow additional influence over the management of this area".

Following receipt of the FDEP letter, Town Staff (Town Attorney, Parks and Recreation Director and Town Manager) met with John Ripple of Miami-Dade Parks, Recreation and Open Spaces Department to outline the framework/conditions of a beach management agreement. Mr. Ripple forwarded this to the County legal department.

Since mid-2013, any progress on implementing a management agreement has been stalled as the agreement has not moved forward from the County legal department. On February 3, 2014, we were informed by Miami-Dade County that their legal department has reviewed the letter from FDEP. After legal review the County has stated they are not in agreement with the FDEP interpretation of Florida Statutes Section 161.201. The County is now requesting clarification from the State on Statute 161.201 to move forward with entering into a beach management agreement with local cities and towns. The County does not feel that the statute clearly gives the County policing authority of the beach and is contesting this. Any type of beach management agreement between the Town and the County will not move forward until this item is resolved.

Since the February Manager's report, Staff met with representatives from FDEP and Miami-Dade on a number of beach issues on February 12.

The major point of discussion centered on beach concessions. John Ripple (Miami-Dade) indicated that the County will be sending a letter to the State to clarify its jurisdiction of the beaches and its ability to assign responsibilities to local municipalities. When/if the issue is favorably resolved, then a beach management plan would need to be created. This would not provide a timely solution to the growing concern in Town about the proliferation of essentially unregulated beach concessions.

Also, in attendance at the meeting was Christian Lambright from FDEP. She indicated that the FDEP would probably be receptive to an arrangement between FDEP and the Town that would allow monitoring and enforcement of certain concession issues such as location (including setback from extension of property lines); number and type of beach chairs; requirements for removal of chairs from the beach; line of sight regulations of beach umbrellas (lifeguard issue); and some issues involving the regulation of the concessioners. Ms. Lambright will be forwarding the FDEP regulations for our review.

38. Pool Tot Lot Repairs - Community Center

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. Naumann Nature Scapes, Inc. has been on site at various times since January 28, 2013 reviewing the water playground operations and the water playground pool blue prints. Naumann Nature Scapes, Inc. has provided an itemized list of work to be completed on a priority level. This proposal was presented to the Town Commission during the May 15, 2013 meeting and a resolution was passed to have the work completed. Phase I of the work began on May 9, 2013 with the removal of the Sand Dollar play feature for repairs. The Sand Dollar has been reinstalled and Phase II of the repairs has been completed to include hardware replacement, rust removal, clear coat repair and solenoid repairs. Work has started on Phase III of the repairs and continues to move forward and the water playground continues to remain open. Due to the complexity of the playground apparatuses, special issue items are in need of minor repairs and will be replaced as the parts come in. The amount anticipated and budgeted for this project is still the same.

OTHER DEPARTMENTAL PROJECTS/ISSUES

39. Architectural; Engineering and Grant Writing Services

The Commission authorized the advertisement for RFQ/RFP for engineering and architectural services at the January meeting. The Pre-Submittal conference is scheduled for March 14 and proposals must be received by April 4. The current schedule is to present the Staff's rankings to the Commission in May.


Respectfully submitted

by: 
Michael P. Crotty, Town Manager



TOWN OF SURFSIDE
Office of the Town Attorney
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 SURFSIDE, FLORIDA 33154-3009
 Telephone (305) 993-1065

TO: Town Commission

FROM: Linda Miller, Town Attorney 

CC: Michael P. Crotty, Town Manager
 Sarah Johnston, Assistant Town Attorney

DATE: March 11, 2014

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

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

February 17, 2014	Parks and Recreation Meeting
February 18, 2014	Charter Review Board Meeting
February 24, 2014	Charter Review Board Meeting
February 25, 2014	Campaign Skills Seminar
February 27, 2014	Planning and Zoning Board Meeting
March 3, 2014	Charter Review Board Meeting
March 3, 2014	Tourist Board Meeting
March 11, 2014	Town Commission Meeting

Ordinances prepared and reviewed for Second Reading:

- Amending Chapter 54 Prohibited and Restricted Noises
- Allowing installation of electric vehicle car charging stations
- Amending Resort Tax Board
- Amending Planning & Zoning Board Membership to Reconstitute the Design Review Board and allow for an appeal process of any DRB decision

Resolutions prepared and reviewed:

- Resolution establishing a Special Assessment District Area known as the Surfside Business Improvement District
- Resolution Approving MOU Nurse Initiative
- Resolution approving expenditure from the Police Forfeiture Fund to replace a research investigative tool
- Resolution adopting Resort Tax Board Ethics Policy and Operating Procedures
- Proclamation for Officer McCarthy of Newtown, Connecticut

Town Manager:

- Finalized and follow-up RFQs for Architectural and Engineering Services
- Attended "Triad Meetings" with Town Manager, Public Works Director, Building Official and Code Enforcement Director
- Review of conditions of approval on all ongoing development projects
- On-going review of Shul plans/conditions
- Review conditions for Grand Beach compliance
- Ongoing review of 9200 Collins Avenue hotel project
- Continued follow-up for preparation of massing and zoning issues
- Continued follow-up with Code Enforcement regarding code compliance issues
- Continued follow-up and timeline for completion of Spiaggia parking space requirements
- Continued follow-up issues regarding parking issues
- Ongoing research for dock issue

Town Clerk:

- Review and opine on Charter issues
- Research Florida Statute for election laws
- Opined on Notice requirements
- Review updated ethics law requirements
- Review election/ballot notice requirements
- Review and follow-up for public records requests
- Follow-up research for Sunshine Law issues

Charter Review Board:

- November 14, 2013 – Prepared Agenda and documents for initial Orientation Meeting.
- December 2, 2013 – Prepared and discussed: Phase I and Phase II Charter Review.
- December 16, 2013 – Prepared and discussed: Election related Charter provisions.
- January 6, 2014 – Prepared and discussed: Qualifications for Office, Vacancy on Commission,

Induction into Office, Vacancy in Candidacy, Qualifying for Elected Office, and Canvassing Board.

- January 21, 2014 – Prepared and discussed: Vacancy in Candidacy, Staggered Terms; Run-off Election.
- February 3, 2014 – Prepared and discussed: Vacancy in Candidacy; Vacancy on Commission; Qualifying issues: 1) Fee and Petition methods, and 2) Alternative: Retain/amend existing Petition method only; Four Year/Staggered Terms: 1) Term increase/staggering applicable to Mayor and Town Commissioners and 2) Increase in term applicable only to Town Commissioners; also, selection of Vice-Mayor by Commission; Run-off Election and Initiative and Referendum Petitions.
- Tuesday, February 18, 2014 – televised Public Meeting scheduled at 7:00 p.m. in the Town Hall Chambers. The purpose of this meeting was to provide the Public with an opportunity for comments on Phase One – Election Issues for the Charter Review process.
- Monday, February 24, 2014 – Final CRB meeting for Phase I.
- Monday, March 3, 2014 – Review and Approve Final Report on Phase I.
- Tuesday, March 11, 2014 – Presentation to Town Commission of CRB Final Report on Phase I.

February 27, 2014 Planning and Zoning Board:

- A. Request of the Owner of Property located at 9380 Collins Avenue to renovate a sales center.
- B. Request of the Owner of Property located at 9180 Byron Avenue to build a family room at the rear of the home and refurbish an existing deck in the backyard.
- C. Request of the Owner of Property located at 9381 Byron Avenue to build a study room addition. Request of the Owner of Property located at 9481 Byron Avenue to add a family room, kitchen, and master bedroom to the rear of the home. The application includes the pool and deck.
- D. Request of the Owner of Property located at 233 95th Street to install two signs in two different stores and replace the awning over the existing storefront for both stores.

Quasi-Judicial Hearing:

The Shul Site Plan and Special Exception

Discussion items:

- A. Massing – deferred discussion until next meeting
- B. Future Agenda Items – deferred discussion until next meeting

Finance Department:

- Follow-up research for Special Assessment District
- Review litigation and claims for follow-up to auditor request
- Begin preparation for FY 14/15 Budget documents

Building Department/Code Enforcement/Planning:

- Report prepared on Comprehensive analysis of current sections of the Code of Ordinances for monetary penalty amounts and comparison to fines established in Resolution No. 1999-1569 adopted on March 9, 1999 (which adopted a schedule of civil penalties to be assessed for violation of the Code)
- Continued research and follow-up on analysis of Pointe Lake and Canal for revisions to Code.
- Legal research on Florida's tobacco laws regarding smoking in public & restaurants
- Revisions to the Noise Ordinance
- Young Israel Parking Agreement
- Continued followed-up with Building Official regarding FEMA for follow-up for CAV response
- Research and review development permit language
- Research and review lien laws

Parks and Recreation:

- Review Independent Contractor Agreement for Sports Program
- Review for waiver of health insurance.
- Follow-up with Miami-Dade County regarding the Beach Management Agreement

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Research for preparation of BID Resolution that will establish a special assessment district area to be known as the Surfside Business Improvement District ("BID") and authorizing the levy and collection of a special assessment for a period of five (5) years
- Follow up and research for Conflict of Interest and Ethics policy and Operating Procedures and revision to Resort Tax Ordinance
- Continued follow-up re: post Tourist Board requests
- Continued research on parking issues

Public Works:

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

Police Department:

- Follow-up regarding Alfonso vs. Surfside Police investigation
- Review Consolidating Lead Evaluation and Reporting ("CLEAR") Agreement

Florida Municipal Insurance Trust ("FMIT") investigates claims and provides legal representation for the Town on the following matters:

1. Surfside Police Incident Report dated September 1, 2013 states that a resident was walking on the north most sidewalk in the 200 block of 93rd Street when she tripped on a raised portion of the sidewalk and fell to the ground. The Report indicates the resident sustained a contusion on her right elbow and abrasions to her chin and both knees. FMIT is investigating this matter and is requesting additional medical records.
2. Surfside Police Incident Report dated August 28, 2013 states a resident fell in the rear of CVS (9578 Harding Avenue). The resident claims she tripped on an uneven section of the sidewalk behind the store and hurt her right knee and right hand. FMIT is investigating this matter.
3. A Notice of Intent to file suit (Alfonso v. Surfside Police) regarding an incident on November 3, 2013 with the police and Mr. Alfonso. FMIT is in the process of investigating to determine liability.

Litigation:

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

Pieter Bakker vs. Town Of Surfside, a municipal corporation of the State of Florida and Young Israel of Bal Harbour, Inc. On May 30, 2012, Pieter Bakker filed a complaint in State Court against the Town which alleges counts against the Town including contract zoning, Charter violations, and a request for a writ of certiorari to quash Resolution 12-Z-2078 approving a Site Plan Application to permit Young Israel to build a synagogue on 9580 Abbott Avenue. On September 30, 2013, the Court ordered this matter to be transferred to the Appellate Division. Petitioner, Mr. Bakker filed an Amended Petition for Writ of Certiorari and De Novo Complaint and a Motion for Summary Judgment. The Appellate Division issued an order for the Town and Young Israel to show cause why the Petition for Writ should not be granted. The Town filed a Motion to Dismiss the Amended Petition for Writ of Certiorari and De Novo Complaint. The Court issued an order for Respondents (the Town and Young Israel) to address various jurisdictional issues. The Town filed a jurisdictional brief and responded that Mr. Bakker failed to invoke the Circuit Court's Appellate jurisdiction in a proper fashion with respect to the claim for certiorari relief and that the Appellate Division of the Circuit Court is entirely without jurisdiction to consider evidence and adjudicate the claims. At the time of the Agenda printing, the Court has not issued further orders.

Special Matters: Continued monitoring of new case law and legislation on Federal, State, and County levels including a February 24, 2014 - *Affordable Care Act Update Call with President Barack Obama and U.S. Department of Health and Human Services Secretary, Kathleen Sebelius.*



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

1. **Planning and Community Development** – 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 the applicant resubmitted the plans on January 25, 2013. Staff held Development Review Group meetings on February 13, 2013, March 28, 2013 and July 18, 2013. A Development Impact Committee meeting was held October 17, 2013. Due to the amount of outstanding items, a second DIC meeting was held on January 9, 2014. The application was heard at the February 27, 2014 Planning and Zoning Board meeting and will be heard at an upcoming Special Town Commission meeting. The Planning Department has prepared graphics and text relating to the length of buildings which were discussed at the August Planning and Zoning Board meeting. The Board provided feedback and the item was placed back on the October 2, 2013 and October 23, 2013 Planning and Zoning Board meetings. Staff was directed by the Town Commission to prepare additional graphics to explain the concept. These graphics were discussed at the December 19, 2013 Planning and Zoning Board meeting and additional feedback was provided. A revised graphic was provided at the February Planning and Zoning Board meeting. Planning Department Staff prepared a timeline for the items discussed at the joint Town Commission and Planning and Zoning Board meeting starting in November through May. Planning Staff has also prepared a spreadsheet for each development project to continually track the conditions of approval. This spreadsheet identifies the department responsible for the item and confirmation of completion. A number of ordinances have already been discussed at Planning and Zoning and will be heard by the Town Commission in the upcoming months. Staff continues to answer approximately 80 zoning questions monthly and reviews permit applications.

2. **Information Technology & TV Broadcasts** - The mail server has been up and running without interruption for 596 days. The last downtime was for routine maintenance and occurred on July 11, 2012. IT has provided 3 quotes for surveillance cameras for the Police Department to place around the Town and is awaiting approval of Triad Security's proposal as the chosen vendor. The upgraded SCALA system has been installed, and town staff has been trained as of February 25th, 2014. The Police Department requested quotes to upgrade the ID badge card readers and after acquiring quotes, they have decided to put the project on hold due to pricing. Onsite IT staff completed the certification process for FCIC/NCIC in order to allow access to work on Police laptops and servers. The Finance Department and Badger are working with SunGard on integrating the water meter reading system with billing and that should be completed by mid-March. The Finance Department and IT are working on integration between the RecTrac software for Parks and Recreation and Sungard. An upgrade of the Town's internet circuit to 50MB has been approved by the Finance Director to

alleviate speed issues with Town software, VPN, video streaming, and e-mail and AT&T has completed the site survey in preparation for installation to be completed by the end of April 2014. The IT Department will be replacing the battery backups used in the server room, which will require after hours downtime during the replacement. SeeClickFix was launched on February 11th and IT is working with the vendor on some remaining questions and issues before undergoing a community outreach and marketing campaign. The chamber room has been outfitted with new table microphones that have been tested and verified to be working well for tabletop meetings. IT has ordered a desktop computer to be used in the lobby for resident access. The IT Staff continues to receive approximately 300 support requests monthly via phone and email.

3. **Public Utilities / Engineering – Public Utilities / Engineering** – Please see the Commission Communication regarding project close out in the March 11, 2014 agenda packet.

Funding Summary –

<u>Funding Status:</u>	<u>Amount</u>	<u>Amount Received</u>
FDEP Grant	\$873,500	\$873,500
FDEP Grant	\$125,000	\$125,000
FDEP Grant	\$100,000	\$100,000
FDEP State Revolving Fund Loan	\$9,312,881	\$7,339,928 ***
BBC Bond	\$859,000	\$817,500 *
TOTAL	\$11,270,381	\$9,225,928

***As-builts have been received, which will allow Town to request final portion.**

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

4. **Town-Owned Seawall Repair** - The complete and permitted bid packages will be put out to bid in the last week of March 2014. Bids will be opened 30 calendar days after the advertisement. After the bids are opened, CGA will review the bid prices and recommend approval of a Contractor at the following Commission Meeting.
5. **Biscaya Drainage Project** – Multiple community outreach meetings were held. At the request of the Town Manager, CGA engineers had a conference call with a third party engineer who resides within Surfside to review the design prior to completing 60% drawings. The 60% plans were submitted to Town Staff for review and comments. Simultaneously, CGA is working obtaining permits and compiling 90% plans.



**TOWN OF SURFSIDE
PENSION BOARD MEETING**
 Tuesday, November 19, 2013 – 2:00 p.m.
 9293 Harding Avenue - Town Hall - Chambers

MINUTES

Pension Board Members

Michael K. Feldman, Chair
 N. Abraham Issa
 Michael P. Crotty
 Sgt. Julio E. Torres
 Yamileth “Yami” Slate-McCloud

Town of Surfside Consultants

Alyce Jones, A.M. Jones – C.P.A., P.A.
 Frank Wan, Burgess Chambers & Associates
 Grant McMurry, ICC Capital Management
 Adam Levinson, Esq, Klausner & Kaufman
 Donald Nelson, Finance Director
 Jenorgen “Jen” Guillen, Recording Clerk

I. Call to Order and Roll Call

The meeting was called to order at 2:02pm by the Chair.
 Pension Board members and consultants noted above were present except for third party administrator, Mayte Gamiotea and Member, N. Abraham Issa.

II. Approval of Minutes

a. Regular Pension Board Meeting – *September 12, 2013*

MOTION

The Town of Surfside Pension Board recommended approval of the September 12, 2013 minutes of the Regular Pension Board meeting. Michael Crotty moved; Sgt. Julio E. Torres seconded. The motion passed unanimously.

II. Agenda Additions and Deletions

None

IV. Reports and Updates

- a. Burgess Chambers & Associates
- ADV-2013
 - Reports: Investment Performance Period Ending September 30, 2013

Frank Wan filled in for Burgess Chambers and discussed the Investment Performance Period Ending September 30, 2013.

He talked about the Retirement Plan for Employees investment summary on page 3 of the Investment Performance report. He stated the Town closed the Fiscal Year with 11.6% net of fees/12% gross of investment. Five year return was at 6.9%. He handed out an analysis which shows that ICC had continuing performance in improvement in terms of returns. He continued discussing page 5, the Investment Policy Review. Michael Crotty requested Frank Wan to speak a little more on the Investment Policy. He discussed page 10, and stated the underperformance was from two quarters over the last five years. Yami Slate-McCloud asked if 2008 performance quarter is fully out of the Town's investment performance numbers. Frank Wan stated that it isn't, there is one more quarter remaining. The worst of 2008 came to a halt on March, 2009; March 6, 2009 was the last ending period of the bottom performance. Starting from March 6th everything has gone up. March 6th was the last pending date of the economic recession in terms of the stock market. Donald Nelson stated the Town's Fiscal Year ended September 30, 2013; therefore, the FY 2008 performance dropped off the Pension's five year smoothing and will improve the investment results in Larry Wilson's actuarial report in December, 2013. Adam Levinson stated if the Board is not accustomed to a motion for approval of the investment report, No motion is required.

b. ICC Capital Management

- Reports: Investment Review for quarter ending: September 30, 2013

Grant McMurry discussed the Investment Review for the quarter, stating the Town's equity investment were up 6.9% along with the bonds. He continued discussing the Investment Performance by Sectors. He also stated there are many Corporates in the fixed income portfolio with very few trades in the quarter. The major risk of the fixed income portfolio is interest changes. Therefore, if interest were to increase 1%, the portfolio would have a loss of 4.25% in principal value. If the interest rate increases 1%, a loss of 5.65% in cost value of bonds. Donald Nelson asked how Grant McMurry is choosing which bonds to sell and move over to the corporate side of investments. Grant McMurry stated that a candidate for a sell is one that reaches a certain maturity in the Treasury area.

c. Klausner & Kaufman

- Senate Bill 50

Adam Levinson talked about the State of the City Pension Plan in 2013 by Morningstar Report. The report shows that 25 of the largest municipal plans in the country fall short in being funded. Morningstar viewed any municipality funded 70% or better as being physically sound. Michael Feldman asked how the Pension board rates. Adam stated that we are better than the average plan. Michael Crotty stated that the Town is in a very good

financial position with a total of \$15 million in assets; pension obligation is \$11 million in assets.

Adam Levinson also stated the legislature adopted Senate Bill 50. Which states all governmental entities has to allow public participation in the Pension Board meetings. He will supply rules for next meeting about Senate Bill 50. The Board requested Public Participation to be included in upcoming Pension Board agendas.

d. A.M. Jones, C.P.A., P.A.

Alyce Jones stated that she spoke with Larry Wilson in regards to the outstanding invoices, and outstanding balance of \$9,541.20 with an overpayment of \$6,444.80 from 2011 – 2013. Alyce Jones also addressed the John Davis case, he was terminated in 2007 receiving pay from section 185 until 2006. She informed the Board that the Surfside Police Trust Fund Board proposed a settlement offer to pay John Davis half of \$2,051.06 requesting Town to approve. Michael Crotty and Donald Nelson both agreed of not discussing the John Davis case and leaving the decision making to the Surfside Police Trust Fund Board.

e. Gabriel Roeder Smith & Company (GASB 67 Implementation)

A letter informing about GASB 67 was discussed, requesting the Board to authorize the work for a cost range of \$1,500 to \$2,500.

MOTION

The Town of Surfside Pension Board recommended approval of the GASB67 Implementation. Yami Slate-McCloud moved; Sgt. Julio E. Torres seconded. The motion passed unanimously.

V. Administrator

a. Refund of Contributions approval for:

- Simone James-Crichton – Terminated 11/07/2013 \$3,742.90

MOTION

The Town of Surfside Pension Board recommended approval of refund of contributions for Simone James-Crichton. Michael Crotty moved; Yami Slate-McCloud seconded. The motion passed unanimously.

b. Affidavit of Life (Annual Letter to Retirees)

Yami Slate-McCloud talked about SunTrust, to send letters to retirees. Lisa Allen, Vice President of the Town's SunTrust account; stated in an email, that SunTrust does not send out annual letters to retirees. She will only send out a letter to retirees that is approved and created by the Board. The Board agrees on creating a letter for SunTrust to use to send out to retirees. The Board also requested to be notified after no answer on the third notice to the retiree so the Town may follow up. The Town of Surfside Pension Board recommended approval to create and approve an Affidavit of Life (Annual Letter to Retirees) for SunTrust to use.

MOTION

The Town of Surfside Pension Board recommended approval to create and approve an Affidavit of Life (Annual Letter to Retirees) for SunTrust to use. Sgt. Julio E. Torres moved; Yami Slate-McCloud seconded. The motion passed unanimously.

VI. Approval of Invoices

a. Burgess Chambers & Associates, Inc.

- Invoice #13-281 (11/1/2013) \$5,000.00

MOTION

The Town of Surfside Pension Board recommended approval of Burgess Chambers & Associates, Inc. invoice #13-281. Michael Crotty moved; Yami Slate-McCloud seconded. The motion passed unanimously.

b. Gabriel Roeder Smith & Company (October, 2013)

- Invoice #122126 \$2,798.00

MOTION

The Town of Surfside Pension Board recommended approval of Gabriel Roeder Smith & Company invoice #122126. Yami Slate-McCloud moved; Michael Crotty seconded. The motion passed unanimously.

c. ICC Capital Management (October, 2013)

\$7,403.44

MOTION

The Town of Surfside Pension Board recommended approval of ICC Capital Management invoice. Michael Crotty moved; Yami Slate-McCloud seconded. The motion passed unanimously.

d. Klausner & Kaufman

- Invoice #15110 (September, 2013) \$1,311.00

MOTION

The Town of Surfside Pension Board recommended approval of Klausner & Kaufman invoice #15110. Michael Crotty moved; Yami Slate-McCloud seconded. The motion passed unanimously.

e. SunTrust Bank (Custodial) (October, 2013)

\$4,329.73

MOTION

The Town of Surfside Pension Board recommended approval of SunTrust Bank invoice. Sgt. Julio E. Torres moved; Yami Slate-McCloud seconded. The motion passed unanimously.

f. Mayte Gamiotea (November, 2013)

\$2,250.00

MOTION

The Town of Surfside Pension Board recommended approval of Mayte Gamiotea invoice. Michael Crotty moved; Yami-Slate McCloud seconded. The motion passed unanimously.

g. Jenorgen "Jen" Guillen (November, 2013)

\$225.00

MOTION

The Town of Surfside Pension Board recommended approval of Jen Guillen invoice. Michael Crotty moved; Yami Slate-McCloud seconded. The motion passed unanimously.

VII. New Business

- Michael Crotty informed the Board of the DROP program becoming available for general employees. He suggested Human Resources to take the lead and update employees on the DROP information.
- MOTION
The Town of Surfside Pension Board recommended acknowledgement of gratitude to Stan Bershad for 20 years of service. Michael Feldman moved; Michael Crotty seconded. The motion passed unanimously.

VIII. Trustees' Comments/Concerns

None

IX. Next Meeting Dates

Schedule Meetings for FY 2014 – To be discussed

- Special Meeting (CAFR) – TBD
- February 18, 2014

X. Adjournment

There being no further business to come before the Committee, the meeting adjourned at 4:08 p.m.

Accepted this 18 day of February, 2014


Chairman

Attest



Jenorgen Guillen
Recording Clerk



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

7:00 pm
Monday January 13, 2014
Community Center
9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

The meeting was called to order by Retta Logan at 7:04pm.

Also in Attendance: Veronica Lupinacci, Arnie Notkin, Michael Crotty, Town Manager, Linda Miller, Town Attorney, Marta Olchyk, Commission Liaison, Tim Milian, Parks and Recreation Director, Alfred Brandon, Mauricio Rodriguez, Pablo Montes, Cristian Gracia, Louisa Agresti (Entered at 7:08pm)

Eliana Salzhauer is absent with regrets.

2. Approval of minutes from 12/16/13

Arnie Notkin made a motion to approve the minutes; Veronica Lupinacci seconded the motion. The motion passed unanimously. The minutes were approved.

3. Tennis Courts Renovation Update

The fence and lights are up and the court is beginning the prepping phase.

The construction is ahead of schedule and it should be completed by the end of January early February.

The courts will start to be prepped as of Wednesday.

Programming will be discussed within February and/or March.

Tim Milian wants to monitor the usage of the courts, by the residents, after the renovations are complete between the first 2-3 months of opening.

Tim Milian also wants to expand on the youth programming on the courts.

The Committee will start looking at programming in February.

Town Manager advised that the tennis hut needs substantial improvement. A report will be provided at the next meeting. The cost for such improvement will fall under the original budget of the tennis court plus the cost of the equipment for 96th street park.

4. Miami Beach Skate Park Update

Miami Beach will be having their Commission meeting on Wednesday in reference to moving forward with the skate park.

The location would be on 86th street on the north/south side which will be a joint venture with the Town of Surfside.

Marta Olchyk inquired as to what Miami Beach is expecting from the Town of Surfside.

The idea of the skate park is still in conceptualization phase. Miami Beach is fronting the land and additional money. The town would be willing to do a 5-10 year cost share with Miami Beach contributing 80 percent and the Town contributing 20 percent and both Town residents paying equal amount of fees, if applied.

Veronica Lupinacci advised that prior to negotiating with Miami Beach she wants us to mention that usage from the skate park will primarily be from Miami Beach residents.

The skate park discussion will come back to the Town Commission at their March Commission meeting.

5. 96th street park playground equipment update

The equipment is old and modifying it makes it a liability issue.

The new equipment doesn't have a monkey bar, but the old one can be relocated near basketball court.

Tim Milian had a company, which is on the governmental contract for pricing, come look at playground space at 96th street park.

Veronica Lupinacci inquired if new padding will be added under the new equipment and Tim Milian advised that it will be looked at under the 5 year plan.

The new padding will be for the monkey bar area only. Tim Milian will look alternative surfaces for that area instead of mulch.

The equipment will take four weeks to be fabricated. The cost to demolish the old and install the new equipment will be \$19,000, which will come from the five year capital plan.

The equipment will go before the Town Commission on January 14, 2014 for approval.

Michael Karukin did a parking analysis at the park and recommended pulling the fence back thus creating an additional 10 parking spaces.

Tim advised that if the Town moves the fence 10 feet the park will lose an additional 10 feet going north to south.

All of the green space is being used whether it is used through the soccer program or just for play.

Tim Milian advised that if fence is moved in then green space is lost.

Retta stated that if additional parking space is provided it needs to be monitored so that people who are actually at the park are the ones using it and no one else.

6. Programing update 2014

Marta Olchyk advised that there's a band (North Miami concert band) she would like to have come and perform.

Tim Milian would like to schedule it for the seniors.

7. Community Input

Alfred Brandon asked about the Possibility of running the pool until 6pm on Friday. Tim Milian advised that the time is changed on Friday, Saturday, and Sunday during daylight savings time and at that time the pool will be open until 6:30pm

Pablo/Cristian wants Parks and Recreation to look into tennis programming sooner than later.

Mauricio Rodriguez still wants tennis to be affordable for the residents.

The committee is in agreement that programming for youth tennis is needed.

Veronica Lupinacci suggested that the programming should be held through Parks and Recreation and shouldn't be outsourced.

Marta Olchyk commended Garcia/Montes for taking initiative to spearhead a youth tennis program.

Family Fun is on January 19, 2014.

Bully Awareness program is on January 29, 2014

The next meeting is on February 10, 2014.

8. Meeting Adjournment

Arnie Notkin made a motion to adjourn the meeting, Veronica Lupinacci seconded the motion. The motion passed unanimously. The meeting ended at 7:53pm.

Accepted this 10 day of February, 2014

Retta Logan

Member (Print)

[Handwritten Signature]

Signature

Attest:

[Handwritten Signature]

Frantza Duval
Recording Clerk



TOWN OF SURFSIDE
Tourist Board Meeting
Monday February 3, 2014 – 6:00 p.m.
Town Hall Commission Chambers
9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

Tourist Board Members

Barbara Cohen (Vice Chair)
Randi MacBride (Entered at 6:23pm)
Barbara McLaughlin
Ricardo Mualin

Town of Surfside

Joe Graubart, Commission Liaison (Exited the meeting at 7:12pm)
Duncan Tavares, TEDACS Director
Frantza Duval, Recording Secretary

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

I. Call to Order and Roll Call

The meeting was called to order by Barbara Cohen at 6:15pm

Also in attendance: Michael Crotty, Town Manager, June & Peter Neville, residents, Daniel Dietch, Mayor, Michael Karukin, Vice-Mayor, Sarah Johnston, Assistant Town Attorney, Ibis Romero, Executive Director Sunny Isles Beach Tourism and Marketing, George Neary Chairman of Miami Beach Sister City.

Eli Tourgeman is absent with regrets.

II. Approval of Minutes: January 6, 2014

Barbara McLaughlin made a motion to approve the minutes as amended; Ricardo Mualin seconded the motion. The motion passed unanimously. The minutes were approved.

III. Accounts Receivable & Accounts Payable

Barbara Cohen advised that the accounts receivable is looking better.

Michael Crotty met with Donald Nelson, Finance Director, to discuss the three businesses that have outstanding Resort Tax payments. Of the three there are two currently making payments and one is in the process of complying. The Finance Department has initiated audits on six businesses as a part of their Resort Tax compliance process.

Ricardo Mualin asked if the audits are ongoing. Duncan Tavares advised that the Board authorized audits within the budget to be conducted every year to make sure that the information being submitted by the businesses is accurate.

Commissioner Graubart inquired if the Town matches the numbers provided to state for authenticity and Duncan Tavares advised that the Town requires that each business provide their state filings as well.

Barbara McLaughlin made a motion to move Item V until the arrival of Randi MacBride; Ricardo Mualin seconded the motion. The motion passed unanimously.

IV. Presentation to June Neville ~ Commissioner Graubart

Commissioner Graubart presented June Neville with a Certificate of Appreciation for her continued dedication and support of the Tourist Board as she attends every meeting.

V. Events Discussion

Duncan Tavares explained that Luciana Salini was looking for funding as opposed to sponsorship and the Board seemed confused by this. He advised that parameters and benchmarks can be set for future requests based on the request and is looking for direction from the Board on what information they need to make their process easier. He will send the application form to the Board for feedback and will set a deadline for the Board to submitted recommendations so that they can be presented and discussed at next month's meeting.

Barbara McLaughlin advised that all events held should keep everyone in the community happy.

Barbara Cohen suggested that the Board contact Duncan Tavares on the morning of a meeting day to advise whether or not each member will be present for the meeting. It takes a lot time out of his schedule calling and emailing around to determine whether or not Board members will be able to come to the meeting.

VI. Sister Cities (Time Certain 7pm) ~ joint discussion with Town Commission

A sister city, county or state relationship is an officially approved long term partnership between two communities, counties, or states in two countries or nationally. The relationship is formally created by a memorandum of understanding signed by the highest elected or appointed official from each community.

Things that can be done through the sister city process:

- Cultural exchange
- Youth education
- Municipal exchange
- Industrial/trade exchange

Criteria for formation:

- Population size
- Geographic characteristics
- Industries or areas of expertise
- Culture or history
- Challenges or problems

Sister City relationships begin because of pre-existing relationship based on trade or personal relation.

Ways to find sister cities through coordination with:

- NGOs (like sister cities international)
- Municipal associations
- Embassies (cultural affairs officer, economic affairs officer)
- Existing relationship in the community (education, business, culture, tourism, etc.)

The process to start a sister city:

1. Identification of appropriate contact: office of mayor, office of economic development or international affairs, sister city program.
2. Exchange of information: tourism, trade, education, demographics, local institutions
3. Convene core group: initial group of institutions or individuals who will plan activities
4. Mutual delegation visits
5. Development of agreement
6. Signing of agreement by mayors or highest elected/appointed officials.

Usually Sister cities are organized through volunteers who help start, build and implement all activities with little municipal involvement. Municipal Models are programs organized, staffed and directed by municipal employees and elected officials.

Best practices:

- Start with sister cities where you already have connections – it is easier to find the right people to connect with in other areas
- Start with cities where it's easy to travel – biggest barrier is the cost of travel
- Integrate with existing organizations – schools, NGOs, trade organizations, hospitals, municipal departments
- Start small – start with small exchanges and programs, over time they become easier, make connections, and new opportunities for collaboration begin
- Empower institutions – political support for local groups is important, but it is also important to let them work on what they are interested in, making it more likely to be successful
- Be patient – sister cities are long-term and take time to develop like any strong relationship.

Duncan Tavares recommends involving the Town Commission during the first steps of the program.

Miami Beach's sister city program is over 50 years old.

The Mayor would be responsible for appointment of a new committee.

Sunny Isles (SI) has three sister cities in Israel, China, and Italy and they all mimic SI as they are beach communities. A budget is set every year at \$20, 000 for the program.

Miami Beach's budget is \$12,000 a year; but the budget can vary.

The Mayor is looking to potentially start the sister city program in October and wants to begin considering potential cities that are similar to the Town. Selection criteria for choosing cities will need to be set.

Barbara McLaughlin has already found other cities with turtle conservation programs that might fit with Surfside.

When creating a committee for the sister city program it is best to include a liaison from a hotel to assist in potentially accommodating outside visitors.

Duncan Tavares will bring the criteria discussion topic to the Board at the next meeting.

VII. Updates:

a. Resort Tax Ordinance / Robert Meyers Report / Town Commission Meeting Tuesday February 11, 2014

b. Gusto Italiano Sponsorship ~ Ms. Salini is approaching other municipalities and is no longer seeking funding from the Tourist Board.

c. Third Thursday

The first Third Thursday was successful despite the cold weather. It was a good turnout.

February 20, 2014 Third Thursday will be in conjunction with the Ribbon Cutting Ceremony of Harding Avenue Streetscape Project. A Canadian film company will also be in attendance to highlight the food trucks.

d. Aerial Photography / Videos

There is no formalized contract with Mr. Slatko yet.

Duncan Tavares is hoping to bring a rough cut of Brand USA footage to the next meeting.

Barbara Cohen would like to see post cards for sale utilizing the aerial footage.

e. Resort Tax Compliance / Audit II / Special Fund Designation* ~ Finance Department Review
Duncan Tavares will bring Special Fund Designation back to the Finance Department as part of the FY 14/15 Budget process.

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

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

Language was revised to make penalties more stringent. The Finance Department suggested leaving the existing language. Eli Tourgeman had previously discussed changing the language concerning compounding the interest.

Barbara McLaughlin made a motion to keep the existing penalty language for the Resort Tax Ordinance, under Section 70-17, and to come back in six months to determine whether any changes are needed; Ricardo Mualin seconded the motion. The motion passed unanimously.

Commissioner Graubart suggested checking to see what the state charges for late sales tax submissions. Sarah Johnston will look into it.

h. Apps & Wayfarers ~ Part of Town review of software requirements (ERP) as part of FY 14/15 Budget process. See Click Fix will be presented to the Board at the next meeting.

VIII. Next Meeting: Monday March 3, 2014 at 6:00pm

IX. Adjournment

Barbara McLaughlin made a motion to adjourn the meeting; Ricardo Mualin seconded the motion. The motion passed unanimously. The meeting ended at 8:13pm.

Accepted this 3 day of MARCH, 2014

Eli Tovegan

Member (Print)

[Signature]
Signature

Attest:

[Signature]

Frantza Duval
Recording Clerk



CHARTER REVIEW BOARD MEETING

Town Commission Chambers

9293 Harding Avenue
Surfside, FL 33154

Monday February 18, 2014
7:00 p.m.

Town Commission Liaison: Vice-Mayor Michael Karukin

Facilitator: Linda Miller, Town Attorney

Town Clerk: Sandra Novoa, CMC

Charter Review Board Members:

Chairman Lou Cohen (Commissioner Olchyk)
Vice Chairman Marc Imberman (Vice Mayor Karukin)
Anthony Blate (Commissioner Graubart)
Terry Cohen (Commissioner Kligman)
Marty Oppenheimer (Mayor Dietch)

MINUTES

1. CALL TO ORDER

The meeting was called to order by Chairman, Lou Cohen at 7:04pm

2. ROLL CALL OF MEMBERS

The Town Clerk, Sandra Novoa, called the roll with the following members present: Lou Cohen, Anthony Blate, Terry Cohen, and Marty Oppenheimer. Marc Imberman was absent.

Also in attendance: Sandra Novoa, Town Clerk, Michael Karukin, Commission Liaison, Linda Miller, Town Attorney, Jean Olin, Special Outside Counsel, Irina Mocanu, Michael Crotty, Town Manager

3. APPROVAL OF MINUTES [TAB 3]

Marty Oppenheimer made a motion to approve the minutes as amended; Terry Cohen seconded the motion. The motion passed unanimously.

4. SUMMARY OF THE CHARTER REVIEW PROCESS BY CHAIRMAN LOU COHEN

The Board decided to review the charter in two phases tackling election issues within the first phase. The objective was to make the charter more comprehensible and comprehensive for residents to understand.

5. OPEN DISCUSSION ON ELECTION ISSUES

Attorney Jean Olin was requested by Chairman Cohen to provide brief summary of each CRB proposed Phase I Charter issue, with detailed text provided in agenda package for citizen review/comment:

A. Qualifications for Office [TAB 5A]

Special Counsel Jean Olin discussed the proposed Charter changes regarding the requirements for qualifications for elected office in Surfside, most notably the change pertaining to a Commission member's age from 21 to 18, reflecting the age of a "qualified elector".

Attorney Olin advised the residents watching that the Charter Review Board proposes Charter text amendments and the Town Commission recommends/approves the final Charter changes to text and ballot language.

B. Induction [TAB 5B]

Attorney Olin advised that when looking at or changing text within the Charter, the Charter Review Board was required to also look at other corresponding text in the Charter as well to ensure consistency in Charter language.

Ms. Olin discussed the proposed Charter changes to Section 5 of the Charter, noting that the existing holdover language has been deleted since its applicability raises confusion given the existing method of electing Town Commissioners by "pool". If in the future, there is a need to invoke the holdover language, the common law theory of holdover may be invoked by the Town Attorney.

Olin further discussed the CRB's proposed Charter change which will ensure that induction of newly elected Town officers will take place after the Miami Dade County Department of Elections has issued its final certification of election returns.

This Charter change will also provide that the time period between the general and runoff election, the incumbent members of Town Commission can make decisions based on emergency actions, affecting the public's health, safety, and welfare.

C. Vacancy on Commission [TAB 5C]

CRB engaged in discussion regarding Phase II process of Charter review, and Attorney Olin recommended during said Phase that the Charter text be reformatted in order to remove archaic and obsolete language and to format Charter sections into separate-issue Articles.

Ms. Olin explained the basic changes to the “Vacancy on Commission” language, as proposed by CRB.

In order to inform the voters of the Phase I issue, the Board reiterated its suggestion that a Voter’s Guide be drafted prior to the scheduled public vote--Terry Cohen also recommended that the board come up with a voter guide’s for the residents to help them easily understand all the ballot questions and charter language.

Michael Karukin inquired as to who would be responsible in creating the voter’s guide for the resident.

The Town Attorney, through the direction of the Town Commission, will be responsible for the voter’s guide.

D. Vacancy in Candidacy [TAB 5D]

Ms. Olin explained the basic changes to existing Charter language regarding “Vacancy in Candidacy”, noting the need for amending language in order particularly to address problems with existing Charter language, experienced by the Town during its 2012 General Election. The proposed revised language will no longer provide for a ‘postponed election in event more than 5 candidates qualify and said number of candidates is reduced prior to election date’-- the proposed new language reflects statutory requirements that the Charter provide procedure for supplemental qualifying due to reduction in number of qualified candidates due to “death, withdrawal or removal” of candidate before election. Mr. Karukin noted that the existing process of calling a special election will remain if there is not sufficient number of candidates at the end of the supplemental qualifying period, with Attorney Olin explaining that this process would occur since such vacancy would be now invoke the procedures related to a “Vacancy on Commission”.

Olin further discussed that the proposed changes provide that if any of the newly elected commissioners are elected by operation of law then the selection of vice mayor will be decided by the commission by majority vote.

E. Canvassing Board [TAB 5E]

Attorney Olin explained the duties and nature of the Canvassing Board, which under the existing Charter includes 3 individuals: the Town Manager, Town Clerk, and an one member for the Commission. If one member cannot sit then the Town Attorney serves as an alternative.

It is recommended that this section be moved from the Charter into the Code Chapter dealing with "Elections" in order that the Town's administrative provisions regarding elections be consolidated.

F. Qualifying [TAB 5F]

Attorney Olin explained the definition of "qualifying" for elected office, and the basis proposed Charter changes recommended by CRB. The existing time for qualifying via petition changed from 55-35 day period to 55-45 days, allowing for the supplemental qualifying period as well as allowing the Town Clerk to comply with the County Election Department required 30 day deadline prior to the election date by which time DOE must know names of candidates on the ballot. Although the proposed Charter text change includes a revised petition form, Mr. Karukin suggested that rather than set forth the form in the Charter, the text merely reference its availability in the Town Clerk's office -- Ms. Olin to change this Charter text accordingly.

G. Initiative and Referendum [TAB 5G]

Ms. Olin explained her outline noting recommendations of prior CRB's Charter changes, with her comments thereon, and explained her prior discussions with CRB that upon review of this Charter language, the sections require reformatting and changes to policy and/or ministerial matters but the language itself did not present legal issues as she found in other Phase I issues. One change recommended by prior CRB that may be discussed in phase II as a policy matter involves changing percentage of required signatures for Initiative/Referendum Petitions from 15% to 10%.

CRB has thus proposed that these sections be reviewed under Phase II of the charter review process.

H. Staggered Terms/Increase in Terms [TAB 5H]

Ms. Olin explained that this CRB recommendation was drafted to provide for an increase in terms of the four Town Commissioners from two years to four years with the Mayor retaining a two year term, all said terms to be staggered, per process set forth in agenda language, and with the selection of Vice Mayor to be by the Commission as opposed to the existing method whereby the Commissioner receiving the highest number of votes is

determined to be the Vice-Mayor.

Marty Oppenheimer recommended a proposed change to Section 8 of the Charter: Instead of "The City" it should read "The Town", said language to be corrected by Ms. Olin.

Ms. Olin also explained the need to amend "Run-Off" language in event this staggered term language is approved.

I. Run-off Election [TAB 5I]

This newly suggested text provides language to correct every scenario in which there is a potential for a run-off election.

6. PUBLIC COMMENTS

No public in attendance, thus no public comments.

7. CONFIRMATION OF THE FEBRUARY 24, 2014 CRB MEETING AT 5:00 PM.

Board will meet on February 24, 2014 at 5 pm to discuss final recommended Charter changes of Phase I issues, and will also meet on March 3, 2014 at 8:30 am to review and approve the Town Attorney's final report of the CRB for presentation to the Town Commission at its March 11, 2014 meeting.

8. ADJOURNMENT

Marty Oppenheimer made a motion to adjourn; Terry Cohen seconded the motion. The motion passed unanimously. The meeting ended at 8:50pm.

Accepted this 24 day of February, 2014



Lou Cohen, Chair

Attest:



Recording Clerk



Town of Surfside Commission Communication

Agenda Item: 3G

Agenda Date: March 11, 2014

Subject: Resolution No. 14 - : Supporting the Expansion of the School Nurse System

Background: In June 2013, the Commission adopted Resolution No. 13-213 authorizing a \$7,200 allocation for the Nurse Initiative that includes Ruth K. Broad Elementary.

Leslie Rosenfeld, of the City of Miami Beach Organization Development Performance Initiatives, presented a report to the Commission on the implementation and success of the Nurse Initiative for school year 13/14. Ms. Rosenfeld again requested financial support for the Nurse Initiative for school year 14/15 in the amount of \$3,667. Funding for the local governments is not needed for the Initiative from local governments during the current 13/14 budget year. Therefore, if the Commission desires to again financially participate, the requested allocation of \$3,667 could be budgeted during the preparation of the FY 14/15 budget.

The presentation concluded with direction to have the MOU for Surfside's participation in the Nurse Initiative be placed on the March Commission agenda.

Recommendation: The attached resolution authorizes the execution of the Memorandum of Understanding for participation in the Nurse Initiative Program for school year 14/15 in the amount of \$3667 with said funds to be paid from the FY 14/15 budget.


Town Manager

RESOLUTION NO. 14- _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) SUPPORTING THE EXPANSION OF THE SCHOOL NURSE SYSTEM IN THE TOWN OF SURFSIDE; JOINING THE TOWN OF BAY HARBOR ISLANDS, NORTH BAY VILLAGE, BAL HARBOUR VILLAGE AND THE CITY OF MIAMI BEACH IN FUNDING, NOT TO EXCEED \$3667.00 FROM THE FY BUDGET 2014-2015, A NURSE AND MEDICAL ASSISTANTS FOR RUTH K. BROAD K-8 CENTER, NORTH BEACH ELEMENTARY, AND TREASURE ISLAND ELEMENTARY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission joins the Town of Bay Harbor Islands, North Bay Village, Bal Harbour Village, and the City of Miami Beach in funding and implementing a Nurse Initiative program to provide a Registered Nurse to rotate among the three (3) participating schools and a medical assistant at each participating school; and

WHEREAS, the Nurse Initiative was a success during the 2013-2014 School Year and as a result the participating municipalities wish to fund and implement the same Nurse Initiative for the 2014-2015 School Year; and

WHEREAS, the Nurse Initiative Program for the 2-14-2015 School Year will be established as provided for herein and pursuant to the attached Memorandum of Understanding (attached hereto as Exhibit “A”); and

WHEREAS, the proportionate share of the cost for the Town of Surfside will be \$3667.00; and

WHEREAS, the Town of Surfside and its residents should continue to benefit from having a nurse and medical assistance available for the children attending the participating schools.

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

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

Section 2. Authorization and Approval. The Town Commission authorizes and approves the Town Manager and Town Clerk to take any action necessary to implement and execute the Memorandum of Understanding (attached hereto as Exhibit “A”).

Section 3. Expenditure of Funds. The Town Manager and/or his designee are authorized to expend funds not to exceed \$3667.00 from the FY Budget 2014-2015 for the purposes set forth herein.

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

PASSED AND ADOPTED this ____ day of March 2014.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

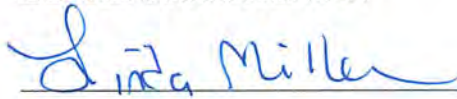
Commissioner Joseph Graubart	_____
Commissioner Michelle Kligman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC
Town Clerk

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



Linda Miller, Town Attorney

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR
ISLANDS, THE TOWN OF SURFSIDE, BAL HARBOUR VILLAGE, AND
THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION TO IMPLEMENT A
NURSE INITIATIVE FOR SCHOOL YEAR 2014-2015**

This is a Memorandum of Understanding ("MOU") made and entered into this ___ day of _____, 2014, by and between the **City of Miami Beach ("CMB")**, **North Bay Village ("NBV")**, the **Town of Bay Harbor Islands ("TBHI")**, the **Town of Surfside ("TS")**, **Bal Harbour Village ("BHV")**, and the **Miami Beach Chamber Education Foundation, Inc. ("MBCEF")** (collectively, the "Parties"), to provide for funding and for the implementation of a Nurse Initiative as provided herein, and as to be provided in an agreement. between **MBCEF** and **The Children's Trust ("TCT")**.

WITNESSETH

WHEREAS, the Parties have determined that a program to provide healthcare services to students attending underserved public schools is in the best interests of the health and public welfare of the City of Miami Beach, North Bay Village, the Town of Bay Harbor Islands, the Town of Surfside, and Bal Harbour Village (the "**Participating Municipalities**"); and

WHEREAS, following the Parties' determination that students at North Beach Elementary, Treasure Island Elementary, and Ruth K. Broad Bay Harbor K-8 Center (the "Participating Schools") did not have full-time, on-site healthcare services and were, thus, underserved as compared to other public schools in the feeder pattern that falls within the City of Miami Beach, the Parties entered into a Memorandum of Understanding on August 19, 2013 for a Nurse Initiative ("2013-2014 Nurse Initiative MOU") to provide healthcare services to the Participating Schools during the 2013-2014 School Year; and

WHEREAS, due to the success of the Nurse Initiative during the 2013-2014 School Year, the Parties wish to implement another Nurse Initiative for the 2014-2015 School Year for the Participating Schools; and

WHEREAS, a Nurse Initiative program should be established at the Participating Schools for School Year 2014-2015 as herein provided and pursuant to a separate agreement to be entered into between **MBCEF** and **TCT**.

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth, the Parties agree to provide for a Nurse Initiative for the Participating Schools during the 2014-2015 school year as follows:

1. **MBCEF** shall enter into an agreement with **TCT** whereby **TCT** shall provide funding in the approximate amount of \$98,000 for the Nurse Initiative and whereby **TCT** shall provide all salaries, fringe benefits, and costs of operations for a Health Connect in Our Schools (“HCIOS”) Suite which will provide on-site healthcare services during the 2014-2015 School Year at the Participating Schools (“2014-2015 Nurse Initiative”) and shall provide certain schedules and reports as follows:
 - a) A full-time shared Registered Nurse who shall rotate between the three Participating Schools so that accessibility is equal amongst them pursuant to a detailed schedule that shall be provided to all of the Participating Municipalities on a weekly basis during the 2014-2015 School Year;
 - b) A full-time on-site Medical Assistant at each of the Participating Schools;
 - c) A Social Worker already funded by Miami-Dade County Public Schools at each of the Participating Schools;
 - d) A monthly report of services provided at each of the Participating Schools shall be provided to the Participating Schools and to **MBCEF**; and
 - e) A monthly and an annual report shall be provided to the **Participating Municipalities** and to **MBCEF** documenting the percent of students returning to class after all nurse visits at the Participating Schools.
2. On or before September 1, 2014, **MBCEF** shall provide funding for the 2014-2015 Nurse Initiative from: (a) the unused funds provided by the Parties pursuant to the 2013-2014 Nurse Initiative MOU, which shall be carried over for use during the 2014-2015 School Year, and (b) the Aetna Voices of Health Award (\$30,000.00).
3. On or before October 31, 2014, the **Participating Municipalities** shall provide their proportionate share of funds for the 2014-2015 Nurse Initiative to **MBCEF**, which funds **MBCEF** shall hold in escrow pending the execution of its agreement with **TCT** referenced in paragraph 1. The **Participating Municipalities’** proportionate share of funding for the 2014-2015 School Year, in addition to the carried over funds specified in paragraph 2, shall be paid by October 31, 2014 in the following amounts:

- i) **CMB** shall provide funding in the amount of \$15,400;
- ii) **NBV** shall provide funding in the amount of \$6,600;
- iii) **TBHI** shall provide funding in the amount of \$3,667;
- iv) **TS** shall provide funding in the amount of \$3,667; and
- v) **BHV** shall provide funding in the amount of \$3,667;

except that **BHV** shall provide its payment of \$3,667 by September 30, 2014. The funding provided by the **Participating Municipalities** and **MBCEF** shall be made by checks made payable to Miami Beach Chamber Education Foundation, Inc.

4. **MBCEF** shall serve as the fiscal agent to collect the funds required to be paid in paragraph 3 above and shall disperse such funds to **TCT** after entering into the agreement with **TCT** referenced in paragraph 1 and upon receipt of invoices from **TCT**.
5. **MBCEF** shall indemnify and hold harmless the **Participating Municipalities** and their respective officers employees, agents and instrumentalities from any and all liability, losses, or damages, including attorneys' fees and costs of defense, which the **Participating Municipalities** or their officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to, or resulting from the performance of this MOU by **MBCEF** or its employees, agents, servants, partners, principals, or subcontractors. **MBCEF** shall pay claims and losses in connection therewith and shall investigate and defend all claims suits or actions of any kind or nature in the name of the **Participating Municipalities**, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon.
6. In the event that any of the provisions in this MOU are not performed, or if the 2014-2015 Nurse Initiative is terminated after funds have been dispersed to **MBCEF** as provided in paragraphs 3 and 4, then **MBCEF** shall promptly reimburse each of the **Participating Municipalities** their proportionate share of unused funds. If any funds remain unused at the end of the 2014-2015 School Year, and if all of **Participating Municipalities** agree to implement a Nurse Initiative for the 2015-2016 School Year, then **MBCEF** may, as directed by the **Participating Municipalities**, hold such unused funds in escrow to be applied toward the 2015-2016 Nurse Initiative and credited toward each of the **Participating Municipalities'** proportionate share of the 2015-2016 Nurse Initiative.

IN WITNESS THEREOF, the Parties hereto have executed by their respective and duly authorized officers the day and year first above written.

ATTEST:

CITY OF MIAMI BEACH, a Municipal Corporation of The State of Florida

By: _____
Rafael E. Granado, City Clerk

By: _____
Philip Levine, Mayor

Approved as to form and Language for execution

ATTEST:

NORTH BAY VILLAGE, a Municipal Corporation of the State of Florida

By: _____
Village Clerk

By: _____
Village Manager

Approved as to form and Legal sufficiency

ATTEST:

TOWN OF BAY HARBOR ISLANDS, a Municipal Corporation of the State of Florida

By: _____
Town Clerk

By: _____
Mayor/Town Manager

Approved as to form and Legal sufficiency

ATTEST:

TOWN OF SURFSIDE, A Municipal Corporation of the State of Florida

By: _____
Town Clerk

By: _____
Mayor/Town Manager

Approved as to form and
Legal sufficiency

ATTEST:

BAL HARBOUR VILLAGE, a Municipal Corporation of the State of Florida

By: _____
Village Clerk

By: _____
Mayor/Village Manager

Approved as to form and
Legal sufficiency

ATTEST:

MIAMI BEACH CHAMBER EDUCATION FOUNDATION

By: _____

By: _____

Approved as to form and
Legal sufficiency

2012-13 SCHOOL NURSE INITIATIVE PROGRAM

Income

HFSF Grant Management	27,900.00	
North Bay Village	12,999.00	
Town of Surfside	7,222.00	
Town of Bay Harbor Islands	7,222.00	
Bal Harbor Village	7,222.00	
City of Miami Beach	30,500.00	
Aetna Voices of Health Competition	30,000.00	
Income Collected		123,065.00
Receivables -HFSF (62,000 - 27,900)		34,100.00

Total Expected Income 157,165.00

Expenses

Children's Trust	30,000.00	
Payables - Children's Trust (95,000 - 30,000)	65,000.00	

Total Expected Expense 95,000.00

Expected Net Income 62,165.00



Proclamation

Whereas, the Town of Surfside wishes to honor Officer Maryhelen McCarthy for exceptional leadership she provided to the community of Newtown, Connecticut after the tragic event that took place on December 14, 2012 at the Sandy Hook Elementary School; and

Whereas, the Town of Surfside's Mayor and Tourism, Economic Development & Community Services Director along with Ruth K. Broad Bay Harbor K-8 Center's Art Teacher met Officer Maryhelen McCarthy at the Healing Newtown Event on February 14, 2013; and

Whereas, Officer McCarthy has initiated a connection and has partnered with the Town of Surfside, Florida and the Ruth K. Broad Bay Harbor K-8 Center of Bay Harbor Islands, Florida; and

Whereas, Officer McCarthy has dedicated 14 years of distinguished service to the Newtown, Connecticut Police Department; and

Whereas, Officer McCarthy has assisted with an extraordinary number of police calls for service of threats to the public after the tragic event; and

Whereas, Officer McCarthy has led the mental health recovery services to police personnel and the Newtown community at large; and

Whereas, Officer McCarthy has provided her expertise and caringly assisted the 26 families of the victims with their unique needs; and

Whereas, Officer McCarthy has stepped up and filled a standing that was deeply needed after such tragic loss; and

Whereas, Officer McCarthy has acted compassionately, keeping at the same time the commitment to the maintenance of the highest standards of professional performance; and

Whereas, the Town of Surfside strongly supports a Proclamation honoring Officer McCarthy for her selfless service to the community of Newtown, Connecticut; and

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed this 11th day of March 2014.

*Daniel Dietch, Mayor
Town of Surfside, Florida*

*SEAL Attest
Sandra Novoa, Town Clerk*



Town of Surfside Commission Communication

Agenda Item # 3I

Agenda Date: March 11, 2014

Subject: Approval of Expenditure of Forfeiture Funds to Replace a Research Investigative Tool

Background: Currently The Surfside Police Department use the Florida Department of Law Enforcement's dFACTS system (distributed Factual Analysis Criminal Threat Solution) as an informational gathering tool for law enforcement investigations and intelligence. This system was put in place after September 11, 2001 with support from homeland security grant funds. There was no cost to the Surfside Police Department or other State of Florida law enforcement agencies. Effective March 31, 2014, the dFACTS system will be discontinued due to the reduction of grant allocations.

Analysis: The Police Department researched and attended training for several commercially available systems including CLEAR and ACCURINT. CLEAR (Consolidated Lead Evaluation and Reporting) is the superior system and more cost effective. CLEAR is also utilized by several major local law enforcement agencies. The Criminal Investigations Unit has used the CLEAR system for several weeks on a trial basis and is more than satisfied with the results. Town legal staff has reviewed the three year agreement which includes a non-availability clause in the event the program is not approved in subsequent budgets.

Budget Impact: \$483.40 per month for four users for a total cost of \$2901 for remainder of the fiscal year from the Forfeiture Fund.

Staff Impact: N/A

Recommendation: Staff recommends a motion to approve a resolution to authorize the expenditure of \$2901 from the Forfeiture Fund to replace the dFACTS system with the CLEAR system.



Chief of Police David Allen



Town Manager Michael M. Crotty

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2013/2014 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$2,901.00 FROM THE FORFEITURE FUND TO REPLACE A RESEARCH INVESTIGATIVE TOOL; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the current research investigative tool (dFACTS) used by the Surfside Police Department will be discontinued on March 31, 2014 due to the reduction of grant allocations; and

WHEREAS, the Surfside Police Department's Criminal Investigation Unit has used the CLEAR system on a trial basis for several weeks and concluded that this system is superior to other systems and is more cost effective; and

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

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

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

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

Section 2. Confiscation Fund Expenditures. Based on the attached Certificate of the Police Chief (see Exhibit "A"), the Town Commission hereby authorizes and approves the Fiscal Year 2013/2014 Police Confiscation Fund expenditure in the amount of \$2,901.00 from the Forfeiture Fund to replace the dFACTS system with the CLEAR system.

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

PASSED and ADOPTED this _____ day of _____, 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

EXHIBIT A

CERTIFICATE OF CHIEF OF POLICE

I, DAVID E. ALLEN, Chief of Police of the Town of Surfside, do hereby certify the expenditures for \$2,901.00 from the Town of Surfside Confiscation Fund, for the 2013/2014 Fiscal Year budget complies with provisions Section 881(e)(3) of Title 21, United States Code and Florida Statute Section 932.7055.

Dated: 3-11-14

A handwritten signature in blue ink, appearing to read "David E. Allen", written over a horizontal line.

David E. Allen

Chief of Police



THOMSON REUTERS

Temporary Access Agreement

Contact your representative jon.liu@thomsonreuters.com with any questions. Thank you.

Order ID: 528170

Subscriber Information

Account Address:
Account #:
Surfside Police Dept
TEMP ACCESS
9293 Harding Ave
Surfside, FL 33154
US
(305) 779-7596

Additional Information

Created By: 0095944
Order Source: 27
Revenue Channel: 01
Order Date: 1/28/2014 1:19:42 PM
P.O. Number:

Account and IP Address Info for CLEAR Products

Technical Contact for CLEAR Products

Name: Patrick McKenna
Phone: 305-779-7596
Email: pmckenna@townofsurfsidefl.gov

IP Address Section – Only External IP Address(es) or Range(s) Must Be Provided

Valid External IP Addresses or IP Ranges belonging to your organization and meeting the following requirements must be provided for all CLEAR orders:

- IP Addresses assigned to jurisdictions outside the United States or West approved U.S. Territories are prohibited.
- IP Addresses will not be accepted from the following ranges which are reserved by the Internet Assigned Numbers Authority for special use or private networks: 10.0.0.0 – 10.255.255.255, 127.0.0.0- 127.255.255.255, 172.16.0.0 - 172.31.255.255, 192.168.0.0 – 192.168.255.255, 169.254.0.0 – 169.254.255.255.
- All IP addresses must be IPv4 addresses.

Permissible IP Address(es) will be those provided below as well as any previously provided IP Address(es) for this Subscriber

IP Addresses: 000.000.000.000 To 000.000.000.000 _____ ★

Subscriber's Internet Service Provider Name: _____ ★

Order Contact Information

First Name	Last Name	Email Address	Phone	Contact Description	Contact Number
Patrick	McKenna	pmckenna@townofsurfsidefl.gov		Order Confirmation Contact	28
Jonathan	Liu	jon.liu@thomsonreuters.com		Contact for Password Delivery	24
Patrick	McKenna	pmckenna@townofsurfsidefl.gov		CLEAR® Primary Account	46

New Products - WestlawPRO/CD/WLEC/Other

Qty	Product	Material ID	Program Codes
1	CLEAR Invest w/Web Analy,Batch,Healthcr,Arrest Records	41011059	60187V13985
Special Options: Requested Number of Passwords: 6			
1	CLEAR Invest w/Web Analy,Batch,Healthcr,Arrest Records	41011061	60187V13985
Special Options: Requested Number of Passwords: 6			
1	CLEAR Invest w/Web Analy,Batch,Healthcr,Arrest Records	41011064	60187V13985
Special Options: Requested Number of Passwords: 6			
1	CLEAR Invest w/Web Analy,Batch,Healthcr,Arrest Records	41268569	60187V13985
Special Options: Requested Number of Passwords: 6			
1	CLEAR Invest w/Web Analy,Batch,Healthcr,Arrest Records	41180702	60187V13985
Special Options: Requested Number of Passwords: 6			

Requested number of CLEAR passwords 6. The Agreement shall become effective upon approval and processing by West, a Thomson Reuters business. The Agreement shall terminate after 14 days.

Signature for Order ID: 528170

The CLEAR Temporary Access Agreement Services Agreement and the applicable Schedule A ("Subscriber Agreement") are hereby incorporated by reference and made part of this Order. In the event there is a conflict between the terms and conditions of the Subscriber Agreement and the terms and conditions of this Order, the terms and conditions of this Order shall control. Subscriber by his/her signature below, acknowledges his/her understanding and acceptance of the terms and conditions of the Subscriber Agreement.

Signature of Authorized Representative for order	Title
Printed Name	Date

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CLEAR® SERVICES TEMPORARY ACCESS AGREEMENT

1. License.

a. **CLEAR Services.** West hereby grants Licensee, at no charge, a non-exclusive, non-transferable, limited license to access CLEAR Services and associated ancillary services (collectively "Services" or "Product" unless specified otherwise). Licensee shall assign each CLEAR password issued hereunder to an individual user. Licensee shall provide such password assignments to West upon West's request. Sharing of CLEAR passwords is strictly prohibited. Licensee is responsible for ensuring that all end users comply with this Agreement.

b. **Batch Services.** West hereby grants Licensee, at no charge, access to CLEAR Batch Services Licensee may submit, at no cost, up to 1,000 input lines. West reserves the right to bill Licensee for any input lines submitted in excess of the 1,000 non-chargeable input lines.

c. **Grant.** Services consist of various West-owned and supplier databases, services, functions and remotely-accessed gateways, which may change from time to time. Access to certain Services may be restricted at anytime by West. Licensee is licensed to use data made available through Services solely for the permissible purposes identified herein or otherwise authorized by West in writing, which takes precedence over the license granted in this paragraph.

d. **Usage.** Subject to the restrictions set forth in paragraph 2 (License Restrictions) below, Licensee may use the CLEAR Services, including Data (as defined below) in the regular course of Licensee's business, legal, and other research and related work subject to the limitations contained herein. "Data" means all information and representations of information, including, but not limited to, graphical representations, and other content made available to Licensee through the CLEAR Services. Licensee may: (i) display Data internally; (ii) quote and excerpt from Data (appropriately cited and credited) by electronic cutting and pasting or other means in memoranda, briefs, reports, and similar work product created by Licensee in the regular course of Licensee's research and work; and (iii) to the extent not expressly prohibited by the terms of the Agreement, use Data as permitted under the fair use provision of the Copyright Act (17 U.S.C.A. § 107).

e. **Storage.** Licensee may store, on a matter-by-matter basis, insubstantial portions of Data in Licensee's database, maintained in connection with an active matter being handled by Licensee in its regular course of business ("Project Database"). Such database must consist preponderantly of Licensee's work product, with access to Data limited to internal users who have a need to know such information. Licensee may maintain Data in the Project Database so long as the file or case remains active or until any termination of the Agreement, whichever occurs first. Licensee may also store insubstantial portions of Data in accordance with Licensee's records retention policies, provided that such policies are in keeping with prevailing industry standards. For purposes of the Agreement, the term "insubstantial portions" means amounts of Data that have no independent value other than as part of Licensee's work product.

2. License Restrictions.

a. **Usage Restrictions.** Licensee may not copy, download, scrape, store, publish, post, transmit, retransmit, transfer, distribute, disseminate, broadcast, circulate, sell, resell, or otherwise use the Data, or any portion of the Data, in any form or by any means except as expressly permitted by paragraph 1 (License Grant) above, or as otherwise expressly permitted in writing by West. Licensee shall not reverse engineer, decompile, disassemble, or otherwise attempt to discern the source code of the Products, their components, or any avenue by which Products are accessed.

b. **Compliance with Applicable Law.** Licensee shall not use any Data and shall not distribute any Data to a third party for use in a manner contrary to or in violation of any applicable federal, state, or local law, rule or regulation.

c. **Copyright Notices.** Licensee shall not remove or alter any copyright notices from any saved, downloaded, or otherwise reproduced Data. Licensee shall indicate that use of, distribution, and dissemination of Data is with the permission of West.

3. **Regulated Data.** Certain Data available through the Products is subject to heightened regulatory scrutiny under state and federal law ("Regulated Data").

a. **Regulated Data Restrictions**

i. Licensee acknowledges that West provides Regulated Data to support Licensee's own processes and decisions, and Licensee should not deny any service or access based solely on Regulated Data provided through the Product or results provided by West. Licensee is responsible for any denial of services or access and Licensee will not deny such services or access without first conducting its own appropriate internal review in conjunction with its decision-making process.

ii. West is not a consumer reporting agency, and Licensee certifies that it will not use any Data as a factor in establishing a consumer's eligibility for credit or insurance to be used primarily for personal, family, or household purposes, for employment purposes, or for any other purpose authorized under section 1681b of the Fair Credit Reporting Act (15 U.S.C.A. § 1681b).

iii. Licensee acknowledges that access to Regulated Data, available through the Product, including but not limited to credit header Data, motor vehicle Data, driver license Data, and voter registration Data is regulated by state or federal laws, such as the Gramm Leach Bliley Act ("GLBA"), the Driver's Privacy Protection Act ("DPPA"), or other state or federal laws and regulations, or is subject to Contributor restrictions.

iv. If Licensee is permitted to purchase motor vehicle records ("MVR Data") from West, without in any way limiting Licensee's obligations to comply with all state and federal laws governing use of MVR Data, the following specific restrictions apply and are subject to change:

- Licensee shall not use any MVR Data provided by West, or portions of information contained therein, to create or update a file to the end that Licensee develops its own source of driving history information.
- As requested by West, Licensee shall complete any state forms that West is legally or contractually obligated to obtain from Licensee before serving Licensee with state MVR Data.

v. Licensee agrees not to access Regulated Data for any purpose that is not allowed by the GLBA, by the DPPA, by any other applicable state or federal laws or regulations, or that is contrary to any Additional Terms, as defined in paragraph 5 (Additional Terms) below.

vi. Licensee represents and warrants that it is the end user of Regulated Data and shall limit use and dissemination of Regulated Data solely to the permissible uses stated by Licensee in the application and online (Licensee's "Permissible Use"). Licensee agrees to keep confidential and shall not disclose any Regulated Data except to Licensee employees in the United States of America whose duties reasonably require access to such Regulated Data to carry out Licensee's Permissible Use.

b. **Regulated Data Usage Compliance.** West retains the right to temporarily or permanently block access to certain Data if West, in its sole discretion, reasonably believes that the Data may be or has been used for an improper purpose or otherwise in violation of the terms of the Agreement, or as otherwise required by a Contributor. By accessing Data, Licensee acknowledges that from time to time, West and its Contributors and/or various government entities will require Licensee to identify a permissible use (if applicable) and may inquire as to Licensee's compliance with applicable laws or the Agreement. Licensee agrees to reasonably cooperate with any inquiry, subject to any attorney-client confidentiality. Licensee shall immediately report to West any misuse, abuse, or compromise of Data of which Licensee becomes aware.

c. **Regulated Data Licensee Credentials.** West's provision of access to Regulated Data is contingent on West's verification of Licensee's credentials in accordance with West's internal credentialing procedures. Licensee shall notify West immediately of any changes to the information on Licensee's application for Services and, if at any time Licensee no longer meets such credentialing requirements, West may terminate this Agreement.

d. **Regulated Data Indemnification.** Except as otherwise prohibited by law and without waiving any defenses to which it may be entitled, Licensee hereby agrees to protect, indemnify, defend, and hold harmless West and all its Contributors from and against any and all costs, claims, demands, damages, losses, and liabilities (including actual attorneys' fees) arising from or in any way related to (i) the misuse of Regulated Data by Licensee (or any other party receiving such Regulated Data from or through Licensee); and (ii) Licensee's breach of any representation or warranty relating to its use of or purpose in using Regulated Data.

4. **Rights in Data.** Except for the license granted in this Licensee Agreement, all rights, title, and interest in the Product, including Data, in all languages, formats, and media throughout the world, including all copyrights, are and will continue to be the exclusive property of West and its Contributors.

5. **Additional Terms.** Certain third-party Data and features are governed by terms and conditions which are supplemental to and may be different from those set forth in this Licensee Agreement ("Additional Terms"). Additional Terms are available for review at the following locations: <http://legalsolutions.com/clear-additional-terms>. In the event of a conflict between any Additional Terms and terms set forth in the Agreement, the Additional Terms will control.

6. **Disclaimer of Warranties.** EXCEPT AS SPECIFICALLY PROVIDED HEREIN, DATA AND INTERNET-BASED SERVICES ARE PROVIDED "AS IS," WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF PERFORMANCE, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, ACCURACY, OMISSIONS, COMPLETENESS, CURRENTNESS, AND DELAYS.

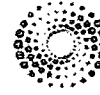
7. **Limitation of Liability.** NEITHER WEST NOR ITS SUPPLIERS SHALL BE LIABLE TO LICENSEE OR TO ANY PERSON CLAIMING

THROUGH LICENSEE OR TO WHOM LICENSEE MAY HAVE PROVIDED SERVICE-RELATED INFORMATION FOR ANY LOSS OR INJURY ARISING OUT OF OR CAUSED IN WHOLE OR IN PART BY WEST'S OR ITS SUPPLIER'S NEGLIGENT ACTS OR OMISSIONS IN PROCURING, COMPILING, COLLECTING, INTERPRETING, REPORTING, COMMUNICATING, OR DELIVERING DATA OR OTHERWISE PERFORMING THIS AGREEMENT. IN NO EVENT SHALL WEST, ITS AFFILIATES, AND/OR CONTRIBUTORS BE LIABLE TO SUBSCRIBER FOR ANY CLAIM(S) RELATING IN ANY WAY TO (i) SUBSCRIBER'S INABILITY TO USE PRODUCTS, DATA, SOFTWARE, OR INTERNET BASED SERVICES, OR ITS INABILITY OR FAILURE TO PERFORM LEGAL OR OTHER RESEARCH OR RELATED WORK OR TO PERFORM SUCH LEGAL OR OTHER RESEARCH OR WORK PROPERLY OR COMPLETELY, EVEN IF ASSISTED BY WEST, ITS AFFILIATES, OR CONTRIBUTORS, OR ANY DECISION MADE OR ACTION TAKEN BY SUBSCRIBER IN RELIANCE UPON DATA; OR (ii) THE PROCURING, COMPILING, INTERPRETING, EDITING, WRITING, REPORTING, OR DELIVERING DATA. IN NO EVENT SHALL WEST, ITS AFFILIATES AND/OR CONTRIBUTORS BE LIABLE TO SUBSCRIBER FOR ANY LOST PROFITS OR OTHER CONSEQUENTIAL, EXEMPLARY, INCIDENTAL, INDIRECT, OR SPECIAL DAMAGES RELATING IN WHOLE OR IN PART TO SUBSCRIBER'S RIGHTS UNDER THE AGREEMENT EVEN IF WEST, ITS AFFILIATES AND/OR CONTRIBUTORS HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

8. **Reservation of Rights.** West reserves the right to modify the terms and conditions of this Agreement from time to time including, but not limited to, the right to impose access and usage limitations. Such modifications shall be effective immediately upon written notice to Licensee.

9. **Term and Termination.** This Agreement may be extended upon written or oral agreement of the parties. Notwithstanding anything to the contrary, West may terminate this Agreement at any time and for any reason.

**Account Validation and Certification (AVC) Form
Westlaw and CLEAR (Government)**



THOMSON REUTERS

Subscriber Information		REQUIRED
Account Number (if applicable) _____		
Full Legal Name/Entity Surfside Police Dept TEMP ACCESS		
Business Unit/Dept/Agency _____		
The applicant's address below is (please check one): <input type="checkbox"/> a Commercial Location <input type="checkbox"/> a Residence (i.e. a home-based business)		
Street Address 9293 Harding Ave		
City Surfside	Country (if not US) US	
State FL	Zip 33154	
Main Organization Telephone (305) 779-7596	Location/Contact/Ext Telephone _____	
E-Mail Address pmckenna@townofsurfsidefl.gov	Website _____	
Cell Phone (if no land line available) _____	<input type="checkbox"/> Check here if no website available	

ACCOUNT TYPE SECTION
Select the applicable type and continue to next step

Select Type of Government

- US – Federal
- US – State
- US – Local
- Tribal Government
- Other Government (please describe) County

Select Type of Academic Institution

- Privately Funded Academic Institution (non-govt funded)
- Government Funded Academic Institution

Do Subscriber's end users have arrest powers? No Yes

Will the product be used for collections, skip-tracing, debt buying, or other similar activities related to consumer debt? No Yes

If other similar activities, please describe: _____

Is Subscriber requesting access to Utility data? No Yes*

**If yes, Subscriber may need to successfully complete an onsite inspection.*

Site Inspection contact. Site inspections may be required if you are requesting access to Utility data or otherwise required by a third party data provider.	
Name <u>Patrick McKenna</u>	Telephone Number <u>305-779-7596</u>

Unethical or Illegal Activities

Subscriber certifies that it is NOT involved in credit fraud, identification theft, stalking, harassment, any unethical business practices or illegal activity nor has it worked to further such activities of its customers, nor is it on the U.S. Treasury Department Office of Foreign Assets Control (OFAC) Specially Designated Nationals and Blocked Persons List.

Permissible Use under Gramm Leach Bliley Act

Subscriber's use of the data is limited by the U.S. Gramm-Leach-Bliley Act (15 U.S.C. 6801 et. seq.) and can only be used for specific non-FCRA (Fair Credit Reporting Act) purposes. Please indicate below (check box) what permitted use(s) will apply to your research needs:

At least one permissible use must be selected to be granted access or the Subscriber must select the non-permissible use:

- Subscriber certifies there is no permissible use.
- For use by a person holding a legal or beneficial interest relating to the consumer.
- For use in complying with federal, state, or local laws, rules, and other applicable legal requirements.
- For use as necessary to effect, administer, or enforce a transaction requested or authorized by the consumer.
- For use in complying with a properly authorized civil, criminal, or regulatory investigation, subpoena, or summons by federal, state, or local authorities.
- For use to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability.
- For use by any Law Enforcement Agency, self regulatory organizations or for an investigation on a matter related to public safety.
- To persons acting in a fiduciary or representative capacity on behalf of the consumer.
- For required institutional risk control or for resolving consumer disputes or inquiries.
- With the consent or at the direction of the consumer.

Permissible Use under Drivers Privacy Protection Act

Subscriber's use of the data is limited by the U.S. Drivers Privacy Protection Act (18 U.S.C. §2721 et seq.) and can only be used for specific non-FCRA (Fair Credit Reporting Act) purposes. Please indicate below (check box) what permitted use(s) will apply to your research needs:

At least one permissible use must be selected to be granted access or the Subscriber must select the non-permissible use:

- Subscriber certifies there is no permissible use.
- For official use by a Court, Law Enforcement Agency or other Government agency.
- To verify or correct information provided to you by a person in order to prevent fraud, pursue legal remedies or recover a debt; skip tracing.
- For use in connection with a civil, criminal or arbitral legal proceeding or legal research.
- For use in connection with an insurance claims investigation or insurance antifraud activities.

	UNMASKED OR FULL DISPLAY OF SENSITIVE PERSONAL INFORMATION SECTION Qualified Accounts Only	
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Complete the below section if Subscriber requests unmasked or full display of full Security Numbers, Day of Date of Birth and/or Driver's License Wallet

- Subscriber IS NOT requesting unmasked or full display of Sensitive Personal Information.
- Subscriber IS requesting unmasked or full display of Sensitive Personal Information.

WEST PUBLISHING CORPORATION ('WEST') – AUTHORIZED SENSITIVE PERSONAL INFORMATION DISPLAY POLICY: West seeks to balance overall individual privacy needs and concerns with the legitimate personal information needs of specific entities as allowed within the provisions of the U.S. Gramm Leach Bliley Act (15 U.S.C. § 6821 et seq.) (U.S. GLB), U.S. Drivers Privacy Protection Act (18 U.S.C. §2721 et seq.) (U.S. DPPA) and other laws. As a general rule, sensitive data on West Public Records Databases is truncated. In order to help ensure that access to authorized unmasked and full display of sensitive data is warranted, West requires validation on a regular basis as necessary for each account requesting access to unmasked and full display of sensitive personal information to certify that the unmasked and full display of personal information is needed, and will only be used in connection with legitimate business. West, in its sole discretion, reserves the right to discontinue access to unmasked and full display of personal information.

CLEAR Subscribers: All CLEAR Users on this account will be granted access to the same type of sensitive personal information upon approved credentialing.

Westlaw Subscribers: Only those Westlaw users listed below will be granted access the sensitive personal information.

Please provide the names and passwords of those individuals for which unmasked access should be added or removed. Use additional page with the information below if needed.

Westlaw User			Add or Remove
Last Name	First name	Password (applicable only if active subscriber)	

Information Protection Affirmation

Subscriber shall be fully responsible for any unauthorized collection, access, use, and disclosure of Personal Information subject to this Agreement. Without limiting the foregoing, Subscriber shall employ appropriate administrative, physical, and technical safeguards in order to sufficiently protect the Personal Information and information assets and resources in question. Subscriber shall immediately notify West of any Information Protection Incident that may result in the unauthorized collection, access, use or disclosure of Personal Information subject to this Agreement. Subscriber shall make all reasonable efforts to assist West in relation to the investigation and remedy of any such Information Protection Incident and any claim, allegation, action, suit, proceeding or litigation with respect to the unauthorized access, use or disclosure of Personal Information. For purposes of its obligations hereunder, the acts or omissions of Subscriber's employees, shall also be deemed the acts or omissions of Subscriber.

Appropriate Use Standard

West provides computer devices, networks, and other electronic information systems to meet missions, goals, and initiatives and must manage them responsibly to maintain the confidentiality, integrity, and availability of its information assets. The use of any West information asset will be for legitimate business purposes only and in accordance with all applicable West corporate policies. Any access to or use of non-public personally identifiable information must be in accordance with all applicable law. No individual shall access records that require a permissible purpose unless such a purpose exists. It is your responsibility to seek guidance and clarification in case of any question about the proper use of West resources, including but not limited to the use of non-public personally identifiable information. All employees associated with the Subscriber, including all personnel must adhere to these requirements.

Fair Credit Reporting Act (FCRA) Use Prohibited

Subscriber certifies that it has read, understands and will comply with the terms of the Research Subscriber Agreement including in particular (but not limited to) the Data Usage Restrictions. Subscriber understands that West is not a Consumer Reporting Agency and Subscriber will not use any Westlaw/CLEAR Data for any purpose regulated by the U.S. Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.) or any similar statute.

By signing below, you acknowledge that you and all authorized persons under your account(s) agree to limit the use of this information, as described above, and to comply with the provisions of the U.S. Gramm Leach Bliley Act (15 U.S.C. § 6821 et seq.) (U.S. GLB), U.S. Drivers Privacy Protection Act (18 U.S.C. §2721 et seq.) (U.S.DPPA) and all other applicable federal, state, and local laws, rules, and regulations.

You further certify that you are authorized to execute this Account Validation and Certification Form on behalf of the Subscriber listed above and that statements you have provided in this form are true and correct. Further, you agree to the terms and conditions set forth in this form and understand that you may periodically be required to re-certify information provided herein.

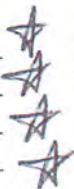
AUTHORIZED REPRESENTATIVE FOR CERTIFICATION

Printed Name _____

Title _____

Date _____

Signature X _____



All information is subject to verification and approval by West.

CLEAR

Surfside Police Dept

Clear with Web Analytics
Real-Time Incarceration & Arrest records (Photo line-ups)
CLEAR Alerts

Developed for: Sgt. Patrick McKenna

Jan 28th, 2014

Jon Liu

| Law Enforcement & Investigations Consultant | West – a Thomson Reuters Business | 4.11 |

Introduction

West, a Thomson Reuters business, has a long history of providing exceptional products and customer service to government customers. West is well known in the public and private sectors for the quality of our public record information, technologies, analytics, and customer service. Our online products are currently used by thousands of corporate customers and by all levels of government. Many of these customers are long-time customers who have continued to choose our products to serve their needs. We believe that our long-term customers are testimony not only to our products but also to the exemplary customer service that our West is known and recognized for.

West is committed to providing both the highest quality research tools in the most cost-effective and efficient manner and the training and support to assist your users in optimizing the benefits of those tools.

CLEAR Product Description

Data Highlights

▪ Real-time Gateways

CLEAR includes several live gateways that provide real-time access to data, helping to ensure that users can obtain the most up-to-date information available. CLEAR's real-time access includes gateways to credit header data, vehicle registration data, and phone data—including cell phones.

▪ Locator data

Live gateways, mentioned above, are valuable for obtaining the most current address available, but other types of data can be especially useful in this regard, too. Utility records can be particularly valuable for obtaining current addresses. The utility data is updated daily and is included in both the Person Search and the Phone Search. In addition to the utility data source, utility hookup records are also contained in the New Movers data set, updated monthly and available in the Person Search and Phone Search. Other data sets traditionally relied upon for helping to locate subjects include the credit header data and phone data, both of which include live gateways in CLEAR.

▪ Web Analytics

CLEAR offers the Web Analytics add-on option as a federated data source. This search feature provides access to both deep-Web and surface-Web content from one search interface. Web Analytics provides information in real time from its data sources:

The **Surface-Web** data returns search results similar to those that would be returned by traditional search engines. The surface Web, also known as the visible Web, is a portion of the World Wide Web that is indexed by conventional search engines such as Google™.

The **Deep-Web** data returns records and images typically not found using traditional search engines. Deep Web may contain up to one trillion pages of information, versus approximately 20 billion pages on the searchable surface Web.

Searching against the Web Analytics data sources can be done using the Person Search tab (by name, name/city/state, email address, or screen name), the Business Search tab (by business name), or the Phone Search (by ten-digit phone number).

Photos, email addresses, information from social networking sites, business networking sites, blog entries, and more, can be returned and categorized for easy review, potentially saving hours of research on individual sites. With one search, users can search both public records data sources and open source information available on the Internet.

The Web Analytics search results are grouped based on different categories, and these groups can be expanded and collapsed. Using the Filter Results panel, users can filter for those records that match a certain Category and/or Frequency. Through the filter window, CLEAR uses key words that occur across the entire set of search results to help identify the most relevant results. Keywords such as terrorist, felon, and fraud will display as Possible Red Flags.

CLEAR Search Types and Data Sources

The screenshot displays the CLEAR search interface. At the top, the CLEAR logo is on the left, and a navigation bar includes 'Search', 'My Results', 'My Workspace', 'Account Tools', 'Logout', 'Online Help', and 'Training'. Below this is a secondary navigation bar with tabs for 'Person', 'Business', 'Asset', 'Phone', 'License', 'Court', and 'Search All'. The main content area is divided into two panels: '1 Search Criteria' and '2 Data Sources'. The 'Search Criteria' panel contains various input fields: Last Name, First Name, Middle Initial, Date of Birth (with a 'mm/dd/yyyy' placeholder), SSN (with a '#####-##-####' placeholder), Address, City, County, Email, Screen Name, State/Terr (a dropdown menu), Zip Code, DPPA (a dropdown menu with '1' selected), and Reference (a text field with an asterisk). A 'Name Variations' button and a 'Begins with' checkbox are also present. The 'Data Sources' panel has a 'Run Search >>' button and lists 'Public Record People' and 'Web Analytics' with checkboxes. A footer at the bottom contains copyright information and technical support details.

- **Credit Headers**

Regularly updated files from two of the major credit bureaus—*Experian* and *TransUnion*—are included in CLEAR's Person Search. Each of these header files contains hundreds of millions of records, covering all 50 states and U.S. territories. These files are valued for typically providing identifying information such as Social Security number, date of birth, and aliases, as well as locator information, such as address and phone number.

Additionally, three data sets provide historical credit header data: *Address Compilation*, *Historical Credit Bureau*, and *Experian*. Coverage from these files is nationwide, with limited coverage of U.S. territories. These files are valuable for expanding on a subject's address history and for possibly divulging additional aliases.

- **Utility**

This data set contains information from more than 80 national and regional electric, cable, gas, and telephone companies. This coverage is nationwide and also includes records from Guam, Puerto Rico, and the U.S. Virgin Islands. This data is particularly valuable for obtaining current addresses that may not be found elsewhere but also contains historical records from up to 2.5 years of customer service information and, where available, up to four (4) years of unpaid/ closed account history.

- **Driver License**

Driver license information that is updated on a monthly basis is available from Michigan, Tennessee, and Wisconsin. Historical driver license information is available from 20 states. Driver license data is typically valued by users for its ability to provide identifier information such as date of birth, Social Security number, or driver's license number.

- **Death Filings**

Death filings contain tens of millions of records from the Social Security Administration (SSA) on deaths reported to the SSA. These files are updated weekly.

- **New Movers**

This data set comprises 12-15 million records regarding U.S.-consumer household data, compiled from a variety of sources, including utility data. Records are organized according to head of household with other household members named. Updates to this file occur monthly.

CLEAR Reports: Comprehensive Data and Flexible Design Options

Ordering a report on a subject provides a solid overview of the different types of information available on that subject.

- **Comprehensive Data—including Real-time Data**

Each report in CLEAR draws upon search logic that was specifically tailored for public records retrieval and facilitates records associated with a given subject being gathered from multiple data sources. For instance, a report ordered about an individual will include related data across the various search tabs, such as Person, Asset, Phone, License, and Court. The resulting report provides a thorough overview of the information related to a subject.

Of particular value is the inclusion of real-time gateways in the report compilation, in some cases, gateways that are not available when running a search. These gateways ensure that report data is the most current data available on a subject.

National Comprehensive Report

The National Comprehensive Report provides a comprehensive view of data relating to an individual and contains all of the types of information found in a Basic Report, including the real-time information from gateways, plus information from more extensive data sets, thereby providing a summary of assets, driver license information, professional licenses, et cetera, for a given subject.

The National Comprehensive Report can also be customized to include additional information regarding Relatives, Neighbors, and Associates.

Flat Rate Pricing: Individual Unlimited Access Passwords for **Surfside Police Dept**

This option provides Unlimited Access and Unlimited Reports for each licensed User. This is the best option for dedicated Investigators/analysts who will need to use CLEAR on a regular basis...

3-year plan – w/ Non-availability of Funds clause (In case of budget reductions)

Proposed Access – Clear Plus Web Analytics (Includes **Social Networking Searching)**

<i>Up to 3 users - CLEAR Plus Web Analytics</i>	\$338.40/month = \$112.80/user
<i>Up to 4 users - CLEAR Plus Web Analytics</i>	\$439.20/month = \$109.80/user
<i>Up to 5 users - CLEAR Plus Web Analytics</i>	\$463.40/month= \$92.68/user
<i>Up to 7 users - CLEAR Plus Web Analytics</i>	\$596.40/month = \$85.20/user

Recommended Add-ons

Alerts – (Provides notifications when new information is available)

<i>100 alerts (shared with all the users)</i>	<i>\$20/month</i>
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Real-Time Incarceration & Arrest Records – (Photos/booking information/Line-ups)

<i>1 users</i>	<i>\$95/month</i>
<i>2 users</i>	<i>\$170/month</i>

Important: If your office signs up by **March 12^h** your initial month of CLEAR would be free! With that in place, you wouldn't receive your first invoice for a full month of usage until **June 2014!**

Pricing is for the exclusive use of the
Surfside Police Dept and may not apply to any other Agency or Office.
All pricing subject to expiration 30 Days from date on cover

Training

We offer training to your users **at no charge** for the term of the contract.

Our account managers and specialists have an extensive history of successful training efforts. We offer customers various options to support your unique training requirements, including convenient Webex training, in-person sessions, and standard or customized training content.

As part of the training experience, we provide a full range of training materials, including user manuals, quick-start guides, and quick reference cards. CLEAR's online help feature provides informative documents regarding features, data, and functionality.

We provide a dedicated CLEAR Consultant to work with you and all your users. Your consultant will help facilitate:

- Unlimited training for your team during your subscription....
- Resolution of any issues...
- Adjusting users and passwords; training accordingly...
- Etc...

Client Support

CLEAR client support can be reached via e-mail (clear@thomsonreuters.com) or a toll-free number (877-242-1229). Technical support is available 24/7. Search assistance is available Monday through Friday, 7:00 am to 10:30 pm ET, and Saturday/Sunday, 8:00 am to 5:00 pm ET. Billing and account maintenance support is available Monday through Friday, 8:00 am to 4:30 pm ET.

Additionally, we provide a dedicated account manager to assist each customer with training and general support.

CLEAR Mobile—Access CLEAR from Wireless Devices

With CLEAR Mobile, the benefits of using CLEAR extend to wireless devices. CLEAR Mobile provides the same great data and search capability as in CLEAR for Person, Phone, and Vehicle searches. Entity resolution is engaged in returning results for these searches on CLEAR Mobile, so users see the streamlined Result Groups. National Comprehensive Reports (including with associates) can be ordered via CLEAR Mobile and are stored in My Results for later viewing from the desktop. Those Result Groups can also be saved to My Workspace folders, also for working with later from the

desktop. For addresses returned in CLEAR Mobile, customers can engage map views through the integration with Google Maps into Workspace.

Technical Requirements for CLEAR

- Computer with mouse and color display
- Internet access
- Microsoft Windows 2000, NT, or XP
- Microsoft Internet Explorer 6.0 or higher (7.0 and higher recommended)
- Monitor resolution setting of 1024 x 768

Confidentiality

Due to the competitive nature of this offer, Thomson Reuters requests that the terms and conditions presented herein are to remain confidential and must not be discussed with any third parties.

Government Accounts Only

Addendum to West Order Form for CLEAR Services Orders

Subscriber: Surfside Police Dept

Account #: _____

Date of Order Form: _____

1. **Effect of Addendum.** The underlying CLEAR Services Subscriber Agreement West Order Form – CLEAR Services and applicable Schedule A (collectively the "Subscriber Agreement"), between Subscriber and West is amended as specifically set forth herein to incorporate the terms of this Addendum. As amended, the Subscriber Agreement shall remain in full force and effect according to its terms and conditions. All terms used in this Addendum shall have the meanings attributed to them in the Subscriber Agreement. This Addendum supersedes any and all prior understandings and agreements, oral or written, relating to the subject matter. In the event there is a conflict between the terms and conditions of the Subscriber Agreement and the terms and conditions of this Addendum, the terms and conditions of this Addendum shall control.

2. **Modification of Order Form-Non Availability of Funds.** If Subscriber fails to receive sufficient appropriation of funds or authorization for the expenditure of sufficient funds to continue service under the Order Form, or if Subscriber receives a lawful order issued in or for any fiscal year during the Minimum Term or Renewal Term of the Order Form that reduces the funds appropriated or authorized in such amounts as to preclude making the payments set out therein, Subscriber may submit a written notice to West seeking cancellation of the service, the Subscriber Agreement and the Order Form, if permitted under applicable law. Subscriber shall provide West with notice not less than thirty (30) days prior to the date of cancellation, and shall include a written statement documenting the reason for cancellation, including the relevant statutory authority for cancelling, and an official document certifying the non-availability of funds (e.g., executive order, an officially printed budget or other official government communication). Upon West's receipt of a valid cancellation notice, Subscriber shall pay all charges incurred for any products and/or services received prior to the effective date of the cancellation.

West, a Thomson Reuters business

Subscriber

Signed: _____ 

Accepted by: _____

Name (please print): _____ 

Title: _____

Title: _____ 

Date: _____

Date: _____ 

WEST ORDER FORM - CLEAR® SERVICES

610 Opperman Drive, P.O. Box 64833
 St. Paul, MN 55164-1803
 Tel: 651/687-8000



THOMSON REUTERS™

Check West account status below as applicable:		Rep Name & Number <u>JON LIU 0095944</u>	
New <input type="checkbox"/> (NACI Form attached)		Existing with changes <input checked="" type="checkbox"/> Existing with changes <input type="checkbox"/> (Permanent name change must attach a Customer Name Change Form)	
Does Subscriber have an existing West account?			
<input checked="" type="checkbox"/> Yes If yes, please provide West account number		<u>1004648032</u>	
<input type="checkbox"/> No			
Acct #	<u>1004648032</u>	PO #	Date
Name/Subscriber	<u>Surfside Police Dept</u>		Bill To Acct # <u>1004648032</u>
Order Confirmation Contact Name	<u>Lt. Jay Matelis</u>		
E-Mail	<u>jmatelis@townofsurfsidefl.gov</u>		
CLEAR Contact Name (for delivery of Registration Keys. Individual users will also receive their Registration Keys if their e-mail addresses are provided) <u>Sgt. Patrick McKenna</u>			
E-Mail	<u>pmckenna@townofsurfsidefl.gov</u>	Telephone	<u>305-779-7596</u>
CLEAR Primary Account Contact Name (general business contact) <u>Sgt. Patrick McKenna</u>			
E-Mail	<u>pmckenna@townofsurfsidefl.gov</u>	Telephone	<u>305-779-7596</u>
Permanent Address Change	One-Time Ship To	Additional Ship To	Additional Bill To
Name	Attn:		
Address	Suite/Floor		
City	State	County	Zip

*** R E Q U I R E D ***

I F N E E D E D

CLEAR Products

Full Svc #	CLEAR Products	# of Users/Alerts/Seatsat Subscriber's Location	Monthly Banded/ Base Rate	Per User Rate	Other	Total Monthly Charges
41011056	CLEAR Plus Web Analytics	5				\$463.40
41343514	CLEAR Alerts (100)					\$20

Notes:

Total Monthly Charges \$ 483.40

Monthly charges ("Monthly Charges") are billed on the date West processes Subscriber's order and continue for a minimum of 12 complete calendar months ("Minimum Term"). If Subscriber elects a longer Minimum Term the Monthly Charges will be billed as set forth herein. In the event Subscriber is a corporation accessing CLEAR Services on its own behalf and on behalf of any government agency or entity, Subscriber must execute and submit to West separate agreements for each use case and be credentialed separately for each use case. Any additional users added to any existing Per User product licensed by Subscriber shall be tied to the Minimum Term of the underlying Order Form for such product(s).

- Subscriber's Initials for 24 Month CLEAR Minimum Term** Subscriber agrees to commit to a Minimum Term of 24 months and the Monthly Charges for the second 12 months not to increase by more than _____% over the Monthly Charges for the initial 12 months.
- Subscriber's Initials for 36 Month CLEAR Minimum Term** Subscriber agrees to commit to a Minimum Term of 36 months and the Monthly Charges for the second 12 months not to increase by more than 5 % over the Monthly Charges for the initial 12 months and Monthly Charges for the third 12 months not to increase by more than 5 % over the Monthly Charges for the second 12 months.

Non-Government Subscribers Only. Upon conclusion of the Minimum Term, the Subscriber Agreement (as defined herein) and this Order Form will automatically renew for consecutive 12-month periods ("Renewal Term"), and the Monthly Charges for the Renewal Term(s) will increase 7% per year unless either party gives written notice of cancellation to the other party at least 30 days in advance of any Renewal Term, including the first Renewal Term. Additionally, West may at its discretion provide Subscriber with notice at least 60 days in advance of any Renewal Term of a Monthly Charge increase different from 7% after which Subscriber shall have 30 days to provide West with written notice of cancellation if Subscriber does not wish to renew. Excluded Charges may be modified as set forth in the Subscriber Agreement. Subscriber is responsible for all Excluded Charges as incurred. During any Renewal Term, Subscriber's access to and use of CLEAR Services shall be governed by the Subscriber Agreement.

Government Subscribers Only. Upon conclusion of the Minimum Term, Monthly Charges are billed thereafter at up to then-current rates. Excluded Charges and Monthly Charges (after the Minimum Term) may be modified as set forth in the Subscriber Agreement (as defined herein). Subscriber is responsible for all Excluded Charges as incurred. After the Minimum Term, Subscriber's access to and use of CLEAR Services shall be governed by the Subscriber Agreement.

	CLEAR Batch Transactional	
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Full Svc #	CLEAR Batch Products	# of Users	Other

Notes:

Access to CLEAR Batch shall begin on the date West processes Subscriber's Order and shall continue for a minimum of 12 complete calendar months thereafter ("Minimum Term"). Subscriber may elect a longer Minimum Term by his/her initials below. Monthly Charges for Subscriber's access to and use of CLEAR Batch shall begin when Subscriber first accesses CLEAR Batch and are subject to change as set forth in the Subscriber Agreement. During the Minimum Term and thereafter (including any Renewal Term) Monthly Charges for CLEAR Batch shall be billed at then-current Schedule A rates and are subject to change as set for the in the Subscriber Agreement.

Non-Government Subscribers Only. Upon conclusion of the Minimum Term, the Subscriber Agreement and this Order Form will automatically renew for consecutive 12-month periods ("Renewal Term") unless either party gives written notice of cancellation to the other party at least 30 days in advance of any Renewal Term, including the first Renewal Term. During any Renewal Term, Subscriber's access to and use of CLEAR Services shall be governed by the Subscriber Agreement.

Government Subscribers Only. Upon conclusion of the Minimum Term, Subscriber's access to CLEAR Batch shall continue at up to then current rates until terminated by either party upon 30 days written notice to the other party.

_____ Subscriber's Initials for longer Minimum Term. Please check: 24 or 36 month Minimum Term.

Office Use Only
OF instruct: Enter a discount of 100% - in the Condition Group 1 field on Additional Data A tab.

	CLEAR Windows	
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Full Svc #	CLEAR Window Products	List	Other	Monthly Guarantee	# of Users	Monthly Window

Notes:

Monthly Charges are billed on the date West processes Subscriber's order and continue for 12 complete calendar months ("Minimum Term"). Subscriber may elect a longer Minimum Term by his/her initials below. Subscriber shall guarantee minimum Monthly Charges as set forth above ("Monthly Guarantee") regardless of Subscriber's actual usage. All CLEAR Charges shall be waived for Subscriber's actual usage in excess of the Monthly Guarantee through the window (the "Monthly Window") as set forth above. Subscriber shall pay all CLEAR Charges in excess of the Monthly Window as incurred, as well as all other applicable Monthly Charges. Monthly Charges may be modified as set forth in the Subscriber Agreement. Subscriber is responsible for all Excluded Charges as incurred. In the event Subscriber is a corporation accessing CLEAR Services on its own behalf and on behalf of any government agency or entity, Subscriber must execute and submit to West separate agreements for each use case and be credentialed separately for each use case. CLEAR Batch Window requests must be submitted at least five (5) business days prior to the end of a billing month in order to apply against the Monthly Guarantee or Monthly Window for such month.

_____ **Subscriber's Initials for 24 Month CLEAR Minimum Term** Subscriber agrees to commit to a Minimum Term of 24 months and the Monthly Guarantee for the second 12 months not to increase by more than _____% over the Monthly Guarantee for the initial 12 months.

_____ **Subscriber's Initials for 36 Month CLEAR Minimum Term** Subscriber agrees to commit to a Minimum Term of 36 months and the Monthly Guarantee for the second 12 months not to increase by more than _____% over the Monthly Guarantee for the initial 12 months and Monthly Guarantee for the third 12 months not to increase by more than _____% over the Monthly Guarantee for the second 12 months.

Non-Government Subscribers Only. Upon conclusion of the Minimum Term, the Subscriber Agreement and this Order Form will automatically renew for consecutive 12-month periods ("Renewal Term"), and the Monthly Guarantee for the Renewal Term(s) will increase 0% per year unless either party gives written notice of cancellation to the other party at least 30 days in advance of any Renewal Term, including the first Renewal Term. Additionally, West may at its discretion provide Subscriber with notice at least 60 days in advance of any Renewal Term of a Monthly Guarantee increase different from 0% after which Subscriber shall have 30 days to provide West with written notice of cancellation if Subscriber does not wish to renew. The Monthly Window shall remain unchanged. Excluded Charges may be modified as set forth in the Subscriber Agreement. Subscriber is responsible for all Excluded Charges as incurred. During any Renewal Term, Subscriber's access to and use of CLEAR Services shall be governed by the Subscriber Agreement.

Government Subscribers Only. Upon conclusion of the Minimum Term, the Monthly Charges will be billed thereafter at up to then-current rates, subject to the Monthly Guarantee. The Monthly Window shall remain unchanged. Excluded Charges and Monthly Guarantee (after the Minimum Term) may be modified as set forth in the Subscriber Agreement. Subscriber is responsible for all Excluded Charges as incurred. After the Minimum Term, Subscriber's access to and use of CLEAR Services shall be governed by the Subscriber Agreement.

Subscriber Certification Section

Required for all accounts that interact with, manage or house inmates or detainees.

Subscriber Certifications must be completed for every order, including renewals.

Subscriber by his/her initials below certifies and acknowledges understanding and acceptance of the security limits of CLEAR and Subscriber's responsibility for controlling product, Internet and network access:

____ **Subscriber's Initials.** Functionality of CLEAR cannot and does not limit access to non-West Internet sites. It is the responsibility of Subscriber to control access to the Internet. By his/her initials, Subscriber acknowledges its understanding and acceptance of the security limits of CLEAR and Subscriber's responsibility for controlling Internet access.

____ **Subscriber's Initials.** Subscriber certifies that it shall be responsible for controlling network access to the Internet or internal Subscriber sites. Subscriber agrees to provide its own firewall, proxy servers or other security technologies as well as desktop security to limit access to the CLEAR URL and West software. Subscriber must design, configure and implement its own security configuration.

____ **Subscriber's Initials.** Subscriber shall not use any Data, and shall not distribute any Data to a third party for use, in a manner contrary to or in violation of any applicable federal, state, or local law, rule or regulation or in any manner inconsistent with the Subscriber Agreement.

____ **Subscriber's Initials.** CLEAR will be accessed by Subscriber employees only for administrative or internal business purposes. All such access use will fully comply with the following restrictions:

- In no event shall anyone other than approved Subscriber employees be provided access to or control of any terminal with access to CLEAR or CLEAR data.
- Terminals with CLEAR access, access credentials, and CLEAR data will be in secured locations that do not provide inmate/detainee access.
- No access shall be outsourced or otherwise provided to third parties.
- Subscriber shall be solely responsible for ensuring that no sensitive information is made available beyond its stated permissible use.

IP Address Section

Only External IP Address(es) or Range(s) Must Be Provided

Valid External IP Addresses or IP Ranges belonging to your organization and meeting the following requirements must be provided for all CLEAR orders:

- IP Addresses assigned to jurisdictions outside the United States or West approved U.S. Territories are prohibited.
- IP Addresses will not be accepted from the following ranges which are reserved by the Internet Assigned Numbers Authority for special use or private networks: 10.0.0.0 - 10.255.255.255, 127.0.0.0- 127.255.255.255, 172.16.0.0 - 172.31.255.255, 192.168.0.0 - 192.168.255.255, 169.254.0.0 - 169.254.255.255.
- All IP addresses must be IPv4 addresses.

Permissible IP Address(es) will be those provided below as well as any previously provided IP Address(es) for this Subscriber

Subscriber's Internet Service Provider Name _____

Provide IP Address(es) or IP Address Range(s) below Additional page(s) may be attached if needed

Beginning IP Address _____ **Ending IP Address** _____

Beginning IP Address _____ **Ending IP Address** _____

CLEAR Subscribers may receive roaming access to CLEAR by default. Roaming access permits users outside Subscriber's designated IP Address/Range. West may, at its option, block roaming access.

Subscriber initials if Subscriber requests that roaming access be blocked.

If you do not know your company's external IP address(s), try the following:

1. Contact your network administration, firewall or security team
2. Contact your Internet Service Provider, ISP (i.e. Cable, DSL, Satellite, etc.)
3. Go to the following URL in your browser: <http://tools.whois.net/yourip/> or <http://www.whatismyip.com> to identify your external IP address (NOTE: If you have multiple IP addresses, this tool will only detect one IP address)

Technical Contact for CLEAR Products (if applicable) (Contact for IP Address Issues)

Name (please print) _____

Telephone _____

E-Mail _____

REQUIRED

IF APPLICABLE

CLEAR Users, My Account Administrator and Authorized QuickView+ User



Last Name	First Name	E-mail Address	Phone Number	IN	AD	AN	SV	TC

If there are additional CLEAR users additional page(s) must be submitted with the order

User Type Key	IN = Investigator AD = Administrator AN = Analyst	SV = Supervisor TC = Technical
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Subscriber shall authorize which user shall be named as the My Account Administrator. Access to My Account will allow CLEAR user management, general account information and granting access to other My Account users.

Authorized My Account Administrator for CLEAR

Last Name McKenna First Name Patrick E-Mail pmckenna@townofsurfsidefl.gov
(Required)

Subscriber shall authorize which CLEAR users(s) shall have access to QuickView+. Actual charges billed by West may vary from charges reported on QuickView+. Subscriber shall pay charges as billed. West does not warrant and has no liability with respect to accuracy of charges or other information on QuickView+.

Authorized CLEAR Password Holder for CLEAR QuickView+

Last Name McKenna First Name Patrick E-Mail pmckenna@townofsurfsidefl.gov

CLEAR Renewals

Subscriber Certification Section must also be completed for all Subscribers that interact with, manage, or house inmates or detainees.
*Current Monthly CLEAR Charges is/are rate(s) in effect as of the date of this Order Form and may not be the rate(s) in effect when rate(s) for the Renewal Term is/are calculated, depending on the length of the current Minimum Term or current Renewal Term.

Sub Matl #	CLEAR Products	Current Monthly Charges*
Notes		

____ Subscriber's Initials for 12 Month Renewal Term** Subscriber agrees to commit to an additional 12 months and the Monthly Charges for the such additional 12 months shall be _____% more than the current Monthly Charges in effect at the end of the current Minimum Term and/or current Renewal Terms.

____ Subscriber's Initials for 24 Month Renewal Term** Subscriber agrees to commit to an additional 24 months. The Monthly Charges for the first additional 12 months shall be _____% more than the Monthly Charges in effect at the end of the current Minimum Term and/or current Renewal Terms and the Monthly Charges for the second additional 12 months shall be _____% more than the Monthly Charges for the first additional 12 months.

____ Subscriber's Initials for 36 Month Renewal Term** Subscriber agrees to commit to an additional 36 months. The Monthly Charges for the first additional 12 months shall be _____% more than the Monthly Charges in effect at the end of the current Minimum Term and/or current Renewal Terms and the Monthly Charges for the second additional 12 months shall be _____% more than the Monthly Charges for the first additional 12 months. The Monthly Charges for the third additional 12 months shall be _____% more than the Monthly Charges for the second additional 12 months.

** Effective at the end of the Minimum Term or current Renewal Term.

Non-Government Subscribers Only. Upon conclusion of the Renewal Term designated above, the Subscriber Agreement and this Order Form will automatically renew for consecutive 12-month periods, and the Monthly Charges for the Renewal Term(s) will increase 7% per year unless either party gives written notice of cancellation to the other party at least 30 days in advance of any Renewal Term, including the first Renewal Term. Additionally, West may at its discretion provide Subscriber with notice at least 60 days in advance of any Renewal Term of a Monthly Charge increase different from 7% after which Subscriber shall have 30 days to provide West with written notice of cancellation if Subscriber does not wish to renew. Excluded Charges may be modified as set forth in the Subscriber Agreement (as defined herein). Subscriber is responsible for all Excluded Charges as incurred. During any Renewal Term, Subscriber's access to and use of CLEAR Services shall be governed by the Subscriber Agreement.

Government Subscribers Only. Upon conclusion of the Renewal Term designated above, Monthly Charges are billed thereafter at up to then-current rates. Excluded Charges and Monthly Charges (after the Renewal Term) may be modified as set forth in the Subscriber Agreement (as defined herein). Subscriber is responsible for all Excluded Charges as incurred. After the Renewal Term, Subscriber's access to and use of CLEAR Services shall be governed by the Subscriber Agreement.

CLEAR Window Renewals

Subscriber Certification Section must also be completed for all Subscribers that interact with, manage, or house inmates or detainees.
*Current Monthly Guarantee and the Monthly Window is/are rate(s) in effect as of the date of this Order Form and may not be the rate(s) in effect when rate(s) for the Renewal Term is/are calculated, depending on the length of the current Minimum Term or current Renewal Term.

Sub Matl #	CLEAR Products	Current Monthly Guarantee*
Notes		

_____**Subscriber's Initials for 12 Month Renewal Term**** Subscriber agrees to commit to an additional 12 months and the Monthly Guarantee for the such additional 12 months shall be _____% more than the current Monthly Guarantee in effect at the end of the current Minimum Term and/or current Renewal Terms.

_____**Subscriber's Initials for 24 Month Renewal Term**** Subscriber agrees to commit to an additional 24 months. The Monthly Guarantee for the first additional 12 months shall be _____% more than the Monthly Guarantee in effect at the end of the current Minimum Term and/or current Renewal Terms and the Monthly Guarantee for the second additional 12 months shall be _____% more than the Monthly Guarantee for the first additional 12 months.

_____**Subscriber's Initials for 36 Month Renewal Term**** Subscriber agrees to commit to an additional 36 months. The Monthly Guarantee for the first additional 12 months shall be _____% more than the Monthly Guarantee in effect at the end of the current Minimum Term and/or current Renewal Terms and the Monthly Guarantee for the second additional 12 months shall be _____% more than the Monthly Guarantee for the first additional 12 months. The Monthly Guarantee for the third additional 12 months shall be _____% more than the Monthly Guarantee for the second additional 12 months.

** Effective at the end of the Minimum Term or current Renewal Term.

Non-Government Subscribers Only. Upon conclusion of the Renewal Term designated above, the Subscriber Agreement and this Order Form will automatically renew for consecutive 12-month periods, and the Monthly Guarantee for the Renewal Term(s) will remain unchanged unless either party gives written notice of cancellation to the other party at least 30 days in advance of any Renewal Term, including the first Renewal Term. Additionally, West may at its discretion provide Subscriber with notice at least 60 days in advance of any Renewal Term of an increase in the Monthly Guarantee after which Subscriber shall have 30 days to provide West with written notice of cancellation if Subscriber does not wish to renew. The Monthly Window shall remain unchanged during the Renewal Term(s). Excluded Charges may be modified as set forth in the Subscriber Agreement (as defined herein). Subscriber is responsible for all Excluded Charges as incurred. During any Renewal Term, Subscriber's access to and use of CLEAR Services shall be governed by the Subscriber Agreement.

Government Subscribers Only. Upon conclusion of the Renewal Term, the Monthly Charges will be billed thereafter at up to then-current rates, subject to the Monthly Guarantee. The Monthly Window shall remain unchanged. Excluded Charges and Monthly Guarantee (after the Renewal Term) may be modified as set forth in the Subscriber Agreement (as defined herein). Subscriber is responsible for all Excluded Charges as incurred. After the Renewal Term, Subscriber's access to and use of CLEAR Services shall be governed by the Subscriber Agreement.

Passwords. Any passwords issued herein may only be used by the person to whom the password is issued and sharing of passwords is STRICTLY PROHIBITED.

General Provisions for Non-Government Subscribers Only. This Order Form is subject to approval by West Publishing Corporation, ("West") in St. Paul, Minnesota shall become effective upon verification by West of Subscriber's credentials and is governed by Minnesota law. The state and federal courts sitting in Minnesota will have exclusive jurisdiction over any claim arising from or related to this agreement. Applicable sales, use, personal property, value added tax (VAT) or equivalent, ad valorem and other taxes are payable by Subscriber. Subscriber may be charged interest for overdue installments and subscriptions and for other open account charges. If any, Monthly Charges or open account charges remain unpaid 30 days after becoming due, all amounts that are or would become due and payable for the remaining term of Subscriber's Subscriber Agreement shall become immediately due and payable at the sole option of West. Interest charged may be adjusted to the then-highest current rate allowable on Minnesota contracts. This Order Form is non-transferable. All collection fees, including but not limited to attorneys fees, are payable by Subscriber. West may request a current financial statement and/or obtain consumer credit report on the undersigned individual to determine creditworthiness. West will only request consumer credit information on the undersigned if the undersigned is applying for credit as an individual or if the undersigned's consumer credit information is necessary for West to consider granting credit to the aforementioned company. If Subscriber inquires whether a credit report was requested, West will provide information of such, if a report was received and the name, address and telephone number of the agency that supplied the report.

General Provisions for Government Subscribers Only. This Order Form is subject to approval by West in St. Paul, Minnesota, and is governed by the laws of Subscriber's state. The courts sitting in Subscriber's state will have exclusive jurisdiction over any claim arising from or related to this Agreement. If Subscriber is a U.S. Federal Government subscriber, this Order Form is governed by the laws of the United States of America. Applicable sales, use, personal property, value added tax (VAT) or equivalent, ad valorem and other taxes are payable by Subscriber. This Order Form is non-transferable.

Usage Cap. In the event Subscriber's actual charges during a month exceed by more than ten times the then-current Monthly Guarantee, West may limit access to live gateways for the remainder of the month.

Returns. CLEAR charges are non-refundable.

CLEAR Products to be Lapsed	
Full Svc #	CLEAR Products

The Research Subscriber Agreement (located at <http://legalsolutions.com/research-subscriber-agreement>), the applicable Schedule A price plan (located at <http://legalsolutions.com/schedule-a-clear>) is/are hereby incorporated by reference and made part of this Order Form. In the event there is a conflict between the terms and conditions of the Subscriber Agreement and Schedule and the terms and conditions of this Order Form, the terms and conditions of this Order Form shall control. Subscriber by his/her signature below, acknowledges his/her understanding and acceptance of the terms and conditions of the Subscriber Agreement and Schedule and this Order Form.

AUTHORIZED REPRESENTATIVE FOR ORDER FORM

Printed Name _____
 Title _____
 Date _____
 Signature X _____



For Credit Card Transactions only: Visa _____ Master Card _____ Am Ex _____
 Card # _____ Expir. Date _____ Total Amt. to Charge _____



CLEAR Bridge Amendment

AVAILABLE ONLY TO NEW CLEAR SUBSCRIBERS

Amendment to the Research Subscriber Agreement between Surfside Police Dept ("Subscriber") and West Publishing Corporation ("West") as follows:

1. **Effect of Amendment.** The underlying Research Subscriber Agreement, of even date herewith including all Schedules and Order Forms thereto ("Subscriber Agreement"), between Subscriber and West is amended as specifically set forth herein to incorporate the terms of this Amendment. As amended, the Subscriber Agreement shall remain in full force and effect according to its terms and conditions. All terms used in this Amendment shall have the meanings attributed to them in the Subscriber Agreement. This Amendment embodies the entire understanding between the parties with respect to the subject matter of this Amendment and supersedes any and all prior understandings and agreements, oral or written, relating to the subject matter. In the event there is a conflict between the terms and conditions of the Subscriber Agreement and the terms and conditions of this Amendment, the terms and conditions of this Amendment shall control.

2. **Term and Termination.** The Subscriber Agreement and this Amendment shall become effective upon approval and acceptance by West in St. Paul, Minnesota and shall continue in force and effect as set forth in paragraphs 3.1, 3.2 and 3.3 herein.

3. **Bridge**

3.1 From the effective date of this Amendment and continuing for a minimum of 1 complete calendar months thereafter ("Period 1"), Subscriber shall receive access, at the rates set forth below, to the CLEAR product(s) elected by Subscriber on the Order Form (excluding all charges associated with CLEAR Batch Processing). Access to and use of applicable CLEAR Excluded Charges, if any, shall be billed to Subscriber at then-current Schedule A rates.

3.2 From the end of Period 1 and continuing through the end of the Minimum Term (or Renewal Term) of 36 months, elected by Subscriber on the Order Form ("Period 2"). Subscriber shall receive access to the CLEAR product(s) elected by Subscriber on the Order Form and as set forth below, at the rates set forth therein. All access to and use of CLEAR Excluded Charges, shall be billed at the then-current Schedule A CLEAR rates.

3.3 The Minimum Term shall be extended by the length of Period 1.

3.4 All other terms and conditions of the Subscriber Agreement shall remain unchanged.

West Publishing Corporation

By: _____
To be signed by authorized home office personnel only

Title: _____

Date: _____

Subscriber



By: _____

Name (please print): _____

Title: _____

Date: _____

Subscriber's Address: 9293 Harding Ave
Surfside, FL 33154

Internal Office use only
Amendment = Period 1 ZPER
Bridge 3.1 = VTC Months
Order Form Monthly Charge = Adj Rnwl Base Value

Full Svc #	CLEAR Product(s)	# Users/ Alerts/Seats at Subscriber Location	Monthly Banded/ Base Rate	Per User Rate	Other	Total Monthly Charges
41011056	CLEAR Plus Web Analytics	5				\$0
41343514	CLEAR Alerts (100)					\$0



TOWN OF SURFSIDE

TOWN COMMISSION COMMUNICATION MEMORANDUM

From: Commissioner Joseph Graubart

Agenda Item # 4A1

Agenda Date: March 11, 2014

Subject: Ordinance Amending Chapter 54 Prohibited and Restricted Noises

Background: At the December 10, 2013 Town Commission meeting, the Town Commission discussed the on-going construction noise in the Town and recognized issues concerning the quality of life of the residents. In an effort to mitigate the identified issues, the Town Commission recommended revisions to the Code of Ordinances to control and restrict hours of prohibited noises during Period No. 2 (April 1 – November 30). At the January 14, 2014, Town Commission meeting, the Commission reviewed the proposed code change restricting hours during Period No. 2 and after much discussion determined and directed staff to revise the Code to prohibit and restrict noises for an annual period from to 6:00 p.m. to 8:30 a.m. At the February 11th 2014, Town Commission meeting, after discussion, the Commission in a friendly amendment directed staff to revise the Code to prohibit and restrict noises for an annual period from to 6:00 p.m. to 8:00 a.m. The attached Ordinance includes revisions to prohibit and restrict noises from Chapter 54. (See List of Federal Holiday as Attachment 'A'). Staff has updated Chapter 54 and deleted certain outdated and inconsistent sections of this Chapter.

Recommendation: The Town Commission adopt the proposed ordinance amending Chapter 54.

[Note: Staff was requested to contact the representatives of current projects regarding their position on voluntarily accepting the new construction hours. The attached memo from Building Official Ross Prieto indicates that three projects (Chateau, Marriott and Young Israel) will accept the new hours; one has said no (Grand Beach which will be completed in coming months); and one (Surf Club) not yet providing their response.]

ATTACHMENT A

U.S. OFFICE OF PERSONNEL MANAGEMENT

FEDERAL HOLIDAYS

New Year's Day

Birthday of Martin Luther King, Jr.

*Washington's Birthday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Christmas Day

* This holiday is designated as "Washington's Birthday" in section 6103(a) of title 5 of the United States Code, which is the law that specifies holidays for Federal employees. Though other institutions such as state and local governments and private businesses may use other names, it is our policy to always refer to holidays by the names designated in the law.

ORDINANCE NO. 14 - ____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “PROHIBITED NOISES”; SPECIFICALLY AMENDING SECTIONS 54-78 “PROHIBITED NOISES”, 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; AND DELETING SECTIONS 54-80 “SAME—WHEN CONSIDERED ENCLOSED”, 54-81 “SAME—DIVISION OF YEAR INTO PERIODS FOR PURPOSE OF CONTROL”, 54-82 “SAME—WHEN PROHIBITED”, AND 54-83 “SAME—PROHIBITED NEAR HOTELS AND APARTMENTS DURING PERIOD NO. 1”, BY REVISING THE HOURS FOR CONTROLLING PROHIBITED AND RESTRICTED NOISES; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town Commission recognized it is in the best interest of the quality of life of the citizens of the Town to prohibit and restrict certain classification of noises during Sundays and all Federal Holidays and to permit certain classifications of noises to 8:00 a.m. to 6:00 p.m. Monday through Saturday; and

WHEREAS, the Town Commission held its first public reading on February 11, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on March 11, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

Sec. 54-78. Prohibited noises.

The following noises and other noises of the same characteristics, intensity or annoyance shall be prohibited at all times and at all places within the town:

- (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street

or public place of the town except as a danger or safety warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

- (2) *Radios, phonographs, etc.* The use or operation of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person of normal hearing who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto or allowing such use or operation. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Loudspeakers, amplifiers for advertising, etc.* The use or operation of any radio, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, product, service, merchandise or political candidate, or allowing such use or operation.
- (4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (5) *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (6) ~~*Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper town authorities.~~
- (67) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom its factory installed muffler.
- (87) *Lawn mowers, hedge clippers, washing machines, etc.* The operation of either hand or motor-operated lawn mowers, hedge clippers, washing

machines and other mechanical devices, within or without a building, in such a manner as to be plainly audible at a distance of 50 feet from the premises where operated, shall be allowed only from ~~9:00~~ 8:00 a.m. to ~~5:30~~ 6:00 p.m. Monday through Saturday and shall be prohibited on Sundays and all Federal Holidays, ~~on each and every weekday from December 1 of one year to April 1 of the following year; from April 1 to December 1 of each year~~ and other mechanical equipment shall not be allowed at any time on Sundays, and all Federal Holidays. †The operation of such lawn mowers, hedge clippers, washing machines and other mechanical devices, within or without a building, in a manner to be plainly audible at a distance of 50 feet, shall be allowed only from ~~8:00~~ 8:00 a.m. until ~~8:00~~ 6:00 p.m. ~~on each and every weekday~~ Monday through Saturday and shall be prohibited on Sundays and all Federal Holidays. and The operation of the aforesaid lawn, household and other mechanical equipment shall not be allowed at any time on Sundays, and all Federal Holidays ~~Christmas, New Year's, or Thanksgiving~~; provided, however, under emergency conditions the town manager may, in his discretion, grant exceptions thereto.

- (98) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (109) *Loading, unloading and opening boxes, etc.* The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers on Sundays, and all Federal Holidays ~~Christmas, New Year's or Thanksgiving~~, or before 9:00 a.m. or after 5:30 p.m. ~~between December 1 of one year and before 8:00 a.m. and after 6:00 p.m. Monday through Saturday; and April 1 of the following year, or before 8:00 a.m. and after 8:00 p.m. between April 1 and December 1 of any one year~~; provided, however, that under emergency conditions the town manager may, in his discretion, grant exceptions thereto.
- (110) *Schools, courts, churches, hospitals, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys patients in the hospital; provided, conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court street.
- (121) *Hawkers, peddlers, etc.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (131) *Drums, etc.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

- (1413) *Firearms and fireworks.* The explosion of firecrackers, sky rockets, Roman candles, pin wheels or any other form of fireworks or the unnecessary shooting of any firearms.
- (15) ~~*Transportation of metal rails, pillars and columns.*~~ The transportation of rails, pillars or columns of iron, steel or other material, over and along the streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- (1614) ~~*Operation of public transportation buses*~~ *Transport of construction worker personnel.* The causing, permitting or continuing sShall not cause any excessive, unnecessary and avoidable noise and shall be permitted during the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday and prohibited on Sundays and all Federal Holidays.
- (17) ~~*Piledrivers, hammers, etc.*~~ The operation of any piledriver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, ~~except on written permission of the town manager prescribing the locality where and the hours during which such operation is permissible.~~
- (1815) *Blowers.* The operation of any noise-creating blower or power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (1916) *Air conditioning units.* ~~Self-contained, one-room air conditioning units, up to one-ton capacity attached to the outside walls or windows of buildings within the town, and operated for the comfort of the occupants of such buildings, shall not be deemed in violation of this article where proof is established that such units are maintained in good mechanical condition. It shall be unlawful for any person to operate or permit to be operated on any premises in all residential districts as defined in chapter 90 of this Code, or on any premises which adjoin any of such use districts, any air conditioning equipment or part thereof, or any other type of mechanical equipment or apparatus, between the hours of 10:00 p.m. and 8:00 a.m., if the sound pressure level emanating from such air conditioning unit, or other type of mechanical equipment or apparatus, Shall not exceeds 60 decibels, as measured on the A scale of a General Radio Company No. 1551-A sound level meter or American Standards Association equivalent, when such meter is located at a point on the property line nearest such air conditioning unit, mechanical equipment or apparatus, or a distance of 15 feet from such air conditioning unit, mechanical equipment, or apparatus, whichever is greater.~~
- (2017) *Vehicles over one-ton cargo capacity.* The operation of any commercial motor vehicle with more than one-ton carrying capacity, as rated by the manufacturer, shall be prohibited on any public street in or abutting the

~~RS-1 or RS-2 residential zoning districts within the town except between the hours of 8:00 a.m. and 9:00 p.m. except such vehicles shall be permitted during the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday and prohibited on Sundays and all Federal Holidays.~~

Sec. 54-79. Restricted noises—Classified; enumerated.

Noises, other than those enumerated in section 54-78, because of their nature and characteristics, shall be grouped and classified as follows for the purpose of control and restrictions: Such noises as described herein shall not be permitted on Sundays and all Federal Holidays and shall be prohibited between the hours of 6:00 p.m. to 8:00 a.m. Monday through Saturday.

- (1) *Group A.* Steam-, gasoline- or oil-operated cranes, piledrivers, excavators, dredges, ditchers and all other similar machinery; one-cylinder steam or internal combustion engines (horizontal or vertical); air compressors and pneumatic riveting machines, jack hammers, drills and other similar air equipment; power band and circular saws working in the open; hand hammers on steel or iron (structural, rivets or otherwise); and all other noises of similar intensity or annoyance.
- (2) *Group B.* Stationary or portable concrete mixers (engines multicylindered and properly muffled); power band and circular saws, sanders, planers, grinding machines, drills, bar benders and cutters and similar machinery when enclosed; hand operations in connection with plumbing, electrical, roofing and framing work in the open.
- (3) *Group C.* Transit concrete mixers (engines multicylindered and properly muffled) operated to cause the least possible noise; hand operations in connection with plumbing, electrical, roofing and framing work when enclosed; hand loading and unloading and the hauling of building materials and other similar heavy trucking; masonry work and the hand mixing of mortar; plastering and the hand mixing of plaster; painting; glazing; landscaping and all other noises of similar intensity or annoyances.

~~**Sec. 54-80. Same—When considered enclosed.**~~

~~Group A, B, and C noises classified in section 54-79 shall be considered enclosed when they originate within the exterior walls of a building.~~

~~**Sec. 54-81. Same—Division of year into periods for purpose of control.**~~

~~For the purpose of controlling restricted noises as specified in sections 54-79 and 54-80 the year shall be divided into periods as follows:~~

- ~~(1) *Period no. 1.* Period no. 1 shall begin with and include December 1 and shall include and end with March 31, such period being the months of greatest population, and shall be most restricted.~~

(2) ~~Period no. 2.~~ Period no. 2 shall begin with and include April 1 and shall include and end with November 30, such period being the months of least population, and shall be least restricted.

Sec. 54-82. Same — When prohibited.

The restricted noises set forth in section 54-79 are hereby prohibited at any location and at any hour on Sundays, Christmas, New Year's, Thanksgiving, Labor Day and the Fourth of July; provided, however, under emergency conditions the town manager may, in his discretion, grant exceptions thereto. The hours on weekdays during which such restricted noises of the various classifications, regardless of location, are prohibited are as follows:

		Group A	Group B	Group C
(1)	During period no. 1	from 5:30 p.m.	5:30 p.m.	5:30 p.m.
		— to 9:00 a.m.	9:00 a.m.	9:00 a.m.
(2)	During period no. 2	from 8:00 p.m.	8:00 p.m.	8:00 p.m.
		— to 8:00 a.m.	8:00 a.m.	8:00 a.m.

Sec. 54-83. Same — Prohibited near hotels and apartments during period no. 1.

The restricted noises included in Group A and B, as set forth in section 54-79, are hereby prohibited within 50 feet of the nearest point of any building occupied as a hotel or apartment at all hours during the period of time referred to and described in section 54-81 as period no. 1.

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

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

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

Section 6. Effective Date. This ordinance shall become effective in ten (10) days after second reading.

PASSED and ADOPTED on First Reading the _____ day of _____, 2014.

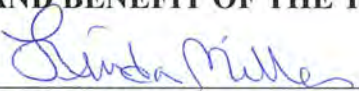
PASSED and ADOPTED on Second Reading this _____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller
Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner 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	_____



Town of Surfside Building Department Communication


Date: March 5, 2014

Subject: Noise Ordinance Adoption

Background: As previously requested by the Town Council of staff to look into a new noise ordinance for hours of construction operation in an attempt to alleviate quality of life issues of Town residents caused by construction fatigue. Staff researched neighboring communities' hours of operation and presented the Town Council with a resolution addressing the request. The resulting resolution yielded a noise ordinance that would essentially allow construction operations from 8:00 am through 6:00 pm, Monday through Saturday all year excluding Sundays and holidays as specifically delineated in the Code of Ordinances.

Analysis: Staff has advised all development and construction companies presently operating in the Town of Surfside of the Noise Ordinance from inception and said companies were made aware of the eventual changes. In an effort to bring all operations under the Noise Ordinance staff once again contacted all operations and requested voluntary adoption of the Ordinance. As of this date we have been able secure letters agreeing to the new hours from three of the five projects presently constructing in the Town, specifically the Chateau, Marriott and Young Israel, one rejection by Grand Beach and one project is pending an answer (The Surf Club).

Recommendation: Further outreach is not necessary as the Grand Beach will be complete in coming months.




Building Official


Date



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

TO: Town Commission

FROM: Linda Miller, Town Attorney 

COPY: Michael P. Crotty, Town Manager

DATE: March 11, 2014

SUBJECT: Planning and Zoning Board Membership

Background:

In January 2013, the Town Commission approved Ordinance 13-1598 dissolving the Design Review Board (hereinafter "DRB") and merging its function with the Planning and Zoning Board (hereinafter "P&Z Board"). The code change resulted in the P&Z Board now consisting of five members and an unintended consequence of the resignation of the sitting architect for the DRB due to a conflict that resulted from the change.

Per the current ordinance, one of the Board members must be a Florida-licensed architect and at a minimum another, one member, must be a Florida-licensed general contractor, certified planner (AICP), Florida-licensed landscape architect, registered interior designer, or Florida-licensed attorney. However, there is no longer a Florida-licensed architect serving on the P&Z Board, and no licensed landscape architect or certified planner, and therefore, no review of applications submitted for approval have been reviewed and voted upon by architects and design professionals.

The Miami-Dade Commission on Ethics and Public Trust (Ethics Commission) opined that, pursuant to Miami-Dade County Code Section 2-11.1(m)(2), an architect serving on a board whose sole function is to pass on aesthetics of plans submitted is permitted to make presentations to the board on behalf of a private client so long as the architect member abstains from voting and is absent from any discussion. The Ethics Commission explained that this ability of such an architect member to sit on the DRB if he recused himself from voting does not apply to the P&Z Board, as the P&Z Board does not serve for the sole function of passing on the aesthetics of plans. Additionally, it does not matter whether the architect is a voting or non-voting member of the P&Z Board as to whether he can serve on the Board while also representing clients before the Board.

At the January 14, 2014, Town Commission meeting the Town Commission directed staff to reinstitute the DRB. The attached proposed Ordinance reinstates the DRB, to be composed of the five P&Z Board members and two additional members, at least one of the two DRB members shall be a Florida-licensed architect or Florida-licensed landscape architect. The second DRB member shall be a Florida-licensed architect or a Florida-licensed general contractor or a certified planner (AICP) or a Florida-licensed landscape architect, or a Registered Interior Designer, or a Florida Licensed attorney. The proposed Ordinance also allows for an appeal process of any DRB decision to the Town Commission.

At the February 11, 2014, the Town Commission passed on first reading the attached Ordinance amending Chapter 90 "Zoning" specifically amending Sections 90-15 "Membership/Quorum, Minimum Qualifications, Officers, Terms of Officers, Vacancies, General Regulations, Recommendations, Expenditures, Indebtedness", 90-16 "Meetings: Board Year; Timeframe; Location", 90-17 "Powers And Duties", 90-18 "Design Review Board", 90-19 "Single-Family and Two-Family Development Review Process", 90-20 "Development Review Requirements For Submittals Other Than Single-Family And Two-Family", 90-23 "Conditional Uses", And 90-70 "Sign Permits", establishing The Design Review Board and Responsibilities Of Such Board; Changing Membership Requirements of The Planning And Zoning Board and allowing for an appeal of Design Review Board Decisions.

On February 27, 2014 the Planning and Zoning Board recommended approval of the proposed amendments to the ordinance.

Recommendation: The Town Commission adopt the proposed Ordinance amending Chapter 90.

ORDINANCE NO. ____ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" SPECIFICALLY AMENDING SECTIONS 90-15 "MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS", 90-16 "MEETINGS: BOARD YEAR; TIMEFRAME; LOCATION", 90-17 "POWERS AND DUTIES", 90-18 "DESIGN REVIEW BOARD", 90-19 "SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS", 90-20 "DEVELOPMENT REVIEW REQUIREMENTS FOR SUBMITTALS OTHER THAN SINGLE-FAMILY AND TWO-FAMILY", 90-23 "CONDITIONAL USES", AND 90-70 "SIGN PERMITS", ESTABLISHING THE DESIGN REVIEW BOARD AND RESPONSIBILITIES OF SUCH BOARD; CHANGING MEMBERSHIP REQUIREMENTS OF THE PLANNING AND ZONING BOARD; ALLOWING FOR AN APPEAL OF DESIGN REVIEW BOARD DECISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Ordinance 2013-1598, the Town merged the responsibilities of the Design Review Board (DRB) as then existed under Ordinance 10-1558 into the existing functions of the Planning and Zoning Board (PZB); and

WHEREAS, the merger created unforeseen issues, including difficulties in finding Florida licensed architects and other design professionals to serve on the PZB; and

WHEREAS, in order to effectuate this legislative intent, it is necessary to amend Chapter 90 of Town Code of Ordinances to reinstate the DRB and its responsibilities in a more streamlined manner; and

WHEREAS, in reviewing the current procedure the Town recognizes it is in the best interest of the citizens to allow for an appeal of any DRB decision to the Town Commission; and

WHEREAS, the Town Commission after due notice conducted a first reading and public hearing on the proposed amendments on February 11, 2014; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, after due notice conducted a public hearing on the proposed amendments on February 27, 2014; and

WHEREAS, the Town Commission after due notice conducted a second reading and a public hearing on the proposed amendments on March 11, 2014, considered the recommendation of the Planning and Zoning Board; and

WHEREAS, the Town Commission finds that the proposed amendments to the Code are necessary and in the best interests of 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. **Zoning.** Chapter 90 “Zoning” of the Town Code is hereby amended to read as follows:

Sec. 90-15. - Membership/quorum, minimum qualifications, officers, terms of officers, vacancies, general regulations, recommendations, expenditures, indebtedness.

- (1) *Membership/quorum:* The planning and zoning board membership and quorum requirements for zoning matters and design review matters are as follows:
 - (a) *Zoning matters:* The planning and zoning board, when performing its zoning functions, shall consist of five members, two members, must be ~~or~~ a Florida-licensed general contractor or certified planner (AICP) or a Florida-licensed landscape architect, or a Registered Interior Designer, or a Florida Licensed attorney. Each commissioner shall be entitled to one board appointment, not subject to majority approval. Three members present at the planning and zoning board meetings shall constitute a quorum.
 - (b) *All board matters:* One town commissioner shall be a liaison, non-voting representative without a vote at all planning and zoning board meetings.
- (2) *Minimum board member qualifications:* All board members must have been a town resident for a minimum period of one year, except for the licensed architects, including the Florida-licensed landscape architect, if applicable, who must have been a town residents for a minimum period of six months. The Florida-licensed architects must have a minimum of five years of practical experience in the field of landscape design. To the extent that no licensed architect (whether for service on the planning and zoning board or design review board only as more specifically described in section 90-18 hereinbelow) who is also a town resident can be identified and is willing to serve at the time of appointment to either board, then the commission may select a non-resident architect who otherwise fulfills the requirements of this section, provided that appointment shall be ratified by a majority of the board of commissioners. To the extent an architect (resident or non-resident) cannot be located within three (3) months of the vacancy, this requirement may after a majority vote of the Commission become null and void until such

time this board member vacates the position before his/her term expires or a full new board is appointed whichever comes first.

- (3) *Officers:* The board shall elect one of its members as chairman and one of its members as vice-chairman, at its first regular meeting in April of each year. In the event of the resignation, removal, or inability of the chairman to serve, the vice-chairman shall succeed to the chairman position for the unexpired term; and the board shall, thereupon, elect one of its members as vice-chairman for the unexpired term. The chairman shall preside at all meetings. In the chairman's absence, the vice-chairman shall preside. The chairman shall submit all board reports and recommendations to the town commission, by and through the chairman, vice-chairman or the town commission liaison member. The town shall provide a secretary for the board and the town clerk shall be custodian of all records, books and journals of the board.
- (4) *Board member term(s):* The term of each board member appointment shall begin on the last Thursday of April of the year in which the board member is appointed and end when a successor board member is appointed or on the last Thursday in April, whichever dates comes first. The term of any board member filling a vacancy created on the board as provided in paragraph (5) shall begin at the time of the board members appointment and end the last Thursday in April or whenever a replacement is appointed.
- (5) *Vacancies:* A vacancy shall exist: (1) on the date that any member ceases to possess the minimum required membership qualifications provided herein; (2) when a board member has been absent from three consecutive regularly convened board meetings or has been absent from five regularly convened board meetings within a board year, or (3) if the appointing Commissioner resigns or his position otherwise becomes vacant during his/her term. Vacancies on the board shall be filled by appointment for the unexpired term in the same manner as original appointments are made provided however, if the seat shall remain vacant longer than a three (3) month period for any reason, the Town Commission collectively by majority appoint a temporary member until such Commission position is filled in accordance with the Town Charter and Code.
- (6) ~~*Transition Provision:* Inasmuch as the enactment of this Ordinance will occur mid-term, and the P & Z Board as currently composed contains no architect, any architect currently serving on the DRB at the time of enactment, shall continue to serve in an ex officio capacity with the P & Z Board as a nonvoting member and that the comments of that ex officio member will be considered and accorded equal weight with those who vote. Upon the expiration of the term of the current P & Z Board, this provision shall become null and void.~~

Sec. 90-16. - Meetings: board year; timeframe; order of presentation; location.

- (1) *Board year:* The board year shall commence on the last Thursday of April in each year.
- (2) *Meetings on zoning matters/timeframe:* Regular board meetings for zoning matters shall be held on the last Thursday of each month. The chair may call special meetings and may cancel or continue meetings as may be necessary.
- (3) *Meetings on design review matters/timeframe:* The board shall meet as needed on design review matters. The chairman may call special meetings and may cancel or continue meetings as may be necessary.
- (4) *Order of presentation for zoning matters and design review matters:* In order to avoid unnecessary project costs and delays, the board shall address and finalize each project zoning matter prior to initiating each project design review, to the extent applicable.

(3)(5) *Location of all board meetings:* All board meetings shall be held in the Town Hall or Community Center.

Sec. 90-17. - Powers and duties.

- (1) *Zoning matters:* The planning and zoning board shall act as an advisory board to the town commission on zoning matters and design review matters. The boards' powers and duties are as follows:
 - (a) To perform its responsibilities as the local planning agency pursuant to local and state government comprehensive planning and land development regulations (F.S. Ch. 163);
 - (b) To review and make recommendations to the town manager and the town commission regarding the adopting and amendment of the official zoning map; the land development regulations amendments; zoning district boundary changes; and comprehensive plan amendments;
 - (c) To review and make recommendations to the town commission, on applications pertaining to site plans (if applicable) zoning changes, special use permits, conditional use variances vested rights and any other zoning applications;
 - (d) To conduct such studies and investigations required under the Town Code and/or requested by the town commission and as needed from time to time to sit in a joint session with the Town Commission as requested by the Town Commission; and
 - (e) The planning and zoning board shall have such other duties pertaining to zoning matters as prescribed by law, this section and the Town Code.
- (2) *Design review:* The planning and zoning board shall conduct a design review for all structures to be constructed and renovated within town limits on the terms outlined.
- (3) *FEMA review:* The planning and zoning board when constituted as a design review board-as set forth in section 90-18 herein below, shall act as the variance and appeals board pursuant Chapter 42, "Floods," Division 6, Variance Procedures, sections 42-111 through 42-117.

Sec. 90-18. - Design review board.

The Planning and Zoning Board, when performing its design review and FEMA variance and appeals board functions shall be constituted as the design review board and shall have seven members. The seven members shall include the five members appointed by the Town Commission for the Planning and Zoning Board and two additional members, at least one of the design review board members shall be a Florida-licensed architect or Florida-licensed landscape architect. The second design review board member shall be a Florida-licensed architect or a Florida-licensed general contractor or a certified planner (AICP) or a Florida-licensed landscape architect, or a Registered Interior Designer, or a Florida Licensed attorney. Both of these members shall be appointed by a majority of the Town Commission. Four members present at the Planning and Zoning Board Design Review meetings shall constitute a quorum and at least one of the four members shall be a design review board member. The design review process is set forth as follows:

- (1) *Purpose.* This section is intended to promote excellence in architectural and urban design; preservation of the town's historic and architectural and neighborhood character; and desirable urban growth and development. To implement this goal, the Design Review Board is hereby created to review and make advisory recommendations to the Planning and Zoning Board will make recommendations as to whether the design of new developments and/or

improvements within the Town are consistent with and in conformance with the design guidelines set forth in the Town Code. The design guidelines are attached thereto as Exhibit A [at the end of this chapter] provided that the Town Commission may amend said guidelines from time to time via resolution. The guidelines as amended, shall govern and be applied as fully set forth herein.

(2) *Design review procedure:*

(a) All applications for new developments or improvements that are subject to the town's adopted design guidelines shall be referred to the board for review and consideration.

(b) The board shall review each application whether for development of single-family, multifamily, commercial or other districts for conformity with the town's adopted design guidelines and recommend the application to the planning and zoning board for approval, approval with conditions, or disapproval of the application.~~approve, approve with conditions, or deny the application.~~ With regard to the design review process, no applicant shall be required to appear before the design review~~planning and zoning~~ board more than twice per application.

(c) Meetings held by the board for review and recommendations of applications shall be arranged to permit participation by the person or group making the application or request and representatives of such person or group, if desired. Architectural plans and drawings of the building facades, lists of finish materials and other information necessary to provide adequate insight into the proposed development/improvement shall be provided to the board by the person or group making the proposal or request.

(d) For design review applications that are not otherwise heard by the Planning and Zoning Board, appeal of any Design Review Board decision may be taken by an interested party to the Town Commission within thirty (30) days of the hearing at which the Design Review Board makes its final decision, by the filing of a notice of the appeal with the Town Commission. The appeal shall be heard as a quasi-judicial matter.

(3) Design review application fees are set forth in the Town designated fee schedule.

(4) All meetings of the Design Review Board shall be publicly noticed.

Sec. 90-19. - Single-family and two-family development review process.

90-19.5 Design guidelines. The town has adopted design guidelines intended to provide direction and suggestions for all development. The purpose of the design review~~planning and zoning~~ board is to interpret those guidelines and provide guidance to the applicants as to how the design should be revised to more closely approximate or reflect the town's adopted guidelines. The applicant shall then incorporate those suggestions prior to proceeding to building permit.

90-19.6 Single-family and two-family development shall be reviewed by the design review~~planning and zoning~~ board.

90-19.7 The following shall be exempt from ~~design review~~ planning and zoning board review; however, the design guidelines shall be followed:

(1) Interior or rear yard fences.

- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs

90-19.8 The following are required for submittal to the ~~planning and zoning board~~ for design review board:

90-19.9 Effective period of ~~planning and zoning board~~ design review board approval.

An approval from the design review ~~planning and zoning~~ board shall be effective until the development is completed except that if, after 24 months from the date of the approval by the design review ~~planning and zoning~~ board a building permit for a principal building has not been issued and remains in effect, the approval shall be null and void.

Sec. 90-20. - Development review requirements for submittals other than single-family and two-family.

(1) Generally. Review and approval of a site plan by staff reviewing agencies, the design review board, and the development impact committee, the planning and zoning board, and the town commission is required prior to any development of land in the town.

(2) Process. Submit plans (sets to be determined by town staff as appropriately needed), which are distributed to the staff members of the development review group (DRG).

(a) The DRG member shall review the site plan and prepare comments. The comments shall be forwarded to the town manager or designee. The comments shall be addressed by the applicant, if applicable. The town manager or designee shall hold a development review group meeting with appropriate town staff and the applicant to discuss the comments.

(b) After the revisions and upon review of the final site plan by the DRG members, the site plan will be scheduled for the next available town design review board and planning and zoning board meetings. If possible, the planning and zoning board meeting and the design review board meeting should be held on the same date. The materials required under subsection 90-19.8 should not be duplicated for both the planning and zoning board meeting and design review board meeting. They shall be considered one submittal package.

(3) Submittal requirements for DRG, ~~and the~~ planning and zoning board and design review board are provided below.

90-20.2 Exempt development. Notwithstanding any other provision of this chapter, the following activities shall not require site plan approval, however, may require ~~planning and zoning~~ design review board approval:

- (1) The deposit and contouring of fill on land.

- (2) Construction of a single-family home on an existing single-family lot.
- (3) Construction of a single duplex on an existing single lot.

Sec. 90-23. - Conditional uses.

90-23.2 Standards of review. In addition to the standards set forth in this zoning code for the particular use, all proposed conditional uses shall meet each of the following standards:

- (1) The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code;
- (2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare;
- (3) The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.
- (4) Adequate provisions shall be included for parking and safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;
- (5) Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and
- (6) The establishment of the conditional use shall not impede the development of surrounding properties for uses permitted in the zoning district; and
- (7) Any other condition imposed by the Design Review Planning and Zoning Board and/or the Development Impact Committee.

Sec. 90-70. - Sign permits.

- (c) *Permit review.* Unless otherwise exempt, the design review ~~planning and zoning~~ board shall review the sign to determine if the proposed sign is in compliance with the design review criteria.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Mayor and Town Commission of the Town of Surfside, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective ten (10) days after second reading.

PASSED and ADOPTED on First Reading the ____ day of _____, 2014.

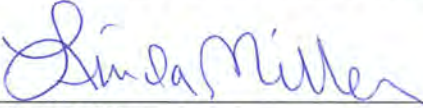
PASSED and ADOPTED on Second Reading this ____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller
Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

VOTE ON ADOPTION:

Commissioner Michelle Kligman	yes	_____	no	_____
Commissioner Marty Olchyk	yes	_____	no	_____
Commissioner Joseph Graubart	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



Town of Surfside Commission Communication

Agenda # 4A3
Agenda Date: February 11, 2014
Subject: Electric Vehicle Car Charging Stations
From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the September 30, 2013 Town Commission and Planning and Zoning Board Joint meeting, there was a discussion regarding modification to the code relating to electric vehicle car charging stations (charging station). Surfside is leading the way for green policies by installing a charging station within a municipal lot. However, the Town Code does not address charging stations relating to the type, level and specification of the charging station. There are three levels. Level 1 is a low voltage level of charging that is typical for single family charging stations due to the length of time it may take for charging. While Level 2 and 3 are higher voltage, resulting in quicker vehicle charging. These two levels are more appropriate than Level 1 in a shared parking environment, such as a public lot or multifamily/hotel garage. The Town's charging station is a Level 2 station.

Analysis: The proposed ordinance text addresses the locations for each level of charging station and permits charging stations in all zoning categories in Town. The ordinance also proposes easy access to 220 volts within parking structures in multi-family and hotel development projects. Below is the proposed text:

Sec. 90.2. Definitions

Electric Vehicle Charging Level: The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged which include the following specifications:

- (1) Level 1 requires a 15 or 20-amp breaker on a 120-volt AC circuit and standard outlet;
- (2) Level 2 requires 40 to 100-amp breaker on a 240-volt AC circuit; or
- (3) Level 3 requires a 60-amp or higher dedicated breaker on a 480-volt or higher three- phase circuit with special grounding equipment. A Level 3 charging shall use an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

Electric Vehicle Charging Station: A parking space that is served by Battery Charging Station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy source device in an electric vehicle.

Sec. 90-41. Regulated uses.

Accessory uses	H30A	H30B	H30C	H40	H120	SD-B40
<u>Electric Vehicle Charging Station</u>	<u>P(26)</u>	<u>P(26)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(28)</u>
Uses	Municipal		Community Facilities			
<u>Electric Vehicle Charging Station</u>	<u>P (28)</u>		<u>(P28)</u>			

(26) Electric Vehicle Charging Stations shall be limited to personal use and shall not be used for purposes of wholesale or retail sales. All components of the Electric Vehicle Charging Station shall be completely concealed from view, located inside the residential garage. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(27) Electric Vehicle Charging Stations shall contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(28) Electric Vehicle Charging Stations shall be limited to Electric Vehicle Charging Level 2 or Level 3 Electric Vehicle Charging Stations only and contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall include the following: (a) voltage and amperage levels; (b) usage fees, if any; (c) safety information; and (d) contact information to report issues relating to the operation of the equipment. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

Sec. 90-77. Off-street parking requirements

(h) Electric Vehicle Charging Capability.

All new multifamily or hotel development shall provide access to 220 volt capability throughout the garage to offer charging opportunities to residents and guests as needed.

90-71.2—H30C, H40, MU and H120 districts.

A sign shall be posted at the Electric Vehicle Charging Station stating "Electric Vehicle Charging Station." Signs shall be no greater than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (Electric Vehicle charging).

Staff Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; SECTION 90-41 “REGULATED USES”; SECTION 90-71.2 “H30C, H40, MU AND H120 DISTRICTS”; AND SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS”; TO ALLOW FOR THE INSTALLATION OF ELECTRIC VEHICLE CAR CHARGING STATIONS; 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”) supports green policies; and

WHEREAS, the Town Commission and Planning and Zoning Board held its joint meeting on September 30, 2013 and discussed and recommended installation of an electric vehicle car charging station within a municipal lot; and

WHEREAS, the Town Code does not address an electric vehicle car charging station relating to the type, level and specification of the charging station; and

WHEREAS, there are three levels of electric vehicle car charging stations; and

WHEREAS, Level 1 is a low voltage level of charging that is typical for single family charging stations due to the length of time it may take for charging; and

WHEREAS, Level 2 and 3 are higher voltage, resulting in quicker vehicle charging; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has recommended that the Town’s electric vehicle charging stations should be limited to Electric Vehicle Charging Level 2 or Level 3 only; and

WHEREAS, the Town Commission held its first public reading on February 11, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board at the public hearing on February 27, 2014 recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on this proposed ordinance as required by law on March 11, 2014.

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. 90.2. Definitions.

* * *

Electric Vehicle Charging Level: The standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged which include the following specifications:

- (1) Level 1 requires a 15 or 20-amp breaker on a 120-volt AC circuit and standard outlet;
- (2) Level 2 requires 40 to 100-amp breaker on a 240-volt AC circuit; or
- (3) Level 3 requires a 60-amp or higher dedicated breaker on a 480-volt and higher three- phase circuit with special grounding equipment. A Level 3 charging shall use an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

Electric Vehicle Charging Station: A parking space that is served by electric vehicle charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy source device in an electric vehicle.

* * *

Sec. 90-41. Regulated uses.

Accessory uses	H30A	H30B	H30C	H40	H120	SD-B40
<u>Electric Vehicle Charging Station</u>	<u>P(26)</u>	<u>P(26)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(28)</u>
Uses	Municipal		Community Facilities			
<u>Electric Vehicle Charging Station</u>	<u>P (28)</u>		<u>(P28)</u>			

(26) Electric Vehicle Charging Stations shall be limited to personal use and shall not be used for purposes of wholesale or retail sales. All components of the Electric Vehicle Charging Station shall be completely concealed from view.

located inside the residential garage. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(27) Electric Vehicle Charging Stations shall contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(28) Electric Vehicle Charging Stations shall be limited to Electric Vehicle Charging Level 2 or Level 3 Electric Vehicle Charging Stations only and contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall include the following: (a) voltage and amperage levels; (b) usage fees, if any; (c) safety information; and (d) contact information to report issues relating to the operation of the equipment. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

* * *

90-71.2—H30C, H40, MU and H120 districts.

A sign shall be posted at the Electric Vehicle Charging Station stating “Electric Vehicle Charging Station.” Signs shall be no greater than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (Electric Vehicle charging).

* * *

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

(h) Electric Vehicle Charging Capability.

All new multifamily or hotel development shall provide access to 220 volt capability throughout the garage to offer charging opportunities to residents and guests as needed.

* * *

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 _____, 2014.

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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: _____

On Final 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 # 4A4

Agenda Date: February 11, 2014

Subject: Amendments to the Chapter 70 Article IV "Resort Tax" Ordinance.

Background: Surfside is one of only three municipalities in Miami-Dade County eligible by Florida State Law Chapter 67-930 Municipal Resort Tax (Attachment 1) to impose a Resort Tax of four percent (4%) on accommodations and two percent (2%) on food and beverage sales. Miami Beach and Bal Harbour are the other two municipalities allowed to exercise the tax. This unique revenue generating opportunity is also defined in the Town's Charter in Sec. 69-A. Resort Tax (Attachment 2) and comes with set guidelines on its use and management.

The Town addresses the collection, management and use of the tax in Chapter 70 Article IV Resort Tax. This Ordinance was updated for the first time since its 1960 inception in April 2011. Since the Ordinance was revised, the Town and Tourist Board (Board) have encountered some sections that require modification.

Last fiscal year, the Board undertook the completion of a Five Year Tourism Strategic Plan to assist in managing the portion of the fund that is allocated to the Board's budget. During the same period the Board retained Robert Meyers, Esq., former Executive Director of Miami-Dade Commission on Ethics, to assist in developing policies and procedures, a code of conduct/ethics policy as well as address the legislation on governance of the Board's budget.

Language regarding the governance of the Board's portion of the Resort Tax Fund was addressed in the April 2011 ordinance changes; it is felt that further clarification is needed. The Board represents the Commission in all matters on the expenditure of its portion of the Resort Tax; it has sole oversight on how the Board's Resort Tax portion is utilized. However, clearly defined roles and responsibilities for the Board members is still needed. The Board also felt that a Policy and Procedures Manual as well as a Code of Conduct/Ethics Policy needed to be addressed in anticipation of larger budgets emanating from the new hotel tax revenue and possible increased scrutiny on how the funds are utilized.

The Board met throughout 2013 and has recently adopted Mr. Meyers' report on the initiatives (Attachment 3) by an overwhelming majority. The one dissenting vote was by the Board's Chair who felt that the Code of Conduct/Ethics policy was more stringent than existing Town policies and therefore not necessary. The Board also supported increasing its membership to seven. The two new members would be appointed by the Town Commission at large and will comprise of professionals from the tourism industry: Sec. 70-124 (a). This was deemed a necessary element to provide the Board with expertise as it manages the expenditure of their ever increasing revenue. The Board realizes that it, and the Town, will benefit from the opinion and experience of industry professionals as they implement recommendations from the Five Year Tourism Strategic Plan. The Board Chair also cast the only dissenting vote on this particular ordinance revision.

Analysis: The Tourist Board approved recommendations in Mr. Meyers' report that need to be codified in the Ordinance are listed below. The other items will form a document of record for the Town and assist in serving as a manual for the Tourist Board.

Sec. 70-109 (a): Removal of taxation on identifiable food and beverage take-out.

Sec. 70-124 (a): Increase board membership from five to seven members to include two tourism industry professionals;

(f) Stricter requirements to attend meetings and to remain active Board members.

Sec 70-125 (a): Automatically provide for voting of Chair and Vice Chair positions annually.

Sec. 70-126 (6): Amend fiscal year budget plan language to align with the Town's existing procedure for departments.

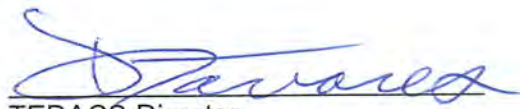
Sec 70-128: Clarify expenditure and management of funds to align with the Town's existing procurement and expenditure policies.


The amended Ordinance, along with Mr. Meyers' report, will provide the Town Commission, the Board and Administration with a more concise and professional reference guide. This will assist with implementing the statutory requirements and mission associated with collecting and expending Resort Tax funds in an open, transparent manner.

Budget Impact: The revision of the Ordinance to eliminate take-out as taxable items will result in a negligible decrease to the amount of Resort Tax collected from applicable businesses. This only applies to establishments that can clearly identify the items that are to be consumed away from the premises. All other changes do not have a budgetary impact.

Staff Impact: Existing staff resources will be utilized to facilitate these changes.

Recommendation: The Town Administration, along with the majority of the Tourist Board, the Five Year Tourism Strategic Plan and Mr. Robert Meyers, recommend that the Town Commission approve these amendments to the Chapter 70 Article IV Resort Tax Ordinance.


TEDACS Director


Town Manager

Municipal Resort Tax

Chapter 67-930, Laws of Florida,

As amended by Chapters 82-142, 83-363, 93-286, and 94-344, Laws of Florida

Brief Overview

The Municipal Resort Tax may be levied at a rate of up to 4 percent on transient rental transactions, and up to 2 percent on the sale of food and beverages consumed in restaurants and bars in certain municipalities whose respective county population fell within specified limits based on the 1960 Census and whose municipal charter specifically provided for the levy of this tax prior to January 1, 1968. The tax levy must be adopted by an ordinance approved by the governing body. Revenues can be used for tourism promotion activities, capital construction and maintenance of convention and cultural facilities, and relief of ad valorem taxes used for those purposes.

General Law Amendments

There were no general law amendments resulting from the 2010 Regular Legislative Session.

Authorization to Levy

Municipalities in counties having a population of not less than 330,000 and not more than 340,000 (i.e., Broward County) and in counties having a population of more than 900,000 (i.e., Miami-Dade County), according to the 1960 decennial census, whose charter specifically provided or whose charter was so amended prior to January 1, 1968, for the levy of this exact tax, are eligible to impose it by ordinance adopted by the governing body. The tax shall be levied upon the rent of every occupancy of a room or rooms in any hotel, motel, apartment house, rooming house, tourist or trailer camp, as the same are defined in part 1 of ch. 212, F.S., and upon the retail sale price of all items of food or beverages sold at retail, and of alcoholic beverages sold at retail for consumption on the premises at any place of business required by law to be licensed by the state hotel and restaurant commission or by the state beverage department. However, the tax shall not apply to those sales the amount of which is less than 50 cents nor to sales of food or beverages delivered to a person's home under a contract providing for deliveries on a regular schedule when the price of each meal is less than \$10.

Municipalities Eligible to Levy

Currently, only three municipalities in Miami-Dade County (i.e., Bal Harbour, Miami Beach, and Surfside) are eligible to impose the tax. According to the Department of Revenue (DOR), all three municipalities are imposing the tax at the following rates: 4 percent of transient rental transactions and 2 percent on the sale of food and beverages.

Administrative Procedures

It is the duty of every person renting a room or rooms and every person selling at retail food or beverages or alcoholic beverages for consumption on the premises to act as the collection agent. Every such person must collect, report, and pay over to the municipality all such taxes imposed, levied, and collected, in accordance with the accounting and other provisions of the enacted ordinance. Any municipality collecting the tax shall have the same duties and privileges as the DOR under part I of ch. 212, F.S., and may use any power granted to the DOR under this part, including enforcement and collection procedures and penalties, which shall be binding upon all persons and entities that are subject to the tax. Additionally, municipalities responsible for administering the tax shall participate in the Registration Information Sharing and Exchange (RISE) Program and share tax administration information as prescribed by the DOR.¹

Distribution of Proceeds

The governing body may authorize by ordinance the creation of an authority or commission empowered to contract and be contracted with its own name as an agency of the municipality to expend such portion of the proceeds of this tax as the body may determine appropriate.

Authorized Uses of Proceeds

The tax proceeds shall only be used for the creation and maintenance of convention and publicity bureaus; development and maintenance of art and cultural centers; enhancement of tourism; publicity and advertising; construction, operation, and maintenance of auditoriums, community centers, and convention structures; or relief from ad valorem taxes being used for any of these other purposes.

Relevant Attorney General Opinions

No opinions specifically relevant to this tax have been issued.

1. Section 213.0535, F.S.

Sec. 69-A. Resort tax.

The Town of Surfside shall have the right, pursuant to the provisions of Laws of Fla. ch. 67-930, as amended by Laws of Fla. ch. 83-363, to impose, levy and collect a municipal resort tax, not to exceed four per cent (4%) upon the rent of rooms in any hotel, motel, apartment house, rooming house, tourist or trailer camp as same are defined in F.S. ch. 212, and not to exceed two per cent (2%) upon the retail sale of all items of food, beverages and alcoholic beverages, other than beer or malt beverages, sold at retail for consumption on the premises, provided that the tax shall not apply to sales which are less than fifty cents (50¢). The total receipts from the above tax levy shall be kept and maintained in a separate fund and shall in no event be transferred to the general fund. Said fund shall be used for the following purposes only: payment of necessary expenses of collecting, handling and processing of said tax; creating and maintenance of convention and publicity bureaus, cultural and art centers; enhancement of tourism; publicity and advertising purposes; for the future cost, purchase, building, designing, engineering, planning, repairing, reconditioning, altering, expanding, maintaining, servicing and otherwise operating auditoriums, community houses, convention halls, convention buildings or other structures; and other related purposes, including relief from ad valorem taxes heretofore levied for such purposes.
(Res. No. 677, § 1, 10-12-67; Ord. No. 1285, § 1, 8-11-92)

TOURISM BOARD CONFLICT OF INTEREST AND ETHICS POLICY

I. Intent and Declaration of Policy

Due to the unique responsibilities entrusted to the Resort Tax Board (hereinafter “Tourism Board”) in expending resort tax funds with minimal oversight by the Town of Surfside Town Commission and to assure public confidence that its Board members are acting as responsible stewards, the public interest is served by establishing additional ethics requirements beyond those existing in Florida Statutes, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and the Town of Surfside Code of Ethics.

It is not sufficient for the Tourism Board to comply with applicable state and local laws. Board members must avoid even the appearance of impropriety or any actual or perceived conflict of interest in performance of their official duties as members of the Tourism Board.

II. Definitions

For purposes of this section, the following words, terms and phrases shall have the meaning as indicated below:

- a) *Board member.* An individual duly appointed to serve on the Tourism Board.
- b) *Gift.* The transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration.
- c) *Immediate family.* The spouse, domestic partner, parents, stepparents, children, and stepchildren of a Board member.
- d) *Lobbyist.* All persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modification of any action, decision or recommendation of the Tourism Board.
- e) *Transacting business.* The purchase or sale by the Town or Tourism Board of specific goods or services for consideration.

III. General Principles

Resort Tax Board members shall demonstrate their commitment to the general principles of Board service. These principles are aspirational in nature. A member who acts contrary to these principles is not acting in the best interest of the Board and may be censured by the Board. However, this section of the Board’s Ethics Policy does not confer jurisdiction over the Miami-Dade Commission on Ethics and Public Trust to commence an investigation or take

enforcement action against a member alleged to have violated one or more of these general principles.

- a) Board members shall act with integrity and in an ethical and professional manner in their interactions with each other, Town of Surfside elected officials and staff, consultants, advisors and the general public, so that their behavior will reflect positively upon the Town of Surfside.
- b) Board members will be sensitive to the considerable workload of staff when making requests for assistance.
- c) Board members must recognize that all Board decisions and actions are to be based on integrity, competence and independent judgment on the merits and benefits to the general public, tourists, local businesses and residents in the Town of Surfside.
- d) Board members shall act with competence and shall strive to maintain and enhance their competence and that of their fellow board members.
- e) Board members will respectfully consider the opinions of others during deliberations in decision-making, will respect the judgment of the Board in regards to its decisions and will represent the Board's position to the Town Commission when necessary.
- f) Board members will refrain from using Board meeting to advance their personal agendas.

IV. Standards of Conduct

The Miami-Dade Commission on Ethics and Public Trust will have exclusive jurisdiction for investigation and enforcement of the following standards of conduct, which are unique to the Tourism Board and generally represent stricter standards than those enumerated in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance or the Town Code of Ethics.

A) Gifts

- 1. A board member shall not solicit or receive a gift regardless of value from lobbyists registered with the Town of Surfside or from proposers, vendors or contractors with the Town of Surfside or the Tourism Board.
- 2. Board members may accept gifts from other sources given to them in their official capacity where not otherwise inconsistent with the provisions of the Florida Statutes, the Miami-Dade County Ethics Ordinance and the Town of Surfside

Code of Ethics and shall report any gift, or series of gifts from any one person or entity in excess of one hundred dollars.

3. Board members will be permitted to solicit gifts on behalf of the Town of Surfside in performance of their official duties for use solely by the Town in conducting its official business or official business of the Tourism Board.
4. Board members will be permitted to accept gifts or expenses given to them associated primarily with their employment or business or related to community service performed as an officer, director or volunteer of a corporation or organization not related to this Tourism Board.

B) Voting Conflicts

1. No Board member shall participate in or vote on any matter presented to the Board if the member or the member's immediate family will be directly affected by the action of Board unless the action taken would affect the Board member no differently than it would affect the public-at-large. Further, no Board member who has a special relationship (defined as an officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary) with an applicant or party with a matter before the Board may participate in the discussions or vote on a matter when such applicant or party with the special relationship appears before the Board.
2. Board member is not required to absent himself or herself from the meeting when the item is under consideration and may be counted for purposes of maintaining a quorum.

C) Duty to Disclose

A board member who stands to indirectly benefit from an action or decision by the Board or has a business or professional relationship not enumerated above in the Voting Conflicts section, has a duty to disclose this information verbally at the meeting when such relationship becomes known by the Board member.

D) Communications Outside of Public Meetings

Section 286.011, Florida Statutes, prohibits board members from communicating with one another concerning matters before the Tourism Board or on any matter which foreseeably come before the Tourism Board. Consistent with the ethics in public contracting section of the Town Code of Ordinance (3-16) and the general principles set forth in Section 2-11.1 of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and Section 2-226 of the Town Code of Ordinances, Board members shall not communicate with persons under consideration for consulting work as it relates to specific Tourist Board activities, including but not limited to, individuals or entities seeking to be retained as

advertising and/or public relations consultants; individuals or entities wishing to assist the Board in organizing special events for the promotion of Surfside as a tourist destination and individuals and entities associated with the media for purposes of placing advertising with said media.

E) **Transacting Business with the Board**

1. A firm, company, partnership or other business or professional entity employing a Board member or the member's immediate family may not transact business with the Board unless a waiver is granted by a 2/3 vote of the entire Board.
2. Board members will have no private contracts or business dealings with the Board or with Town absent those dealings to which members of the general public are entitled.

F) **Prohibition on Certain Business Transactions**

No Board member shall enter into a business transaction with any person or entity that has a contract with the Town of Surfside or the Tourism Board unless the business transaction is an arms-length transaction made in the ordinary course of business.

V. **Town Attorney to Render Opinions**

Whenever a Board member is in doubt as to the proper interpretation or application of the Board Ethics Policy with respect to contemplated conduct by the Board member, that person may request an opinion from the Town Attorney by providing a statement of all the material facts and questions. Opinions issued under this section shall be published without the use of the name of the person advised unless the person permits the use of a name. If the Board member acts in accordance with the opinion and no material facts were misstated or omitted when requesting an opinion, the opinion will insulate the Board member from prosecution by the Miami-Dade Commission on Ethics.

VI. **Acknowledgement of Receipt**

Tourism Board members are required to abide by the provisions set forth in the Board Conflict of Interest and Ethics Policy, and upon appointment to the Board, each Member will receive a copy of the Policy and acknowledge his or her commitment to upholding these principles by reviewing and signing the document and returning it to staff for publication on the Town's website.

TOWN OF SURFSIDE TOURISM BOARD OPERATING PROCEDURES

I. INTRODUCTION

The Town of Surfside Resort Tax Board is vested with specific powers and duties codified in Article IV. Resort Tax of the Town Code. In order to properly and effectively carry out these responsibilities, the Board must adopt policies and procedures to implement these duties. The importance of establishing protocols and written procedures demonstrating fiscal and budgetary accountability is particularly significant in light of the additional resources entrusted to the Board to spend over the next decade due to increases in resort taxes expected to be collected by the Town.

II. COMPLIANCE WITH APPLICABLE LAWS

The Board is required to comply with all applicable provisions of state law, county ordinances and the Town Code, including but not limited to those pertaining to public records, open meetings, financial disclosure and with respect to competitive bidding requirements for purchase of goods and services.

III. CORE FUNCTIONS

The Tourism Board's responsibilities include the following:

1. Adopt and/or amend procedures as they relate to publicity, advertising, promotional events, and for tourist board activities.
2. To expend resort tax funds collected pursuant to the Town Code.
3. To employ or retain an advertising and/or public relations consultant and/or firm as it relates to specific tourist board activities.
4. To authorize placement of advertising in various media.
5. To organize special events for the promotion of Surfside as a tourist destination.

IV. OTHER SUBSTANTIVE TASKS

The two other substantive tasks assigned to the Resort Tax Board are:

1. Authorizing the placement of advertising in various media.
2. Organizing special events.

RECOMMENDATIONS

The Board retained the services of a consultant to analyze current operations and to suggest policies that enable the Board to carry out its mission more effectively. As a result of the discussions with the consultant, the Board took action at its meetings on October 7 and November 6, 2013 by making the following recommendations:

1) **Board Recommendation: Voting**

For unbudgeted items, approval requires a simple majority of the Board membership.

For utilizing reserve funds, approval also requires a simple majority of the Board's membership.

2) **Board Recommendation: Management and Budget Plan**

A formalized Management and Budget Plan will be created for FY 2014-15 by the Board and staff in consultation with the Town Finance Director.

3) **Board Recommendation: Attendance**

A Board member who misses 25% of all regular and special meetings over a twelve-month period or misses three consecutive meetings is automatically removed from the Board.

No distinction is made between excused and unexcused absences. The prior notification requirement is repealed.

4) **Board Recommendation: Chairperson/Vice Chairperson**

No person shall serve as chairperson for more than two consecutive terms.

The term of office for the chairperson and vice chairperson shall be two years. At the conclusion of the first year of the term, the Board shall move to continue or replace the Chair and Vice-Chair by a majority vote.

5) **Board Recommendation: Director's Spending Authority**

The Director will have the same spending authority as the Town Manager (up to \$8,500) upon approval from the chair or, in the absence of the chair, the vice chair.

6) **Board Recommendation: Procurement**

The Board will follow the Town's Procurement Policy.

7) Board Recommendation: Miscellaneous

Draft a policy that clearly and unambiguously states that Board reserves remain with the Board and are not subject to capture by the Town Commission or Manager.

Draft a reserve policy to explain procedures by which reserve funds can be spent by the Board.

Note: The preceding seven items do not require approval by the Town Commission. Item number 8, listed below, requires a 4/5 vote of the Town Commission.

8) Board Recommendation: Expansion of Board

Size of the Board will increase to seven members. Each Town Commissioner will have one appointment and two members will be appointed at-large.

Five of the seven members must work or reside in the Town of Surfside. For the members who do not work or reside in the Town, preference will be given to members who are industry professionals with experience in tourism and tourism-related activities. At least one of the two members who are identified as industry professionals shall be employed in the hotel or hospitality management field.

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 "TAXATION" AND SPECIFICALLY AMENDING SECTIONS 70-109 "IMPOSITION; AMOUNT", SECTION 70-124 "COMPOSITION; APPOINTMENT; VACANCIES; COMPENSATION; REMOVAL FROM OFFICE, ETC.", SECTION 70-125 "ORGANIZATION", SECTION 70-126 "POWER AND DUTIES", AND CREATING SECTION 70-128 "BUDGET AND EXPENDITURE OF FUNDS" 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 amend the guidelines for imposition and collection of the resort tax and to amend the guidelines for the composition, organization and budget and expenditures of the Resort Tax Board ("Board"); and

WHEREAS, the Board completed a Five Year Tourism Strategic Plan and a part of the plan resulted in a review of the existing Code where areas needing additional clarification and guidelines were identified; and

WHEREAS, the Board recommends the included changes to the Code of Ordinances; and

WHEREAS, the Town Commission held its first public reading on February 11, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on March 11, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE 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. 70-109. Imposition; amount.

(a) There is hereby levied and there shall be paid a tax of four percent on the rent of every occupancy of a room in any hotel, motel or apartment house in the town, and also two percent upon the total sales price of all items of food or beverages sold at retail and of alcoholic beverages, including all refrigerated beverages, sold at retail for consumption on the premises ~~or consumption away from and/or within the environs of the business (take out)~~ of any restaurant or business selling such items.

(b) As provided by Ordinance No. 1286, enacted on August 11, 1992, in lieu of the tax imposed and levied pursuant to section 70-109(a) above, there is hereby imposed and levied a municipal resort tax:

(1) Upon the rent of every occupancy of a room or rooms in any hotel, motel, apartment house, as the same are defined in Part I, Chapter 212, Florida Statutes, in the town, at the rate of four percent of the rent received by the person renting such room or rooms from the person paying such rent; and

(2) Upon the retail sale price of all items of food or beverages sold at retail, and of alcoholic beverages, including all refrigerated beverages, sold at retail for consumption on the premises ~~or consumption away from and/or within the environs of the business (take out)~~ of any restaurant or at any place of business selling such items in the town required by law to be licensed by the State Hotel and Restaurant Commission or by the State Beverage Department, at the rate of two percent of such retail sales price.

Sec. 70-124. Composition; appointment; vacancies; compensation; removal from office, etc.

(a) *Number, term and qualification of members.* The board shall consist of ~~five~~ seven members. Each commissioner shall appoint one board member, and two board members shall be appointed by a majority vote of the Town Commission. All appointed board members must be ratified by a vote of the town commission. Any newly elected commissioner has the right to appoint a resort tax board member unless the corresponding appointment has yet to reach the end of their two-year term. Each of the five individual commissioner appointments shall be persons who either work or reside in Surfside and preference will be given to industry professionals with experience in tourism and tourism-related activities. ~~at least three of the five members shall be persons who have experience in tourism and/or tourism-related activities~~ The two members appointed by the majority vote of the Town Commission shall be identified as industry professionals employed in the hotel or hospitality management industry. One town commissioner shall serve as a non-voting ex-officio member of the board.

- (b) *Vacancies.* Any vacancies occurring on the board shall be filled at the earliest, possible date by the town commission for the remainder of the unexpired term.
- (c) *Reappointment.* Board members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.
- (d) *Compensation of members.* Members of the board shall serve without compensation but shall be reimbursed for necessary expenses occurred in the performance of the official duties, as shall be determined and pre-approved by the town commission.
- (e) *Acceptance of appointment.* Before entering upon the duties of office, each board member shall file a written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the town clerk. Each appointed member is required to provide the town clerk with a Form 1-Statement of Financial Interests, within three business days of being appointed to the board.
- (f) *Removal of members from office; attendance.* ~~A board member may be removed from office only by a majority vote of the entire membership of the town commission; however, whenever a board member shall fail to attend three consecutive meetings without prior notification to the director or town manager, the chairman shall certify such non-attendance to the town commission, and, upon such certification, the board member shall be deemed to have been removed~~ A board member who misses twenty-five percent (25%) of all regular and special meetings over a twelve (12) month period or misses three (3) consecutive meetings is automatically removed from the board and the Town Commission shall fill the vacancy pursuant to paragraph (b) above.

Sec. 70-125. Organization.

- (a) *Generally.* The members of the board shall select a ~~chairman~~ chairperson and vice chairperson from among the members who shall serve at the pleasure of the board, and such other officers as deemed necessary or desirable. The term of office for the chairperson and vice-chairperson shall be one year. No person shall serve as chairperson for more than four consecutive terms. At the conclusion of the term, the board shall move to nominate and elect a chairperson and vice chairperson for the upcoming year. A member of the town commission shall serve as a non-voting ex-officio member of the board.
- (b) *Staff.* A director, or other town manager designee, shall oversee the daily operation and administering of the resort tax board and will work with the board to achieve budgetary objectives. The town manager shall provide adequate clerical and other administrative backup for the board.
- (c) *Minutes.* Minutes of each board meeting shall be kept and prepared under supervision and direction of the board. Copies of the minutes shall be filed with the town clerk.
- (d) *Rules and regulations.* The board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the board's activities. The board shall adopt the rules and regulations and a copy shall be maintained on file with the Town Clerk.

Sec. 70-126. Power and duties.

(6) To create a formalized Budget Plan with staff and in consultation with the Town Manager Designee and to submit an annual report the Budget Plan to the town commission Town Manager every May-year as part of the budgetary process.

Sec. 70-128. Budget and Expenditure of Funds.

All expenditures of the Board shall be made in accordance with the powers and duties outlined herein.

- 1) Expenditures for items not included in the current Fiscal Year Budget shall require an affirmative vote of the majority of the Board's membership.
- 2) Expenditures utilizing Resort Tax Reserve Funds shall require an affirmative vote of the majority of the Board's membership.
- 3) Annual Resort Tax Fund Reserves shall remain under the governance of the Board.
- 4) The Town Manager Designee shall have the same spending authority limit as the Town Manager with approval from the Chairperson, in the absence of the Chairperson, the Vice-Chairperson.

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

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

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

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

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

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

Daniel Dietch, Mayor

Attest:

Sandra Novoa
Town Clerk

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

Linda Miller

Linda Miller, Town Attorney

On Final Reading Moved by: _____

On Final 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 # 5A

Agenda Date: February 11, 2014

Subject: Harding Avenue Business Improvement District (BID): Resolution Establishing A Special Assessment District.

Background: The passing, on second reading, of a local planning ordinance by the Town Commission on February 11, 2014 allows for the next legal requirement for the establishment of a BID on Harding Avenue between 94th and 96th Streets. The Resolution accompanying this Commission Communication establishes a special assessment district and authorizes the levy and collection of a special assessment pending approval of a majority of the affected downtown property owners.

Analysis: Specifically, the Resolution declares the intent to assess a special assessment, creating the actual district, providing for the nature and estimate of benefits for the district and authorizes the Town Administration to prepare a preliminary assessment roll.

Upon the passage of this Resolution, the Town Clerk will have on file a preliminary assessment plat of the proposed area with plans and specifications as well as an estimate of the proposed assessment. This resolution conditions the creation of the specific BID on a referendum approval of affected property owners (those property owners in the proposed district,) specify the boundaries, and name the proposed district, etc.

The referendum for the affected property owners will be held before the July 8, 2014 Town Commission meeting. Upon an affirmative majority vote of the affected property owners, approving the special assessment district and certification of said results to the Town Commission, a second resolution fixing a time and place for the final assessment will be presented to the Town Commission.

A second ordinance outlining the BID's governance, purpose, powers and duties, and annual reporting guidelines will then be presented to the Town Commission for approval.

The Town Commission will have the opportunity to discuss and vote on pertinent matters relating to the actual BID formation at Town Commission meetings. These matters include, but are not limited to, such topics as the relationship between the Town and the BID, and the level of Town Services to be provided.

Budget Impact: There is no budget impact as existing staff resources are being utilized.

Staff Impact: Existing staff are being utilized to move this process forward.

Recommendation: The Town Administration, supported by Planning & Zoning, DVAC, the Tourist Board and Surfside Business Association, recommend moving the process forward on the creation of this Business Improvement District


TEDACS Director


Town Manager

RESOLUTION NO. 14-_____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, WITH ATTACHMENT(S), ESTABLISHING A SPECIAL ASSESSMENT DISTRICT AREA TO BE KNOWN AS THE SURFSIDE BUSINESS IMPROVEMENT DISTRICT (“BID”) AND AUTHORIZING THE LEVY AND COLLECTION OF A SPECIAL ASSESSMENT FOR A PERIOD OF FIVE (5) YEARS SUBJECT TO THE APPROVAL OF A MAJORITY OF AFFECTED PROPERTY OWNERS; PROVIDING FOR THE NATURE AND ESTIMATE OF BENEFITS TO BE PROVIDED; PROVIDING DETAILS OF ASSESSMENT PROCEDURES, PAYMENTS, AND STATUTORY LIENS; PROVIDING FOR PUBLICATION OF LEGAL NOTICE, AUTHORIZING AND DIRECTING THE TOWN MANAGER, TOWN CLERK, AND ALL OTHER NECESSARY TOWN OF SURFSIDE STAFF, AFTER CONSULTATION WITH THE TOWN ATTORNEY, TO UNDERTAKE ALL NECESSARY ACTIONS AND PROCEDURES TO ACCOMPLISH THE PURPOSE SET FORTH IN THIS RESOLUTION IN ACCORDANCE WITH CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 170, Florida Statutes (2012) provides that the Town, subject to the approval of a majority of affected property owners, may levy and collect special assessments against property benefited in a retail business district for the purposes of stabilizing and improving such district through promotion, management, marketing, and other similar services in such districts; and

WHEREAS, Chapter 170, Florida Statutes, provides that a municipality, subject to the approval of a majority of the affected property owners, may levy and collect special assessments against property benefited in a retail business district for the purposes of stabilizing and improving such district through promotion, management, marketing, and other similar services in such districts; and

WHEREAS, following the adoption of the Moratorium Ordinance by the Town Commission on April 12, 2011, the Town Manager met with downtown property owners on April 26, 2011, and attending property owners supported the formation of a Business Improvement District to create a focused marketing effort for retail and restaurants; and

WHEREAS, the Business Improvement District concept is based upon collaboration among the Town of Surfside and property and business owners, with funding to be generated by special assessments to be levied on commercial property owners within the District, with commercial property owners agreeing to accept the establishment of an Assessment Area for the creation of a Business Improvement District intended to stabilize and improve business activity; in accordance with the terms and conditions of an Agreement that may be entered into between a not-for-profit corporation established by property owners within the District and the Town; and

WHEREAS, the development of a Business Improvement District will improve the economic activity of the District for the benefit of property owners and businesses located within the Assessment Area by providing a means to organize and manage promotions, marketing, and other similar services on behalf of all properties within the Assessment Area, thereby providing a special benefit to such property; and

WHEREAS, the Business Improvement District is substantially composed of similarly zoned parcels and it is fair and reasonable to use a computation using the taxable value of property, as determined by the most recent tax rolls developed by the Miami-Dade County Property Appraiser, multiplied by a numeric factor; and

WHEREAS, the District and the Assessment set forth herein enhance and specially benefit the property owners and improve the health, safety and welfare of property owners within the District; and

WHEREAS, the Assessments to be imposed in accordance with this Resolution provide an

equitable method of funding authorized District activities by fairly and reasonably allocating the cost to specially benefited properties; and

WHEREAS, the Town has worked with a contractor, Redevelopment Management Associates, on a yearlong outreach program to property owners, business operators and the general public culminating in the creation of an organization plan for a Downtown Surfside Business Improvement District, including boundaries, programs, assessment methodology, and preliminary budget for the District; and

WHEREAS, the Town Commission desires to create a Special Assessment District Area known as the Surfside Business Improvement District.

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

SECTION 1. Recitals. That the above and foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. AUTHORIZATION TO LEVY AND COLLECT PROPOSED ASSESSMENT. Pursuant to the provisions of Chapter 170, Florida Statutes (2012), a special assessment is hereby authorized to be levied and collected and a special assessment district to be known as the Surfside Business Improvement District (“BID”), is hereby created for a period of five (5) years, with boundaries to be set forth in Exhibit “A” hereto attached and hereby incorporated by this reference, subject to the approval by a majority of affected property owners in said district, for the purposes of stabilizing and improving retail business in said district through promotion, management, marketing, and other similar services.

SECTION 3. ESTIMATED BUSINESS IMPROVEMENT COST. The estimated Cost allocated to the Assessment Area for the promotion, management, marketing, administration, and similar expenses is \$80,000.00 for the first year beginning January 1, 2015. The Cost identified herein will be substantially funded through the imposition of Assessments against property located in the Assessment Area in the manner set forth in Section 9 hereof, beginning in the year 2015.

SECTION 4. ASSESSMENT ROLL. The Town Manager is hereby directed to prepare a preliminary Assessment Roll in the manner provided in Chapter 170, Florida Statutes for the Assessment Area. The Town Manager shall compute and allocate the Assessments for the District among the parcels of real property within the Assessment Area as reflected on the Tax Roll in conformity with Section 9 hereof. The Assessment Roll shall be maintained on file in the offices of the Town Manager or designee and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each property can be determined by use of a computer terminal or Internet access available to the public.

SECTION 5. IMPOSITION OF ASSESSMENTS. Assessments shall be imposed against real property located within the Assessment Area, the annual amount and term of which shall be computed for each property in accordance with this Section. When imposed, the Assessment for each Year shall constitute a lien pursuant to Chapter 170, Florida Statutes upon the Tax Parcels located in the Assessment Area as described in the Assessment Roll.

SECTION 6. ASSESSMENT AREA. The proposed BID area upon which the special assessments shall be levied, subject to the approval of a majority of affected property owners, shall

incorporate the total area set forth in the map attached and incorporated herein as Exhibit "A" and shall reflect the geographic boundaries description as set forth in Exhibit "A", attached hereto and incorporated herein.

SECTION 7. DURATION OF THE DISTRICT. The District shall remain in existence for an initial period of five (5) years and shall be extended for an additional period of five (5) years upon approval of the Town Commission, provided, however, that upon receipt of a petition executed by Affected Property Owners representing in excess of fifty percent (50%) of the most recent Assessment Roll, Commission may elect to abolish the District. Should the Assessment Area be abolished, all property owned by the District and acquired by funds collected through assessments shall become the property of the Town.

SECTION 8. DETERMINATION OF APPORTIONMENT APPROACH. The Assessment Area is substantially composed of similarly zoned parcels. Accordingly, it is fair and reasonable to use a computation using the taxable value of property, as determined by the most recent tax rolls developed by the Miami-Dade County Property Appraiser, multiplied by a numeric factor. The method for computing Assessments to fund the authorized activities within the Assessment Area is based upon the taxable value of real property, multiplied by 0.0015 for the first year. For each year thereafter, the rate shall be 0.0015 unless the not-for-profit corporation shall propose, and the Commission shall approve a change in the rate. In determining the method of apportionment, it is fair and reasonable to take into consideration the distinctions between the relative position of owners of commercial properties, owners of property identified by individual Folio Numbers and utilized solely for residential purposes, property owned by religious institutions, governmental agencies, and other properties exempted from payment of local taxes or special assessments.

SECTION 9. COMPUTATION OF ASSESSMENTS. The method for computing Assessments to fund the authorized activities within the Assessment Area is based upon the taxable value of real property, multiplied by 0.0015, as enumerated on Exhibit "B" attached hereto beginning in the year 2015. For each year thereafter, the rate shall be 0.0015 unless the not-for-profit corporation shall propose, and the Commission shall approve a change in the rate. The Statutory Discount Amount shall be computed for each assessment Parcel in the same manner as the amount established by law as the maximum discount for early payment of ad valorem taxes and non-ad valorem or other assessments.

SECTION 10. PUBLIC INSPECTION. In accordance with Chapter 170, there is on file with the Town Clerk at the time of the adoption of this Resolution, an assessment plat showing the area to be assessed, with plans and specifications, and an estimate of the cost of the proposed improvements, the details of the proposed programs, services, and projects, and a cost estimate as indicated in the Business Plan and Budget attached hereto as Exhibit "B", which shall be open to inspection by the public.

SECTION 11. PRELIMINARY ASSESSMENT ROLL. In accordance with Chapter 170, there is on file with the Town Clerk at the time of the adoption of this Resolution, a Preliminary Assessment Roll showing the lots to be assessed, the amount of benefits to the properties to be assessed, and the assessments against each lot, which shall be considered at a future duly advertised Public Hearing to be held by the Town Commission following the majority approval of affected property owners, at a time and place to be set in a separate Resolution, at which time the Town Commission shall hear as an equalizing board all parties in regard to the proposed assessment, and after making any adjustments that the Town Commission may deem appropriate, the Final Assessment Roll will be

confirmed by a Resolution of the Town Commission.

SECTION 12. ADVERTISEMENT. This Resolution herein creating a special assessment district shall be advertised following its adoption.

SECTION 13. AUTHORIZATION FOR TOWN MANAGER. The Town Manager and Town Clerk, after consultation with the Town Attorney, is authorized and directed to undertake all necessary actions and procedures to take such actions as contemplated by this Resolution, including any action appropriate in connection with obtaining approval of the affected property owners.

SECTION 14. SEVERABILITY. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 15. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption herein provided however, that if the proposed special assessment does not receive the approval of a majority (50% plus one) of the affected property owners pursuant to an election to be duly conducted by the Town Clerk, this Resolution shall be null and void.

PASSED AND ADOPTED this ____ day of _____, 2014.

Motion by _____, second by _____.

FINAL VOTE ON ADOPTION

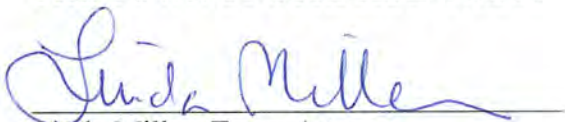
Commissioner Joseph Graubart	_____
Commissioner Michelle Kligman	_____
Commissioner Marta Olchyk	_____
Vice Mayor Michael Karukin	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

**LAND DESCRIPTION
BUSINESS IMPROVEMENT DISTRICT
A PORTION OF "ALTO DEL MAR No. 6"
PLAT BOOK 8, PAGE 106, MIAMI-DADE COUNTY RECORDS
TOWN OF SURFSIDE, MIAMI-DADE COUNTY, FLORIDA**

A portion of "ALTO DEL MAR No. 6" according to the Plat thereof as recorded in Plat Book 8, Page 106, of the Public Records of Miami-Dade County, Florida more particularly described as follows:

Lots 13 through 32, and the Unnumbered Tract, together with the adjoining South One-Half (S.1/2) of 96th Street, and the East One-Half (E.1/2) of Harding Avenue, and the North One-Half (N.1/2) 95th Street, and the West One-Half (W.1/2) of the 15.0' Alley, all in Block 3 of said "ALTO DEL MAR No. 6";

TOGETHER WITH:

Lots 13 through 32, and the Unnumbered Tract, together with the adjoining South One-Half (S.1/2) of 95th Street, and the East One-Half (E.1/2) of Harding Avenue, and the North One-Half (N.1/2) of 94th Street, and the West One-Half (W.1/2) of the 15.0' Alley, all in Block 4 of said "ALTO DEL MAR No. 6";

TOGETHER WITH:

Lots 1 through 20, and Lots 27 through 32, and the Unnumbered Tract, together with the adjoining South One-Half (S.1/2) of 95th Street, and the East One-Half (E.1/2) of Abbott Avenue, and the North One-Half (N.1/2) of 94th Street, and the West One-Half (W.1/2) of Harding Avenue, all in Block 5 of said "ALTO DEL MAR No. 6";

TOGETHER WITH:

Lots 1 through 20, and the Unnumbered Tract, together with the adjoining South One-Half (S.1/2) of 96th Street, and the West One-Half (W.1/2) of Harding Avenue, and the North One-Half (N.1/2) of 95th Street, all in Block 6 of said "ALTO DEL MAR No. 6";

Said lands lying in the Town of Surfside, Miami-Dade County, Florida and containing 418,355 Square Feet (9.604 acres) more or less.

NOTES:

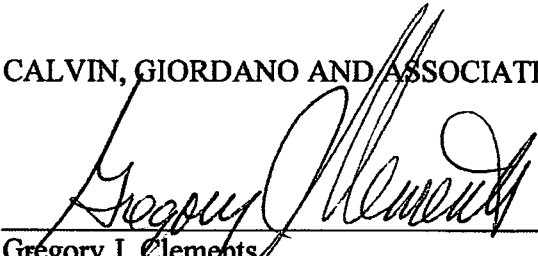
1. This Sketch and Legal Description is not valid without the signature and original embossed seal of a Florida licensed Professional Surveyor and Mapper.

Prepared By:
CALVIN, GIORDANO AND ASSOCIATES, INC.
1800 Eller Drive, Suite 600
Fort Lauderdale, Florida 33316
February 4, 2014
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Sheet 1 of 3 Sheets

2. The description contained herein and the attached sketch does not represent a field Boundary Survey (This is not a Survey).

CALVIN, GIORDANO AND ASSOCIATES, INC.



Gregory J. Elements
Professional Surveyor and Mapper
Florida Registration Number LS 4479

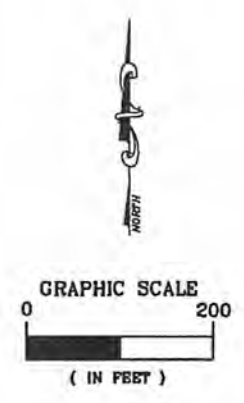
Date:

2-27-2014

Prepared By:
CALVIN, GIORDANO AND ASSOCIATES, INC.
1800 Eller Drive, Suite 600
Fort Lauderdale, Florida 33316
February 4, 2014
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Sheet 2 of 3 Sheets

SKETCH OF LEGAL DESCRIPTION BUSINESS IMPROVEMENT DISTRICT



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Certificate of Authorization 0791

A Portion of "ALTO DEL MAR No.6"
Plat Book 8, Page 106, Miami-Dade County Records
Town of Surfside, Miami-Dade County, Florida

SCALE 1"=200'	PROJECT No 06-5355
DATE 02-04-14	CAD FILE SEE LEFT

SHEET 3 OF 3

DOWNTOWN SURFSIDE BUSINESS IMPROVEMENT DISTRICT



Organizational Plan

Town of Surfside, Florida

September 30, 2013

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1. Introduction

In January 2013, the Town of Surfside began work with Redevelopment Management Associates (RMA) to create a plan for organizing a Business Improvement District (BID) for Downtown Surfside.

The scope of the project included:

1. Build ownership and consensus amongst commercial property owners regarding improvements, programs, services, and management of the BID.
2. Establish, in cooperation with the Downtown Vision Action Committee (DVAC), the geographical boundaries of the BID.
3. Establish, in cooperation with DVAC, a proposed budget and determine the formula for property assessments.
4. Present the district plan in public meetings.
5. Prepare the property owners and the merchants for the formal establishment of the BID pursuant to Florida Law.

The recommendations that follow comprise the BID Plan for the purpose of documentation required for Town Commission approval. These recommendations reflect RMA's belief that forming a BID to benefit the commercial district along Harding Avenue would be the most fair and effective mechanism for providing ongoing stakeholder participation and a source of funding for future improvement programs.

2. History of the Initiative

During the Commission Meeting on January 18, 2011 the Surfside Town Commission created the Downtown Vision Advisory Committee (DVAC). Since its inception, DVAC has proven to be an effective advisory organization through a process that has included actionable items at every meeting, including the following projects, initiatives and topics of discussion:

- Downtown Code Enforcement
- Parking Lot Improvement/Landscaping
- Vacant Windows Ordinance

- News Racks Ordinance
- Awnings Ordinance
- Upgrading Alleys
- Wayfarer Signage Program
- Branding
- Facade Upgrading Program
- Parking Structure Feasibility Study
- The Current Forty Foot Height Allowance and Amalgamation of Properties
- Development of an East West Corridor on 95th Street from Abbott Avenue to the Beach
- Rebuilding of Harding Avenue Sidewalks
- Sidewalk Cafe Ordinance and FDOT Agreement
- Miami-Dade "Mom & Pop" Grants
- Signage Ordinance
- Moratorium Ordinance
- Business Improvement District (BID)

As a direct result from the enacting of the Moratorium Ordinance in April 2011, sixteen property owners, a number from the same family trust, representing a majority of Downtown properties, met with the Town Manager and Town Staff. Property owners supported Downtown Vision Initiatives, including formation of a BID, and requested that the Moratorium Ordinance be rescinded.

The Planning & Zoning Board approved the rescinding of the ordinance and endorsed all of the vision initiatives in May 2011. The Town Commission subsequently voted in July 2011 to rescind the moratorium and to accept the vision initiatives as a blueprint on condition that each initiative is brought to the Commission for full vetting.

The basic premise of a BID is that the Town agrees to continue to provide a base level of service and that enhanced services, such as extra police protection for expanded special events, maintenance for specialty landscaping, downtown marketing programs, cleaning after special events, and the retention of consultants to secure tenants, are funded with a self-imposed assessment on the property owners.

Use of these funds could be governed by the Board of Directors of a new not-for profit organization created to oversee the BID. The process for establishing the District and ensuring that funds are collected and properly spent would be governed by Florida Statutes, Chapter 170 and by an agreement between the new not-for profit organization and the Town of Surfside.

3. Benefits of a BID for Downtown Surfside

The proposed Business Improvement District (BID) could focus on improving the commercial district along Harding Avenue by acting as an advocate for Downtown Surfside, promoting a new image for the district, and establishing an annual marketing program in order to compete with other South Florida shopping and dining destinations. The BID would represent the interests of both property and business owners and provide an ongoing, dedicated source of revenue to support BID programs.

Objectives of the proposed Business Improvement District (BID):

- *To identify and implement organization strategies to advocate for Downtown Surfside issues including parking, urban design/image, and zoning/permitted uses.*
- *To identify and implement marketing strategies to promote and market Downtown Surfside as a unique, historic destination for dining, shopping, and recreation to Surfside/South Florida residents and visitors to the area.*
- *To establish benchmarks for measurement of success.*

4. Proposed BID Programs

A Downtown Surfside BID could accomplish these objectives by developing strategies to improve the Downtown area, through advocacy and image-based marketing:

Advocacy Strategies – Downtown Issues

- Parking – encourage the Town to implement “user friendly” parking solutions and explore further the need to create additional parking spaces in the Downtown area, including the possibility of new parking structures.
- Future Streetscape Improvements – work with the Town to identify future opportunities for streetscape improvements, including:
 - development of an East West Corridor on 95th Street from Abbott Avenue to the beach
 - upgrading alleys
- Façade Improvements – encourage property and business owners to improve facades and awnings through Miami-Dade “Mom & Pop” Grants and any future funding sources.
- Downtown Code Enforcement – encourage property and business owners to work with the Town to identify priority code enforcement issues and effective strategies for improvement.
- Zoning – encourage a comprehensive review of zoning code to ensure that commercial zoning is most conducive to increasing business and creating the best business mix.

Image-Based Marketing Strategies

- Build upon the approved Town of Surfside 5-Year Strategic Tourism Plan.
- Identify a “brand” for Downtown Surfside.
- Promote image/brand through website(s), social media, public relations, and advertising.

The benefits of a BID are that it could provide a mechanism for implementation of these activities and an ongoing source of funding. The activities of the BID would supplement, and would not replace, any activities currently undertaken or funded by the Town of Surfside.

Proven success of image-based improvement initiatives can be seen in BID districts throughout the nation as well as in the state of Florida, such as the BIDs in Coral Gables (www.shopcoralgables.com) and Naples (www.fifthavenuesouth.com).

5. Proposed Budget

A first year budget for the BID might contain the following components, although a final budget would be created by the BID once it had been formed:

Advocacy Coordination / BID Support	\$ 30,000
Image/Marketing	\$ 30,000
Events support	\$ 15,000
Reserve/Contingency	\$ 5,000
TOTAL	\$80,000

6. Proposed BID Boundaries

Commercial properties along Harding and Collins Avenues between 93rd Street and 96th Street were analyzed for inclusion in a possible Business Improvement District for Downtown Surfside. Using a standard of “similar benefit” from possible BID programs, RMA is recommending the BID boundaries include those commercial properties fronting Harding Avenue between 94th and 96th Streets.

This district comprises the area generally described as Downtown Surfside and contains retail, restaurant and other small businesses that serve the Surfside/South Florida markets and visitors to the area.



During meetings with property owners, there was discussion regarding possible inclusion of the Collins Avenue area of Surferside adjacent and to the east of to Downtown businesses. RMA recommends that initial efforts for the BID discussion focus on the commercial district along Harding Avenue, and that if a Business Improvement District is created, opportunities for Collins Avenue hotels to 'opt-in' to BID initiatives be encouraged where appropriate.

7. Organizing the Business Improvement District

Chapter 170, Florida Statutes, provides that a municipality, subject to the approval of a majority of the affected property owners, may levy and collect special assessments against property benefited in a retail business district for the purposes of stabilizing and improving such district through promotion, management, marketing, and other similar services in such districts.

Creating a BID

Creation of a BID would require actions approved by the Surfside Town Commission. These actions include:

- Resolution of the Town Commission – This resolution would include the proposed cost of improvements, required public and property owner notice, location of the retail district to be improved, the expense to be paid by special assessments, and when assessments are to be paid.
- Vote of the property owners – Following approval of the resolution by Town Commission, property owners of affected properties would vote on creation of the BID. To apply the assessment, there would need to be a majority (50 percent plus one) of property owners approving the BID. Property owners that do not vote would be considered a “no” vote.
- Public Hearing/Equalizing Board – Upon the approval of the BID by the property owners, the Town Commission would hold a final public hearing, which would include an equalization hearing to consider complaints as to the special assessments.

Assessment/Budget

A BID is a special assessment district. The BID assessment would be collected as part of the property tax bill. Assessments might be based upon:

- assessed value of parcels
- parcel area
- building square footage
- other potential factors

For Downtown Surfside properties, information is available from the Miami-Dade County Property Appraisers office, including assessed value, lot square footage, and total building square footage. An assessment based on assessed value is recommended. Property values have remained stable since 2011, increasing slightly. Each 1-mil assessment would result in approximately \$43,000 annually for the BID.

To achieve the ~\$80,000 budget for programs described above, a 1.5-mil assessment could be levied to create approximately \$65,000. A source of funding for the additional \$15,000 would need to be identified, possibly through events grants.

The resulting Surfside BID would be a small district and create a relatively small annual assessment. For comparison purposes, the last annual assessment for the Coral Gables BID was approximately \$819,000.

Governance

A Board of Directors of a new not-for-profit organization would manage the BID. According to discussions to date, an example of the composition of a BID Board of Directors might include 9 voting members:

- five (5) property owners subject to assessment within the district
- three (3) business owners from within the district
- one (1) resident liaison
- two (2) liaisons from the Town of Surfside (non-voting)

Except for the Town liaison, members could serve staggered three-year terms.

Timeframe

RMA recommends the Downtown Surfside BID assessment be proposed for an initial period of five years and be extended for an additional period of five years upon approval of the Town Commission. However, upon receipt of a petition executed by affected property owners representing in excess of fifty percent (50%) of the most recent assessment roll, the Commission may elect to abolish the District.

Key to consideration of extension to the district would be successful implementation of the advocacy, marketing and other BID programs.

DOWNTOWN SURFSIDE - PROPERTY/BUSINESS DATABASE

FOLIO #	PROPERTY ADDRESS	OWNER	Assesed Value '13	BID @ 1.5-mils	Business Address(es)	Business
9400 WEST SIDE						
14-2235-007-0660	9400 HARDING AVE	PUBLIX SUPER MARKETS INC % EXPENSE PAYABLES LEASE	\$7,301,745	\$10,952.62	9400 Harding	Publix Supermarket
14-2235-007-0670	9448 HARDING AVE	SOLEMAT LLC	\$379,013	\$568.52	9448 Harding	Tucci's Nail & Salon
14-2235-007-0680	9454 HARDING AVE	MARVIN M GREEN BEATRICE MUSKAT DAVID MUSKAT	\$369,801	\$554.70	9452 Harding 9454 Harding	GNC / General Nutrition Center Super S Food Market
14-2235-007-0690	9458 HARDING AVE	9458 HARDING AVENUE LLC	\$368,467	\$552.70	9456 Harding 9458 Harding	Dr. Edy A. Guerra - DDS / Emergen Real Living / First Service Realty
14-2235-007-0700	9460 HARDING AVE	C & A LLC	\$389,124	\$583.69	9460 Harding	Ho Wang Chinese Restaurant
14-2235-007-0710	9466 HARDING AVE	STOWE PLAZA II LLC	\$371,618	\$557.43	9466 Harding	Capellus By Amor
14-2235-007-0720	9472 HARDING AVE	F & T REAL PROPERTY LLC	\$792,085	\$1,188.13	9472 Harding	Tiberio (Coming)
14-2235-007-0730	9476 HARDING AVE	9476 HARDING INVESTMENTS INC	\$370,135	\$555.20	9476 Harding	Ike's Diner
14-2235-007-0740	9480 HARDING AVE	KEITH A GRAY TR	\$357,892	\$536.84	9480 Harding	Vacant
14-2235-007-0750	9484 HARDING AVE	9484 HARDING INVESTMENT LLC	\$746,137	\$1,119.21	9482 Harding 9484 Harding 9486 Harding 9488 Harding 9490 Harding	Delray Art Studio (Coming) Armoire Chi Chi Barry Cohen Law Firm Hair & Body New Dimensions Café Vert D (OK)
14-2235-007-0760	9494 HARDING AVE	JACK PATHMAN RLTY CO, INC	\$1,339,983	\$2,009.97	9494 Harding	Big Daddy's Liquor
11 Properties			\$ 12,786,000	\$19,179.00		
9400 EAST SIDE						
14-2235-007-0650	9401 HARDING AVE	WACHOVIA BANK C/O PROPERTY TAX PROCESSING	\$1,534,885	\$2,302.33	9401 Harding	Wells Fargo Bank
14-2235-007-0640	9415 HARDING AVE	PAULINE ROWE JOHNSON	\$709,753	\$1,064.63	9415 Harding 9421 Harding	The Harbour Grill M (KM) Surf-Bal-Bay Cleaners
14-2235-007-0630	9425 HARDING AVE	9425-27 HARDING AVE INC	\$360,079	\$540.12	9425 Harding 9427 Harding	Finvarb Realty Harvest Moon
14-2235-007-0620	9429 HARDING AVE	DONALD J KAHN & W LOURDES	\$355,790	\$533.69	9429 Harding 9431 Harding	Ship and Pack Surfside Barber Shop
14-2235-007-0610	9437 HARDING AVE	SALLY HEAD CARTER TR	\$764,941	\$1,147.41	9433 Harding 9435 Harding 9437 Harding	Monaco Collection Vittorium Rafe Sweetheart Beauty Shop
14-2235-007-0600	9441 HARDING AVE	9575 HARDING AVE LLC	\$369,761	\$554.64	9441 Harding	CNC, LC (private)
14-2235-007-0590	9445 HARDING AVE	ASHILO INC	\$773,904	\$1,160.86	9445 Harding 9445 Harding	Dr. Yoram C. Padeh Dr. Ilonka Schwartz
14-2235-007-0582	9453 HARDING AVE	MGM GRP LLC	\$183,033	\$274.55	9453 Harding	Nina's Beauty Salon
14-2235-007-0581	9455 HARDING AVE	THE G PARTNERS LLC	\$180,863	\$271.29	9455 Harding	Express Florida Realty Inc.
14-2235-007-0580	9457 HARDING AVE	7101 COLLINS LLC	\$357,585	\$536.38	9457 Harding 9459 Harding	Serendipity Yogurt Café (Kosher In) Monchesse Pizza
14-2235-007-0570	9461 HARDING AVE	GOLD ENTERPRISES INC	\$368,709	\$553.06	9461 Harding 9463 Harding	Caba Real Estate Rod's Cleaners
14-2235-007-0560	9471 HARDING AVE	JPCF LLC	\$1,130,483	\$1,695.72	9467 Harding 9471 Harding 9473 Harding	Kosherland B.G.P. (OK) Art & Frame The Scarlet Letter
14-2235-007-0550	9477 HARDING AVE	HARRY BREITER	\$757,562	\$1,136.34	9477 Harding 9481 Harding	Kosh Absolut Flowers by Manny
14-2235-007-0520	9491 HARDING AVE	SEAN REILY TRS	\$1,623,577	\$2,435.37	9485 Harding 9487 Harding 9489 Harding 9491 Harding	Specchio Café Lotus Miami (kosher insignia) Asa - 2 David & Saul Shoes
14 Properties			\$ 9,470,925	\$14,206.39		
9400 BLOCK TOTALS			\$ 22,256,925	\$33,385.39		

DOWNTOWN SURFSIDE - PROPERTY/BUSINESS DATABASE

FOLIO #	PROPERTY ADDRESS	OWNER	Assesed Value '13	BID @ 1.5-mils	Business Address(es) Business
9500 WEST SIDE					
14-2235-007-0840	9500 HARDING AVE	SOUTH FLORIDA HOLDINGS INC	\$836,536	\$1,254.80	9500 Harding 9504 Harding 9508 Harding Café Ragazzi Carousel Barber Shop Estelle Stern Realty, Inc.
14-2235-007-0860	9516 HARDING AVE	SOUTH FLORIDA HOLDINGS INC	\$993,826	\$1,490.74	9516 Harding Flanigan's Seafood Bar & Grill
14-2235-007-0870	9520 HARDING AVE	INFINITY HARDING LLC	\$429,943	\$644.91	9520 Harding 9520 Harding 9520 Harding 9520 Harding Volpe Travel Liborio Cigars & Tobacco Moon Over Miami Verdile's / Mario The Tailor Willy's Tailoring
14-2235-007-0880	9524 HARDING AVE	THE HELEN P STEVENS FAMILY LTD	\$784,544	\$1,176.82	9526 Harding 9528 Harding Florida Community Bank Dr. Gary Curson
14-2235-007-0900	9534 HARDING AVE	KEY REALTY LLC	\$415,906	\$623.86	9530 Harding 9532 Harding 9532 Harding Vacant Lupe's Alterations Penny's Alterations
14-2235-007-0910	9538 HARDING AVE	DONALD J KAHN & W LOURDES C	\$711,938	\$1,067.91	9536 Harding 9538 Harding 9540 Harding Subway Paloma Evening Dresses Hair 2000
14-2235-007-0920	9550 HARDING AVE	9544 CORPORATION	\$1,677,479	\$2,516.22	9544 Harding 9552 Harding 9556 Harding Cine Citta Café D(OK) Oberle Opticians Chase Bank
14-2235-007-0930	9564 HARDING AVE	NEW YORK COMMUNITY BANK	\$5,285,000	\$7,927.50	9560 Harding 9564 Harding 9578 Harding 9592 Harding 9592 Harding Starbucks Biguine CVS Pharmacy Amtrust Bank Young Israel of Bal Harbour
	8 Properties		\$ 11,135,172	\$16,702.76	
9500 EAST SIDE					
14-2235-007-0390	9501 HARDING AVE	9501 PROPERTIES INC	\$934,344	\$1,401.52	9501 Harding 9507 Harding 233-95th Stre HSBC Bank Lucky Seven Gold Buyers B & H Pizza
14-2235-007-0380	9509 HARDING AVE	DONALD J KAHN & W LOURDES	\$365,573	\$548.36	9509 Harding Harding Realty
14-2235-007-0370	9513 HARDING AVE	ELIZ C JUSTICE & M GREEN TR	\$359,397	\$539.10	9513 Harding 9515 Harding Forever Realty Peikin Empire Fine Jewelry
14-2235-007-0360	9521 HARDING AVE	KENNETH WINFIELD JONES TRS, MARY ELLEN JONES TRS	\$720,585	\$1,080.88	9517 Harding 9519 Harding 9521 Harding 9523 Harding Josh's Deli & Appetizers VACANT (Yogurt Spot) Extension Dreams Rolling Pin Bakery BK (STAR K)
14-2235-007-0350	9525 HARDING AVE	COLSON INVESTMENTS LTD	\$1,539,482	\$2,309.22	9525 Harding 9531 Harding 9537 Harding Citibank Di Milesi Natural Hair Vacant
14-2235-007-0340	9545 HARDING AVE	SURFSIDE REALTY LLC	\$741,822	\$1,112.73	9541 Harding 9543 Harding 9543 Harding 9545 Harding Roni Shoes Dassler Eye Consultants Inc. Purcell Optical Couture Bridal & Formals
14-2235-007-0320	9553 HARDING AVE	NEXT CENTURY DEVELOPMENT INC	\$1,305,107	\$1,957.66	9551 Harding 9553 Harding 9553 Harding 9555 Harding Pescecane Ristorante Martin A. Feigenbaum Viva Pilates Bistro
14-2235-007-0310	9559 HARDING AVE	LEINWAND PROPERTIES	\$906,500	\$1,359.75	9559 Harding 9561 Harding 9563 Harding 9565 Harding 9567 Harding Metro PCS The Greek Place Femme Coiffure & Spa House of Design Uni K Wax
14-2235-007-0300	9569 HARDING AVE	PAULINE ROWE JOHNSON	\$414,954	\$622.43	9569 Harding 9571 Harding Rent 1 Sale 1 7th Plateau
14-2235-007-0290	9575 HARDING AVE	9441 HARDING AVE LLC	\$373,172	\$559.76	9575 Harding Koukila Kature
14-2235-007-0280	9577 HARDING AVE	STOWE PLAZA LLC	\$388,663	\$582.99	9577 Harding J V Flowers
14-2235-007-0410	9581 HARDING AVE	SOUTH FLA HOLDINGS INC	\$422,929	\$634.39	9583 Harding Sushi Republic
14-2235-007-0400	9585 HARDING AVE	HELEN KOTLER & S PACKAR & SHIRLEY FINKELSTEIN	\$1,466,431	\$2,199.65	9585 Harding 9593 Harding 9595 Harding 9599 Harding M. Kotler Realtors Lace Star Gray and Sons JGB Bank
	13 Properties		\$ 9,938,959	\$14,908.44	
		9500 BLOCK TOTALS	\$ 21,074,131	\$31,611.20	
		DISTRICT TOTALS (46 Properties)	\$ 43,331,056	\$64,996.58	



Town of Surfside Commission Communication

Agenda Item # 5B

Agenda Date: March 11, 2014

Subject: Second Reading: Amendments to the Chapter 70 Article IV "Resort Tax" Ordinance.

A friendly amendment at first reading on February 11, 2014 specified that in Sec. 70-124 (a) the two additional industry Board members cannot be from the same hotel and/or private company and is reflected in the ordinance.

A resolution adopting the Resort Tax Board (Tourism Board) Conflict of Interest and Ethics Policy and Operating Procedures (addressed below) is before the Town Commission at the March 11, 2014 Meeting.

Background: Surfside is one of only three municipalities in Miami-Dade County eligible by Florida State Law Chapter 67-930 Municipal Resort Tax (Attachment 1) to impose a Resort Tax of four percent (4%) on accommodations and two percent (2%) on food and beverage sales. Miami Beach and Bal Harbour are the other two municipalities allowed to exercise the tax. This unique revenue generating opportunity is also defined in the Town's Charter in Sec. 69-A. Resort Tax (Attachment 2) and comes with set guidelines on its use and management.

The Town addresses the collection, management and use of the tax in Chapter 70 Article IV Resort Tax. This Ordinance was updated for the first time since its 1960 inception in April 2011. Since the Ordinance was revised, the Town and Tourist Board (Board) have encountered some sections that require modification.

Last fiscal year, the Board undertook the completion of a Five Year Tourism Strategic Plan to assist in managing the portion of the fund that is allocated to the Board's budget. During the same period the Board retained Robert Meyers, Esq., former Executive Director of Miami-Dade Commission on Ethics, to assist in developing policies and procedures, a code of conduct/ethics policy as well as address the legislation on governance of the Board's budget.

Language regarding the governance of the Board's portion of the Resort Tax Fund was addressed in the April 2011 ordinance changes; it is felt that further clarification is needed. The Board represents the Commission in all matters on the expenditure of its portion of the Resort Tax; it has sole oversight on how the Board's Resort Tax portion is utilized. However, clearly defined roles and responsibilities for the Board members is still needed. The Board also felt that a Policy and Procedures Manual as well as a Code of Conduct/Ethics Policy needed to be addressed in anticipation of larger budgets emanating from the new hotel tax revenue and possible increased scrutiny on how the funds are utilized.

The Board met throughout 2013 and has recently adopted Mr. Meyers' report on the initiatives (Attachment 3) by an overwhelming majority. The one dissenting vote was by the Board's Chair who

felt that the Code of Conduct/Ethics policy was more stringent than existing Town policies and therefore not necessary. The Board also supported increasing its membership to seven. The two new members would be appointed by the Town Commission at large and will comprise of professionals from the tourism industry: Sec. 70-124 (a). This was deemed a necessary element to provide the Board with expertise as it manages the expenditure of their ever increasing revenue. The Board realizes that it, and the Town, will benefit from the opinion and experience of industry professionals as they implement recommendations from the Five Year Tourism Strategic Plan. The Board Chair also cast the only dissenting vote on this particular ordinance revision.

Analysis: The Tourist Board approved recommendations in Mr. Meyers' report that need to be codified in the Ordinance are listed below. The other items will form a document of record for the Town and assist in serving as a manual for the Tourist Board.

Sec. 70-109 (a): Removal of taxation on identifiable food and beverage take-out.

Sec. 70-124 (a): Increase board membership from five to seven members to include two tourism industry professionals appointed by the majority vote of the Town Commission, shall not be representatives from the same hotel and/or private company.

(f) Stricter requirements to attend meetings and to remain active Board members.

Sec 70-125 (a): Automatically provide for voting of Chair and Vice Chair positions annually.

Sec. 70-126 (6): Amend fiscal year budget plan language to align with the Town's existing procedure for departments.

Sec 70-128: Clarify expenditure and management of funds to align with the Town's existing procurement and expenditure policies.

The amended Ordinance, along with Mr. Meyers' report, will provide the Town Commission, the Board and Administration with a more concise and professional reference guide. This will assist with implementing the statutory requirements and mission associated with collecting and expending Resort Tax funds in an open, transparent manner.

Budget Impact: The revision of the Ordinance to eliminate take-out as taxable items will result in a negligible decrease to the amount of Resort Tax collected from applicable businesses. This only applies to establishments that can clearly identify the items that are to be consumed away from the premises. All other changes do not have a budgetary impact.

Staff Impact: Existing staff resources will be utilized to facilitate these changes.

Recommendation: The Town Administration, along with the majority of the Tourist Board, the Five Year Tourism Strategic Plan and Mr. Robert Meyers, recommend that the Town Commission approve these amendments to the Chapter 70 Article IV Resort Tax Ordinance.


TEDACS Director


Town Manager

RESOLUTION NO. 14 – _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE RESORT TAX BOARD CONFLICT OF INTEREST AND ETHICS POLICY AND OPERATING PROCEDURES; PROVIDING FOR POLICIES, PRINCIPLES, STANDARDS OF CONDUCT, AND OPERATING PROCEDURES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Resort Tax Board was created pursuant to Chapter 70, Section 70-123 of the Town of Surfside Code of Ordinances; and

WHEREAS, the Resort Tax Board (“Board”) developed additional policies and procedures because of the unique authority granted to the Board by the Laws of Florida Chapter 67-930 Municipal Resort Tax (incorporated herein by reference); and

WHEREAS, the Board is granted with the authority to manage and spend the allocated portion of the Resort Tax revenues received by the Town; and

WHEREAS, the Board and Town Commission finds that a clearly defined Conflict of Interest and Ethics Policy and Operating Procedures (attached hereto as Exhibit “A”) are in the best interest of the Town.

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

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

Section 2. Approval and Adoption. The Commission hereby approves and adopts the Resort Tax Board Conflict of Interest and Ethics Policy and Operating Procedures (attached hereto as Exhibit “A”).

Section 3. Resort Tax Board Members. Members of the Resort Tax Board shall be appointed in accordance with and shall follow the Policy and Procedures adopted herein.

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

PASSED AND ADOPTED this ____ day of _____ 2014.

Motion by Commissioner _____, second by Commissioner _____.

FINAL VOTE ON ADOPTION

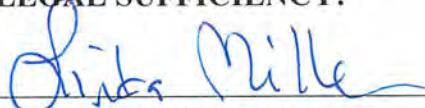
Commissioner Joseph Graubart _____
Commissioner Michelle Kligman _____
Commissioner Marta Olchyk _____
Vice Mayor Michael Karukin _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney

TOURISM BOARD CONFLICT OF INTEREST AND ETHICS POLICY

I. Intent and Declaration of Policy

Due to the unique responsibilities entrusted to the Resort Tax Board (hereinafter "Tourism Board") in expending resort tax funds with minimal oversight by the Town of Surfside Town Commission and to assure public confidence that its Board members are acting as responsible stewards, the public interest is served by establishing additional ethics requirements beyond those existing in Florida Statutes, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and the Town of Surfside Code of Ethics.

It is not sufficient for the Tourism Board to comply with applicable state and local laws. Board members must avoid even the appearance of impropriety or any actual or perceived conflict of interest in performance of their official duties as members of the Tourism Board.

II. Definitions

For purposes of this section, the following words, terms and phrases shall have the meaning as indicated below:

- a) *Board member.* An individual duly appointed to serve on the Tourism Board.
- b) *Gift.* The transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration.
- c) *Immediate family.* The spouse, domestic partner, parents, stepparents, children, and stepchildren of a Board member.
- d) *Lobbyist.* All persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modification of any action, decision or recommendation of the Tourism Board.
- e) *Transacting business.* The purchase or sale by the Town or Tourism Board of specific goods or services for consideration.

III. General Principles

Resort Tax Board members shall demonstrate their commitment to the general principles of Board service. These principles are aspirational in nature. A member who acts contrary to these principles is not acting in the best interest of the Board and may be censured by the Board. However, this section of the Board's Ethics Policy does not confer jurisdiction over the Miami-Dade Commission on Ethics and Public Trust to commence an investigation or take

enforcement action against a member alleged to have violated one or more of these general principles.

- a) Board members shall act with integrity and in an ethical and professional manner in their interactions with each other, Town of Surfside elected officials and staff, consultants, advisors and the general public, so that their behavior will reflect positively upon the Town of Surfside.
- b) Board members will be sensitive to the considerable workload of staff when making requests for assistance.
- c) Board members must recognize that all Board decisions and actions are to be based on integrity, competence and independent judgment on the merits and benefits to the general public, tourists, local businesses and residents in the Town of Surfside.
- d) Board members shall act with competence and shall strive to maintain and enhance their competence and that of their fellow board members.
- e) Board members will respectfully consider the opinions of others during deliberations in decision-making, will respect the judgment of the Board in regards to its decisions and will represent the Board's position to the Town Commission when necessary.
- f) Board members will refrain from using Board meeting to advance their personal agendas.

IV. Standards of Conduct

The Miami-Dade Commission on Ethics and Public Trust will have exclusive jurisdiction for investigation and enforcement of the following standards of conduct, which are unique to the Tourism Board and generally represent stricter standards than those enumerated in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance or the Town Code of Ethics.

A) Gifts

- 1. A board member shall not solicit or receive a gift regardless of value from lobbyists registered with the Town of Surfside or from proposers, vendors or contractors with the Town of Surfside or the Tourism Board.
- 2. Board members may accept gifts from other sources given to them in their official capacity where not otherwise inconsistent with the provisions of the Florida Statutes, the Miami-Dade County Ethics Ordinance and the Town of Surfside

Code of Ethics and shall report any gift, or series of gifts from any one person or entity in excess of one hundred dollars.

3. Board members will be permitted to solicit gifts on behalf of the Town of Surfside in performance of their official duties for use solely by the Town in conducting its official business or official business of the Tourism Board when directed by the Town Commission or by Tourist Board directive to assist with specific initiatives, programs and/or events.
4. Board members will be permitted to accept gifts or expenses given to them associated primarily with their employment or business or related to community service performed as an officer, director or volunteer of a corporation or organization not related to this Tourism Board.

B) Voting Conflicts

1. No Board member shall participate in or vote on any matter presented to the Board if the member or the member's immediate family will be directly affected by the action of Board unless the action taken would affect the Board member no differently than it would affect the public-at-large. Further, no Board member who has a special relationship (defined as an officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary) with an applicant or party with a matter before the Board may participate in the discussions or vote on a matter when such applicant or party with the special relationship appears before the Board.
2. Board member is not required to absent himself or herself from the meeting when the item is under consideration and may be counted for purposes of maintaining a quorum.

C) Duty to Disclose

A board member who stands to indirectly benefit from an action or decision by the Board or has a business or professional relationship not enumerated above in the Voting Conflicts section, has a duty to disclose this information verbally at the meeting when such relationship becomes known by the Board member.

D) Communications Outside of Public Meetings

Section 286.011, Florida Statutes, prohibits board members from communicating with one another concerning matters before the Tourism Board or on any matter which foreseeably come before the Tourism Board. Consistent with the ethics in public contracting section of the Town Code of Ordinance (3-16) and the general principles set forth in Section 2-11.1 of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and Section 2-226 of the Town Code of Ordinances, Board members shall not communicate with persons under

consideration for consulting work as it relates to specific Tourist Board activities, including but not limited to, individuals or entities seeking to be retained as advertising and/or public relations consultants; individuals or entities wishing to assist the Board in organizing special events for the promotion of Surfside as a tourist destination and individuals and entities associated with the media for purposes of placing advertising with said media.

E) Transacting Business with the Board

1. A firm, company, partnership or other business or professional entity employing a Board member or the member's immediate family may not transact business with the Board unless a waiver is granted by a 2/3 vote of the entire Board.
2. Board members will have no private contracts or business dealings with the Board or with Town absent those dealings to which members of the general public are entitled.

F) Prohibition on Certain Business Transactions

No Board member shall enter into a business transaction with any person or entity that has a contract with the Town of Surfside or the Tourism Board unless the business transaction is an arms-length transaction made in the ordinary course of business.

V. Town Attorney to Render Opinions

Whenever a Board member is in doubt as to the proper interpretation or application of the Board Ethics Policy with respect to contemplated conduct by the Board member, that person may request an opinion from the Town Attorney by providing a statement of all the material facts and questions. Opinions issued under this section shall be published without the use of the name of the person advised unless the person permits the use of a name. If the Board member acts in accordance with the opinion and no material facts were misstated or omitted when requesting an opinion, the opinion will insulate the Board member from prosecution by the Miami-Dade Commission on Ethics.

VI. Acknowledgement of Receipt

Tourism Board members are required to abide by the provisions set forth in the Board Conflict of Interest and Ethics Policy, and upon appointment to the Board, each Member will receive a copy of the Policy and acknowledge his or her commitment to

upholding these principles by reviewing and signing the document and returning it to staff for publication on the Town's website.

TOWN OF SURFSIDE TOURISM BOARD OPERATING PROCEDURES

I. INTRODUCTION

The Town of Surfside Resort Tax Board is vested with specific powers and duties codified in Article IV. Resort Tax of the Town Code. In order to properly and effectively carry out these responsibilities, the Board must adopt policies and procedures to implement these duties. The importance of establishing protocols and written procedures demonstrating fiscal and budgetary accountability is particularly significant in light of the additional resources entrusted to the Board to spend over the next decade due to increases in resort taxes expected to be collected by the Town.

II. COMPLIANCE WITH APPLICABLE LAWS

The Board is required to comply with all applicable provisions of state law, county ordinances and the Town Code, including but not limited to those pertaining to public records, open meetings, financial disclosure and with respect to competitive bidding requirements for purchase of goods and services.

III. CORE FUNCTIONS

The Tourism Board's responsibilities include the following:

1. Adopt and/or amend procedures as they relate to publicity, advertising, promotional events, and for tourist board activities.
2. To expend resort tax funds collected pursuant to the Town Code.
3. To employ or retain an advertising and/or public relations consultant and/or firm as it relates to specific tourist board activities.
4. To authorize placement of advertising in various media.
5. To organize special events for the promotion of Surfside as a tourist destination.

IV. OTHER SUBSTANTIVE TASKS

The two other substantive tasks assigned to the Resort Tax Board are:

1. Authorizing the placement of advertising in various media.
2. Organizing special events.

Municipal Resort Tax

Chapter 67-930, Laws of Florida,

As amended by Chapters 82-142, 83-363, 93-286, and 94-344, Laws of Florida

Brief Overview

The Municipal Resort Tax may be levied at a rate of up to 4 percent on transient rental transactions, and up to 2 percent on the sale of food and beverages consumed in restaurants and bars in certain municipalities whose respective county population fell within specified limits based on the 1960 Census and whose municipal charter specifically provided for the levy of this tax prior to January 1, 1968. The tax levy must be adopted by an ordinance approved by the governing body. Revenues can be used for tourism promotion activities, capital construction and maintenance of convention and cultural facilities, and relief of ad valorem taxes used for those purposes.

General Law Amendments

There were no general law amendments resulting from the 2010 Regular Legislative Session.

Authorization to Levy

Municipalities in counties having a population of not less than 330,000 and not more than 340,000 (i.e., Broward County) and in counties having a population of more than 900,000 (i.e., Miami-Dade County), according to the 1960 decennial census, whose charter specifically provided or whose charter was so amended prior to January 1, 1968, for the levy of this exact tax, are eligible to impose it by ordinance adopted by the governing body. The tax shall be levied upon the rent of every occupancy of a room or rooms in any hotel, motel, apartment house, rooming house, tourist or trailer camp, as the same are defined in part 1 of ch. 212, F.S., and upon the retail sale price of all items of food or beverages sold at retail, and of alcoholic beverages sold at retail for consumption on the premises at any place of business required by law to be licensed by the state hotel and restaurant commission or by the state beverage department. However, the tax shall not apply to those sales the amount of which is less than 50 cents nor to sales of food or beverages delivered to a person's home under a contract providing for deliveries on a regular schedule when the price of each meal is less than \$10.

Municipalities Eligible to Levy

Currently, only three municipalities in Miami-Dade County (i.e., Bal Harbour, Miami Beach, and Surfside) are eligible to impose the tax. According to the Department of Revenue (DOR), all three municipalities are imposing the tax at the following rates: 4 percent of transient rental transactions and 2 percent on the sale of food and beverages.

Administrative Procedures

It is the duty of every person renting a room or rooms and every person selling at retail food or beverages or alcoholic beverages for consumption on the premises to act as the collection agent. Every such person must collect, report, and pay over to the municipality all such taxes imposed, levied, and collected, in accordance with the accounting and other provisions of the enacted ordinance. Any municipality collecting the tax shall have the same duties and privileges as the DOR under part I of ch. 212, F.S., and may use any power granted to the DOR under this part, including enforcement and collection procedures and penalties, which shall be binding upon all persons and entities that are subject to the tax. Additionally, municipalities responsible for administering the tax shall participate in the Registration Information Sharing and Exchange (RISE) Program and share tax administration information as prescribed by the DOR.¹

Distribution of Proceeds

The governing body may authorize by ordinance the creation of an authority or commission empowered to contract and be contracted with its own name as an agency of the municipality to expend such portion of the proceeds of this tax as the body may determine appropriate.

Authorized Uses of Proceeds

The tax proceeds shall only be used for the creation and maintenance of convention and publicity bureaus; development and maintenance of art and cultural centers; enhancement of tourism; publicity and advertising; construction, operation, and maintenance of auditoriums, community centers, and convention structures; or relief from ad valorem taxes being used for any of these other purposes.

Relevant Attorney General Opinions

No opinions specifically relevant to this tax have been issued.

1. Section 213.0535, F.S.

Sec. 69-A. Resort tax.

The Town of Surfside shall have the right, pursuant to the provisions of Laws of Fla. ch. 67-930, as amended by Laws of Fla. ch. 83-363, to impose, levy and collect a municipal resort tax, not to exceed four per cent (4%) upon the rent of rooms in any hotel, motel, apartment house, rooming house, tourist or trailer camp as same are defined in F.S. ch. 212, and not to exceed two per cent (2%) upon the retail sale of all items of food, beverages and alcoholic beverages, other than beer or malt beverages, sold at retail for consumption on the premises, provided that the tax shall not apply to sales which are less than fifty cents (50¢). The total receipts from the above tax levy shall be kept and maintained in a separate fund and shall in no event be transferred to the general fund. Said fund shall be used for the following purposes only: payment of necessary expenses of collecting, handling and processing of said tax; creating and maintenance of convention and publicity bureaus, cultural and art centers; enhancement of tourism; publicity and advertising purposes; for the future cost, purchase, building, designing, engineering, planning, repairing, reconditioning, altering, expanding, maintaining, servicing and otherwise operating auditoriums, community houses, convention halls, convention buildings or other structures; and other related purposes, including relief from ad valorem taxes heretofore levied for such purposes.
(Res. No. 677, § 1, 10-12-67; Ord. No. 1285, § 1, 8-11-92)

TOURISM BOARD CONFLICT OF INTEREST AND ETHICS POLICY

I. Intent and Declaration of Policy

Due to the unique responsibilities entrusted to the Resort Tax Board (hereinafter “Tourism Board”) in expending resort tax funds with minimal oversight by the Town of Surfside Town Commission and to assure public confidence that its Board members are acting as responsible stewards, the public interest is served by establishing additional ethics requirements beyond those existing in Florida Statutes, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and the Town of Surfside Code of Ethics.

It is not sufficient for the Tourism Board to comply with applicable state and local laws. Board members must avoid even the appearance of impropriety or any actual or perceived conflict of interest in performance of their official duties as members of the Tourism Board.

II. Definitions

For purposes of this section, the following words, terms and phrases shall have the meaning as indicated below:

- a) *Board member.* An individual duly appointed to serve on the Tourism Board.
- b) *Gift.* The transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration.
- c) *Immediate family.* The spouse, domestic partner, parents, stepparents, children, and stepchildren of a Board member.
- d) *Lobbyist.* All persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modification of any action, decision or recommendation of the Tourism Board.
- e) *Transacting business.* The purchase or sale by the Town or Tourism Board of specific goods or services for consideration.

III. General Principles

Resort Tax Board members shall demonstrate their commitment to the general principles of Board service. These principles are aspirational in nature. A member who acts contrary to these principles is not acting in the best interest of the Board and may be censured by the Board. However, this section of the Board’s Ethics Policy does not confer jurisdiction over the Miami-Dade Commission on Ethics and Public Trust to commence an investigation or take

enforcement action against a member alleged to have violated one or more of these general principles.

- a) Board members shall act with integrity and in an ethical and professional manner in their interactions with each other, Town of Surfside elected officials and staff, consultants, advisors and the general public, so that their behavior will reflect positively upon the Town of Surfside.
- b) Board members will be sensitive to the considerable workload of staff when making requests for assistance.
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IV. Standards of Conduct

The Miami-Dade Commission on Ethics and Public Trust will have exclusive jurisdiction for investigation and enforcement of the following standards of conduct, which are unique to the Tourism Board and generally represent stricter standards than those enumerated in the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance or the Town Code of Ethics.

A) Gifts

- 1. A board member shall not solicit or receive a gift regardless of value from lobbyists registered with the Town of Surfside or from proposers, vendors or contractors with the Town of Surfside or the Tourism Board.
- 2. Board members may accept gifts from other sources given to them in their official capacity where not otherwise inconsistent with the provisions of the Florida Statutes, the Miami-Dade County Ethics Ordinance and the Town of Surfside

Code of Ethics and shall report any gift, or series of gifts from any one person or entity in excess of one hundred dollars.

3. Board members will be permitted to solicit gifts on behalf of the Town of Surfside in performance of their official duties for use solely by the Town in conducting its official business or official business of the Tourism Board.
4. Board members will be permitted to accept gifts or expenses given to them associated primarily with their employment or business or related to community service performed as an officer, director or volunteer of a corporation or organization not related to this Tourism Board.

B) Voting Conflicts

1. No Board member shall participate in or vote on any matter presented to the Board if the member or the member's immediate family will be directly affected by the action of Board unless the action taken would affect the Board member no differently than it would affect the public-at-large. Further, no Board member who has a special relationship (defined as an officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary) with an applicant or party with a matter before the Board may participate in the discussions or vote on a matter when such applicant or party with the special relationship appears before the Board.
2. Board member is not required to absent himself or herself from the meeting when the item is under consideration and may be counted for purposes of maintaining a quorum.

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advertising and/or public relations consultants; individuals or entities wishing to assist the Board in organizing special events for the promotion of Surfside as a tourist destination and individuals and entities associated with the media for purposes of placing advertising with said media.

E) **Transacting Business with the Board**

1. A firm, company, partnership or other business or professional entity employing a Board member or the member's immediate family may not transact business with the Board unless a waiver is granted by a 2/3 vote of the entire Board.
2. Board members will have no private contracts or business dealings with the Board or with Town absent those dealings to which members of the general public are entitled.

F) **Prohibition on Certain Business Transactions**

No Board member shall enter into a business transaction with any person or entity that has a contract with the Town of Surfside or the Tourism Board unless the business transaction is an arms-length transaction made in the ordinary course of business.

V. **Town Attorney to Render Opinions**

Whenever a Board member is in doubt as to the proper interpretation or application of the Board Ethics Policy with respect to contemplated conduct by the Board member, that person may request an opinion from the Town Attorney by providing a statement of all the material facts and questions. Opinions issued under this section shall be published without the use of the name of the person advised unless the person permits the use of a name. If the Board member acts in accordance with the opinion and no material facts were misstated or omitted when requesting an opinion, the opinion will insulate the Board member from prosecution by the Miami-Dade Commission on Ethics.

VI. **Acknowledgement of Receipt**

Tourism Board members are required to abide by the provisions set forth in the Board Conflict of Interest and Ethics Policy, and upon appointment to the Board, each Member will receive a copy of the Policy and acknowledge his or her commitment to upholding these principles by reviewing and signing the document and returning it to staff for publication on the Town's website.

TOWN OF SURFSIDE TOURISM BOARD OPERATING PROCEDURES

I. INTRODUCTION

The Town of Surfside Resort Tax Board is vested with specific powers and duties codified in Article IV. Resort Tax of the Town Code. In order to properly and effectively carry out these responsibilities, the Board must adopt policies and procedures to implement these duties. The importance of establishing protocols and written procedures demonstrating fiscal and budgetary accountability is particularly significant in light of the additional resources entrusted to the Board to spend over the next decade due to increases in resort taxes expected to be collected by the Town.

II. COMPLIANCE WITH APPLICABLE LAWS

The Board is required to comply with all applicable provisions of state law, county ordinances and the Town Code, including but not limited to those pertaining to public records, open meetings, financial disclosure and with respect to competitive bidding requirements for purchase of goods and services.

III. CORE FUNCTIONS

The Tourism Board's responsibilities include the following:

1. Adopt and/or amend procedures as they relate to publicity, advertising, promotional events, and for tourist board activities.
2. To expend resort tax funds collected pursuant to the Town Code.
3. To employ or retain an advertising and/or public relations consultant and/or firm as it relates to specific tourist board activities.
4. To authorize placement of advertising in various media.
5. To organize special events for the promotion of Surfside as a tourist destination.

IV. OTHER SUBSTANTIVE TASKS

The two other substantive tasks assigned to the Resort Tax Board are:

1. Authorizing the placement of advertising in various media.
2. Organizing special events.

RECOMMENDATIONS

The Board retained the services of a consultant to analyze current operations and to suggest policies that enable the Board to carry out its mission more effectively. As a result of the discussions with the consultant, the Board took action at its meetings on October 7 and November 6, 2013 by making the following recommendations:

1) **Board Recommendation: Voting**

For unbudgeted items, approval requires a simple majority of the Board membership.

For utilizing reserve funds, approval also requires a simple majority of the Board's membership.

2) **Board Recommendation: Management and Budget Plan**

A formalized Management and Budget Plan will be created for FY 2014-15 by the Board and staff in consultation with the Town Finance Director.

3) **Board Recommendation: Attendance**

A Board member who misses 25% of all regular and special meetings over a twelve-month period or misses three consecutive meetings is automatically removed from the Board.

No distinction is made between excused and unexcused absences. The prior notification requirement is repealed.

4) **Board Recommendation: Chairperson/Vice Chairperson**

No person shall serve as chairperson for more than two consecutive terms.

The term of office for the chairperson and vice chairperson shall be two years. At the conclusion of the first year of the term, the Board shall move to continue or replace the Chair and Vice-Chair by a majority vote.

5) **Board Recommendation: Director's Spending Authority**

The Director will have the same spending authority as the Town Manager (up to \$8,500) upon approval from the chair or, in the absence of the chair, the vice chair.

6) **Board Recommendation: Procurement**

The Board will follow the Town's Procurement Policy.

7) **Board Recommendation: Miscellaneous**

Draft a policy that clearly and unambiguously states that Board reserves remain with the Board and are not subject to capture by the Town Commission or Manager.

Draft a reserve policy to explain procedures by which reserve funds can be spent by the Board.

Note: The preceding seven items do not require approval by the Town Commission. Item number 8, listed below, requires a 4/5 vote of the Town Commission.

8) **Board Recommendation: Expansion of Board**

Size of the Board will increase to seven members. Each Town Commissioner will have one appointment and two members will be appointed at-large.

Five of the seven members must work or reside in the Town of Surfside. For the members who do not work or reside in the Town, preference will be given to members who are industry professionals with experience in tourism and tourism-related activities. At least one of the two members who are identified as industry professionals shall be employed in the hotel or hospitality management field.

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 70 "TAXATION" AND SPECIFICALLY AMENDING SECTIONS 70-109 "IMPOSITION; AMOUNT", SECTION 70-124 "COMPOSITION; APPOINTMENT; VACANCIES; COMPENSATION; REMOVAL FROM OFFICE, ETC.", SECTION 70-125 "ORGANIZATION", SECTION 70-126 "POWER AND DUTIES", AND CREATING SECTION 70-128 "BUDGET AND EXPENDITURE OF FUNDS" 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 amend the guidelines for imposition and collection of the resort tax and to amend the guidelines for the composition, organization and budget and expenditures of the Resort Tax Board ("Board"); and

WHEREAS, the Board completed a Five Year Tourism Strategic Plan and a part of the plan resulted in a review of the existing Code where areas needing additional clarification and guidelines were identified; and

WHEREAS, the Board recommends the included changes to the Code of Ordinances; and

WHEREAS, the Town Commission held its first public reading on February 11, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on March 11, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE 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. 70-109. Imposition; amount.

(a) There is hereby levied and there shall be paid a tax of four percent on the rent of every occupancy of a room in any hotel, motel or apartment house in the town, and also two percent upon the total sales price of all items of food or beverages sold at retail and of alcoholic beverages, including all refrigerated beverages, sold at retail for consumption on the premises ~~or consumption away from and/or within the environs of the business (take out)~~ of any restaurant or business selling such items.

(b) As provided by Ordinance No. 1286, enacted on August 11, 1992, in lieu of the tax imposed and levied pursuant to section 70-109(a) above, there is hereby imposed and levied a municipal resort tax:

(1) Upon the rent of every occupancy of a room or rooms in any hotel, motel, apartment house, as the same are defined in Part I, Chapter 212, Florida Statutes, in the town, at the rate of four percent of the rent received by the person renting such room or rooms from the person paying such rent; and

(2) Upon the retail sale price of all items of food or beverages sold at retail, and of alcoholic beverages, including all refrigerated beverages, sold at retail for consumption on the premises ~~or consumption away from and/or within the environs of the business (take out)~~ of any restaurant or at any place of business selling such items in the town required by law to be licensed by the State Hotel and Restaurant Commission or by the State Beverage Department, at the rate of two percent of such retail sales price.

Sec. 70-124. Composition; appointment; vacancies; compensation; removal from office, etc.

(a) *Number, term and qualification of members.* The board shall consist of ~~five~~ seven members. Each commissioner shall appoint one board member, and two board members shall be appointed by a majority vote of the Town Commission. All appointed board members must be ratified by a vote of the town commission. Any newly elected commissioner has the right to appoint a resort tax board member unless the corresponding appointment has yet to reach the end of their two-year term. Each of the five individual commissioner appointments shall be persons who either work or reside in Surfside and preference will be given to industry professionals with experience in tourism and tourism-related activities. ~~at least three of the five members shall be persons who have experience in tourism and/or tourism-related activities~~ The two members appointed by the majority vote of the Town Commission shall be identified as industry professionals employed in the hotel or hospitality management industry. One town commissioner shall serve as a non-voting ex-officio member of the board.

- (b) *Vacancies.* Any vacancies occurring on the board shall be filled at the earliest, possible date by the town commission for the remainder of the unexpired term.
- (c) *Reappointment.* Board members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.
- (d) *Compensation of members.* Members of the board shall serve without compensation but shall be reimbursed for necessary expenses occurred in the performance of the official duties, as shall be determined and pre-approved by the town commission.
- (e) *Acceptance of appointment.* Before entering upon the duties of office, each board member shall file a written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the town clerk. Each appointed member is required to provide the town clerk with a Form 1-Statement of Financial Interests, within three business days of being appointed to the board.
- (f) *Removal of members from office; attendance.* ~~A board member may be removed from office only by a majority vote of the entire membership of the town commission; however, whenever a board member shall fail to attend three consecutive meetings without prior notification to the director or town manager, the chairman shall certify such non-attendance to the town commission, and, upon such certification, the board member shall be deemed to have been removed~~ A board member who misses twenty-five percent (25%) of all regular and special meetings over a twelve (12) month period or misses three (3) consecutive meetings is automatically removed from the board and the Town Commission shall fill the vacancy pursuant to paragraph (b) above.

Sec. 70-125. Organization.

- (a) *Generally.* The members of the board shall select a ~~chairman~~ chairperson and vice chairperson from among the members who shall serve at the pleasure of the board, and such other officers as deemed necessary or desirable. The term of office for the chairperson and vice-chairperson shall be one year. No person shall serve as chairperson for more than four consecutive terms. At the conclusion of the term, the board shall move to nominate and elect a chairperson and vice chairperson for the upcoming year. A member of the town commission shall serve as a non-voting ex-officio member of the board.
- (b) *Staff.* A director, or other town manager designee, shall oversee the daily operation and administering of the resort tax board and will work with the board to achieve budgetary objectives. The town manager shall provide adequate clerical and other administrative backup for the board.
- (c) *Minutes.* Minutes of each board meeting shall be kept and prepared under supervision and direction of the board. Copies of the minutes shall be filed with the town clerk.
- (d) *Rules and regulations.* The board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the board's activities. The board shall adopt the rules and regulations and a copy shall be maintained on file with the Town Clerk.

Sec. 70-126. Power and duties.

(6) To create a formalized Budget Plan with staff and in consultation with the Town Manager Designee and to submit an annual report the Budget Plan to the town commission Town Manager every May-year as part of the budgetary process.

Sec. 70-128. Budget and Expenditure of Funds.

All expenditures of the Board shall be made in accordance with the powers and duties outlined herein.

- 1) Expenditures for items not included in the current Fiscal Year Budget shall require an affirmative vote of the majority of the Board's membership.
- 2) Expenditures utilizing Resort Tax Reserve Funds shall require an affirmative vote of the majority of the Board's membership.
- 3) Annual Resort Tax Fund Reserves shall remain under the governance of the Board.
- 4) The Town Manager Designee shall have the same spending authority limit as the Town Manager with approval from the Chairperson, in the absence of the Chairperson, the Vice-Chairperson.

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

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

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

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

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

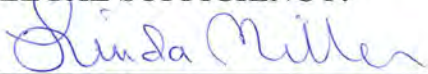
PASSED and ADOPTED on second reading this ____ day of _____, ____.

Daniel Dietch, Mayor

Attest:

Sandra Novoa
Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: _____

On Final 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 MEMORANDUM**

TO: Elected Officials

CC: Michael P. Crotty, Town Manager
Sandra Novoa, CMC, Town Clerk

FROM: Jean Olin, Special Counsel *JO*
Linda Miller, Town Attorney *LM*
Charter Review Board

DATE: March 11, 2014

**SUBJECT: FINAL REPORT OF THE CHARTER REVIEW BOARD--
RECOMMENDING PHASE I AMENDMENTS TO THE TOWN OF SURFSIDE
CHARTER FOR FUTURE PLACEMENT ON TOWN'S ELECTION BALLOT AND
SUGGESTED PREPARATION OF VOTERS GUIDE FOR THE PURPOSE OF
INFORMING THE PUBLIC OF SUCH PROPOSED AMENDMENTS.**

I. BACKGROUND:

On November 6, 2012, the Town of Surfside's voters approved an amendment to the Town's Charter providing for mandatory review of the Town Charter every ten years. Charter Section 128 was thus created, authorizing the Town Commission to appoint a 5 member Charter Review Board to examine the Town's Charter for suggested revisions, further providing that "... upon completion of their work and written recommendations to the Commission, the Town Commission shall consider said recommendations at the next regularly scheduled Commission meeting. ..."

Inasmuch as the Town's appointed board members terms of office are coterminous with terms of the Town Commission members¹, the Charter Review Board ("CRB") members' terms will expire after this month's General Election. Therefore, the CRB is presenting its Final Report to the Town Commission at today's last regularly-scheduled Commission meeting occurring prior to the Election. Per Charter Section 128, the Town Commission is thus required to "consider" the CRB's recommendations.

¹ See, Town of Surfside Resolution No. 2007-1792.

II. CRB MEETINGS/RECOMMENDATIONS:

As a result of the limited three month+ timetable in which to conduct its review², thorough review of the entire Charter was not possible. CRB Chairman Lou Cohen, Vice Chair Marc Imberman, Anthony Blate, Terry Cohen and Marty Oppenheimer thus decided upon a two-Phase process for examination of Charter language, encompassing review of election-related issues during Phase I, with remaining examination of the Charter's provisions for Phase II consideration³. Pursuant to this recommended process, CRB was able to examine in detail what it perceived to be the most imminent Charter issues requiring review and revision, all such matters related to the Town's elections. During Phase II, it is envisioned that in addition to select substantive revisions, the Charter be reformatted into concise Article divisions reflecting individual topics, and that obsolete, redundant and/or superfluous Charter language will be deleted inasmuch as such matters will no longer be needed for inclusion within the Town's Charter. By deferring consideration of Phase II until after the voters have spoken regarding Phase I issues, it is believed that a complete vetting of remaining Charter issues will be possible, in order to eventually affect the Town's goal of a comprehensive revised Town Charter.

Given the limited amount of time in which to conduct its Phase I review, CRB has since mid-November, 2013 conducted 9 public meetings which included on February 18, 2014, a televised public meeting held for the purpose of seeking further citizen input regarding the proposed Phase I Charter amendments. At each CRB meeting, its members, along with Vice-Mayor Michael Karukin (serving as Town Commission Liaison to the CRB), engaged in meaningful debate and review of the Phase I Charter issues. Town Attorney Linda Miller and Special Counsel Jean Olin presented for CRB analysis the subject Phase I issues and related proposed amendments to the Charter. Town Manager Michael Crotty and Town Clerk Sandra Novoa provided their input and guidance as well. A special acknowledgement and appreciation goes to Irina Mocanu, the Assistant to the Office of Town Attorney for her support in preparation of the CRB Agenda packets and meeting schedule.

Accordingly, the CRB's recommended Charter amendments are attached, along with proposed ballot language for Town Commission consideration should it decide to place any of the Phase I issues on a future ballot. In this regard, pursuant to Miami-Dade County Charter section 6.04 and policy of the County's Election Department, **the last date by which the Town Commission may adopt a Resolution placing a Charter amendment on the County's August 12, 2014 ballot is May 23, 2014 (i.e., May 13, 2014 Town Commission meeting); alternatively, placement of a Charter amendment on the County's November 4,**

² Charter Review Board appointment and scheduling issues resulted in the CRB's initial meeting taking place on November 14, 2013.

³ The CRB recommends that Phase II Charter review include analysis and discussion of Charter Article VIII governing "Initiative and Referendum", during which time CRB will have more time to vet possible policy changes as well as reformat existing language.

2014 ballot will require the Town Commission to adopt its Resolution by July 22, 2014 (i.e., July 8, 2014 Town Commission meeting). Should any of the Phase I issues be presented to the voters, the CRB further recommends that the Town Commission authorize the preparation of a “Voters Guide” in order to further inform the voters, as well as establish public meetings in order to allow for increased opportunity for explanation of proposed Charter changes.

III. CRB’S PHASE I PROPOSED CHARTER AMENDMENTS -- SUMMARY ANALYSIS:

The existing Town of Surfside Charter was adopted by Chapter 27914, Special Laws of Florida, Acts of 1951, and was drafted under the provisions of the State Constitution of 1885, which Constitution provided, in essence, that Florida municipalities had only the powers listed in their own Charters. Consequently, Charters drawn under the 1885 Constitution are very lengthy documents that enumerate in great (and often unnecessary) detail City powers. In 1968 the Florida Constitution was amended to completely change the basis of power for municipalities in Florida by granting “home rule power” to cities/towns, under which power municipalities now have all powers of local self-government, unless otherwise preempted by State law. The result is that a large majority of city charters, including the Town of Surfside’s Charter, have become out of date.

The attached proposed Town Charter amendments have been drafted with the intention of complying with the current Florida Constitution of 1968 and the 1973 Municipal Home Rule Powers Act⁴. Due to such laws, referendum approval is required for all of these proposed Phase I Charter amendments, which proposed changes are briefly summarized as follows:

A. “Qualifications for Office”:

Section 6 of the Town Charter requires that members of the Town Commission be at least 21 years old and a resident of the Town for at least one year before registering to vote. This proposed Charter amendment deletes the “21” year age requirement, so that qualified electors who are at least 18 years of age will now qualify for election to the Town Commission; also, the one year residency requirement shall now be measured from a person’s qualifying for office instead of from the date that person registered to vote, which amendment is believed by CRB to more accurately reflect the intent behind this durational residency requirement that persons running for office be knowledgeable of Town issues when seeking election.

B. “Induction”:

Charter Section 19 sets forth the time and date by which newly elected Town Commission members are inducted and sworn into office, and also establishes time commencement of regular meetings of the Town Commission. In order to provide for a simultaneous, uniform induction date for all of the Town’s elected officials, and to ensure that

⁴ Florida Statute section 166.021, requiring voter approval of certain Charter amendments, and repeal/conversion to ordinances of remaining Charter provisions.

the inductions take place upon final election results having been certified by the Miami-Dade County Election's Department, this Charter amendment provides for induction of all of the Town's elected officials at 7pm on the day following the County's issuance of final election returns; further, the "8pm" commencement time for regular Commission meetings is proposed instead to be established by ordinance.

C. "Vacancy on Commission":

In reviewing Charter sections 15 and 16 dealing with the issue of vacant seats on the Town Commission and the procedure for filling said vacant seats, the CRB was concerned that said provisions fail to address issues recently faced by the Town. Specifically, and with particular reference to the Town's 2012 General Election in which existing Charter language did not expressly allow for the scheduling of a Special Election to fill vacant seats on the Commission when the vacancy was due to a lack of qualified candidates, the CRB has recommended amending the Charter's definition of "vacancy" to include such situation in which an insufficient number of candidates have qualified for office, so that should this situation reoccur, Town Charter section 16's process for filling such vacancy may be invoked as express authority for the needed Special Election.

Additional related CRB recommendations include providing the Town Commission with power to determine whether "good cause" exists to excuse a Commission member's failure to attend meetings resulting in a possible vacancy on the Commission, as well as expressly setting forth language clarifying the commencement of term for a Commission member elected to fill a vacancy.

D. "Vacancy in Candidacy":

Having identified the need to correct the above-referenced problems experienced by the Town during its 2012 General Election, the CRB reviewed existing Charter section 105(8) governing situations in which "... five or more candidates have qualified for the General Commission election..." and the number of qualified candidates are later reduced after the qualifying period ends. After much discussion and analysis, the CRB adopted its proposed amendments to this Charter section in order to provide clear expression as to the practical effects of a reduction in the number of qualified candidates after the qualifying period has ended, including:

- Deleting the existing language regarding situations in which "...five or more candidates..." have qualified, thus providing greater applicability of this Charter section to cover all instances in which a vacancy in candidacy exists;
- Providing for the election by operation of law of candidates when the number of such qualified candidates after the original qualifying period has ended are equal to or less than the number of Commission seats to be filled;
- Setting forth a supplemental qualifying period in those instances in which Commission seats remain unfilled due to either an insufficient number of candidates having qualified

for election and/or due to the death, withdrawal or removal of a qualified candidate after the original qualifying period has ended; and

- Setting forth the effects of the supplemental qualifying period on a candidate's election (i.e., by operation of law or via popular vote on election day), and related provisions concerning commencement of terms.

Moreover, although existing Charter section 105(8) provides for the General Election to be postponed in order to allow for a supplemental qualifying period, the CRB amendments have obviated the need to postpone the General Election, instead maintaining the scheduled election date, subject to the requirement established by the Miami-Dade County Department of Election ("DOE") that any supplemental qualifying period end by no later than 30 days before the election date.

E. "Canvassing Board":

Charter section 108 establishes a Town "Canvassing Board" with election-related duties (as prescribed by Florida statute). In order to streamline the Charter and ensure consistency with Town Code provisions, CRB recommends moving this section from the Charter into the Town Code Chapter 26 governing "Elections", ensuring that administrative matters dealing with Town elections are in one comprehensive Code chapter.

F. "Qualifying":

After extended analysis regarding alternative methods of qualifying for elected municipal office, the CRB has recommended retaining existing Charter section 101's method of qualifying by Petition whereby persons seeking to become candidates must pay a \$25 qualifying fee and obtain the signatures of 25 qualified electors of the Town.

The CRB's proposed Charter amendments thus relate primarily to the change in dates for the filing of the Petition from the Charter's existing "55 to 35 days" prior to the election to "55 to 45 days" before said election, which change is made necessary in order for the Town to 1) ensure that persons may obtain additional signatures, if needed, for their Petitions; and 2) allow for supplemental qualifying of additional candidates in the event the Petitions fail to produce a sufficient amount of candidates to fill all vacant seats on the Commission, all of which concerns must be met against the backdrop of the DOE's above-referenced⁵ deadline requirements for finalization of candidate lists. In this regard, it is important to note that although the time period for the filing of Petitions is recommended for change, the ability of persons to obtain signatures for the Petitions has not changed and such persons may still obtain signatures well in advance of the Petition's filing date.

⁵ See "D" above re: "Vacancy in Candidacy".

G. “Staggered Terms/Increase in Terms”:

This proposed Charter amendment increases the terms of the four Town Commissioners from two years to four years and establishes staggered terms for the entire Commission, to commence as of the 2016 General Election. The proposed increase in terms shall only apply to the four Town Commissioners and not to the Mayor--the Mayor’s existing two year term shall remain the same. This suggested Charter change is thus unlike the Town’s 2007 Charter amendment which proposed increasing the term of all of the Town’s elected officials from two to four years. Inasmuch as the four Town Commissioners will therefore no longer be elected at the same General Election (instead, two Town Commissioners will be elected for four-year terms at each General Election), the current method established by Charter of selecting the Vice-Mayor (via the “highest vote getter”) will no longer be applicable and CRB has thus recommended that the determination of Vice-Mayor be made by the Town Commission.

H. “RunOff Election”:

Although the existing Charter provides for a Runoff Election if a tie vote results from the General Election, Charter section 105(5) limits said Runoff Election to ties between candidates “for the fifth Commission seat”. The proposed Charter changes are thus intended to make clear the instances in which a Runoff Election shall be held by expanding upon the requirement for Runoff Election to tie votes for any Commission seat (not just the “fifth” seat) in those instances wherein it cannot be determined which candidates from the General Election have received the “highest” vote for purposes of election to the Town Commission.

IV. CONCLUDING NOTE:

Should the Town Commission place any of the above Charter amendments on a Town election ballot and a majority of the Town’s voting residents approve said measure(s), the revised Charter language shall be filed with the Department of State and with the County, and shall become effective. Conversely, those amendments not approved by majority vote shall not go into effect, and the related existing Charter sections shall remain as said provisions existed prior to the election.

QUALIFICATIONS FOR OFFICE

Comment [JO1]: RECOMMENDED BY CRB ON 1/6/14.

SHALL CHARTER SECTION 6 BE AMENDED TO:

- DELETE REQUIREMENT THAT MEMBERS OF TOWN COMMISSION BE AT LEAST 21 YEARS OLD, THEREBY REQUIRING MEMBERS TO BE REGISTERED VOTERS AT LEAST 18 YEARS OLD CONSISTENT WITH EXISTING CHARTER REQUIREMENT THAT MEMBERS BE “QUALIFIED ELECTORS”;
- REQUIRE THAT COMMISSION MEMBERS BE TOWN RESIDENTS FOR ONE YEAR IMMEDIATELY PRECEDING QUALIFYING FOR ELECTED OFFICE INSTEAD OF ONE YEAR PRIOR TO REGISTERING TO VOTE; AND
- DELETE LANGUAGE REGARDING DUAL-OFFICE HOLDING?

RELATED CHARTER SECTION:

Sec. 6. Qualifications.

The commissioners ~~members~~ shall be qualified electors of Dade County each being at least 18 years of age and a registered voter whose legal residence is in the Town of Surfside who shall be citizens of the United States, ~~at least twenty one years of age~~ and residents of the State of Florida and Town of Surfside for at least one year immediately preceding qualifying for elected office ~~next preceding registration, and who shall have no other public office except notary public, local civilian defense or war emergency appointments, membership in the National Guard, naval or military reserve, or membership or memberships on State of Florida or National Boards providing that the duties of the members of such board shall not interfere with the duties of the town commissioners.~~

INDUCTION INTO OFFICE

Comment [JO1]: RECOMMENDED BY CRB on 1/6/14 and 2/24/14..

SHALL THE CHARTER BE AMENDED TO ESTABLISH DATE AND RELATED PROCESS RELATING TO INDUCTION INTO OFFICE/COMMENCEMENT OF TERMS OF ALL NEWLY-ELECTED COMMISSION MEMBERS FROM 8PM ON DAY FOLLOWING ELECTION TO 7PM ON DAY IMMEDIATELY FOLLOWING COUNTY ELECTION SUPERVISOR'S ISSUANCE OF FINAL ELECTION RETURNS, AND CHANGE TIME OF REGULAR COMMISSION MEETINGS FROM 8PM TO TIME PRESCRIBED BY ORDINANCE?

RELATED CHARTER SECTIONS:

Sec. 19. Induction of commission into office; meetings of commission.

The term of all newly-elected commissioners shall commence at ~~8:00 p.m., on the day following their election~~ 7:00 p.m. on the first business day immediately following the County Supervisor of Election's issuance of Final Election Returns from the General Election, or if a Run-off Election is necessary, the terms of all new officers shall commence at 7:00pm on the first business day immediately following the County Supervisor of Election's issuance of Final Election Returns from the Run-Off Election, at which time they newly-elected commissioners shall be administered the oath of office. Moreover, if a Run-Off Election is necessary, any Commission meetings occurring between the date of the General Election and the induction of newly-elected Commissioners subsequent to the issuance of final election returns from the Run-Off Election, shall occur for the limited purpose of addressing emergency matters. The commission shall meet monthly at 8:00 in the evening of a time to be prescribed by ordinance on the second Tuesday of each month, and on such other days or at such other time or times as may be prescribed by the commission, but not less frequently than once each month. All meetings of the town commission shall conform to the "Sunshine Law" of Dade County and of the State of Florida.

* * *

Sec. 5. Number; selection; term.

The commission shall have five members elected from the town at large in the manner and for terms provided in Article VI, or until their successors have been elected and take office the induction of said Town's elected officers as provided by this Charter.

Comment [JO2]: Deleted b/c unless Comm'ers elected by Group seats, can't determine a Comm'er's "successor".

Comment [JO3]: Consistent with CL hold-over, this language makes clear that incumbents holdover until induction of new officers.

Sec. 7. Salary.

Commencing with the term of office ~~beginning at 8:00 on the day following the General Election in 1978,~~ the mayor and members of commission shall be paid the sum of one dollar (\$1.00) per fiscal year for attendance at monthly council meetings, irrespective of the number of regular or special meetings attended within such fiscal year.

Sec. 105. General and special elections of commission members.

(1) On the third Tuesday in March in every even numbered calendar year, all members of the Town Commission shall be elected for terms of TWO (2) years, ~~provided, however, that Commission members elected for FOUR (4) year terms at the 1974 Election pursuant to the Charter provisions in existence prior to the adoption of this Amendment, shall remain in office until the expiration of the term to which they were elected under such prior provisions. At the Election to be held in the year~~

~~1976, and biennially thereafter, all members of the Town Commission shall be elected for terms of TWO (2) years; terms to begin at 8 o'clock P.M. on the day following the Election commence as provided in Charter Section 19.~~

* * *

(7) No general or special election of the Town of Surfside shall be held on a national or state legal holiday. Should the third Tuesday in March in any even numbered calendar year be declared such a legal holiday, then the regular election scheduled for that day shall be postponed to the first day thereafter that is not a legal holiday, and the induction of commissioners into office shall be deferred to the ~~next business day following such postponed election~~ first business day immediately following the County Supervisor of Election's issuance of Final Election Returns consistent with Charter Section 19, but such deferred induction shall not change the expiration dates of the terms of office of the candidates elected.

VACANCY ON COMMISSION

Comment [JO1]: RECOMMENDED BY CRB ON 1/6/14, 1/21/14, 2/3/14, 2/24/14 and 3/3/14.

SHALL CHARTER LANGUAGE GOVERNING "VACANCIES ON COMMISSION" BE AMENDED TO:

- CLARIFY WHEN VACANCIES OCCUR AND ESTABLISH PROCESS FOR FILLING VACANCIES;
- CONFORM RELATED ELECTION DATES AND SPECIFY TERM COMMENCEMENT WHEN FILLING VACANCY;
- EXPAND DEFINITION OF "VACANCY" TO INCLUDE WHEN COMMISSION SEATS REMAIN UNFILLED AFTER QUALIFYING ENDS AND ESTABLISH PROCEDURE FOR FILLING SUCH VACANCY, INCLUDING COMMISSION'S POWER OF APPOINTMENT; AND
- GRANT COMMISSION "GOOD CAUSE" POWER EXCUSING COMMISSION MEMBER'S FAILURE TO ATTEND MEETINGS RESULTING IN POSSIBLE VACANCY.

RELATED CHARTER SECTIONS:

Sec. 10. Duties of the ~~v~~Vice ~~m~~Mayor.

The ~~v~~Vice ~~m~~Mayor shall act as ~~m~~Mayor during the absence or disability of the ~~m~~Mayor, and, if a vacancy occurs in the office of ~~m~~Mayor, shall succeed to that office for the remainder of the unexpired term. ~~Council~~ The Commission shall then elect from among its members, as soon thereafter as practicable, ~~an assistant a~~ Vice ~~m~~Mayor to fill the vacancy thereby created in that office.

Sec. 15. Vacancies on commission—When deemed to exist.

Vacancies on the commission ~~may~~ shall be created ~~and deemed to exist by reason of~~ upon any one of the following circumstances:

- (1) By death or resignation of a member.
- (2) By recall ~~or other removal from office in any manner authorized by law.~~
- (3) By a member ceasing to possess the qualification ~~of qualified elector for the office prescribed in section 6 of this Charter, or by disqualification as provided in clause (e) of this section and/or by ceasing to be a resident of the Town.~~
- (4) By a member being convicted of a felony or crime involving moral turpitude.
- (5) By legal declaration of mental incompetence of a member.
- (6) When there are unfilled Commission seats remaining after the end of applicable qualifying periods for the General Election as a result of no candidate(s) having qualified to fill such seats.

Comment [JO2]: Section 6 requires Commission member to be: --resident of town; and --qualified elector (resident and registered to vote).

~~(a) A vacancy on the commission shall be deemed to exist from the date of death of a member, or, in the event of the oral or written resignation of a member, from the date of the announcement of such resignation at the first regular commission meeting following its receipt unless it has previously been withdrawn.~~

~~(b) A vacancy on the commission shall be deemed to exist on the date a commissioner is recalled under the provisions of Article VII of this Charter.~~

~~(c) A vacancy on the commission shall be deemed to exist on the date a commissioner has maintained and resided in, a regular place of abode outside the corporate limits of the Town of Surfside for a longer period of time than thirty days; or a vacancy shall exist on the commission on~~

~~the date a member ceases to be a qualified elector as defined in section 6 of this Charter; or a vacancy on the commission shall be deemed to exist on the date a commissioner ceases to be a resident of the Town of Surfside; or~~

(7) Subject to determination by the Town Commission, a vacancy on the Commission shall be deemed to exist on the date a commissioner has been absent without good cause from three consecutive regular monthly meetings of the commission, or has been absent without good cause from five regular monthly meetings of the commission within a calendar year. The Commission shall determine the issue of good cause¹ at a hearing to be publicly noticed in a newspaper of general circulation in the Town at least one week prior thereto, at which hearing the Commissioner in question shall have the burden of establishing good cause and shall be afforded the opportunity to present his position thereon but shall otherwise abstain from Commission vote and/or related deliberation by the Commission on the final determination of good cause. The final determination by the Commission that a Commissioner has forfeited his office by virtue of this subsection shall be by Resolution, and all votes and other acts of the Commissioner in question prior to the effective date of such Resolution shall be valid and otherwise unaffected by the subject Resolution.

~~(d) A vacancy on the commission shall be deemed to exist on the date a commissioner is convicted of a felony or a crime involving moral turpitude, or on the date he is declared mentally incompetent by a court of proper jurisdiction.~~

Sec. 16. Same—Procedure in filling.

Vacancies on the commission shall be filled for the remainder of the subject unexpired term as follows, unless otherwise specifically provided in the Charter:

Vacancies on the commission shall be filled within twenty (20) days by the remaining members of the commission if for an unexpired term of six (6) months or less. If a majority of the remaining members of the commission are unable to agree within the said twenty-day period on a commissioner to fill such vacancy, then an election to fill the vacancy shall be held within ~~thirty~~ sixty (60) days thereafter.

Vacancies on the commission, if for an unexpired term of more than six (6) months, shall be filled by a special election called within ninety (90) days, or in a regular election if one is scheduled to be held within one hundred twenty (120) days of such vacancy, subject to Charter section 105(2).

Consistent with Charter section 19, the term of a commissioner elected to fill a vacancy shall commence on the first business day immediately following the County Supervisor of Election's issuance of Final Election Returns from the subject Election, at which time the newly-elected commissioner shall be administered the oath of office. However, in the event the election has not been held due to said commission member having been elected by operation of law pursuant to this Charter, such official's term shall commence thereafter upon the earlier of, the immediately following Commission meeting or the immediately following third business day, whereupon said official shall be administered the oath of office.

Comment [JO3]: This language added to clarify commencement of terms for commissioners elected to fill vacancies.

Comment [JO4]: Language added to clarify term commencement for official elected by operation of law (no election held).

Should the commission fail or refuse to order an election as herein provided within the time required, such election may be ordered by any court of competent jurisdiction.

The qualifying of candidates for a special election to fill a vacancy shall be the same as provided for regular elections in Article VI of this Charter, and any run-off election, if needed, shall be held two weeks from the special election date.

Comment [JO5]: Consistent with existing Charter section 105(8) provision for Run-Off after General Election. Clerk confirmed with DOE that 2 week Run Off period still works.

Sec. 105. General and special elections of commission members.

¹ See, Town Code section 109 "Commission to judge qualifications, etc., of members".

* * * *

(2) Should a vacancy on the commission be filled at a general municipal election, pursuant to Article II, section 13, [~~repealed as Charter section 16~~], the term of such vacancy shall be considered to have expired and the candidate elected to fill such vacancy shall be elected for a two year term. The commission may implement the provisions of this section or other provisions of this Charter governing the filling of vacancies, by ordinance, not inconsistent with the provisions of this Charter.
(3) If two or more vacancies occur at approximately the same time they shall be filled separately in the order in which they occur. If all the places on the commission shall become vacant at once, or should a majority of the places on the commission shall become vacant at once, the town manager shall within sixty days call a special election of members to serve for the remainder of the unexpired terms; the candidates receiving the highest number of votes shall be elected for the longest unexpired terms and the candidates receiving the next highest number of votes shall be elected for the shortest unexpired terms. Should the town manager fail or refuse to order an election as herein provided within the time required, such election may be ordered by any court of competent jurisdiction. * * *

Comment [JO6]:
This merely reflects that persons elected at General Election will serve for the current 2 year term (subject to change if "Staggered Term" language is approved).

VACANCY IN CANDIDACY

Comment [JO1]: RECOMMENDED BY CRB ON 1/21/14, 2/3/14 and 2/24/14.

PER CHARTER SECTION 105(8), IF MORE THAN FIVE CANDIDATES QUALIFY BUT SAID NUMBER IS REDUCED BEFORE ELECTION DATE, ELECTION IS POSTPONED AND SUPPLEMENTAL QUALIFYING OCCURS. SHALL THE CHARTER BE AMENDED TO DELETE THIS SECTION AND ESTABLISH A REVISED SUPPLEMENTAL QUALIFYING PROCESS FOR VACANCY IN CANDIDACY DUE TO DEATH, WITHDRAWAL OR REMOVAL FROM BALLOT OF CANDIDATES, SAID PROCESS INCLUDING TERM COMMENCEMENT AND VICE MAYOR SELECTION, AND ESTABLISH CONDITIONS FOR CANDIDATE(S) ELECTION BY OPERATION OF LAW.

RELATED CHARTER SECTIONS:

Sec. 105. General and special elections of commission members.

* * *

(8) If more than five (5) candidates qualify for the general Commission election, and if after the last date for qualifying and before the date of the election the number of candidates is reduced for any lawful reason to five (5) or less, the election shall be postponed by the Commission to a date not less than twenty eight (28) days nor more than thirty five (35) days from the scheduled date. Qualifying of candidates shall be reopened until fourteen (14) days before the new election date. The terms of all incumbent Commissioners shall be extended until their successors are duly elected.

Comment [JO2]: Per CRB, "postponed election" deleted.

A. If not more than one candidate has qualified for Mayor and/or the number of qualified candidates for Town Commissioner are equal to or less than the number of seats to be filled, then said candidates shall be elected by operation of law and no election for said Office(s) shall be conducted. Any remaining unfilled seats on the commission shall be filled in accordance with the supplemental qualifying process set forth in subsection B below, as applicable.

Comment [JO3]: Language deleted due to deletion of "postponed election".

B. If more than one candidate has qualified for Mayor and/or the number of qualified candidates for Town Commissioner are greater than the number of seats to be filled, then the election shall be held for purposes of electing said officials. If however, following the qualifying period a qualified candidate withdraws, dies, or is removed from the ballot, leaving not more than one qualified candidate for Mayor and/or a number of qualified candidates for Town Commissioner which are equal to or less than the number of seats to be filled, then a vacancy in candidacy shall have occurred, and there shall be one supplemental qualifying period of five (5) business days beginning on the first business day immediately following the vacancy. No further supplemental qualifying period shall thereafter be established at all if a vacancy occurs within 30 days prior to the date of the election.

Comment [JO4]: Includes situation in which either 1 or 0 candidates qualify for Mayor--if 0 candidates qualify then SQ will occur for that seat.

Comment [JO5]: This process will resolve the problem that occurred in the Town's 2012 qualifying process.

(a) If after the end of all applicable qualifying periods there are two or more qualified candidates for Mayor and/or the number of qualified candidates for Town Commissioner are greater than the number of seats to be filled, then the election shall be held for purposes of electing said officials.

Comment [JO6]: DOE has recommended "30" days as this deadline.

(b) If after the end of all applicable qualifying periods there is only one qualified candidate for Mayor and/or the number of qualified candidates for Town Commissioner are equal in number or less than the number of seats to be filled, then said candidates shall be deemed elected by operation of law and no election for said Office(s) shall be conducted.

(c) Any unfilled Commission seats remaining after the end of all applicable qualifying periods for the General Election as a result of no candidates having qualified to fill such seats shall

be deemed a vacancy on the commission, which shall be filled in accordance with the procedure set forth in section 16 of the Town Charter.

C. The terms of all newly-elected commissioners from the General/RunOff Election shall commence in accordance with Charter section 19 except in the event the election has not been held due to all said commission members having been elected by operation of law as set forth hereinabove, in which case all such officials' terms shall commence on the first business day immediately following the subject scheduled election date, whereupon they shall be administered the oath of office. Moreover, in the event at least one of the Town Commissioners has been elected by operation of law, the selection of vice-mayor shall be made by the new Town Commission.

Sec. 8. Presiding officers.

The mayor shall be elected separately from his/her own group. The four commissioners shall run at-large and the commissioner receiving the highest number of votes in the general election shall, for a term of two years immediately following thereafter, have the title of vice-mayor, subject to the limited exception provided for in Charter section 105(8)C. The commissioners receiving the second, third and fourth highest number of votes in the general election shall, for a term of two years immediately following thereafter, serve as the remaining commissioners.

Comment [JO7]: This way, no interference with 2 year term of incumbent.
No election b/c elected by operation of law, therefore there will be no certification of election results to wait for b/4 induction into office.

Comment [JO8]: Required b/c no way to determine which Commissioner received the 'highest' amount of votes per Charter section 8.
(This language is different from the proposed Charter amendments re: "Staggered Terms"--
Which version of text is adopted depends upon whether voters approve of this and of staggered term change--if voters approve of both then "staggered term" language shall be used.

Comment [JO9]: NOTE: THE FINAL CHARTER TEXT WILL BE DEPENDENT UPON WHICH OF THE PROPOSED CHARTER AMENDMENTS ARE APPROVED BY VOTERS.

CANVASSING BOARD

SHALL CHARTER SECTION 108 GOVERNING CANVASSING OF ELECTION RETURNS BY THE TOWN'S CANVASSING BOARD BE DELETED FROM THE TOWN CHARTER AND INCORPORATED INTO TOWN CODE CHAPTER 26 GOVERNING "ELECTIONS"?

RELATED CHARTER SECTION:

Sec. 108. Canvass of returns.

The result of the voting, when ascertained, shall be certified by returns in duplicate, signed by the Clerks and a majority of the inspectors of the election, one copy being retained by the Town Clerk and the other being delivered to the Canvassing Board. The Canvassing Board shall consist of the Town Manager, Town Clerk and one Commissioner, who shall be selected by the Town Commission at the time the election is called. If any of the foregoing are unable or unwilling to serve on the Canvassing Board, the Town Attorney shall serve as an alternate. However, two members of the Canvassing Board shall constitute a quorum for all purposes hereunder. The Canvassing Board shall meet after the polls close. At such meeting, the Canvassing Board shall canvass the returns and shall declare the results of the election as shown by the returns made by the clerk and inspectors of said election.

Comment [JO1]: RECOMMENDED BY CRB ON 1/6/14.

**Comment [JO2]: THIS IS AN ADMINISTRATIVE MATTER WHICH IS MORE APPROPRIATE FOR PLACEMENT IN THE TOWN CODE CHAPTER DEALING WITH 'ELECTIONS'.
--Helps to streamline Charter.
--Provisions of Fla. Stat. sec.102.141(1) re: conditional qualifications of CB members apply.
If/when this section is moved to Code Chapter 26, outdated language should be deleted, including deletion of "Town Attorney" as alternate member, with "qualified elector chosen by Town Commission" substituted.**

QUALIFYING FOR ELECTED OFFICE

Comment [JO1]: APPROVED BY CRB ON 2/3/14, 2/18/14 and 2/24/14.

SSHALL CHARTER LANGUAGE GOVERNING "QUALIFYING" (i.e., BECOMING A CANDIDATE) FOR ELECTED OFFICE BE AMENDED TO CHANGE TIME PERIOD FOR FILING A QUALIFING PETITION FROM 55-35 DAYS BEFORE ELECTION TO 55-45 DAYS BEFORE ELECTION WHILE RETAINING CITIZEN'S RIGHTS TO OBTAIN SIGNATURES ON PETITION PRIOR TO SAID TIME PERIOD, CLARIFY RELATED FILING REQUIREMENTS, AND CLARIFY PROCEDURE RELATED TO DETERMINATION OF PETITION'S SUFFICIENCY?

~~Sec. 101. Nomination of mayor and commission members—Generally.~~ Qualifving for Elected Office.

Any citizen who ~~can qualify~~ has the qualifications for the office of mayor or commissioner of the town, as provided in section 6 of this Charter, may ~~nominate himself or herself or may be nominated for the commission~~ seek to qualify for office by paying twenty five dollars as a qualifying fee simultaneously with the filing of all qualifying documents including a petition for this purpose signed by not less than twenty-five qualified electors and filed with the tTown eClerk not more than fifty-five days and not less than thirty-five forty-five days prior to the election date, unless said forty-fifth day falls on a legal holiday. Saturday or Sunday, in which event the qualifying period shall be extended to the immediately following business day terminating at 12:00 noon. The format of the petition shall be prescribed by the Town and made available in the Town Clerk's Office. Signatures may not be obtained until said Petitioner has filed the appointment of campaign treasurer and designation of campaign depository pursuant to state law, and are valid only for the qualifying period immediately following such filings. However, if a special election is held and a candidate decides not to participate in the special election, any petition signatures obtained prior to the special election qualifying period will remain valid for the regularly scheduled general election.

Comment [JO2]: See, Fla. Stat. 99.095(2)(a).

Comment [JO3]: Per State of Florida "Candidates' Handbook".

Comment [JO4]: Suggested deletion per IA rights of citizens.

~~No elector shall sign nominating petitions for more than one person for each office or group, and should an elector do so, his or her signature shall be void except as to the petition or petitions first filed.~~

~~The signatures on the nominating petition need not all be subscribed to one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature, including the signature of the circulator, shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it.~~

~~The form of the nominating petition shall be substantially as follows:~~

~~We, the undersigned electors of the Town of Surfside, hereby nominate _____ for the office of commissioner.~~

~~Name _____
Street and Address _____
Date of signing _____
_____ (spaces for signatures and required data)~~

~~Statement of Circulator~~

The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be.

	Signature of Circulator _____
	Address _____

~~Within five one business days after the filing of a nominating petition, the Town Clerk shall notify through the United States mail the candidate and the person who filed the petition whether or not it is found to be signed by the required number of qualified electors deliver the petition to the Miami Dade County Department of Elections for purposes of determining the number of valid signatures on the petition. Upon the Clerk's receipt of the Miami Dade County Elections Department's certificate as to the petition's sufficiency, the Town Clerk shall then promptly forward the certificate on to the candidate, along with the petition if it has been found to be If a petition is found insufficient the town clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate, not less than twenty-five forty days before the election. Such petitions shall be preserved by the town clerk for two years from the date such petitions are filed. The name of each person who has filed a sufficient petition as prescribed above and satisfied qualifying requirements shall be printed on the ballot as a candidate for the office he/she has qualified for.~~

No candidate may qualify for the Office of Mayor and Town Commissioner in the same election.

~~Sec. 102. Same Qualifying, fee. The name of each nominee for commission, who has complied with all the requirements hereinbefore prescribed, shall be printed on the ballot as a candidate for the office of commissioner of the Town of Surfside upon such nominee paying to the Town of Surfside simultaneously with the filing of his nominating petition the sum of twenty-five dollars as a qualifying fee, and upon submitting concurrently therewith a sworn statement of his or her name, address, occupation and willingness to serve if elected. No refund shall be made of the qualifying fee.~~

**ESTABLISHING ELECTED OFFICIALS' STAGGERED TERMS
AND INCREASING TOWN COMMISSIONERS' TERMS FROM TWO TO FOUR YEARS**

THE CHARTER CURRENTLY PROVIDES FOR TWO YEAR, UNSTAGGERED TERMS FOR THE MAYOR AND TOWN COMMISSIONERS. SHALL THE CHARTER BE AMENDED TO INCREASE THE TERM OF OFFICE OF TOWN COMMISSIONER FROM TWO YEARS TO FOUR YEARS WHILE RETAINING MAYOR'S TWO YEAR TERM, ESTABLISH STAGGERED TERMS OF ALL COMMISSION MEMBERS, PROVIDE FOR SELECTION OF VICE MAYOR BY COMMISSION, AND CONFORM PROVISIONS REGARDING RUN-OFF ELECTION WITH RELATED PROCESS FOR DETERMINATION OF RUNOFF ELECTION OUTCOME?

RELATED CHARTER SECTIONS:

Sec. 8. Presiding officers.

Subject to Charter section 105, candidates receiving the highest number of votes shall be elected as follows: The Mayor shall be elected separately from his/her own group. The four Town Commissioners shall run at-large and the commissioner receiving the highest number of votes in the general election shall, for a term of two years immediately following thereafter, have the title of vice mayor. The commissioners receiving the second, third and fourth highest number of votes in the general election shall, for a term of two years immediately following thereafter, serve as the remaining commissioners. The Town Commission shall at its first meeting after each general election (or after runoff election, if held) elect from its membership a Vice-Mayor who during the absence or disability of the Mayor shall perform the duties of Mayor.

Sec. 10. Duties of the Vice Mayor.

The Town Commissioner serving as Vice Mayor shall act as Mayor during the absence or disability of the Mayor, and, if a vacancy occurs in the office of Mayor, shall succeed to that office for the remainder of the unexpired term until the next succeeding general election, at which time said Town Commissioner shall serve for any unexpired remainder of his term that exists as of said general election date. Council The Commission shall then elect from among its members, as soon thereafter as practicable, an assistant Vice Mayor to fill the vacancy thereby created in that office.

Should the Vice Mayor succeed to the office of Mayor per above, the resulting vacancy in the office of Town Commissioner shall be filled by a person serving for that limited portion of the remainder of the subject Town Commissioner's unexpired term until the next succeeding general election.

Sec. 105. General and special elections of commission members.

(1) On the third Tuesday in March in every even numbered calendar year, all members of the Town Commission shall be elected election of the Mayor and Town Commissioners shall be conducted as follows in order to provide for their four year staggered terms: Commencing with the general election in 2016, the Mayor shall be elected for a term of two years therein and at each general election each two years thereafter, the two Town Commissioners receiving the highest number of

Comment [JO1]:
APPROVED BY CRB ON 2/3/14, 2/24/14 and 3/3/14.

THIS VERSION PROVIDES FOR INCREASE IN ONLY COMM'S TERM.
--If increase for all, then majority of Commission (Mayor and 2 Comm's) will be elected every 4 years--might affect election candidacies...
--If Mayor retains 2 year terms and only Comm's have 4 year terms, then above concern will not occur b/c every general election will be for Mayor and 2 Comm's. (i.e., CMB, Key Biscayne).
NOTE: VM selection ev 2 years for the 2 Commission candidates elected.

Comment [JO2]: FYI: SS Election of 11/6/07, voters disapproved of these ballot questions:
-- The Charter currently provides for two year, unstaggered terms for the Mayor and Commission Members. It is proposed that all two (2) year terms be changed to four (4) year terms with a transition being made so that the terms are staggered. Shall the above-described amendment be adopted?
-- The Charter currently does not provide for term limits. It is proposed that the Mayor and Commissioners be limited to eight (8) consecutive years provided that any Commissioner after having served eight (8) consecutive years may thereafter serve one (1) additional term, as Mayor, if elected. Shall the above-described amendment be adopted?

votes shall each be elected for a term of four years therein and at each general election each four years thereafter, and the remaining two Town Commissioners receiving the third and fourth highest number of votes shall each be elected for a term of two years until the 2018 general election at which time said two Town Commissioner seats shall each be elected for a term of four years therein and at each general election each four years thereafter, for terms of TWO (2) years, provided, however, that Commission members elected for FOUR (4) year terms at the 1974 Election pursuant to the Charter provisions in existence prior to the adoption of this Amendment, shall remain in office until the expiration of the term to which they were elected under such prior provisions. At the Election to be held in the year 1976, and biennially thereafter, all members of the Town Commission shall be elected for terms of TWO (2) years; terms to begin at 8 o'clock P.M. on the day following the Election commence as provided in Charter Section 19. In the event any one or more of the four Town Commissioners are deemed elected by method other than popular vote at the general election in 2016, the determination of two or four year terms for each of the four Town Commissioners shall be determined by lot immediately prior to the induction of officers.

(2) Should a vacancy on the commission be filled at a general municipal election, pursuant to Article II, section 13, [codified as Charter section 16], the term of such vacancy shall be considered to have expired and the candidate elected to fill such vacancy shall be elected for a two year term any remainder of the subject unexpired term as of said general election shall be filled by the candidate elected to fill such vacancy. The commission may implement the provisions of this section or other provisions of this Charter governing the filling of vacancies, by ordinance, not inconsistent with the provisions of this Charter.

Comment [JO3]: Need to delete b/c there may not be 2 years remaining on the subject term as of the General election date (i.e., vacancy could occur when Comm'er has served for 3 years of 4 year term).

* * *

(5) At the election held in 2010, except for the mayor who shall run in a separate group, a All other members of the Commissioners receiving the highest number of votes shall be elected in accordance with Charter Section 8 hereinabove. A tie between two or more candidates for the fifth Commission seat shall be decided in a A run-off election to shall be held the first Tuesday of April following the general election for those candidates receiving the following tie votes:

--tie vote among all candidates for Mayor and/or among all candidates for Town Commissioner;

--tie vote between two or more candidates for Town Commissioner after one Town Commissioner seat is filled.

A seat shall be considered "filled" as referenced hereinabove when a candidate receives the highest number of votes cast, in accordance with Charter section 8.

Should the highest votes in the run-off election result in a tie result, the outcome shall be determined by lot. The runoff election shall be held in the same manner and form as the general municipal election.

Comment [JO4]: This language is different from the proposed Charter amendments re: "RunOff", due to staggering of terms. Which version of text is adopted depends upon whether voters approve of this staggered term change--if voters approve of both "runoff" and "staggered terms" this language is used.

* * *

RUNOFF ELECTION

Comment [JO1]: APPROVED BY CRB ON 2/3/14.

CHARTER SECTION 105(5) REQUIRES A RUNOFF ELECTION IF GENERAL ELECTION RESULTS IN A TIE VOTE BETWEEN CANDIDATES FOR TOWN'S FIFTH COMMISSION SEAT.

SHALL THE CHARTER BE AMENDED TO EXPAND REQUIREMENT FOR RUNOFF ELECTION WHEN A TIE VOTE OCCURS FOR ANY COMMISSION SEAT (NOT ONLY THE FIFTH COMMISSION SEAT) WHEREIN CANDIDATES RECEIVING TIE VOTES HAVE NOT RECEIVED HIGHEST NUMBER OF VOTES FOR PURPOSES OF ELECTION, AND ESTABLISH PROCESS FOR DETERMINATION OF RUNOFF ELECTION OUTCOME?

RELATED CHARTER SECTIONS:

Sec. 105. General and special elections of commission members.

* *

(5) ~~At the election held in 2010, except for the mayor who shall run in a separate group, a~~ All other members of the Commissioners receiving the highest number of votes shall be elected in accordance with Charter Section 8 hereinabove. A tie between two or more candidates for the fifth Commission seat shall be decided in a ~~run-off election to~~ shall be held the first Tuesday of April following the general election for those candidates receiving the following tie votes:

Comment [JO2]: Tie could be another seat besides fifth seat, therefore need to amend, as underlined.

--tie vote among all candidates for Mayor and/or among all candidates for Town Commissioner;

--tie vote among four or more candidates for Town Commissioner after one Town Commissioner seat is filled;

Comment [JO3]: If staggered terms proposed on same ballot, language of text will be changed to reflect only 2 commission seats for each gen election--see proposed text.

--tie vote among three or more candidates for Town Commissioner after two Town Commissioner seats are filled;

--tie vote between two or more candidates for Town Commissioner after three Town Commissioner seats are filled.

A seat shall be considered "filled" as referenced hereinabove when a candidate receives the highest number of votes cast, in accordance with Charter section 8.

Should the highest votes in the run-off election result in a tie result, the outcome shall be determined by lot. The runoff election shall be held in the same manner and form as the general municipal election.

Sec. 8. Presiding officers.

Subject to Charter section 105, candidates receiving the highest number of votes shall be elected as follows: The mayor shall be elected separately from his/her own group. The four commissioners shall run at-large and the commissioner receiving the highest number of votes in the general election shall, for a term of two years immediately following thereafter, have the title of vice-mayor. The commissioners receiving the second, third and fourth highest number of votes in the general election shall, for a term of two years immediately following thereafter, serve as the remaining commissioners.



Town of Surfside Commission Communication

Agenda Item #: 9B

Agenda Date: March 11, 2014

Subject: Infrastructure Rehabilitation Project –Close Out Update

Background: The Town is finalizing the last remaining Utility Upgrade Project (UUP) items. The completion of the UUP will then allow the Town Engineer to continue reporting to the County documenting the Town’s compliance with the Consent Decree.

Update:

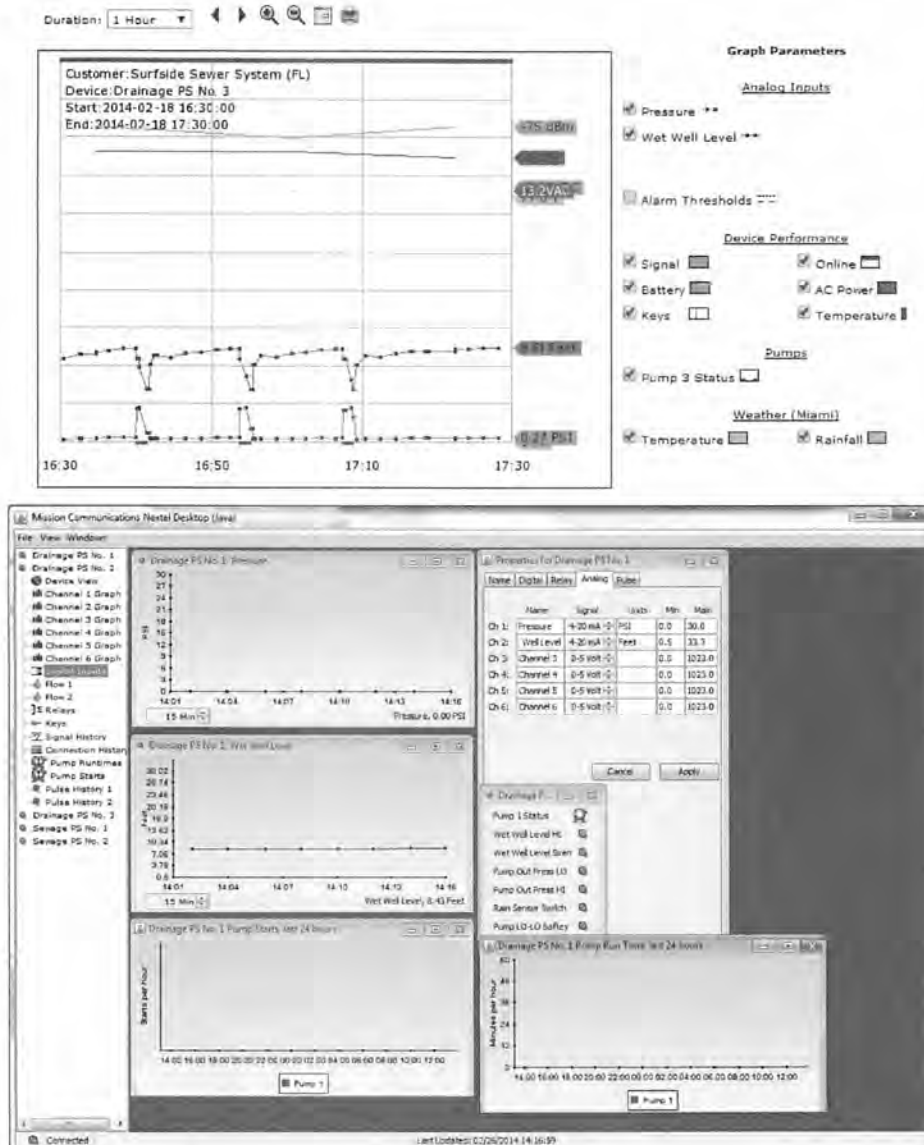
1. Summary Table of Major Project Elements

Utility	Item	Unit	QTY
Water	Water Main	LF	32,000
	Services	Each	1,587
	Meters	Each	1,278
	Fire Hydrants	Each	46
Sewage	Gravity Main-Line or Replace	LF	50,000
	Pump Stations	Each	2
Drainage	Drainage Pipe	LF	6,500
	Pump Stations	Each	3
	Curbing	LF	45,000
Paving	Asphalt	SY	167,000

LF=Linear Foot SY=Square Yard

2. The **Sanitary Pump Stations** were demolished and reconstructed by a RMI subcontractor. While the sanitary pump stations have been operating since May 2013, there remained some necessary repairs of the control and telemetry panels. After months of effort and frustration to resolve issues, Project Staff informed RMI that their subcontractor was no longer eligible to complete the final punch list items. RMI to hire CC Controls (CCC) as the new subcontractor. The Town Commission was previously provided with the legal correspondence associated with this action. The new subcontractor has ordered the required parts and is scheduled to complete the final punch list of repairs by March 31, 2014.

- The **Storm Water Pump** stations have been operating since November 2013. Town Staff can log onto a telemetry website to control and monitor the pumping systems. Below is a screen shot of a portion of the data Town Staff can now analyze. The final item remaining at Drainage PS 1 is the sealing of the manhole cover bolt holes. The Contractor will be completing this task the week of March 14, 2014.



- All **water lines** are in place, approved by the Department of Health and are operational. All drainage lines and structures are in place and operational. All sanitary liners/replacements are in place and operational. The Engineer is currently reviewing post construction video of the last 20 sanitary laterals on the project. If any corrections are required, they will all be performed from the manhole.
- All ancillary punch list items have been completed.
- As part of the Consent Decree dated April 1995 Section VII Remedial Actions, Item 11 Infiltration/Inflow Evaluation and Rehabilitation Program, the Town Engineer performed a “draw down test” over three nights (September 11-13, 2013). The intent of this test was to ensure that Inflow/Infiltration (I&I) has been reduced to an acceptable level. The test consisted of drawing

down or pumping out the Town’s sewage system at 2:00 am (evening is utilized to ensure usage flow is at a minimum). The Engineer then measured the volume of sewage per minute that entered the system to analyze the amount of I&I. The results were analyzed and the I/I was greatly reduced from the conditions prior to the Project and brought back within acceptable levels consistent with the Consent Decree (5,000 gallons per inch mile). In fact, the Town’s sewage bills have seen such a reduction that Miami Beach did not believe the meters were accurate. After hiring their own third party meter calibration technician, Miami Beach Staff confirmed that the Town’s recent sewage bills are accurate.

The next step in the Consent Decree is to perform a “smoke test” in the wet season. This test consists of blowing test smoke into the sewage system to perform a visual inspection of any potential leaks. The test will be performed by the Town Engineer, and reports will be submitted to the County for review/approval in accordance with the Consent Agreement.

7. The Town is currently retaining \$297,722.61 in unbilled work and retainage from RMI. This portion of the project is scheduled to be completed within the Commission Approved Project Budget.

The remaining balance in the RMI Contract will not be paid in full until the one year warranty inspection is performed, videos are reviewed by the Engineer and either the videos are approved OR any corrections noted by the Engineer are made. Only after the project passes the one year inspection video will full payment be made. The last gravity sewer liner was installed and inspected in May 2013 thus making May 2014 the start date for the one year inspection video process.

8. To date three (3) monthly invoices have been received from Miami Beach since the sewage meters were installed and calibrated (Oct 2013-Dec 2013). Surfside also owns and operates two (2) sewage meters to confirm the Miami Beach meters are reading accurately. The table below illustrates historical sewage flows vs current sewage flows and projected annual savings.

Billing Period	Historical Flows	Actual Flows	Reduction	Reduction %	\$ Reduction/ Savings
Oct 2013	37,005,667	28,180,000	8,825,667	23.85%	\$23,123.25
Nov 2013	34,190,333	24,170,000	10,020,333	29.31%	\$23,177.03
Dec 2013	28,023,667	19,088,000	8,935,667	31.89%	\$20,668.20
Annualized*	396,878,667	285,752,000	111,126,667	26.47%	\$267,873.91

*Estimated utilizing only 3 months data

*New hotel development received CO late November 2013 which would affect consumption and usage

9. The project includes **wireless meter readings** thus reducing Town personnel costs. The Finance Director reports that the wireless meter readings have been tested by an outside contractor and verified as accurate. Staff is currently working to coordinate the remote reading process with the Town's software with the ultimate objective to sync with Muni Code for the June billing. Once operational, this will free up staff in Public Works (3 employees for 5 days – 6 times per year) and in the office (2 employees for one week – 6 times per year).
10. The Bal Harbour Force Main Project was undertaken during the Water/Sewer/Storm Drainage Project and funds from the project and Water/Sewer Enterprise Fund were allocated for this project. In 2013, the Town's share of the payment for the construction was made in the amount of \$1,527,797.92. Discussions were held on March 3 to resolve the issue regarding payment for professional fees. Once a closeout determination is made of the amount to be paid for professional fees for the Force Main Project, a financial summary of the total capital project (RMI contract) and Bal Harbour Force Main will be completed. It is Staff's intent to resolve the professional fee issue prior to the April Commission meeting and present a complete financial closeout report at that time.



Department Head



Town Manager

Attachment: PowerPoint Presentation prepared by CGA: Town of Surfside Utility Upgrade Project



TOWN OF SURFSIDE UTILITY UPGRADE PROJECT

Project Completion



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS

Project Overview

Sanitary Sewer System

SYMBOL LEGEND

- - - - - TOWN OF SURFSIDE CITY LIMITS
- - - - - EX. PUMP STATIONS
- EX. GRAVITY SEWER MANHOLES

NOTE:
ALL GRAVITY SEWER LINES ARE TO BE LINED
OR SPOT REPAIRED AND LINED



Project Overview

Potable Water System

- SYMBOL LEGEND**
- TOWN OF SURFSIDE CITY LIMITS
 - EX. WM TO BE ABANDONED
 - EX. WM TO REMAIN
 - PROPOSED WM IMPROVEMENTS



Project Overview

Storm Water System



Storm Water Improvements

Itemized Improvements

- **Construct three (3) new drainage pump stations including 6 new control structures**
 - Decrease pollutants entering Bay by 90%
 - Increase level of service
- **Install 5,500 LF of drainage piping & structures**
 - Increase level of service and interconnect backbone with wells
- **Replace 38,000 LF of curb & gutter (7.2 miles)**
 - Savings of \$170,000 over standard pricing
 - Adjust elevations to reduce ponding
- **Mill & Resurface 167,000 SY of asphalt**
 - Adjust elevations to reduce ponding
 - Increase aesthetic appearance
- **Install 7 new flap gates**
 - Reduce impacts of high tide on drainage system
- **Install 4 manatee grates**
 - Reduce potential for wildlife entrapment
- **Total Drainage related Tax Savings Purchases**
 - \$297,400



Storm Water Improvements

Drainage Images



Potable Water System Improvements

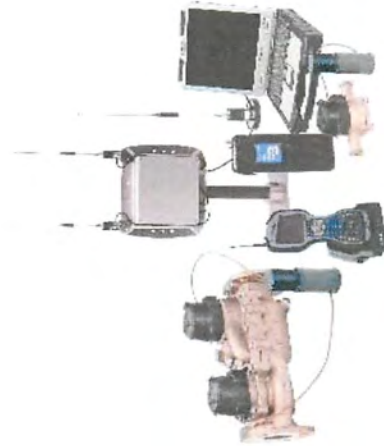
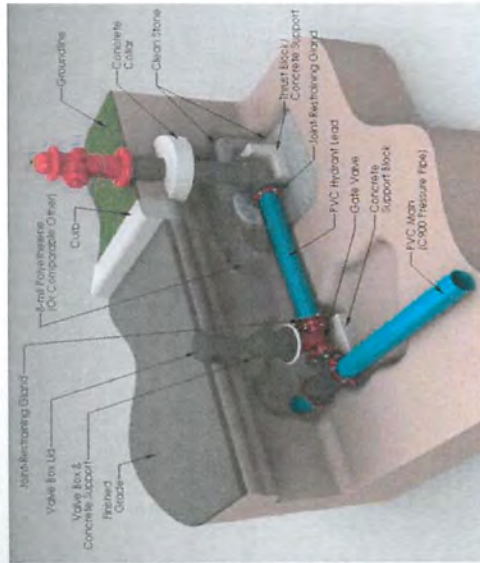
Itemized Improvements

- **Install 37,050 LF of new water main (7 miles)**
 - Increased flow
 - Replaced tuberculated/calcified lines
 - Removed existing lead joints
- **Install 47 Fire Hydrants**
 - Increase fire department access points
 - Increase Towns ability to maintain/flush the water system
- **Installed 1,278 new water services**
 - Replaced tuberculated/calcified services
 - Increased existing undersized services
 - Allowed for installation of irrigation meters
- **Installed 1,603 meters with wireless transmitters**
 - Calibrated meters for accurate readings
 - Relocated to front of yard per code
 - Wireless meter readings-reduced labor costs
 - Early warning leak detection for residents
- **Total water system related Tax Savings Purchases**
 - \$920,000



Potable Water System Improvements

Potable Water System Images



Gravity Sanitary Sewer Improvements

Itemized Improvements

- **Clean and Inspect 52,000 LF of existing Sewer Main**
- Work performed to ensure Town in compliance with Consent Decree
 - Identify areas of Inflow/Infiltration (I/I)
 - Identify areas of utility conflicts
 - Allow determination of rehab (line vs. replace)
- **Install CIP Liner in 46,600 LF of existing Sewer Main**
- Reduced cost vs. replacement-Reduction of \$3.2 Million in project costs
- Installed from man holes, greatly reducing impact to residents

- **Replace 5,400 LF of existing Sewer Main**
- Only performed in areas too damaged to line
- **CIP line or replace 1,453 sewer laterals (services)**
- Addressed leaking services
- Removed blockages in existing services
- **Install 1,453 locking lid cleanouts**
- Tamper resistant/lower maintenance
- Reduce I/I via watertight seal
- **Replace sanitary sewer bridge crossing to Biscaya**
- Existing joints were severely misaligned
- **Total value held from contractor due to missed milestones**
- \$25,000



Gravity Sanitary Sewer Improvements

Gravity Sanitary System Images



Pumped Sanitary Sewer Improvements

Itemized Improvements

- **Complete rehabilitation of existing pump stations**
 - Constructed above 100 year flood plain
 - Work performed to ensure Town in compliance with Consent Decree
 - Installation of 4 new pumps (2 per station)
 - Installation of 2 new backup generators
 - In case of power loss
 - Installation of new SCADA and Mission 800 intelligent communications systems
 - Reporting of pump run times
 - Auto dialer in event of high water alarms
 - Reduce Sanitary Sewer Overflows (SSO)
- **Installation of 2 new force mains**
 - FM run from both Surfside pump stations to newly installed FM on Collins Ave.
 - FM lines are valved to allow use of Byron Ave FM in case of emergency



What did the Project Accomplish?

Sanitary Sewer System

Reduced Inflow/Infiltration=Cost Savings

- Lower Town Sewer Charges from Miami Beach and MD County
- Reduced the load placed on the sewer treatment facility
- Reduced electrical costs by reducing sewage volume
- Reduced the amount of treated sewage being disposed of in the deep injection wells and ocean outfalls.
- Reduced sewage leaking into the groundwater/Biscayne Bay
- Comply with Consent Decree /Consent Agreement requirements
- 30 to 50 year service expectancy



What did the Project Accomplish?

Sanitary Sewer System

Pump Station Reconstruction

- Lower Town electric charges from Town pump stations by installing more efficient pumps
- Reduce maintenance costs by installing new pumps and generators
- Adding green park space to the Town by installing Town Dog Park
- Increased level of service and improved reliability
- Comply with Consent Decree /Consent Agreement requirements
- Emergency preparedness with stand-by generator
- 30 year life expectancy



What did the Project Help Avoid?

- **Water & Sewer Breaks**
- Property Damage
- Loss of Service
- Environmental Impacts
- Road Closures
- Expensive Repairs



What did the Project Help Avoid?

Potential Fines and Fees

- We are working in compliance with the consent agreement
- To avoid fines and fees which can be levied by the consent decree



What did the Project Help Avoid?

Wireless Water Meters

- Alert Town of potential leaks within an hour thus reducing water bills.
- Remove the need for a meter reader-reducing costs.
- Meters located in front of yard to comply with MD County Codes



What did the Project Help Avoid?

- Sanitary Sewer Overflows**
- Environmental Impacts
 - Recreational Area Closures
 - Fines and Fees
 - Health Risks



Current Status

- **Potable Water System (new mains, services, meters, valves)**
 - Completed and as-builts received
- **Roadway Milling and Resurfacing & Permanent Striping**
 - Completed (except portion held up by FDOT)
 - 88th St traffic median installed
- **Pumped Sanitary Sewer System**
 - Houses demolished – new wet and dry wells installed
 - Pumps & generator complete
 - Dog Park installed (93rd St only)
 - Pending final inspection for controls and data collector
 - Pending final as-builts
 - Pending final punch list
- **Gravity Sanitary Sewer System**
 - All point repairs completed
 - All main liners installed
 - All service laterals replaced or lined (pending grouting)
 - All new cleanouts installed
- **Gravity Drainage**
 - Completed and as-builts received
- **Pumped Drainage**
 - Pumps installed and tested
 - Pending final inspection of controls and data collectors
 - Pending final punch list

Current Status

- **Drainage Systems**
 - FDOT System was not functioning from April – June 26th
 - FDOT System was down for June 7 heavy rainfall
 - All Coastal Cities flooded –Surfside streets were passable hours before other municipalities.
- **Recent Rain Activity/Flooding**
 - April Average Monthly Rainfall-3.14”
 - April 2013 Monthly Rainfall-5.14”
 - Increase of 2” over average
 - Of the 5.14” that fell in the month, 2.33” fell in only 12 hours
 - High intensity rainfall coupled with high spring tides



Grant Money Awarded

- **FDEP Grants**
 - S0374 - \$873,500
 - LP6787 - \$125,000
 - LP8979 - \$100,000
- **Building Better Communities Bond (BBC)**
 - \$859,000
- **State Revolving Fund (SRF)**
 - \$9,312,881
- **Grand Total = \$11,270,381**



Clean Water
State Revolving Fund

Warranties & Guarantees

Contractors Responsibility/ Obligations

- 100% Performance Bond
- 100% Payment Bond
- 1 Year Warranty Bond
- 1 year after final completion, Contractor must perform warranty video of the gravity sewer system and make any required warranty corrections





Town of Surfside Commission Communication

Agenda Item # 9C

Agenda Date: March 11, 2014

Subject: Status Report on Compliance Periods and Civil Penalties for Code Violations

Introduction

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

Analysis

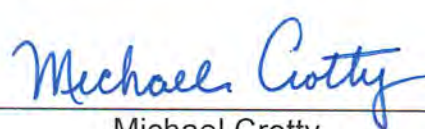
Code Compliance staff, along with the Town Attorney's office, have spent considerable time reviewing the Town Code, as well as Resolution No. 1569 adopted on March 9, 1999 to identify all civil penalties contained in the Code and Resolution. During this process, numerous sections of the Town Code were found to contain specific fines for certain violations, while the Resolution also contained specific fine schedules linked to the Town Code sections. The research revealed that there were many inconsistencies between the two documents and many of the code sections reflected in the Resolution were outdated and no longer in keeping with the codified material. The attached report (Composite Attachment "A") prepared by the attorney's office reveals the complexities involved in comprehensively addressing penalties/fines contained in the Town Code and Resolution No. 1999-1569.

Conclusion

The Administration, in concert with the Town Attorney will continue to work to prepare the required Ordinance amendments and a new Resolution which will comprehensively update the schedule of the civil penalties, and will bring all forward in one package to the Town Commission in April of 2014.



Joe Damien
Code Compliance Director



Michael Crotty
Town Manager



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

TO: Linda Miller, Town Attorney
Joe Damien, Code Compliance Director

CC: Michael P. Crotty, Town Manager
Sarah Johnston, Assistant Town Attorney

FROM: Vitaliy Usten, Legal Intern *VU*

DATE: March 11, 2014

SUBJECT: Spreadsheets prepared on analysis of current sections of the Code of Ordinances for monetary penalty amounts for comparison to civil penalties established in Resolution No. 1999-1569 adopted on March 9, 1999.

You have asked me to prepare the attached spread sheets (See Composite Attachment "A") for both Resolution No. 1999-1569 adopted on March 9, 1999 (which includes all civil penalties assessed for violation of the Code) as well as provide a description and the monetary penalty in the current Code Sections for further analysis to comprehensively update the schedule of civil penalties for consistency.

Monetary Penalty Amounts in Current Surfside Code

Chapter	Section #	Section Name	Amount/Language
Chapter 1 (General Provisions)	Sec. 1-8(c)	Penalty for violations	Except as otherwise provided, whenever in town ordinances...where no specific penalty is provided therefor, the violation of same shall be punished by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed 60 days, or by both such fine and imprisonment....
Chapter 10 (Animals-Article II-Dogs)	Sec. 10-27	Penalty	Violation of any provision of this article is a civil infraction. A maximum penalty of \$500.00 may be imposed by a county judge.... If the person cited does not wish to contest the citation in the county court, he may pay a penalty of \$100.00 to the clerk of the court within 20 days of receipt of the citation....
Chapter 14 (Building Code)	Sec. 14-29(b)	Permit Fees - Failure to Obtain Permit	When work for which a permit is required is started prior to the obtaining of the permit, the applicant for a permit shall be required to pay \$100.00 plus double the regular permit fee , as the cost of the permit....
Chapter 14 (Building Code)	Sec. 14-31(d)	Required Roofing Materials	Any person, persons, firm or corporation violating any of the provisions of this section, shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 or by imprisonment not to exceed 90 days or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.
Chapter 14 (Building Code)	Sec. 14-51(f)	Property Maintenance Standards	In order to defray the cost to the town of maintaining such property there is hereby levied and assessed against each owner or occupant who fails to maintain such lawns, landscaping and driveways in accordance with this article, the sum of \$125.00 per time the town provides such maintenance....
Chapter 15 (Code Enforcement)	Sec. 15-11(a)	Civil Penalties & related terms construed.	Penalties for violations of the provisions to be enforced through this chapter shall be in the amounts prescribed in the schedule of civil penalties contained in section 15-18 hereof; provided, however, that the maximum civil penalty shall be \$250.00 for a first time single violation....
Chapter 15 (Code Enforcement)	Sec. 15-11(c)	Civil Penalties & related terms construed.	Uncorrectable violations as defined in section 15-1(l) above may be assessed a fine not to exceed \$5,000.00 per violation.
Chapter 15 (Code Enforcement)	Sec. 15-11(e)	Civil Penalties & related terms construed.	For the first repeat violation, the amount of the civil penalty shall be double the amount of the penalty prescribed for the original violation by section 15-18 hereof...provided that the maximum penalty payable for the first day of any one repeat violation shall be \$500.00 ,....

Chapter	Section #	Section Name	Amount/Language
Chapter 15 (Code Enforcement)	Sec. 15-18 (d)	Violations; schedule of civil penalties	For violations of any section of this Code for which a specific penalty is not prescribed herein, a penalty shall be imposed which shall not be less than \$25.00 or more than \$250.00 per day for a first violation and shall not be less than \$50.00 or more than \$500.00 per day for a repeat violation....
Chapter 18 (Businesses)	Sec. 18-85(a)	Civil fines and penalties	First violation \$100.00 , Second violation within the preceding 12 months \$250.00 , Third violation within the preceding 12 months \$500.00 , Fourth within the preceding 12 months \$750.00 , Fifth violation within the preceding 12 months, suspension of the sidewalk café permit for one weekend (Saturday and Sunday) and \$1,000.00. , Sixth violation within the preceding 12 months, revocation of the sidewalk café permit for the remaining portion of the permit year and \$1,000.00 .
Chapter 18 (Businesses)	Sec. 18-88(g)	Permitted area; conditional permit	...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 café permit.
Chapter 22 (Cable Communications)	Sec. 22-15	Schedule of Fines	Subsection (a), \$100.00. Subsection (b), \$100.00, Subsection (c), \$100.00, Subsection (d) per quarter, \$2,500.00, Subsection (e), \$100.00, Subsection (f) \$100.00, Subsection (g) \$100.00, Subsection (h) \$100.00, Subsection (i) \$250.00, Subsection (j) \$100.00, Subsection (k) \$250.00, Subsection (l) \$100.00, Subsection (m)(1)a-i \$250.00, Subsection (m)(2) \$250.00, Subsection (m)(3)-(6) \$100.00, Subsection (n) \$100.00, Subsection (o) \$100.00, Subsection (p) \$100.00, Subsection (q) \$1,000.00.
Chapter 22 (Cable Communications)	Sec. 22-20(g)	Transfer/sale/assignment	Any unauthorized transfer of a cable system, its assets, stock, control or a franchise granted pursuant to this chapter shall result in the franchisee being subject to liquidated charges in the amount of \$100,000.00 payable to the town.
Chapter 22 (Cable Communications)	Sec. 22-22(b)	Continuity of service mandatory	In the event of a termination or transfer of a franchise for whatever reason, the franchisee shall ensure that all subscribers receive continuous, uninterrupted service regardless of the circumstances.... A franchisee's failure to comply with this section shall result in imposition of liquidated damages payable to the town by the franchisee in the amount of \$3,000.00 per day for each day the violation continues.
Chapter 22 (Cable Communications)	Sec. 22-28(a)	Violations of ordinance	Whenever the town finds that a franchise has allegedly violated any provision of this chapter, not otherwise described in section 22-15 herein, the franchisee shall have 30 days subsequent to the date of the notice to correct the violation....If a violation is found, the person shall pay to the town \$500.00 per day, or any part thereof for each day each violation occurs or continues....

Chapter	Section #	Section Name	Amount/Language
Chapter 22 (Cable Communications)	Sec. 22-29(a)(1)	Enforcement remedies	Impose liquidated damages in such amount, whether on a per-diem, per-incident, or other measure of violation, or in an amount of \$500.00 per day per violation as provided in a franchise agreement. Payment of liquidated damages by the franchisee will not relieve the franchisee of its obligation to comply with the requirements of this chapter and a franchise agreement.
Chapter 34 (Environment)	Sec. 34-71(b)	Vacant lots	In order to defray the cost of clearing such vacant property, there is hereby levied and assessed against each and every vacant lot in the town, upon which the owner thereof may allow to accumulate excessive or heavy growth of grass, weeds, shrubs or other vegetation, the sum of \$125.00 per cutting, cleaning or removal, as set forth in subsection (a) of this section.
Chapter 34 (Environment)	Sec. 34-76(g)	Collection of stormwater utility fee; liens.	Notwithstanding other provisions to the contrary, the town shall have the discretion not to file a notice of lien for fees, late charges and interest accrued in an amount less than \$50.00
Chapter 34 (Environment)	Sec. 34-80(c)	Prohibitions on litter; civil fines for violations; enforcement; appeals; liens	If a person is found littering with commercial handbills, the code compliance officer is authorized to seize, for use as evidence in the prosecution of the violator before the special master, all commercial handbills in the possession of the violator. The following civil fines shall be imposed for violations of this section except as provided in subsections (f) below: First offense: \$50.00 fine. Second offense: \$100.00 fine. Third or subsequent offense: \$250.00 fine.
Chapter 34 (Environment)	Sec. 34-80(d)	Prohibitions on litter; civil fines for violations; enforcement; appeals; liens	...The special master shall not have discretion to alter these prescribed penalties except as to the per handbill fine of \$50.00 provided in subsection (c)(1). If the offense is the first offense, \$100.00 fine; If the offense is the second offense within the preceding 12 months, \$250.00 fine ; If the offense is the third or subsequent offense within the preceding 12 months, \$500.00 fine plus \$50.00 per handbill. Notwithstanding subsections (c) (1)–(3), no person or benefactor shall receive more than one offense within any one-day period.
Chapter 42 (Floods - Flood Damage Prevention)	Sec. 42-64	Penalties for violation	...Any person who violates this article or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than \$500.00 , and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense....
Chapter 42 (Floods - Variance procedures)	Sec.42-115 (1)	Variance notification	...The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage, and Such construction below the base flood level increases risks to life and property.

Chapter	Section #	Section Name	Amount/Language
Chapter 70 (Taxation - Local Business Tax Receipt)	Sec. 70-32(b)	Delinquencies; additional penalties	Any person engaging in or managing any business, occupation or profession without first obtaining a town local business tax receipt, if required hereunder, shall be subject to a penalty of 25 percent of the receipt determined to be due, in addition to a \$250.00 penalty if the local business tax receipt is not applied for within 60 days of notice.
Chapter 70 (Taxation - Local Business Tax Receipt)	Sec. 70-32(c)	Delinquencies; additional penalties	Any person who engages in any business, occupation, or profession covered hereby who does not pay the required local business tax receipt within 150 days after the initial notice of tax due, and who does not obtain the required local business tax receipt, is subject to civil actions and penalties including court costs, reasonable trial and appellate attorneys' fees, additional administrative costs incurred as a result of collection efforts and an additional penalty of up to \$250.00 .
Chapter 74 (Traffic & Vehicles)	Sec. 74-59 (i)	General rules for use; procedure for violations	The following shall constitute the fixed uniform schedule of civil penalties to be paid by offenders in accordance with clause (1) above, to-wit: Overtime parking in a metered and/or posted time zone: If paid within 48 hours of issuance, excluding weekends and legal holidays \$12.00 . If paid within seven days of issuance, but after 48 hours \$18.00 . If paid after 30 days of issuance, where no summons or warrant has been issued \$30.00
Chapter 74 (Traffic & Vehicles)	Sec. 74-59 (n)(2)	General rules for use; procedure for violations	... (i) a civil penalty of \$250.00 for violations of disabled parking ordinances and a civil penalty not to exceed \$100.00 for violations of all other town parking ordinances, and (ii) hearing costs. The hearing officer may, in his discretion, grant additional time to pay the civil penalty amount....
Chapter 74 (Traffic & Vehicles)	Sec.74-94	Penalties	That any person, persons, firm or corporation violating any of the provisions of this article, shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.
Chapter 78 (Utilities - Article 2 Water Service)	Sec. 78-27	Amendment of regulations	110-192. Subsection (a) of section 110-192 is amended to read as follows: All delinquent accounts, ... delinquent account and the sum of \$25.00 for the first occurrence then \$50.00 for the second and subsequent occurrence(s) within a rolling 12-month calendar period for turning on the supply to each premises so shut off has been paid....
Chapter 78 (Utilities - Article 6 Water Shortage Regulations)	Sec. 78-106	Penalties	First violation \$25.00 , Second and subsequent violations - Fine not to exceed \$500.00 and/or imprisonment in the county jail not to exceed 60 days

Chapter	Section #	Section Name	Amount/Language
Chapter 90 (Zoning - P&Z Board)	Sec.90-27.2	Certificates of useThose certificates not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent) for the month of October, plus an additional five percent penalty for each month of delinquency thereafter until paid; provided, that the total delinquency penalty shall not exceed 25 percent of the fee due.
Chapter 90 (Zoning - District Regulations)	Sec. 90-41.1(c)	Resort tax & enforcement	Violations of this section: Are subject to the following fines. The special master may not waiver or reduce fines set by this section. First violation: \$500.00 . Second violation within the preceding 12 months: \$1,500.00 . Third violation within the preceding 12 months: \$5,000.00 . Fourth or greater violation within the preceding 12 months: \$7,500.00 .
Chapter 90 (Zoning - District Regulations)	Sec. 90-49.2(d)	Awnings & canopies - enforcement	Code enforcement and/or the building department shall be responsible for the enforcement of these provisions. Any person or entity violating these provisions shall be subject to a \$250/day fine and punishable as provided in section 1-8and all other applicable sections of the Code of the Town of Surfside.
Chapter 90 (Zoning - Design Standards)	Sec. 90-56.1.B (c)	Fences, walls and hedges	Any person or entity found to be in violation of this subsection shall be subject to a fine of \$500.00 per day.
Chapter 90 (Zoning - Design Standards)	Sec. 90-56.1.B (o)	Fences, walls and hedges	Enforcement and penalties. The code compliance division and building departments shall be responsible for the enforcement of the provisions of this section. Any person or entity found to be in violation of this section shall be subject to a \$500.00 fine per day.

Monetary Penalty Amounts in Resolution 1999-1569

Chapter	Section	Daily Penalty	Monetary Amount in Current Surfside Code?	Conforms to Current Surfside Code?
Chapter 6	Alcoholic Beverages	\$250.00	no	yes
Chapter 10-2	Animals	\$250.00	no	yes
Chapter 10-3(a)	Animals	\$50.00	no	yes
Chapter 10-3(a)	Animals	\$50.00	no	yes
Chapter 10-3(a)	Animals	\$50.00	no	yes
Section 10-28(c)	Animals	\$50.00	no	yes
Section 10-28(c)	Animals	\$50.00	no	yes
Section 10-30	Animals	\$50.00	no	yes
Section 10-32	Animals	\$100.00	current section 10-27 is \$100 and max \$ 500.00 by county judge	yes
Section 10-33	Animals	\$50.00	no	yes
Section 10-33	Animals	\$100.00	no	yes
Section 10-34	Animals	\$50.00	no	yes
Section 10-36	Animals	\$50.00	no	yes
Section 10-36	Animals	\$250.00	no	yes
Section 86-37	Beaches	\$100.00	no	yes
Section 86-38	Beaches	\$50.00	no	yes
Section 86-39	Beaches	\$50.00	no	yes
Section 86-40	Beaches	\$50.00	no	yes
Section 86-41	Beaches	\$100.00	no	yes
Section 14-2	Buildings and Construction	\$250.00	no	No, currently 14-2(a)
Section 14-2	Buildings and Construction	\$250.00	no	No, currently 14-2(a)
Section 14-28,90-37	Buildings and Construction	\$100.00	not in 14-28, yes in 14-29(b)	yes for 14-28, no for 90-37 (no longer exists)
Section 34-30	Buildings and Construction	\$250.00	no	yes
Section 34-30	Buildings and Construction	\$250.00	no	yes
Section 14-87	Bulkheads	\$250.00	no	yes
Section 14-87	Bulkheads	\$250.00	no	yes
Section 14-88	Bulkheads	\$250.00	no	yes
Section 14-88	Bulkheads	\$250.00	no	yes
Section 14-102	Bulkheads	\$250.00	no	yes
Section 14-102	Bulkheads	\$250.00	no	yes
Section 90-184	Bulkheads	\$100.00	no	No, this section no longer exists. New section 90-57-marine structures
Section 90-187	Bulkheads	\$100.00	no	No, this section no longer exists.
Section 34-69(a) & 66-4	Garbage, Trash & Weeds	\$50.00	no	yes
Section 34-70	Garbage, Trash & Weeds	\$25.00	no	34-70(a)
Section 34-31	Garbage, Trash & Weeds	\$25.00	no	yes
Section 66-7	Garbage, Trash & Weeds	\$25.00	no	yes
Section 66-7	Garbage, Trash & Weeds	\$25.00	no	yes

Chapter	Section	Daily Penalty	Monetary Amount in Current Surfside Code?	Conforms to Current Surfside Code?
Section 66-7	Garbage, Trash & Weeds	\$25.00	no	yes
Section 66-33	Garbage, Trash & Weeds	\$100.00	no	yes
Section 66-34	Garbage, Trash & Weeds	\$100.00	no	yes
Section 66-46 (b)	Garbage, Trash & Weeds	\$50.00	no	yes
Section 66-47	Garbage, Trash & Weeds	\$50.00	no	66-47(a)
Section 66-47(d)	Garbage, Trash & Weeds	\$50.00	no	67-47 (discrepancy in code language. Code says residents may use cans
Section 66-48	Garbage, Trash & Weeds	\$50.00	no	yes
Section 66-49	Garbage, Trash & Weeds	\$50.00	no	yes
Section 66-49	Garbage, Trash & Weeds	\$50.00	no	yes
Section 66-49	Garbage, Trash & Weeds	\$50.00	no	yes
Section 46-1	Health	\$250.00	no	yes
Section 18-26 (a) & (b)	Occupational Licenses, Peddling, Solicitors, Hawkers, Special Sales	\$50.00	no	Currently just 18-26, no a & b
Section 18-71	Occupational Licenses, Peddling, Solicitors, Hawkers, Special Sales	\$50.00	no	yes
Section 70-26	Occupational Licenses, Peddling, Solicitors, Hawkers, Special Sales	\$250.00	no	yes
Section 70-106	Occupational Licenses, Peddling, Solicitors, Hawkers, Special Sales	\$250.00	no	no, 70-108
Section 6-8	Offenses, Miscellaneous Provisions	\$250.00	no	yes
Section 30-26	Offenses, Miscellaneous Provisions	\$25.00	no	yes
Section 34-28	Offenses, Miscellaneous Provisions	\$50.00	no	yes
Section 54-2	Offenses, Miscellaneous Provisions	\$50.00	no	Repealed
Section 54-2	Offenses, Miscellaneous Provisions	\$50.00	no	Repealed
Section 54-62	Offenses, Miscellaneous Provisions	\$100.00	no	yes

Chapter	Section	Daily Penalty	Monetary Amount in Current Surfside Code?	Conforms to Current Surfside Code?
Section 54-63	Offenses, Miscellaneous Provisions	\$50.00	no	yes
Sections 54-78 to 54-83	Offenses, Miscellaneous Provisions	\$100.00	no	yes
Section 62-1	Offenses, Miscellaneous Provisions	\$50.00	no	yes
Section 62-2	Offenses, Miscellaneous Provisions	\$50.00	no	yes
Section 62-3	Offenses, Miscellaneous Provisions	\$50.00	no	yes
Section 62-3	Offenses, Miscellaneous Provisions	\$50.00	no	yes
Section 14-52(a)(1)	Property Maintenance Standards	\$100.00	no	yes
Section 14-52(a)(2)	Property Maintenance Standards	\$100.00	no	yes
Section 14-52(a)(2)	Property Maintenance Standards	\$50.00	no	yes
Section 14-52(a)(3)	Property Maintenance Standards	\$100.00	no	yes
Section 14-52(a)(4)	Property Maintenance Standards	\$100.00	no	yes
Section 14-52(a)(4)	Property Maintenance Standards	\$100.00	no	yes
Section 14-52(a)(4)	Property Maintenance Standards	\$100.00	no	yes
Section 14-52(a)(5)	Property Maintenance Standards	\$100.00	no	currently 7 days not 15 days
Section 14-52(a)(6)	Property Maintenance Standards	\$100.00	no	yes
Section 14-52(a)(7)	Property Maintenance Standards	\$100.00	no	yes

Chapter	Section	Daily Penalty	Monetary Amount in Current Surfside Code?	Conforms to Current Surfside Code?
Section 14-53(a)(1)	Property Maintenance Standards	\$50.00	no	yes
Section 14-53(a)(2)	Property Maintenance Standards	\$50.00	no	yes
Section 14-53(a)(3)	Property Maintenance Standards	\$50.00	no	yes
Section 14-53(a)(4)	Property Maintenance Standards	\$50.00	no	yes
Section 14-53(a)(5)	Property Maintenance Standards	\$50.00	no	yes
Section 14-53(a)(6)	Property Maintenance Standards	\$50.00	no	yes
Section 106 to 111	Resort Tax	\$250	no	section no longer exists
Section 78-51	Sewers and Sewage Disposal	\$100.00	no	yes
Section 78-54	Sewers and Sewage Disposal	\$250.00	no	yes
Section 14-89	Traffic and Vehicles	\$50.00	no	yes
Section 74-1	Traffic and Vehicles	\$50.00	no	yes
Section 74-57(c)	Traffic and Vehicles	\$50.00	no	yes
Section 82-1	Vegetation	\$50.00	no	yes
Section 90-6(1)	Zoning	\$250.00	no	Whole section has changed
Section 90-6(2)	Zoning	\$250.00	no	Whole section has changed
Section 90-6(3)	Zoning	\$250.00	no	Whole section has changed
Section 90-6(4)	Zoning	\$250.00	no	Whole section has changed
Section 90-6(5)	Zoning	\$250.00	no	Whole section has changed
Section 90-6(6)	Zoning	\$250.00	no	Whole section has changed
Section 90-6(7)	Zoning	\$250.00	no	Whole section has changed
Section 90-6(8)	Zoning	\$50.00	no	Whole section has changed
Section 90-6(8)	Zoning	\$50.00	no	Whole section has changed
Section 90-7	Zoning	\$250.00	no	section has changed, not the same language
Section 90-7	Zoning	\$250.00	no	section has changed, not the same language

Chapter	Section	Daily Penalty	Monetary Amount in Current Surfside Code?	Conforms to Current Surfside Code?
Section 90-8	Zoning	\$250.00	no	section has changed, not the same language
Section 90-39	Zoning	\$250.00	no	section has changed, not the same language
Section 90-146	Zoning	\$250.00	no	No sections past 90-99
Section 90-147	Zoning	\$250.00	no	No sections past 90-99
Section 90-148	Zoning	\$250.00	no	No sections past 90-99
Section 90-149	Zoning	\$250.00	no	No sections past 90-99
Section 90-150	Zoning	\$250.00	no	No sections past 90-99
Section 90-152	Zoning	\$250.00	no	No sections past 90-99
Section 90-153	Zoning	\$250.00	no	No sections past 90-99
Section 90-181(1)	Zoning	\$50.00	no	No sections past 90-99
Section 90-181(1)	Zoning	\$50.00	no	No sections past 90-99
Section 90-181(1)	Zoning	\$50.00	no	No sections past 90-99
Section 90-183	Zoning	\$50.00	no	No sections past 90-99
Section 90-185	Zoning	\$50.00	no	No sections past 90-99
Section 90-188	Zoning	\$50.00	no	No sections past 90-99
Section 90-188	Zoning	\$50.00	no	No sections past 90-99
Section 90-188	Zoning	\$50.00	no	No sections past 90-99
Section 90-188	Zoning	\$50.00	no	No sections past 90-99
Section 90-188	Zoning	\$50.00	no	No sections past 90-99
Section 90-189	Zoning	\$50.00	no	No sections past 90-99
Section 90-192	Zoning	\$50.00	no	No sections past 90-99
Section 90-192	Zoning	\$50.00	no	No sections past 90-99
Section 90-192	Zoning	\$50.00	no	No sections past 90-99
Section 90-192	Zoning	\$50.00	no	No sections past 90-99
Section 90-192	Zoning	\$50.00	no	No sections past 90-99
Section 90-192	Zoning	\$50.00	no	No sections past 90-99

Chapter	Section	Daily Penalty	Monetary Amount in Current Surfside Code?	Conforms to Current Surfside Code?
Section 90-192	Zoning	\$50.00	no	No sections past 90-99
Section 90-192	Zoning	\$50.00	no	No sections past 90-99
Section 90-193	Zoning	\$50.00	no	No sections past 90-99
Section 90-193	Zoning	\$50.00	no	No sections past 90-99
Section 90-194(a)	Zoning	\$50.00	no	No sections past 90-99
Section 90-194(b)	Zoning	\$50.00	no	No sections past 90-99
Section 90-194(c)	Zoning	\$50.00	no	No sections past 90-99
Section 90-206(a)	Zoning	\$100.00	no	No sections past 90-99
Section 90-206(a)	Zoning	\$50.00	no	No sections past 90-99
Section 90-206(b)	Zoning	\$50.00	no	No sections past 90-99
Section 90-206(c)	Zoning	\$100.00	no	No sections past 90-99
Section 90-207	Zoning	\$250.00	no	No sections past 90-99
Section 90-208	Zoning	\$250.00	no	No sections past 90-99
Section 90-209	Zoning	\$250.00	no	No sections past 90-99
Section 90-210	Zoning	\$250.00	no	No sections past 90-99
Section 90-211	Zoning	\$250.00	no	No sections past 90-99
Section 90-212	Zoning	\$250.00	no	No sections past 90-99
Section 90-226	Off-Street Parking	\$100.00	no	No sections past 90-99
Section 90-228(a)(4)	Off-Street Parking	\$100.00	no	No sections past 90-99
Section 90-228(a)(4)	Off-Street Parking	\$100.00	no	No sections past 90-99
Section 90-228(c)	Off-Street Parking	\$50.00	no	No sections past 90-99
Section 90-206(d)	Off-Street Parking	\$50.00	no	No sections past 90-99
Section 90-206(e)	Off-Street Parking	\$100.00	no	No sections past 90-99
Section 90-230	Off-Street Parking	\$100.00	no	No sections past 90-99
Section 90-241	Off-Street Parking	\$100.00	no	No sections past 90-99



Town of Surfside Commission Communication

Agenda Item # 9D

Agenda Date: March 11, 2014

Subject: Report on Canal/Dock/Point Lake Issue

Update: A discussion item on docks was presented at the February Commission meeting on the dock issue. Town Planner Sarah Sinatra Gould, AICP provided a report on docks and the portion applicable to Dock/Canal/Point Lake stated:

The Town's zoning code limits docks located on Biscayne Bay and Indian Creek to 35 feet in length. Miami-Dade's Regulatory and Economic Resources (RER, formerly DERM), has required longer docks than what is limited by the Town's zoning code, to protect the sea grasses located adjacent to the seawalls. The Planning and Zoning Board directed staff to request input from RER on the appropriate length of docks and prepare an ordinance for an upcoming Town Commission meeting limiting docks to RER's recommendation.

Staff reviewed the codes of other municipalities within Miami-Dade County as well as spoke to RER about the potential code change. RER has indicated that there is no specific minimum or maximum number of feet to limit a dock projection to protect the seagrass beds. Each circumstance is different and even the sea grasses adjacent to neighboring properties could have different requirements.

During the time the Town staff was analyzing docks on Biscayne Bay and Indian Creek, the residents of Point Lake notified the Town of their concern over a five foot wide dock permitted in the canal entering the lake. Staff reviewed the permit and all events surrounding the issuance of the permit with the conclusion that the dock met all Town code requirements. The dock also met all regulatory agency requirements.

This subject was placed on the January 30, 2014 Planning and Zoning Board meeting for discussion and staff was given the direction to do the following:

- 1. Prepare an ordinance limiting the maximum width a dock, whips, fenders, piles and the vessel may project into the canal.*
- 2. Prohibit docks on the south side of the canal.*
- 3. Review options to dredge the canal as well as bury the water pipe.*
- 4. Confirm if the canal is considered a navigable waterway.*

A draft of an ordinance was prepared and included in the February Commission agenda packet (copy attached). This draft addressed items #1 and #2 above.

Staff has addressed item #3 above regarding dredging and burying pipe. Chris Giordano supplied the preliminary information:

1. Dredging the canal only (assuming navigable water depths within the lock/dock adjacent.
 - a. Canal length 480'
 - b. Canal width 50'
 - c. Removing approximately 4' at middle of canal (must assume a 3:1 slope and offset of 10' minimum from any structures –docks or seawalls.)
 - i. Used 4' because I believe that is the depth of the existing water main which crosses the channel.
 - d. Total ESTIMATED volume to be removed = 1,750 CY (18 CY to a dump truck).
 - e. Construction Cost Only \$35-\$40/CY for dredging and transportation \$61,250-\$70,000. (assumes material is good clean fill and testing does not indicate any heavy metals or other contaminants. If contaminants are shown total costs can reach \$90-\$100/CY.
 - f. Assuming the canal is manmade and we can apply for a permit exemption soft costs would range from 15-20%.

Initial, rough estimates for burying the water pipe have a ceiling of \$20,000. Opportunities exist to bury the pipe during upcoming projects (seawall or Biscaya drainage projects).

As previously stated, the Town has retained a legal firm to address specific issues (item #4 above) and clarify legal authority/rights including: the riparian rights of the property owners abutting both the canal and Point Lake; ownership and rights to the submerged lands of the canal/Point Lake; legal determination regarding the rights of the property owners abutting the canal to have a dock; navigation issues and the specific legal authority the Town has to regulate docks in the canal. Staff received a briefing on March 4 from the law firm doing the legal research/title work on these issues. This has taken longer than initially contemplated, however, unique circumstances have been identified over the past month. The attorney indicated that a title commitment could be received by March 7. A conference call is scheduled for March 7.

Once the issues identified above are clarified and the status of the canal especially the navigability and submerged land issues are clarified, Staff will contact FIND to determine if there is assistance available for dredging.

Regarding public outreach, Staff met with Point Lake residents to discuss the proposed ordinance. Residents indicate that docks pose a problem in the canal and they would encourage the code to be amended not to allow docks but davits only.


During the second week in February, a permit application for a floating lift for a boat was received from the property owner of 8950 Irving Ave. The application is currently at DERM.

During discussion on docks in the canal, it was suggested that in order to protect all interests (the canal front property owners; property owners on Point Lake and the Town) that until the legal

issues are fully vetted and resolved (right of canal front owners to have a dock vs. the concerns of Point Lake residents that a dock should not be permitted; submerged lands issue; and related issues) should a temporary moratorium on docks be considered (usually 60-90 days). This option might be considered depending upon legal issues identified in the coming days.

Finally, in response to inquiries about docks being prohibited in the canal leading to Point Lake and what docks have been permitted previously, attached is a dock inventory.

Conclusion: Upon receipt of information regarding the legal issues identified herein, the Commission will be able to consider a final resolution regarding docks in the canal leading to Point Lake.


Town Manager

Attachments: Draft Ordinance
Dock Inventory

Sec. 90-57. Marine structures.

The following regulations shall apply to boat docks, piers, and mooring piles, in any district:

(1) Projection of docks and piers into waterways beyond the waterway line, lot line, or established bulkhead lines shall be limited as follows, subject to final approval by ~~DERM and any other applicable agency~~ Miami-Dade County and any other authority having jurisdiction:

- a. Biscayne Bay: 35-feet 40 feet, except if the applicant provides evidence that Miami-Dade County requires a greater dock length to avoid or minimize adverse environmental impact to marine resources.
- b. Indian Creek: 35-feet. 40 feet, except if the applicant provides evidence that Miami-Dade County requires a greater dock length to avoid or minimize adverse environmental impact to marine resources.
- c. Point Lake: 35-feet, _____ feet except as restricted elsewhere in this Chapter.

(2) Under no circumstances shall any dock or pier be constructed so as to project into any waterway for a distance equal to more than ten percent of the width of such waterway's frontage.

(3) Docks shall not be permitted on the canal side of the following properties: Lot 1, Block 28 and Lot 2, Block 27 of Second Amended Plat of Normandy Beach Plat Book 16, Page 44. Docks may be permitted on the Indian Creek and Point Lake side of these properties.

(4) The furthest projection of a dock from the north side of canal, including the following properties: Lot 1, Block 23-A; Lot 2, Block 23-A; Lot 3, Block 23A; and Lot 4, Block 23A of the Second Amended Plat of Normandy Beach Plat Book 16, Page 44 shall not exceed 15 feet measured from the water side of the seawall to the southern edge of a vessel moored against a dock. This projection allowance shall include the docks, piles, piers, mooring devices, hardware, vessel lifts, accessories and a vessel.

(5) All docks, piles, piers, mooring devices, hardware, vessel lifts, accessories and vessels shall be kept in good working order and maintained so as to fully function for the purpose for which it was designed and approved.

(6) For all properties on Point Lake and the Point Lake Canal, the Town Manager or his designee shall send a mailed courtesy notification to all property owners of properties abutting Point Lake and the Point Lake Canal of submittal of a Marine structure permit, as defined in this Chapter, to the Building Official.

DOCK INVENTORY

Canal Leading to Point Lake
(Residents with property abutting canal)

North Side of Canal

<u>Address:</u>	<u>Dock Status</u>
1. 8900 Bay Drive (Halpren)	Dock on Indian Creek
2. 8925 Bay Drive (Tabas)	New dock (5') installed 2014
3. 8950 Irving Ave (LeCour)	No dock
4. 8942 Irving Ave (Ott)	5' dock (1955)
5. 8934 Irving Ave (Hart)	5' dock (1997) and lift

South Side of Canal

<u>Address:</u>	<u>Dock Status</u>
1. 1452 Biscaya Drive (Frank)	Dock on Indian Creek
2. 1453 Biscaya Drive (Wall)	Dock on Point Lake

Attached are copies of property information from the Property Appraisers' website for the above listed properties.

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Property Appraisal Tax Estimator

Property Appraisal Tax Comparison

Summary Details:

Parcel No.:	14 2235 005 3810
Property:	3500 BAY DR
Mailing Address:	MARK HAI PERN & W MARGARET
	3500 BAY DR SURF-SIDE FL 33154-3314

Property Information:

Primary Zone:	1100 SGL FAMILY - 2301-2500 SQ
CLUC:	0001 RESIDENTIAL - SINGLE FAMILY
Beds/Baths:	3/5
Floors:	2
Living Units:	1
Adj Sq Footage:	5,573
Lot Size:	21,800 SQ FT
Year Built:	1895
	35 52 42 PB 16 44 NORMANDY BEACH 2ND AMD PL LOTS 4 & 5 BLK 25 LOT SIZE 109.600 X 200 OR 18131-1883 0598 1 OR 18131-1883 0598 00

Assessment Information:

Year:	2013
Land Value:	\$1,394,568
Building Value:	\$553,449
Market Value:	\$1,938,037
Assessed Value:	\$873,850

Exemption Information:

Year:	2013
Homestead:	\$25,000
2nd Homestead:	Yr-S

Taxable Value Information:

Year:	2013
Taxing Authority:	Applied Exemption/ Taxable Value:
Regional:	\$50,000/\$923,850
County:	\$50,000/\$923,850
City:	\$50,000/\$923,850
School Board:	\$25,000/\$948,850

Sale Information:

Sale Date:	3/19/93
Sale Amount:	1,743,600
Sale On:	18131 1883
Sales Description:	Sales which are qualified
	View All Home Sales



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Summary Details:

Folio No.:	14-2235-005-3610
Property:	8925 BAY DR
Mailing Address:	JOEL TABAS SUSAN TABAS 8925 BAY DR SURFSIDE FL 33154-

Property Information:

Primary Zone:	1100 SGL FAMILY - 2301-2500 SO
CLUC:	0001 RESIDENTIAL - SINGLE FAMILY
Beds/Baths:	3/2
Floors:	1
Living Units:	1
Adj Sq Footage:	2,644
Lot Size:	7,500 SQ FT
Year Built:	1956
Legal Description:	NORMANDY BEACH 2ND AMD PL PB 18-44 LOT 1 BLK 23 A LOT SIZE 60,000 X 150 OR 17680-3769 0697 4 COC 22286-1783 05 2004 1

Assessment Information:

Year:	2013
Land Value:	\$476,178
Building Value:	\$190,874
Market Value:	\$667,052
Assessed Value:	\$667,052

Taxable Value Information:

Year:	2013
Taxing Authority:	Applied Exemption/ Taxable Value:
Regional:	\$0/\$667,052
County:	\$0/\$667,052
City:	\$0/\$667,052
School Board:	\$0/\$667,052

Sale Information:

Sale Date:	12/2012
Sale Amount:	\$482,500
Sale O/R:	78160 2199
Sales Qualification Description:	Deeds conveying partial interest

Additional Information:

Click here to see more information for this property:
 Community Development District
 Community Redevelopment Area
 Empowerment Zone
 Enterprise Zone



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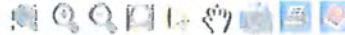
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Summary Details:

Photo No.:	14 2235 000 3620
Property:	8950 IRVING AVE
Mailing Address:	CARLOS MANUEL LECOUR HINDSAY J LECOUR 0189 ABBOTT AVE SURFSIDE FL 33154

Property Information:

Primary Zone:	1100 SGL FAMILY - 2301-2500 SQ
CLUC:	0001 RESIDENTIAL - SINGLE FAMILY
Beds/Baths:	3/2
Floors:	1
Living Units:	1
Adj Sq Footage:	2,293
Lot Size:	7,500 SQ FT
Year Built:	1955
Legal Description:	NORMANDY BEACH 2ND AMD PL PB 16 44 LOT 2 BLK 23 A LOT SIZE 50,000 X 150 OR 15531-1544 0492 4 OR 27628-2952 0311 01

Assessment Information:

Year:	2013
Land Value:	\$476,176
Building Value:	\$155,465
Market Value:	\$631,643
Assessed Value:	\$631,643

Taxable Value Information:

Year:	2013
Issuing Authority:	Applied Exemption/ Taxable Value:
Region:	\$0/\$631,643
County:	\$0/\$631,643
City:	\$0/\$631,643
School Board:	\$0/\$631,643

Sale Information:

Sale Date:	3/2011
Sale Amount:	\$933,500
Sale OR:	7/5 20 2502
Sales Qualification:	Sales qualified as a result of examination of the description:
Description:	Feed

Additional Information:

Click here to see more information about this property.
Community Development District
Community Redevelopment Area
Improvement Zone

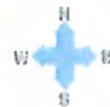


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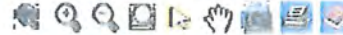
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Summary Details:

Folio No.:	14-2235-005 3630
Property:	8942 IRVING AVE
Mailing Address:	MARION OTT
Address:	1111 KANE CONCOURSE #201 BAY HARBOR ISLANDS FL 33154-

Property Information:

Primary Zone:	1100 SGL FAMILY - 2301-2500 SQ
CLUC:	D001 RESIDENTIAL - SINGLE FAMILY
Beds/Baths:	5/3
Floors:	1
Living Units:	1
Adj Sq Footage:	2,782
Lot Size:	7,500 SQ FT
Year Built:	1958
Legal Description:	NORMANDY BEACH 2ND AMD PL PB 16-44 LOT 3 BLK 23 A LOT SIZE 50,000 X 150 OR 20389-1463 05 2002 1 COC 24055-2193 11 2005 5

Assessment Information:

Year:	2013
Land Value:	\$476,178
Building Value:	\$265,825
Market Value:	\$742,003
Assessed Value:	\$738,328

Taxable Value Information:

Year:	2013
Taxing Authority:	Applied Exemption/ Taxable Value:
Regional:	\$0/\$738,328
County:	\$0/\$738,328
City:	\$0/\$738,328
School Board:	\$0/\$742,003

Sale Information:

Sale Date:	11/2005
Sale Amount:	\$0
Sale O/R:	24055 2193
Sales Description:	Sales which are disqualified as a result of examination of the deed

Additional Information:

[Click here to see more information for this property](#)
Community Development District



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Summary Details:

Folio No.:	14 2235 005 3540
Property:	8934 IRVING AVE
Mailing Address:	PHILIP A HART
Address:	8934 IRVING AVE SURFSIDE FL 33154-3334

Property Information:

Primary Zone:	1100 SGL FAMILY - 2301-2500 SQ
CLUC:	0001 RESIDENTIAL - SINGLE FAMILY
Beds/Baths:	3/2
Floors:	2
Living Units:	1
Adj Sq Footage:	2,797
Lot Size:	7,500 SQ FT
Year Built:	1948
Legal Description:	NORMANDY BEACH 2ND AMD PL PB 16-44 LOT 4 BLK 23 A LOT SIZE 50,000 X 150 OR 19636-4587 05 2001 1 OR 19636-4587 0501 00

Assessment Information:

Year:	2013
Land Value:	\$476,178
Building Value:	\$314,678
Market Value:	\$790,856
Assessed Value:	\$618,772

Exemption Information:

Year:	2013
Homestead:	\$25,000
2nd Homestead:	YES

Taxable Value Information:

Year:	2013
Taxing Authority:	Applied Exemption/ Taxable Value:
Regional:	\$50,000/\$568,772
County:	\$50,000/\$568,772
City:	\$50,000/\$568,772
School Board:	\$25,000/\$593,772

Sale Information:

Sale Date:	5/2001
Sale Amount:	\$527,000
Sale OR:	19-35 4587
Sales Qualification Description:	Sales which are qualified

Additional Information:



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Property Appraisal Tax Comparison

Summary Details:

Parcel No.:	14 2234 003-0010
Property:	1452 BISCAYA DR
Mailing Address:	JACK J FRANK TRS MARK FRANK TRS 1452 BISCAYA DR SURFSIDE FL 33154-

Property Information:

Primary Zone:	1100 SGL FAMILY - 2301-2500 SQ
CLUC:	0002 MUL IFAMILY 2 LIVING UNITS
Beds/Baths:	4/3
Floors:	2
Living Units:	2
Adj Sq Footage:	5,435
Total Size:	18,510 SQ FT
Year Built:	1974
Legal Description:	NORMANDY BEACH AND AMD & REV PB 41-61 LOT 1 & LOT 2 LESS SWLY 18 FT BLK 26 LOT SIZE 92.550 X 200 OR 14231-67 0369 1

Assessment Information:

Year:	2013
Land Value:	\$1,175,629
Building Value:	\$727,222
Market Value:	\$1,902,851
Assessed Value:	\$1,120,050

Exemption Information:

Year:	2013
Homestead:	\$25,000
And Homestead:	YES

Taxable Value Information:

Year:	2013
Facing Authority:	Applied Exemption/ Taxable Value:
Regional:	\$50,000/\$1,070,050
County:	\$50,000/\$1,070,050
City:	\$50,000/\$1,070,050
School Board:	\$25,000/\$1,035,050

Sale Information:

Sale Date:	3/2/11
Sale Amount:	\$100
Sale OR:	17 003 2530
Sale Description:	Corrective deed, quit claim deed, or tax deed; Deed Noting Florida Documentary Stamp et al minimum rate as described under Chapter



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Summary Details:

Folio No.:	14-2234-003-0760
Property:	1453 BISCAYA DR
Mailing Address:	DARYL B WALL TRS BARBARA R WALL TRS 1453 BISCAYA DR SURFSIDE FL 33154-

Property Information:

Primary Zone:	1100 SGL FAMILY - 2301-2500 SQ
CLUC:	0001 RESIDENTIAL - SINGLE FAMILY
Beds/Baths:	3/2
Floors:	1
Living Units:	1
Adj Sq Footage:	2,888
Lot Size:	0,688 SQ FT
Year Built:	1956
Legal Description:	NORMANDY BEACH 2ND AMD & REV PB 11-6 LOT 1 BLK 27 LOT SIZE 60.550 X 160 OR 16838 3171 0695 1 OR 27927-3592 1111 11

Assessment Information:

Year:	2013
Land Value:	\$615,441
Building Value:	\$217,706
Market Value:	\$833,147
Assessed Value:	\$436,655

Exemption Information:

Year:	2013
Homestead:	\$25,000
Port Exemption:	YES

Taxable Value Information:

Year:	2013
Taxing Authority:	Applied Exemption/ Taxable Value:
Regional:	\$50,000/\$386,655
County:	\$50,000/\$386,655
City:	\$50,000/\$386,655
School Board:	\$25,000/\$411,655

Sale Information:

Sale Date:	11/2011
Sale Amount:	\$300
Sale OR:	1/30/12 4.75%
Sale Description:	Connective detail, quit claim deed, or tax deed; Deed Involving Florida Secondary Stamp at minimum rate as prescribed under Chapter



Aerial Photography - 2012

0 118 ft

Legend

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



[My Home](#) | [Property Information](#) | [Property Taxes](#)
| [My Neighborhood](#) | [Property Appraiser](#)

[Home](#) | [Using Our Site](#) | [Phone Directories](#) | [Privacy](#) | [Disclaimer](#)

If you experience technical difficulties with the Property Information application,
or wish to send us your comments, questions or suggestions
please email us at gis@miamidade.gov.

Web Site
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As of today, Wednesday, March 5, 2014 the
Town Clerk has not received all
corresponding Town Manager's Evaluation.

A summary report will be delivered
separately.



**Town of Surfside
Town Commission Meeting
March 11, 2014**

DISCUSSION ITEM MEMORANDUM

Title: Smoking ban for “Municipal Use” Property

Objective: To protect the majority, especially the children from the minority (smoker’s), by banning smoking at all “Municipal Use” Properties. Including: Parks, Community Center its’, fenced-in area, and beach.

Consideration: Second hand smoke is as disturbing as it is unhealthy. Children seeing adults and parents smoking sets a bad example.

Consider the following: National Cancer Institute (NCI):

- Secondhand smoke (also called environmental tobacco smoke), involuntary smoke, and passive smoke) is the smoke given off by a burning tobacco product and the smoke exhaled by a smoker.
- At least 69 chemicals in secondhand smoke are known to cause cancer.
- Secondhand smoke causes lung cancer in nonsmokers.
- Secondhand smoke has also been associated with heart disease in adults and sudden infant death syndrome, ear infections, and asthma attacks in children. There is no safe level of exposure to secondhand smoke.

For more Info visit:

<http://www.cancer.gov/cancertopics/factsheet/Tobacco/ETS>

Direction: Direct Town Attorney to craft an Ordinance banning smoking at “Municipal Use” Properties (Perhaps within 25 – 50 feet?) and install proper signage.

Respectfully submitted by Joe Graubart, Commissioner

No Smoking Outside Starbucks Shops Starting Saturday

by [Mark Memmott](#)

May 31, 2013 12:47 PM

Starbucks is moving its smoking ban outdoors.

Starting Saturday, [according to signs posted](#) in its more than 7,000 shops across the U.S. and Canada, "the no-smoking policy ... will include outdoor areas."

"Smoking will be restricted within 25 feet of the store and within outdoor seating areas," the notices read.

[AdWeek says](#) that "since smoking bans have swept the nation in the last decade, it's doubtful there will be a huge backlash for the brand. In fact, there's been [an online movement](#) from Starbucks consumers calling for the newly revealed policy since at least 2009."

WJXT-TV in Jacksonville, Fla., which appears to have been first to notice the new policy, spoke to some customers at a Starbucks. [It found split opinions:](#)

"Meredith Robinson can't wait. The non-smoker said the new rule allows her to enjoy the patio, too. 'It makes for a better environment because a lot of people go to Starbucks and drink their coffee, too, especially on a pretty day like this,' said Robinson.

"Long-time smoker Charli Dirani believes Starbucks will lose business under the policy by kicking people, like him, to their curb or even farther away. 'I think for them to stop that is a conflict between the two,' said Dirani. "Everybody knows coffee and cigarettes go hand-in-hand.' "

Do you think no-smoking rules and regulations have: (Poll Closed)

Gone too far. 38.07% (1,450 votes)

Not gone far enough. 61.93% (2,359 votes)

Total Votes: 3,809

Smoke-Free Parks and Beaches

<http://www.nycgovparks.org/facility/rules/smoke-free>

By supporting this legislation, we welcome the chance to improve the beauty of the city's public outdoor spaces, and ensure an even healthier and cleaner experience for New Yorkers.

Health Impact

Studies suggest that sitting 3 feet away from a smoker outdoors can expose you to the same level of secondhand smoke as if you were sitting indoors with a smoker. Secondhand smoke can trigger asthma attacks, increase the risk of blood clots and hurt blood vessels. The new law will reduce people's exposure to secondhand smoke outdoors.



Town of Surfside Commission Communication

Agenda Item: 9H

Agenda Date: March 11, 2014

Subject: Bus Service Update

Background: Staff was tasked with addressing transportation opportunities for our residents, especially senior citizens, to Mt. Sinai.

Following the Town Manager and TEDACS Director meeting with the Jewish Community Services (JCS) team on May 30, 2013 regarding transportation options and related costs, JCS staff prepared a bus proposal. This information was presented to the Town Commission in the FY 13/14 budget process. A subsequent meeting on June 24, 2013 explored further partnership options to mutually benefit Town residents and JCS clients. A Program Modification addressing transportation to Mount Sinai in conjunction with JCS was included in the proposed FY 13/14 budget. Following budget adoption, the Town Manager met with JCS on a proposal that would address the request for a Mount Sinai route and also provide additional services to the Town's seniors through the Surf/Bal/Bay Club. In late November, the Town was notified that JCS has made a financial decision to close the Surf/Bal/Bay Club.

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

Each of these communities provides bus service for its residents using Citizens Initiative Transportation Tax (CITT) funds. The funds are generated through a Miami-Dade County gasoline tax and results from a citizens' initiative to improve transportation throughout the County. [Note: A minimum of 20% of the receipts are required to be spent on mass transit and the Town of Surfside exceeds this obligation. For FY 13/14, \$134,366 (including gas) is budgeted for the community bus service in Surfside].

In order to address this issue on a regional basis (Surf/Bal/Bay), a request will be made to the CITT Director to have a transportation planner conduct an analysis of existing bus routes; ridership and recommended bus transportation routes within the three municipalities in order to make bus service more efficient; responsive to community needs and more cost effective. The transportation planner will be asked to review the establishment of bus service/route to Mt. Sinai as part of the overall analysis.


Town Manager

Title: **Sight Line Triangle Compliance**

Submitted By: Daniel Dietch, Mayor

Objective: That the Surfside Town Commission provide clear policy direction to achieve sight line triangle compliance.

Consideration: The issues surrounding sight line triangles pits public safety against perceived property rights. While this matter is challenging, it is our duty to provide clear policy direction for the benefit of our residents and Town staff.

The Town Commission held a sight triangle workshop on August 5, 2013. A commitment was made to the attendees to investigate further mitigation opportunities and report back to them by October 2013. As noted in the Town Manager's Report, a follow up meeting with Town Staff and the Miami-Dade County Traffic Engineer was held on August 20, 2013. This meeting included a visual inspection of intersections in the single family neighborhood. While many options were explored, and the County recommended that the Town adopt the Green Book, Town staff concluded that such adoption would result in even more non-compliant properties. Accordingly, Town staff recommended that the Town Commission provide policy direction to enforce our current regulations.

Efforts have been made over the intervening months to schedule a special meeting. However, with each attempt to schedule a Special Meeting, it has been cancelled due to a lack of a quorum. It is my sincere hope that this Commission will provide clear policy direction to bring this matter to closure.

Title: Residential Solid Waste Set Out Compliance

Submitted By: Daniel Dietch, Mayor

Objective: That the Surfside Town Commission provide clear policy direction to achieve residential solid waste set out compliance.

Consideration: Surfside offers side yard collection of solid waste. This level of service is offered as a “base level,” where in most other communities a similar service requires that the customer pay a premium. I can only suppose that the reasoning behind this elevated level of service is to reduce the visual impact of waste and receptacles left on the street. Despite this elevated level of service, efforts to educate our residents of this service via the Website, Gazette and code compliance engagement, residents continue to leave wastes and receptacles on the street.

Many residents have expressed concerns to me and Town staff about the non-compliant behaviors of many residents. I have previously asked the Town Manager to explore options to increase the public education efforts as well as exploring operational changes to make sure that wastes are picked up timely. I am asking you to spend some time before the next Commission meeting to observe the solid waste practices of residents and the Town and be prepared to discuss and provide policy direction to the Town Manager to achieve compliance with residential solid waste set out requirements.

① Info to Mayor
 ② Solid Waste - IC

A Message From Public Works...

Solid Waste Pick-up Information

Just like maintaining a home, keeping an entire Town neat, clean and in good repair is a big job. The Public Works Department fills the vital role of providing a safe and clean environment for residents, businesses and visitors. Solid Waste is committed to serving residents, businesses and all Town departments to preserve and enhance the beauty of the community by offering the pick-up of: household and bulk trash, vegetation and recycling.

Household Trash: Pick-up is from Monday – Friday and will no longer need to be placed out on the curb. Solid Waste personnel will go to a designated area, chosen by residents, preferably on the side of the house. The container should be visible to personnel to be picked up. Garbage should be bagged and placed in the container to prevent being spread by animals. Containers will be returned to the designated area after they are emptied.

Bulk Waste Pick-up: Pickups are every Wednesday. Bulk Garbage needs to be placed outside, the **night before** at the back of curb in order to be picked up. If not placed in a timely manner, the bulk items will not be picked up until the following Wednesday and must be brought back onto the property to avoid unsightliness, storm water contamination and code violations. Bulk waste items include: All white goods (refrigerators and freezers w/ doors removed, washers, dryers, stoves), couches, chairs and mattresses. Items that are **excluded** from Bulk and Regular Pick-up include: tires, concrete, hazardous/household chemicals, paint, auto parts and bulk liquids of any kind (frying oil, motor oil, etc.)

Vegetation Pick-up: Pickups are every Monday. Vegetation **must** be cut and bagged in order to be picked up – there is a weight limit of 40 pounds per bag.

IMPORTANT NOTE: LANDSCAPERS WHO ARE HIRED TO MAINTAIN RESIDENTIAL AND COMMERCIAL PROPERTIES ARE REQUIRED BY ORDINANCE TO REMOVE ALL GRASS CUTTINGS AND TREE CLIPPINGS AND CANNOT LEAVE AT PROPERTY FOR SOLID WASTE PICKUP.

Recycling: Public Works encourages all residents and commercial customers to recycle. The Town is committed to improving the overall health of the environment and the community's sustainability. Our goal is to increase the percentage of recycling in Surfside and thereby decrease the amount of waste taken to the landfill. Through promoting green initiatives such as recycling, the Town will continue to prosper as an environmentally aware

Town to live, work and play. Recycling will save energy, save raw materials and reduce pollution. In trying to recycle more, it is important that we recycle better.

Questions or concerns? Contact the Public Works Department at (305) 861-4863 ext. 235/278.

No Derelict Vehicles Allowed



While you are permitted to park a fully operational and properly registered vehicle in your driveway, Town Code prohibits the parking or storage of inoperable or derelict vehicles anywhere on your property. These include vehicles that are unregistered, have expired registrations, missing parts, flat tires or are otherwise not roadworthy or drivable. Also, parking on the grass of any vehicle is strictly prohibited. Help keep your neighborhood beautiful and remove unwanted or inoperable vehicles from your property.

Winter Camp

The Town of Surfside is proud to announce our 2013 Winter Camp! Your child's winter will be filled with activities such as Arts and Crafts, Sports, Cooking Projects and much more. Campers will enjoy awesome field trips, and make many new friends.

Session I	Monday December 23 8:00 am - 9:00 pm	Tuesday December 24 8:00 am - 2:00 pm	Wednesday December 25 No Camp!	Thursday December 26 8:00 am - 9:00 pm	Friday December 27 8:00 am - 6:00 pm
Field Trip Off The Road Trampoline					
Session II	Monday December 30 8:00 am - 6:00 pm	Tuesday December 31 8:00 am - 2:00 pm	Wednesday January 1 No Camp!	Thursday January 2 8:00 am - 6:00 pm	Friday January 3 8:00 am - 6:00 pm
Field Trip Puppets Movie Theater					

Note: Registration, field trips and any additional fees are included.

Registration Fees: 2013/2014 & F	Resident	Non-Resident
1 Week	\$125	\$200
2 Weeks	\$180	\$300

AGES 6 - 13
(Child must turn 6 by December 31, 2013)

Registration Begins:
 Monday thru Thursday 9:00 am - 6:00 pm
 Friday thru Sunday 9:00 am - 4:00 pm

Former/Current Surfside Residents November 4th
 Non-Residents November 12th

Registration spaces are limited and will be on a first come first serve basis. Everyone must present a proof of residence such as a current water bill, taxes or electric bill. No other documents will be accepted as proof of residence.



TOWN OF SURFSIDE
NOTICE

ATTENTION HOMEOWNER

***Hurricane Season
Is from June 1 - November 30***

**Upon issuance of a Hurricane Watch
from the National Weather Service,
please refrain from placing yard
waste and landscaping materials on
the curb.**

**Our crews may not be able to collect
because of pre-storm preparations.
Loose debris can easily become
dangerous projectiles during a storm.**

**Thank you for
your cooperation.**



TOWN OF SURFSIDE

ATTENTION HOMEOWNER

The Solid Waste Department was unable to
collect your refuse because:

- Construction materials comingled with refuse.
- Yard waste pile more than four feet in length.
- Other:

Please call the Town of Surfside Solid Waste
Department, 9 a.m. - 3 p.m. if you have any questions.

Thank you for your cooperation.
TOWN OF SURFSIDE • SOLID WASTE DEPARTMENT
9393 Harding Avenue • (305) 861-4863 • Ext. 228



Town of Surfside
Code Compliance

COURTESY NOTICE

— SAMPLE —

MIKE
Sample of
Letter Sent to
"Debris on
CURB"
Violations
Joe D.

Date

Property Owner
Address
Surfside, FL 33154

PROPERTY: _____, Surfside FL 33154

SUBJECT: Tree Trimmings, Debris (Bagged and/or Bundled) on Street at Curb

Dear Mr. and Mrs. _____,

I write you on behalf of the Town of Surfside with regard to its efforts to inform and assist its residents in gaining a better understanding of the Town's Municipal Codes and Ordinances and assist with the process of complying with these regulations.

As you may know, the Town recently completed a major overhaul of the Storm Drain System. As such it is imperative that we all pitch-in and keep the curbs and gutters clear so the storm drains are able operate efficiently.

Recently, a pile of tree trimmings, debris, or bagged trash was placed on the street adjacent to the curb and gutter in front of your Property that could negatively impact your Town's storm drains, and curb and gutter system. During rain events this debris will be directed into the storm drains and cause disruption in the system and lead to flooding in the streets. Please ensure that bags containing yard clippings and tree trimmings, and bundled tree trimmings are kept well away from the curb and gutters.

If you maintain your own yard, please place all tree trimmings, yard clippings, trash and debris in:
1) trash bags to not exceed 50 pounds in weight; or 2) in bundles that are secured and do exceed four feet in length or exceed fifty pounds in weight; and 3) trash bags and bundles must be placed next to the curb on your private property. If you contract with a gardener, they should haul away all tree trimmings, yard clippings, trash and debris and properly and legally dispose of same if they tend to your yard.

Placing bags, bundles, or non-bagged or non-bundled tree trimmings, yard clippings, trash on the street right-of-way would be in violation of own Code may subject the homeowner to civil citations and fines.

If you have any questions or need any additional information, please do not hesitate to call me at (305) 861-4863, ext. 230.

Thank you for your cooperation.

Joe Damien
Code Compliance Director
Town of Surfside

Attachment: Photo

Joe -- Consider changing Schedule. This doesn't make sense -- pick up yard waste on Monday -- 75% pick up over week

TOWN OF SURFSIDE
~Public Works Department~
Dedicated to Keeping Surfside Clean and Attractive

YARD WASTE and BULK TRASH
Yard clippings or corrugated cardboard boxes too large to fit in the recycle bin, etc.

NEW! **WASTE COLLECTION SCHEDULE**
Residential and Commercial

When? 5 days a week - Monday thru Friday effective **March 9, 2009**; special schedules may be implemented in the event of a hurricane or other natural disasters

Where? Collected from your **side-yard** by the Town of Surfside (residential service only)

Who? Questions regarding household waste and yard pick up? **Contact: Town of Surfside Public Works Dept. 305-861-4863**
Email: jdicenso@townofsurfsidefl.gov

When? 4 days a week - Tuesday thru Friday
Please do not place waste/trash at curbside between 10am Friday and 8pm Sunday, to avoid unsightly property and street appearances over the weekend

Where? Place waste/trash on property near curb - **not** on the public right of way (street). Owners/tenants who do so will be subject to a code violation and fine

- If you have your property maintained by a gardener or lawn service, they are required to haul away any clippings or debris
- If you maintain your own property, debris or yard clippings should be bagged or bundled, and should not exceed 50 lbs per bundle/bag and not exceed 4 feet in length



Miami-Dade County RECYCLING Program in Surfside is a new curbside recycling program using convenient "single-stream" recycling. **No need to separate your recyclable materials!** Recycling has never been easier!

When? Pick up is **Every Other Week on WEDNESDAYS**; Place bin at curbside before 7 am. REMINDER: all allowable recyclables must be placed within the cart. Materials outside the cart will not be collected. Need a larger or smaller recycling cart? Call 305-594-1500 or Email: dswm@miamidade.gov

What? Place all your recyclable materials, together in the one 65-gallon blue wheeled cart!

YES! Paper Products: newspapers, magazines, catalogs, telephone books, printer paper, copier paper, mail, all other office paper without wax liners

YES! Cardboard: packing boxes, cereal boxes, gift boxes, corrugated cardboard; flatten all boxes prior to placing them in your cart

YES! Plastic Containers (narrow necks only): milk, water, bottles, detergent and shampoo containers (without caps or lids)

YES! Aseptic Containers: polycoated drink boxes, juice and milk cartons

YES! Glass: glass food and beverage containers (clear, brown and green)

YES! Metals: aluminum and steel food and beverage containers

Wait! **NOT allowed in the cart please!**

- NO!** Plastic bags or Styrofoam
- NO!** Household garbage or other non-recyclable waste such as gas cylinders, tanks, rocks, dirt, building debris, flammables
- NO!** Batteries - dry cell batteries, lead acid batteries
- NO!** Certain glass products -window or auto glass, light bulbs, mirrors, glass cookware or bakeware, ceramics
- NO!** Home chemicals, paints or pesticides
- NO!** Medical waste or pharmaceuticals
- NO!** Electronic waste and accessories- PCs, monitors, televisions, printer cartridges, keyboards, cell phones, CDs and DVDs
- NO!** Coat hangers, small appliances, microwave trays

Who? Contact **Miami-Dade County** for your **RECYCLING** questions or for more information: 305-594-1500 or Email: dswm@miamidade.gov