



**Town of Surfside
Town Commission Meeting
AGENDA
August 12, 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. Tribute to Former Town Mayor Samuel Brenner** – Vice Mayor Eli Tourgeman

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** – Sandra Novoa, CMC, Town Clerk – **Page 1-36**
June 19, 2014 Special Town Commission Meeting – Hedges and Sight Triangle
July 8, 2014 Regular Town Commission Meeting
July 16, 2014 Special Town Commission Meeting – Proposed Budget
July 16, 2014 Special Town Commission Meeting
July 22, 2014 Special Town Commission Meeting – Proposed Budget and Town Manager Recruitment Update

B. Budget to Actual Summary as of May 31, 2014 – Donald Nelson, Finance Director
Page 37-40

- *C. Town Manager’s Report** – Michael P. Crotty, Town Manager **Page 41-51**
***D. Town Attorney’s Report** – Linda Miller, Town Attorney **Page 52-57**
***E. Projects Progress Report** – Calvin, Giordano and Associates, Inc. **Page 58-59**
F. Committee Reports – Michael P. Crotty, Town Manager **Page 60-92**

- May 29, 2014 Planning and Zoning Board Minutes
- June 06, 2014 Parks and Recreation Committee Minutes
- June 09, 2014 Tourist Board Minutes
- June 16, 2014 Community Center Expansion Committee Minutes
- June 25, 2014 Sand Project Committee Minutes
- July 01, 2014 Sand Project Committee Minutes

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

- 1. Sign Code** – Sarah Sinatra, Town Planner ***[SET FOR TIME CERTAIN 7:30PM]*** **Page 93-103**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA REPEALING AND REPLACING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Parking Trust Fund – Sarah Sinatra, Town Planner [SET FOR TIME CERTAIN 7:40PM] [Item Linked to Item 5A] Page 104-111

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING PARKING TRUST FEES PAID IN LIEU OF OFF-STREET PARKING; 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 8:30 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. Massing – Sarah Sinatra, Town Planner Page 112-119

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS, SPECIFICALLY AMENDING SECTION 90-51.1 TO LIMIT THE HEIGHT OF THE 270 FOOT LONG PLATFORM TO 30 FEET IN HEIGHT AND LIMIT THE TOWERS TO 150 FEET IN LENGTH; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

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

- A. Parking Trust Fund Cost Per Parking Space – Sarah Sinatra, Town Planner [Item Linked to Item 4A2] Page 120-123**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE FEES TO BE ASSESSED PER PARKING SPACE PROVIDED IN SECTION 90-77 OF THE TOWN CODE WHICH ESTABLISHED A TRUST FUND TO BE ENTITLED THE “TOWN OF SURFSIDE DOWNTOWN PARKING TRUST FUND; REPEALING ALL OTHERS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING AN EFFECTIVE DATE.

- B. November 4, 2014 Special Election Voter’s Guide – Linda Miller, Town Attorney Page 124-127**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING AN EXPENDITURE OF BUDGETED FUNDS UP TO \$4,500 FROM ACCOUNT NO. 001-2400-519-4911 FOR THE PUBLIC PURPOSE OF INFORMING AND EDUCATING THE VOTERS OF THE TOWN OF SURFSIDE REGARDING THE TOWN’S SEVEN BALLOT QUESTIONS ON ITS NOVEMBER 4, 2014 SPECIAL ELECTION BALLOT IN ORDER TO ACHIEVE A MORE INFORMED ELECTORATE VOTE; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

- C. Resolution Approving the Design of the 90th Street End Project – Joseph Kroll, Public Works Director Page 128-130**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PURSUANT TO RESOLUTION NO. 13-Z-06, CONDITION NO. 22 REVIEWING AND APPROVING THE DESIGN PREPARED BY THE APPLICANT, THE SURF CLUB INC. FOR THE 90th STREET END PROJECT; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

D. Resolution Approving CGA Work Order No. 88 – Create Zoning Criteria Including Mid-Block Walkways and Open Space – Michael P. Crotty, Town Manager Page 131-138

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING CALVIN-GIORDANO & ASSOCIATES, INC. (CGA) WORK AUTHORIZATION NO. 88 (CREATE ZONING CRITERIA INCLUDING MID-BLOCK WALKWAYS AND OPEN SPACE, CGA PROPOSAL NO. 14-7020) IN A TOTAL AMOUNT NOT TO EXCEED \$52,913.54 FROM THE GENERAL FUND, FY 14/15 BUDGET (ACCOUNT #: 001-2000-524-31-10) PROVIDING FOR AUTHORIZATION, PROVIDING FOR AN EFFECTIVE DATE.

E. Business District Holiday Lights – Duncan Tavares, TEDACS Director Page 139-169

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE RESORT TAX BOARD EXPENDITURE OF \$38,500 FOR HOLIDAY LIGHTS AND DECORATIONS ON HARDING AVENUE FROM 94TH STREET TO 96TH STREET FROM THE RESORT TAX FUND ACCOUNT NO. 102-8000-552-48-10; AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH SOUTH FLORIDA LIGHTING TEAM, LLC, D/B/A/ MIAMI CHRISTMAS LIGHTS AND TOWN; AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; 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. **Policy Regarding Walking Dogs on the Narrow Walk Path (Upper Beach Walking Path) – Commissioner Marta Olchyk Page 170-172**
- B. **Joint Commission and Tourist Board Meeting for Monday, October 6, 2014 at 6:00 PM Request – Duncan Tavares, TEDACS Director (Verbal)**
- C. **Pointe Lake / North Canal (Verbal Update) – Michael P. Crotty, Town Manager**
- D. **Report on August 5, 2014 Sand Project Community Monitoring Committee (Verbal Update) – Michael P. Crotty, Town Manager**
- E. **Town Manager Recruitment Process - Evaluation Criteria – Mayor Daniel Dietch Page 173**

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.townofsufsidefl.gov

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

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



**Town of Surfside
Town Special Commission Meeting
HEDGES/VISIBILITY
MINUTES
June 19, 2014
7 p.m.**

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

1. Opening

Mayor Dietch called the meeting to order at 7:03 P.M

A. Roll Call of Members

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

B. Pledge of Allegiance

Chief David Allen led the Pledge of Allegiance

C. Discussion on Hedges and Corner Visibility (Sight Triangle) at Intersection – Joe Damien, Code Compliance Director

Town Manager Michael P. Crotty gave the introduction.

Code Compliance Director Joe Damien gave a brief overview of the issue. Director Damien said he has met with the residents and they have tried to come up with a solution that is both beneficial to the residents and addresses safety issues as well.

The Mayor turned the meeting over to the public.

Public Speaker Clara Diaz-Leal Parker and George Espinel gave a detailed slide presentation showing different scenarios of corner hedges. They also presented some recommendations.

Director Joe Damien said they share many of the same goals but there are State, County and City laws regarding safety issues which must be enforced. He mentioned the Green Book which is a guide to provide clear visible sightlines. Director Damien then gave a slide presentation showing some of the problem areas which have been identified as safety issues as well as corner hedges that are in compliance. He addressed some of the issues the community had regarding privacy.

Vice Mayor Tourgeman asked Chief Allen about traffic accidents that have occurred especially at intersections. Chief Allen said they did some research and said in 2012 among the accidents in the city 34 were in residential areas and 9 were at

intersections. In the year 2013 there were 26 in the residential area and no recorded accidents at intersections.

Commissioner Karukin first congratulated the resident group that put the presentation together as he felt it was an amazing job. He also stated that he did not support the code enforcement that was voted on previously. However he does not agree with all of the recommendations the residents presented which are choke points and circles; mirrors; one-way street issue; reducing speed limit; and parking problems. He feels some corners should be customized, is in favor of reducing the 25ft. to 15ft. and allowing higher hedges for privacy.

Commissioner Cohen asked Director Damien to identify the areas in non-compliance as to whether they were dead-end streets or heavily trafficked areas. Director Damien said they specifically did not put addresses in the presentation but was able to identify the streets. Commissioner Cohen asked what brought this about as there were no accidents, were there complaints. Director Damien said he received an email that was rather disturbing as it cited a safety issue, visibility and children being at risk because of poor visibility at certain corners. Director Damien then looked into the issue and they began citing homeowners. Commissioner Cohen feels that there is no big problem here and was not in favor of taking a large setback for hedges as most homeowners have small lots to begin with. He spoke about future planning and ways of deterring non-residential traffic in the residential area and making it more difficult and also mentioned gating.

Mayor Dietch said we live in a walking community where there are no sidewalks and unfortunately statistics do not mention the near misses involving cars and people. The Mayor asked Director Damien if it was true that no other community enforces site line triangles. Director Damien said staff had contacted other municipalities and they all enforce the code but some do not act on it in residential areas unless there are complaints. The Mayor asked about traffic control devices and Chief Allen explained the lengthy process which is controlled by the County. The Mayor asked Director Damien to define what would reasonable hardship criteria be to get some relief in certain areas. Director Damien explained they would need someone experienced to look at the different sites to make a decision and going with the Green Book could be costly.

Commissioner Cohen said perhaps we did not need to spend more money on a study as there are limited resources and we can solve some of the problems now. Commissioner Karukin agrees that we can make a decision regarding setback and hedge height now.

The Mayor opened the meeting to the public for their comments.

-Karen Levy said looking at the problematic corners only is the most reasonable approach and also adding more stop signs

-Deborah Cimadivilla was cited for non-compliance and she complied but now has no privacy in her yard. She believes four way stop signs would help solve the traffic

problem. She said that she hopes that whatever is decided upon this evening will be honored by future Commissions.

-Gisela Santiago commented that this began with an email and there have really been no other complaints. At all the meetings that have taken place regarding this issue only the residents against the ordinance have shown up and no one from the other side and thinks the Commission should take this into consideration.

-Brett Ellis said he drove through other municipalities and finds that there has not been enforcement of code. He believes they should be allowed to have landscaping which enhances the community.

-Stefan Latt feels there has been an unbalanced approach to the issue as they should have input from a traffic engineer as well as someone from Planning and Zoning. He feels that many residents have such small lots that it would be a hardship to have them reduce the size of their yard. He feels we should look at other ways to deter heavy traffic such as gates for residents.

-Jose Fuentes first thanked the Commission and the citizen group for their efforts in bringing this forward. He believes this is a non issue and the code should not be enforced. In some areas where there is a problem some measures could be taken. He is in favor of four way stop signs and speed bumps and limiting the speed limit.

-Steven Parker is concerned with all the new businesses and the amount of traffic that will be coming through his street. He spoke about finding another way out of the city not just through Byron and also about gating the community. He thinks all have done a good job in presenting the issue and hopes it will conclude in a fair decision.

- George Espinel said the Green Book was a book of suggestions which they used in their presentation as everyone is for safety. He believes that site triangles are ineffective and there are better means to put in place. As to code enforcement he feels site triangles should be deprioritized.

The Mayor closed the public discussion.

Vice Mayor Tourgeman said he has paid close attention to all that was said this evening but feels the hedges must be brought into the home owner's property and not use the easement as he believes that is where some of the problems occurred. Some residents have bushes right up to the curb. He stated he believes in safety first and knows there are problems even though no accidents occurred last year at intersections. He rides his bicycle and has had several incidents where visibility was obstructed. He believes reducing the footage and clearing the easement would solve some problems with visibility. He thanked the group that put the presentation together and realizes a lot of time and effort went into it and believes we can reach a happy medium.

Commissioner Cohen said what stands out to him is that no one is here to say enforce the code and said that we should not go beyond the public line into private property. He made mention that the town has taken measures to beautify the business district but nothing has been done in the residential areas. Residents should have the option of putting in landscaping as long as it is done correctly but should understand there are areas that have high traffic and safety would be an issue. He said the Commission should be careful in their decision as the code should then be enforced.

Vice Mayor Tourgeman addressed the statement made by Commissioner Cohen that nothing has been done to beautify the residential area. The Vice Mayor said that on 91st Street a beautification project has been designed and \$650,000 has been allotted for this. Commissioner Cohen said he was aware of the 91st street project but was talking about residential areas in general.

Commissioner Karukin said he completely agrees with Commissioner Cohen and was against more enforcement and voted it down. He said this is a non-issue, we need to decrease the footage and increase hedge height.

The Mayor spoke about trees and said they have been discussing putting more trees in the town and is something they want to do. As to the issue this evening he feels all are in agreement that safety is important. There was discussion regarding stop signs and striping.

Director Damien was asked for his recommendation and he stated he was not a traffic engineer and his expertise was in code administration. However, he believes if we can clear the easements and right of way and reduce the site triangle to 15 feet will probably accomplish what needs to be done to relieve the situation. Commissioners Cohen and Karukin feel we do not need to hire a traffic engineer and we can take care of the issue ourselves.

Vice Mayor Tourgeman made a motion to move forward on the following:

1. Remove everything from the right of way which is public property
2. Reduce site lines from 25 feet to 15 feet provided that we do not go into private property.
3. Move stop signs wherever possible in compliance with Miami Dade County
4. Striping corner
5. Hardship criteria on properties that are true hardships.

A discussion took place regarding the height of the hedges if they are not in the right of way and comments were made as to 6 feet in height.

The motion received a second from Commissioner Cohen and all voted in favor with Commissioner Olchyk absent.

With the reduction in site line and clearance of the right of way the hedge height is no longer an issue.

Adjournment

There being no further business to come before the Commission, the meeting adjourned at 10:01 p.m.

Accepted this ____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



**Town of Surfside
Town Commission Meeting
MINUTES
July 8, 2014
7 p.m.**

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

1. Opening

A. Call to Order

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

B. Roll Call of Members

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

C. Pledge of Allegiance

Chief Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Cohen indicated that since the meeting of June 24, 2014 regarding the Town Manager position, he has had time to review the resume of Bill Evans and feels he is very qualified for the position of Town Manager. Because of the full agenda and wanting the Commission to express their views also, the Mayor asked if Commissioner Cohen would make a motion under item 1.E for discussion. As a Point of Order, Commissioner Karukin said there is a procedural way to revisit a decision made if it qualifies and the Town Attorney can look into it.

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

Commissioner Cohen made a motion to add a discussion item regarding the Town Manager's position under Item 9 Mayor, Commission and Staff Communication. The motion received a second from Commissioner Karukin and all voted in favor.

Vice Mayor Tourgeman made a motion to move up item 9C Tourist Board to be heard after 1F. The motion received a second from Commissioner Karukin 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. Town Manager Crotty said the meeting regarding the sand project has been changed to July 21, 2014. Vice Mayor Tourgeman gave an update on the Tourist Board Report.

2. Quasi-Judicial Hearings (None)

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

Pulled items:

Commissioner Karukin pulled Item 3C Town Manager's Report Item 17 Historic Preservation, Item 28 Security Cameras and Item regarding DVAC minutes.

Commissioner Olchyk pulled Item 3B Budget to Actual Summary, Item Resort Tax Projects, Capital Projects; and Item Overpayment Pension Plan Outstanding Balance

Mayor Dietch pulled Item 25 Beach Management Agreement, Item 3F Projects Progress Report, Item 45 Pension Board, and Item 18 Land Development Program

Commissioner Karukin made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Olchyk and all voted in favor with Vice Mayor Tourgeman absent from the dais.

A. Minutes – June 10, 2014 Regular Commission Meeting

June 18, 2014 Special Commission Meeting – Proposed Ballot Questions

June 24, 2014 Special Town Commission Meeting – Town Manager

June 24, 2014 Special Town Commission Meeting – Quasi-Judicial Hearing

B. Budget to Actual Summary as of April 30, 2014 – Donald Nelson, Finance Director

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

***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

- February 18, 2014 Pension Board Minutes

- May 5, 2014 Tourist Board Minutes

- May 19, 2014 Parks and Recreation Committee Minutes

- May 28, 2014 Downtown Vision Advisory Committee Minutes

G. Mutual Aid Agreement between the Bal Harbour Village Police Department and the Town of Surfside Police Department – David Allen, Chief of Police

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT BETWEEN THE TOWN OF SURFSIDE, FLORIDA AND THE BAL HARBOUR VILLAGE, FLORIDA; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

Pulled Items:

-Commissioner Olchyk Item 3B – questioned some items that were on the plus side last year and this year they show a deficit. Director Nelson responded and said it was more of a timing issue where we have advanced the money and the developer contribution is received after the April date of the report. At the end of the year everything is brought up to date.

Commissioner Olchyk also questioned the fact that an item was paid ahead of time and then find out that the actual bill was less. Director Nelson said the item in question related to the Retirement Board and actuary report and explained the process. There was an error and the town paid its portion of the bill twice but has since been reimbursed.

Mayor Dietch asked if we could move to the time certain items 4B1 Sign Code and 4B2 Parking Trust Fund and then come back to the pulled agenda items.

-Commissioner Karukin Item 17 Historic Preservation upcoming board meeting and Mayor said he met with the Director and we are working with them to preserve historic structures in the town.

-Commissioner Karukin DVAC asked if we can remove now the two parking spaces in question to help with the traffic problem. Town Manager Crotty said there was an upcoming meeting addressing the issue.

-Mayor Dietch Item 18 Land Development Program – Town Manager Crotty spoke on the item and said to be aware of any historic structures that may be involved. Town Planner Sinatra said she would like to go ahead and meet with the Historic Preservation Board and get a better understanding of their goals and what we should be looking for.

-Mayor Dietch, Item 25 Beach Management Agreement; The Mayor asked Town Manager Crotty what his plans were on this item and Mr. Crotty deferred the item to Town Attorney Miller as he indicated they were at a stalemate with Miami Dade County on the issue. Attorney Miller said that the State said we do not have jurisdiction on this issue and if we are to pursue this there may be some ramifications. The Mayor asked that staff meet with the State administration and report back what if any ramifications would be involved and report back and place it as a discussion item for the next meeting in August 2014.

-Commissioner Karukin Item 28 Security Cameras – Commissioner Karukin feels this is a security issue and we should move forward on this now.

- Mayor Dietch 45 Pension Board. The Mayor said that we are paying Mr. Klausner of Klausner and Kaufman to attend all meetings and he was not at the last meeting of Pension Board. Director Nelson said Mr. Klausner sometimes cannot attend all meetings but sends his assistant. The Mayor was rather firm in stating that we are paying for Mr. Klausner and expect Mr. Klausner to be present.

Vice Mayor Tourgeman made a motion to accept the pulled items from the consent agenda. The motion received a second from Commissioner Karukin and all voted in favor.

After the agenda pulled items were discussed, Mayor Dietch apologized to those who filled out speaker cards for not recognizing them at the given time.

He called on Public Speaker George Kousoulas who said we have to revisit the issue regarding parking garages.
The Mayor called Joe Graubart but he had already left the meeting.

4. Ordinances

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

A. Second Readings (Ordinances and Public Hearing)

1. Solar Panels – 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”; AMENDING SECTION 90-19.7 TO EXEMPT ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS FROM PLANNING AND ZONING BOARD REVIEW AND TO FOLLOW DESIGN GUIDELINES; AND CREATING SECTION 90-50.3 “ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS” TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE SURFSIDE CODE OF ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Sandra Novoa read the ordinance

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Commissioner Olchyk. The motion carried 4-1 with Commissioner Karukin absent from the dais.

Vice Mayor Tourgeman made a motion that a Point of Privilege be given to a public speaker. The motion received a second from Commissioner Olchyk and all voted in favor. Public Speaker Deborah Cimadevilla spoke regarding the Charter item staggered terms and asked who suggested the change, the residents or the Commission. She said speaking to residents most were fine with the two year term. She also was in favor of the residents being involved in the hiring of a new Town Manager and a process taking place. The Mayor addressed her concerns and Commissioner Olchyk also addressed the concerns regarding the Town Manager position and gave a better understanding of the process.

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

B. First Reading Ordinances

1. Sign Code – Sarah Sinatra, Town Planner [SET TIME CERTAIN 7:45 PM]

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA REPEALING AND REPLACING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; 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 Karukin made a motion to approve for discussion. The motion received a second from Vice Mayor Tourgeman. Town Planner Sarah Sinatra presented the item with visuals of signs which are permitted and those which would be non-conforming. Ms. Sinatra gave a summary of the joint meeting with the Planning and Zoning Board.

If the ordinance is approved with a timeframe to be in compliance, Commissioner Karukin asked if there would be grant monies available for stores to make the needed change. Vice Mayor Tourgeman explained that small businesses could apply for a grant.

Mayor Dietch asked what the property line was to place a sign and asked Ms. Sinatra to look into it and come back with some suggestions. The Mayor also indicated he was not in favor of illuminated open/closed signs as he feels it downgrades the appearance.

Commissioner Cohen questioned the color of signs such as real estate having to be black and white but political signs can be color. Town Attorney Miller will research this issue.

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

2. Parking Trust Fund – Sarah Sinatra, Town Planner [IMMEDIATELY AFTER ITEM 4B2]

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING PARKING

**TRUST FEES PAID IN LIEU OF OFF-STREET PARKING;
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. Town Planner Sarah Sinatra presented the item,

Commissioner Olchyk asked that we wait to vote on this issue until we have the cost of the project as Ms. Sinatra indicated they were still looking into that. Commissioner Karukin explained that we needed something in place now to prevent further problems as there is much new development in the town and more to come. There will be a second reading also.

Vice Mayor Tourgeman and Commissioner Karukin thanked Town Planner Sinatra for her great effort on this issue.

Vice Mayor Tourgeman made a motion to approve. The motion received a second from Commissioner Karukin. The motion carried 4-1 with Mayor Dietch absent from the Dais.

5. Resolutions and Proclamations

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

A. Resolutions of the Town Commission of the Town of Surfside, Florida, Calling for The Town's November 4, 2014 Special Election to Present to the Town's Electorate Certain Proposed Amendments to the Town Charter– Linda Miller, Town Attorney [SET FOR TIME CERTAIN 9:15 PM]

1. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “QUALIFICATIONS FOR OFFICE”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Karukin felt there were too many items placed on the agenda and some being rather dense may cause voter fatigue and wanted the Commission to be aware of that.

Public speaker Lou Cohen said on the 2015 ballot there will be several public officials to vote on and feels that having too many resolutions on this ballot is not a good idea as electors will probably not read them all after the first few. Mr. Cohen said some of the resolution may not be understood and suggests no more than three be put on ballot one being the staggered terms.

Barbara McLaughlin agrees with Mr. Cohen and feels people will vote more conscientiously with fewer items to read.

Daryl Wall agrees with Mr. Cohen and Ms. McLaughlin as to fewer items on the ballot but wanted to know why staggered terms was being put on when it was defeated once before. Commissioner Karukin explained the reasoning for this resolution. Mayor Dietch spoke in favor of all items as times change and the Charter needs to reflect this. He feels with a good education process for the residents the electors will have a good understanding of the issues on the ballot. Commissioner Cohen has trust in the citizens of Surfside and feels they will carefully read and address the issues.

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

2. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “VACANCIES ON COMMISSION”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

3. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “VACANCY IN CANDIDACY”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

4. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “CANVASSING BOARD”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

5. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “QUALIFYING” (I.E., BECOMING A CANDIDATE FOR ELECTED OFFICE IN THE TOWN); PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

6. **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “ESTABLISHING ELECTED OFFICIALS’ STAGGERED TERMS AND INCREASING TOWN COMMISSIONERS’ TERMS FROM TWO TO FOUR YEARS”; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

7. **RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CALLING FOR A NOVEMBER 4, 2014 TOWN OF SURFSIDE SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE TOWN OF SURFSIDE, FLORIDA AMENDMENTS TO TOWN CHARTER LANGUAGE GOVERNING “RUNOFF ELECTION”; PROVIDING FOR COPIES OF THE CHARTER AMENDMENT TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE TOWN CLERK TO UTILIZE THE SERVICES OF MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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

B. Professional Services – Duncan Tavares, TEDACS Director

1. Professional General Architectural Services – RFQ # 2014-001

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SELECTING FIVE (5) PROFESSIONAL GENERAL ARCHITECTURAL FIRMS TO PERFORM PROFESSIONAL GENERAL ARCHITECTURAL SERVICES FOR THE TOWN, IN RESPONSE TO RFQ NO. 14-001; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO

NEGOTIATE A CONTINUING CONSULTANT AGREEMENT WITH THE SELECTED RANKED FIRMS; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Crotty introduced the item. Duncan Tavares spoke on the item.

Commissioner Karukin made a motion to accept with the amendment that the contract comes back to the Commission for review. The motion received a second from Vice Mayor Tourgeman and all voted in favor.

2. Professional General Engineering Services - RFQ # 2014-002

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA APPROVING THE RANKINGS OF THE SELECTION COMMITTEE FOR PROFESSIONAL GENERAL ENGINEERING SERVICES IN RESPONSE TO RFQ NO. 14-002; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO NEGOTIATE A CONTINUING CONSULTANT AGREEMENT WITH THE SELECTED RANKED FIRM; FURTHER AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Tourgeman made a motion to bring back a contract for review and approval. The motion received a second from Commissioner Karukin and all voted in favor.

C. Town Hall Improvements – Joseph Kroll, Public Works Director

1. Town Hall Roof Repairs

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED BID TO UNLIMITED ROOFING SERVICE, INC. FOR ROOF REPAIRS TO TOWN HALL IN AN AMOUNT NOT TO EXCEED \$65,000.00; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO CAPITAL PROJECTS BUILDING TOWN HALL ACCOUNT NO. 301-4400-539-6220 APPROPRIATING THE FUNDS IN THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2013/2014; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Crotty gave an update on items 5C1, 5C2, and 5C3.

Vice Mayor Tourgeman made a motion to defer the item and bring back to a special meeting July 16, 2014 before or after the Budget Meeting. The motion received a second from Commissioner Karukin and all voted in favor.

2. Town Hall Air Conditioner Replacement with New Chiller System

Note: This is attached as a DRAFT!

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDDING BID TO _____ TO CONVERT THE EXISTING A/C UNITS TO A CHILLER SYSTEM AT TOWN HALL IN AN AMOUNT NOT TO EXCEED \$ _____; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO CAPITAL PROJECTS BUILDING TOWN HALL ACCOUNT NO. 301-4400-539-6220 APPROPRIATING THE FUNDS IN THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2013/2014; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Tourgeman made a motion to defer the item and bring back to a special meeting July 16, 2014 before or after the Budget Meeting. The motion received a second from Commissioner Karukin and all voted in favor.

3. Town Hall Mold Removal and Remediation

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN DECON ENVIRONMENTAL AND ENGINEERING, INC. TO PROVIDE MOLD REMEDIATION AND RESTORATION SERVICES FOR THE SURFSIDE TOWN HALL; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH DECON ENVIRONMENTAL AND ENGINEERING INC., BY PIGGYBACKING OFF OF A COMPETITELY BID AGREEMENT FOR THE SAME SERVICES AWARDED BY THE BROWARD COUNTY SCHOOL BOARD; AUTHORIZING THE AMENDMENT TO THE 2013/2014 BUDGET AND APPROPRIATION NOT TO EXCEED \$28,368.21 TO ACCOUNT 001-5000-539-4602; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Tourgeman made a motion to defer the item and bring back to a special meeting July 16, 2014 before or after the Budget Meeting. The motion received a second from Commissioner Karukin and all voted in favor.

D. Resolution Approving the Design of the 94th Street End Project – Michael P. Crotty, Town Manager [SET FOR TIME CERTAIN 9:00 PM]

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PURSUANT TO RESOLUTION NO. 13-Z-04, CONDITION NO. 25 REVIEWING AND APPROVING THE DESIGN PREPARED BY THE APPLICANT, CHATEAU OCEAN, LLC FOR THE 94th STREET END PROJECT; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Michael P. Crotty presented the item to the Town Commission.

Members of the Chateau Ocean, LLC presented the proposed project with a visual presentation.

Commissioner Olchyk had concerns regarding the showers and asked how they plan to secure their use and not be open to the general public such as transient people using them. The representatives of the Chateau said they did not realize there was an issue but would be willing to relocate them or remove them. Vice Mayor Tourgeman said there are several other showers along the beach and does not feel this is a problem but provide a service for the public. Commissioner Karukin and Commissioner Cohen agreed with the Vice Mayor to keep the shower. For the record, the Mayor would like the shower moved perhaps closer to the Chateau side. The showers will be kept and it was suggested that any problems be reported to the police.

Public speaker Lou Cohen had a question about the beach level. The question was addressed by a representative of the Chateau.

Commissioner Karukin made a motion to approve with the amendment that art work is to be approved by the Town Commission. The motion received a second from Vice Mayor Tourgeman. The motion passed 3-2 with Commissioner Olchyk absent for the vote and Commissioner Cohen voting in opposition.

Commissioner Olchyk wanted it to go on record that the while under construction, the Chateau temporarily removed the bus shelter on the corner and wanted to make sure that the bus shelter will be put back in the same place as it is very important to the people. The representative from the Chateau said the shelter will be put back in the same place and will even be nicer than the original one.

E. Harding Avenue Business Improvement District (BID) Ballot Results –
Duncan Tavares, TEDACS Director

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA CERTIFYING AND DECLARING THE RESULTS OF THE TOWN OF SURFSIDE BUSINESS IMPROVEMENT DISTRICT ELECTION HELD BETWEEN MAY 28, 2014 AND JUNE 12, 2014 FOR A SPECIAL ASSESSMENT DISTRICT KNOWN AND DESIGNATED AS THE SURFSIDE BUSINESS IMPROVEMENT DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Duncan Tavares presented the item.

For the record, Town Attorney Miller read Section 3 of the resolution which was inadvertently left out as follows:

IT IS HEREBY CERTIFIED AND DECLARED THAT PURSUANT TO THE VOTES CAST IN THE BUSINESS IMPROVEMENT DISTRICT ELECTION FINALIZED ON THURSDAY, JUNE 12, 2014, THE SPECIAL ASSESSMENT DISTRICT WILL NOT BE FORMED AT THIS TIME PER THESE RESULTS.

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

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

The Mayor opened the meeting to Good and Welfare.

Public Speakers:

-Barbara McLaughlin asked why public ordinances were not advertised in the papers although they are on the website. Town Manager Crotty said the cost can be very excessive especially in papers such as the Miami Herald. However this issue will be looked into shortly when the new budgets are worked on.

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

Although Good and Welfare was closed the Mayor allowed Public Speaker Eliana Salzhauer to speak as she was a little late in arriving. Ms. Salzhauer said the Parks and Recreation Committee need direction as to how to move forward on upgrading the Community Center. First we should determine if the existing structure can support a second story before spending more money on plans. Also to determine if a second story is needed as the existing facility is beautiful.

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. Surfside Seawall Replacement Project Bid Opening Results and Recommendation – Michael P. Crotty, Town Manager

Chris Giordano spoke on the item.

The Mayor suggested staff reach out to residents who live on the water that may want work done on their seawall.

Vice Mayor Tourgeman made a motion that in 60 days they come back with a plan and recommendations. The motion received a second from Commissioner Olchyk and all voted in favor.

B. Update on Community Center 2nd Floor Expansion (Verbal) – Tim Milian, Parks and Recreation Director

Duncan Tavares gave an update on the item. The Mayor asks that staff work on a budget before we go forward.

C. Resort Tax Allocation to Tourist Board – Commissioner Michael Karukin
****Item was discussed right after item 1F.**

Commissioner Karukin said he understands there is some opposition to this proposal but wants to make it clear that this is a discussion item and something to think about. He is not against the 5 year Plan presented by the Tourist Board, however, he feels that more monies from the resort tax can be utilized more effectively such as helping with the expansion of the community center. Vice Mayor Tourgeman is against putting a cap on monies as most of the revenue received from these taxes goes back to the town for improvements. Because he has been involved with the Tourist Board for several years he knows that they have limited income to work with and have not advertised or promoted the town to its full potential. Commissioner Olchyk said she would like to revisit the issue more thoroughly to better understand it before she can make a decision. Commissioner Cohen also said there should be more discussion on the item. Mayor Dietch opened it up to the public.

Public Speakers:

Barbara Cohen spoke of the importance of the Tourist Board and its functions.

Michelle Kligman asked that if this item is to move forward that it be deferred and the Tourist Board have the opportunity to express their views on the item of capping funds.

Mr. H. Bindeus representing the Grand Beach Hotel is against any cap on resort tax and explained how important it is to advertise and compete in the

S. Florida tourist market. He also feels that people on the Tourist Board should have experience in that field.

Barbara McLaughlin spoke on the State legalities of tax revenue and how it is to be spent.

Commissioner Cohen read a list of where resort tax monies can or should be spent. He also said he feels there should be Commission oversight as to where these monies are spent.

Commissioner Olchyk made a motion to have a joint meeting with the Tourist Board in early October 2014. The motion received a second from Commissioner Karukin and all voted in favor.

D. Discussion on Tentative Budget Meetings – Donald Nelson, Finance Director

A Special Meeting is scheduled for Wednesday July 16th and July 22nd at 5:00 p.m. Commissioner Cohen said he would not be able to attend the July 16th meeting and the Mayor asked if he could go over the materials and present any questions he has to staff before he leaves town.

E. Update on the Town Manager Transition and Discussion on Work Plan Priorities (Verbal) – Michael P. Crotty, Town Manager

To expedite the process, the short list of applicants for review will be available to the Commission August 4, 2014.

As a point of order, Commissioner Cohen made a motion to re-consider the vote taken on June 24 2014 at the Special Meeting of the Commission. The motion received a second from Commissioner Karukin. Commissioner Olchyk reminded the Commission that a similar situation happened years ago and she was told that her request for reconsideration had to be put in writing and then it would be presented at the following meeting and Commissioner Cohen's request should be handled the same way. Commissioner Karukin said he believes she was given the wrong information as to procedure.

Commissioner Cohen made a motion to extend the meeting fifteen minutes. The motion received a second from Commissioner Karukin. The motion carried 3-2 with Vice Mayor Tourgeman and Commissioner Olchyk voting in opposition.

After some discussion the fact is that the Town Manager position has been advertised, applications have been received and there is a deadline to receive further applications. Also, referring back to the minutes of the Special Meeting of June 14, 2014 it was determined that no motion was made and therefore no vote taken.

Commissioner Cohen withdraws his motion.

Town Manager Crotty asked the Commission for their feedback regarding the work plan and timeframe regarding the transition. The Mayor asked that the item be added for discussion to the July 16th meeting.

Manager Crotty said under Item 2 of the Work Plan he is asking that on August 28, 2014 they meet with the Shul regarding the development agreement and ask that the Planning and Zoning Meeting be moved.

Commissioner Karukin made a motion for a meeting to be held on August 28, 2014 at 7:00 p.m. regarding a Quasi Judicial item regarding the Shul development agreement. The motion received a second from Commissioner Cohen and carried 3-2 with Vice Mayor Tourgeman and Commissioner Olchyk absent.

F. FY 12/13 Comprehensive Annual Financial Report (CAFR) Acceptance
– Finance Director Donald Nelson [*SET FOR TIME CERTAIN 7:30 PM*]

Town Manager Michael Crotty introduced Finance Director Donald Nelson to present this item.

Finance Director Donald Nelson presented the item and introduced Enrique Llerena representing Marcum Group. Mr. Llerena gave a detailed explanation of the report.

Mayor Dietch asked for clarification on some items and Director Nelson explained the items satisfactorily.

Commissioner Olchyk asked if there was a way of getting monies from developers first before we start city projects. Director Nelson said it is recommended not to hold up a project and that we have always been reimbursed for monies as stipulated in development agreements.

The Mayor thanked Director Nelson and his staff for their hard work on the auditing process.

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

G. Policy Direction Regarding Ownership of Submerged Lands (Point Lake and North Canal) – Michael P. Crotty, Town Manager

Town Manager Crotty gave an update on the item.

The Mayor suggested that staff re-engage with the community regarding costs and updating them on this issue.

Commissioner Karukin made a motion to approve staff recommendations and to re-engage with the community. The motion received a second from Commissioner Cohen. The motion passed 3-2 with Vice Mayor Tourgeman and Commissioner Olchyk absent.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 11:13 p.m.

Accepted this _____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



**Town of Surfside
Town Special Commission Meeting
Proposed Budget
MINUTES
July 16, 2014
5 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 5:02 p.m.

B. Roll Call of Members

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

C. Pledge of Allegiance

Lieutenant Richard Williams led the Pledge of Allegiance.

D. Presentation/Overview of FY 14/15 Budget – Michael P. Crotty, Town Manager and Donald Nelson, Finance Director

Finance Director Nelson gave a power point presentation to the Town Commission.

Mayor Dietch asked if all home and commercial improvements that occurred over the past year have been transmitted to the County. Director Nelson said they do not receive a report from the Property Appraisers Office as to how they determine the property value. Building Official Prieto said all permits are sent monthly to that office. The Mayor requested that between now and the next meeting Official Prieto check to see that all is verified and reflected.

Director Nelson continued with his presentation and indicated that there has been an increase in property values which indicates a strong growth. However, he explained that setting the millage rate at 5.2 would mean the budget would have to be cut \$40,000 and if the millage rate were set at 5.108 the budget would have to be cut by \$156,000. He further explained millage rates and the increase in property taxes it would produce as well as revenues that would be received.

Director Nelson informed the Commission that in order to keep the same millage rate of 5.2 or neutral rate all five members of the Commission must be present and vote affirmatively. A conference call can be set if a member is out of town. A roll back rate would need 3 out of 5 affirmative votes but Director Nelson cautioned the Commission that lowering the rate would mean significant cuts to the budget. The next meeting is set for Tuesday, September 9, 2014 at 6:30 p.m. where the millage

rate will be voted on. There will also be a meeting Tuesday, September 23, 2014 at 6:30 p.m.

Commissioner Olchyk expressed her views and said she cannot understand why the millage rate cannot be cut as we have much more revenues coming in this year especially from all the construction done. The Mayor responded to Commissioner Olchyk's concerns and over the past years the millage rate had been lowered. The Mayor suggested we go through the entire budget and view if any items can be cut.

Vice Mayor Tourgeman said as presented he feels the millage rate would have a minimum impact on residents.

Commissioner Karukin said he was pleased with the budget and congratulated the staff for their work.

Mayor Dietch had some issues with capital projects coming in such as improvements to Town Hall, the Community Center and Point Lake not in the budget. He also mentioned the partnership with Bal Harbour not in the budget. The Mayor indicated that the budget presented was very well done but suggested we now move up to the next level and make changes in how the budget is done and use the criteria from the GFOA.

The Mayor then called on public speaker Eliana Salzhauer. Ms. Salzhauer said in regards to the millage rate, she has been speaking with other residents and they were not so much interested in saving a few dollars at the expense of the community. They feel the town has to be run well have good services and have a good reserve. Ms. Salzhauer also praised the Park and Recreations Dept. and doesn't think their budget should be cut as they provide a wonderful service to the community. Perhaps the money spent on fireworks could be used elsewhere.

The budget was then reviewed item by item. Under building permit revenues regarding the Chateau, the Mayor asked who was watching this to assure all revenues were coming in this fiscal year. Both Manager Crotty responded and Building Official Prieto said they were monitoring the issue and feel revenues will be in before the end of the fiscal year.

The Mayor also said we need a budget for the expansion of the Community Center before we move forward on that item.

The Mayor asked about the Seawall project and Town Manger Crotty explained the budget for this item and more information on this will be forthcoming in September.

The Mayor asked if the FL Inland Agreement with Miami Beach will be resolved before the end of the fiscal year. Manager Crotty said they are working on it and haven't heard back from Miami as yet.

The Mayor talked briefly about the challenges in water and sewer and there are upcoming workshops scheduled to review the issue. Manager Crotty gave a more detailed account on the subject.

Manager Crotty in speaking on the Town Attorney Office said they are asking that the part-time legal assistant position be moved to full time. Town Attorney Miller supported the full-time position.

Town Planner Sarah Sinatra gave an overview of program modifications and future development.

The Commission had questions regarding previously purchased equipment that has not been used efficiently, scanning of documents and Manager Crotty and Director Prieto gave more insight on the item.

Mayor Dietch said there is a Special Commission Meeting scheduled at 7:00 and asked that we stop this meeting and reconvene after the Special Meeting is over.

Commissioner Karukin made a motion to defer to the Special Commission Meeting scheduled for 7:00 p.m. and reconvene the Budget Meeting immediately after. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Cohen absent.

The meeting reconvened at 8:08 p.m.

Manager Crotty gave an overview regarding Lukes Sawgrass Landscaping identified under Public Works. There were some questions as to who owns some of the property on the hard pack and who should be paying to have it maintained. Commissioner Olchyk expressed her disappointment with the maintenance of the beach walk as she said she never sees people maintaining the property in question. She said there is no supervision or accountability and the money we are spending is excessive. Vice Mayor Tourgeman spoke in support of Lukes Landscaping as they have made major improvements in the town in the past and perhaps we have to revisit this and get other bids. Manager Crotty said it would cost the town more money to provide these services in house as we do not have the staff to do all that may be required. He said we have the option at looking at other landscaping firms and opening up for bids.

After some discussion, the Mayor directed the Town Manager meet with Lukes Landscaping and address the issues we have and the how to trim costs and come back to the Commission with recommendations. He feels this is a better way to handle this before we go out to bid.

Under Public Works, tree canopy, Commissioner Karukin said he is not in favor of any new programs as we are in a maintenance year. Manager Crotty said this was

brought up by the Planning and Zoning Committee. Commissioner Olchyk was not in favor of this item. Manager Crotty said the item will be brought back to the Commission for a final decision.

There is a proposed increase in the Parks and Recreation Department Budget and Director Tim Miliam gave a short power point presentation showing a revenue breakdown of some of the Program costs. Vice Mayor Tourgeman said his presentation has shown only the profits but the budget presented is very large and with personnel expenses as shown he feels the budget is excessive. He also said he would like to see the other programs that may be costing the town money and also they should be looking for sponsors to support some of these programs as some of them are a huge expense. Director Miliam said they were looking into sponsorship. Commissioner Olchyk spoke in support of the Parks and Recreation Dept. and said they provide a wonderful service to the community. Commissioners Karukin and Olchyk said they were happy with the budget.

Under Finance, Commissioner Karukin indicated that in the document there is referral to the IT Dept. and there is no department for Information Technology and that should be reflected so. Also throughout the document reference is made to website responsibilities in various areas and asked for clarification. Duncan Tavares tried to address the issue but Commissioner Karukin indicated he still was a bit confused and at the Mayor's suggestion he can with the Town Manager to get a better understanding.

Commissioner Karukin made a motion to set the millage rate at 5.2. The motion received a second from Vice Mayor Tourgeman. Mayor Dietch, Commissioner Karukin and Vice Mayor Tourgeman voted to accept, Commissioner Olchyk voted in opposition and Commissioner Cohen was absent.

Vice Mayor Tourgeman left the meeting at 9:23 p.m.

Manager Crotty said they will hold the Police Department budget as the Police Chief could not be present this evening.

Manager Crotty said they have terminated the contract for part-time janitorial services as they were not satisfied with them but have put in a program modification for 20 hrs per week.

Items not discussed at this meeting will be reviewed at the next Budget Meeting scheduled next week.

2. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 9:26 p.m.

Accepted this ____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



**Town of Surfside
Town Special Commission Meeting
MINUTES
July 16, 2014
7 p.m.**

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

1. Opening

A. Call to Order

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

B. Roll Call of Members

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

Commissioner Olchyk arrived at 7:07 p.m.

C. Pledge of Allegiance

Finance Director Donald Nelson led the Pledge of Allegiance.

D. Town Hall Improvements – Joseph Kroll, Public Works Director

1. Town Hall Roof Repairs

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED BID TO UNLIMITED ROOFING SERVICE, INC. FOR ROOF REPAIRS TO TOWN HALL IN AN AMOUNT NOT TO EXCEED \$65,000.00; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO CAPITAL PROJECTS BUILDING TOWN HALL ACCOUNT NO. 301-4400-539-6220 APPROPRIATING THE FUNDS IN THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2013/2014; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Tourgeman asked if the company has been verified as to license and insurance and also how long the company has been in business. Official Prieto said they have checked to verify insurance and license and also checked references. The Town Clerk said the company has been in business since 1987. Official Prieto said they have an extended warranty of 20 years from the manufacturer and a one year warranty on labor, materials and workmanship from the contractor.

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

2. Town Hall Air Conditioner Replacement with New Chiller System

Note: This is attached as a DRAFT!

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED BID TO D.A.C. AIR CONDITIONING CORPORATION TO CONVERT THE EXISTING A/C UNITS TO A CHILLER SYSTEM AT TOWN HALL IN AN AMOUNT NOT TO EXCEED \$400,000; TRANSFERRING FUND BALANCE (RESERVES) FROM THE GENERAL FUND BALANCE TO CAPITAL PROJECTS BUILDING TOWN HALL ACCOUNT NO. 301-4400-539-6220 APPROPRIATING THE FUNDS IN THE CAPITAL PROJECTS FUND; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2013/2014; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Director Kroll gave an overview of the current a/c system, the problems we are having and the reason for replacement. Director Kroll introduced engineer Mr. Alfredo Carbonell to present the item. Mr. Carbonell explained the current system is a direct expansion system consisting of five units. He further explained the new system, a chill water system, that he is recommending which has a longer longevity and will save a substantial amount of money on electric power. He was asked if he had experience with this type of unit before and Mr. Carbonell said he had at the Fountainbleau Hotel. Town Manager Crotty said he also had knowledge of this system as in his previous position it was purchased for a community center several years ago, it is still in operation and there was a huge savings on the electric. The a/c contractor for the system for Surfside has been in business since 2009 and the unit is manufactured by Trend.

Vice Mayor Tourgeman had concerns about how long the system will last being in a salt water area. The system is quite costly and having to replace it in a few years presents a problem for him. The units to be replaced are 2-5 years old. Mr. Carbonell said the life expectancy of the new unit is twenty years.

Commissioner Olchyk said we may be spending \$400,000 on a building that is old and may not last as long as the new proposed system. Mayor Dietch said the building has a very sound structure. Official Prieto spoke on the longevity of the building. Commissioner Olchyk feels we should replace the existing system at a fraction of the cost even if it lasts only five years rather than spend money on a new system which is not budgeted.

Vice Mayor Tourgeman said it doesn't make sense to him to spend approximately \$125,000 to replace what is there which is not really adequate, not solve the problems they are having, and may last only five years.

The Mayor said the town will have to pay one way or the other and he would like to fix the problems even though it is more costly, rather than patch it up and not really solve the problems that will keep the building healthy.

Commissioner Karukin asked other than regular maintenance, does the new system require any special type of maintenance and Mr. Carbonell replied it does not. Commissioner Karukin then asked about payment and Director Nelson gave an overview and said because it is not budgeted the monies would have to come out of the reserves.

Vice Mayor Tourgeman made a motion to accept. The motion received a second from Commissioner Karukin. The motion carried 3-1 with Commissioner Olchyk voting in opposition and Commissioner Cohen absent.

3. Town Hall Mold Removal and Remediation

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATION TO RETAIN DECON ENVIRONMENTAL AND ENGINEERING, INC. TO PROVIDE MOLD REMEDIATION AND RESTORATION SERVICES FOR THE SURFSIDE TOWN HALL; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE AN AGREEMENT WITH DECON ENVIRONMENTAL AND ENGINEERING INC., BY PIGGYBACKING OFF OF A COMPETITELY BID AGREEMENT FOR THE SAME SERVICES AWARDED BY THE BROWARD COUNTY SCHOOL BOARD; AUTHORIZING THE AMENDMENT TO THE 2013/2014 BUDGET AND APPROPRIATION NOT TO EXCEED \$28,368.21 TO ACCOUNT 001-5000-539-4602; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Director Kroll presented the item.

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

E. Update on the Town Manager Transition and Discussion on Work Plan Priorities – Michael P. Crotty, Town Manager

Town Manager Crotty gave an update on applications received and the list will be narrowed down to up to ten applicants for the Commission review by August 1st. The list will then be narrowed down to five applicants. As a point of information Vice Mayor Tourgeman said he has reviewed all the applications submitted to date. It was determined that by August 1, 2014 the Commission will receive from Human Resources the top ten applicants. The Commission will then rank them and submit their findings to Human Resources by August 7 who will then determine the top five

candidates. The top five candidates will be brought to the Commission Meeting on August 12, 2014 for setting up interviews.

Manager Crotty went over his work plan which was submitted at a previous meeting and asked the Commission if they had any other items to include.

Commissioner Karukin said he did not feel we should include anything new during the transition phase but have Mr. Crotty focus on existing projects. However, he said with the ongoing projects we should not expect Mr. Crotty to have everything completed before a new manager comes in as there are a lot of items to deal with.

Mayor Dietch said the list should include, Beach Management Agreement; North Canal, Pointe Lake; Green Building Policy; Fees with Bal Harbour; Dog Walking Path issue; Sand Project and updating codes/resolutions.

2. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 8.08 p.m.

Accepted this _____ day of _____, 2014

Daniel Dietch, Mayor

Attest:

Sandra Novoa, CMC
Town Clerk



**Town of Surfside
Town Special Commission Meeting
Proposed Budget
MINUTES
July 22, 2014
5 p.m.**

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

1. Opening

A. Call to Order

Mayor Dietch called the meeting to order at 5:08 p.m.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Tourgeman, Commissioner Olchyk and Commissioner Cohen. Commissioner Karukin was present but absent from the Chambers at the time of the roll call.

C. Pledge of Allegiance

Barbara Cohen led the Pledge of Allegiance.

D. Presentation/Overview of FY 14/15 Budget – Michael P. Crotty, Town Manager
Chief David Allen presented the Police Department Budget.

Mayor Dietch questioned the red light camera revenues and Director Nelson said in general the cameras have been paying for themselves with the revenue coming into the general fund but it is slowing down which means people are being more careful. We may want to discontinue this program but must give the County thirty days notice before doing so. Mayor Dietch asks that we review this and asked the Town Manager to provide a trend analysis for discussion in September regarding the cameras. Commissioner Karukin and Vice Mayor Tourgeman feel the cameras should be discontinued as it may no longer be cost effective. Commissioner Olchyk disagrees and feels they serve a good purpose and asked if our neighboring towns have the cameras and if any are considering discontinuing the cameras. Commissioner Cohen feels drivers are more careful when they know there are red light cameras. It was suggested by the Mayor that the legalities be looked into if the cameras are removed but the signs are kept that indicate red light camera ahead.

Chief Allen said in trying to reorganize the Police Dept and move forward he is in need of a new position which would be Police Captain of Commander. He feels it is critical to have someone second in command and he has tried to do this in house with no success.

Commissioner Olchyk is not in favor of new hires but doesn't disagree with Chief Allen that there is a need for a second in command. She spoke highly of the Chief but feels a lot of money is spent on public safety and sometimes is not spent well and this request may be handled in a different way.

Vice Mayor Tourgeman agrees with Commissioner Olchyk and he also spoke highly of the Police Dept and the Chief but is not in favor of spending more money for a new position and feels further reorganization of the Dept. may help. He said it is not only salary but benefits and feels further review of the budget is needed on this item.

Commissioner Karukin disagrees with Commissioner Olchyk in regards to the spending of money in the Dept. and said he feels the Chief runs a very tight ship and handles the monies very well. The Commissioner asked if the Chief has taken into consideration the Traffic Mitigation Plan and the Chief said yes. He also said that percentage wise, we are very much the same with what other municipalities spend on public safety and is in supportive of the Chief's request.

Commissioner Olchyk said she did not mean to imply that the Chief was mispending monies and further stated that she admires Chief Allen and the job he is doing. What she meant was perhaps reorganizing some of the police duties and getting personnel that are not police officers to handle some of the construction duties.

Town Manager Crotty said the Police Chief has a 24hr, 7 day a week job and needs someone as a second to help with the workload. He urged the Commission to look over the Chief's request for a second in command as he feels it is a needed position to operate efficiently.

Commissioner Cohen completely supports Chief Allen's request.

Mayor Dietch asked if police overtime will be reduced this year and Chief Allen said he could not determine that. The Mayor also asked if the unstable condition with dispatchers has been stabilized. The Chief said if a dispatcher is out he has to put a police officer to man that job as there must be a dispatcher 24/7 to answer any calls that may come in.

Chief Allen also requested an increase for the Executive Assistant to the Chief who in comparison to other municipalities is underpaid. Commissioner Karukin said her service is invaluable and supports the Chief's request.

Vice Mayor Tourgeman supports upgrading the salaries of parking enforcement personnel and said this should be looked at because they are out there all day in all types of weather and feels they are underpaid.

Vehicles were also discussed and the Chief was asked to look into battery operated vehicles as well.

Chief Allen discussed getting automatic vehicle locators for police cars and paying for it out of the forfeiture fund. The Chief also explained the Regional Crime Analysis which would be a shared cost with a neighboring town.

Mayor Dietch said some residents suggested to increase the cost of parking on weekends and asked that they do some research on the item.

Vice Mayor Tourgeman suggested the part-time administrative aide position requested be put on hold until some more rescheduling of duties and reorganization

is done. Director Nelson informed the Chief the part time position could be put on hold till later in the year and perhaps reviewed again in January. Vice Mayor Tourgeman was agreeable to that. Chief Allen said his top priorities are the hiring of a Police Captain, increasing the salary of his executive assistant as well as increasing the salary of parking enforcers. Commissioner Karukin said he was supportive of the Chief's budget as it stands. The Mayor asked Town Manager Crotty to come back in September with some data regarding increasing the salary for parking enforcers.

The Chief was thanked for his work on the budget and the Commission moved on to other items.

Duncan Tavares presented the Tourist Board Budget. Finance Director Nelson clarified some of the items as requested by Commissioner Karukin.

Commissioner Karukin asked if there were any plans on getting a handle on IT. He mentioned at the last meeting that it is fragmented over several departments. Town Manager Crotty said they are working on that issue especially the website and getting assistance from CGA.

Finance Director Nelson presented the Municipal Transportation Budget. Mayor Dietch indicated a healthy reserve in this account and asked if we could look into expanding the bus shelter program. Director Nelson said we could but we have to submit a capital improvement program to Miami-Dade County Public Transportation Authority as to how we plan on spending the money. The Mayor asked that Director Nelson work with Manager Crotty and work up a plan with locations. Commissioner Karukin said the existing shelter on Harding Avenue needs improvements.

Town Manager Crotty asked that we continue to review the General Fund and bring it to closure. He indicated he would like to have the proposed millage rate before the preliminary tax notices go out to the public.

Commissioner Karukin had questions regarding the ERP projects and asked if there was an estimate as to how much the IT infrastructure is going to cost. Director Nelson said the bid is out and they are in the process of receiving proposals from vendors and should be received by August 28, 2014. Commissioner Karukin said when the 5 year plan is updated it should include ERP. Vice Mayor Tourgeman said in the past years we have been using a bandage approach and feels we have to start moving forward on this project.

The sand project was briefly discussed. Town Manager Crotty gave an overview regarding landscaping as well as the Lukes Landscaping new proposal. Although Lukes has done a good job Vice Mayor Tourgeman feels we should put out to bid for comparison and Commissioner Olchyk agrees. Mayor Dietch, not wanting to give Manager Crotty more items to deal with during the transition period, suggested we wait six months.

Commissioner Cohen presented an idea which would involve the community to meet with the Commission perhaps monthly or quarterly in a friendly manner and called it “a dish with the commiss” much like “coffee with the cops.” The concept received some interest from the Mayor and Commissioner Karukin and they asked Commissioner Cohen to work up the logistics and bring it back to the Commission.

Town Manager Crotty then gave an overview of what was discussed at the last meeting regarding the millage rate. The Mayor feels we should keep the same rate, Vice Mayor Tourgeman said a slight increase would be minimal in dollars to the tax payer, Commissioner Olchyk would like to see the millage rate decreased. Clearly the Mayor and Commissioner Olchyk have different point of views.

Vice Mayor Tourgeman agrees with Commissioner Olchyk on some items and believes we have to look at the budget more carefully and find ways in which we can cut or reduce some items. However, he also stressed the need to maintain and upgrade certain areas to preserve a well kept town. He has asked the Town Manager and Finance Director to look at the budget again and help them to make the cuts.

Commissioner Karukin said over the past five years, the Commission has done good things for the town and have a better reserve than the past. He supports the 5.2 millage rate and asks Commissioner Olchyk to take a better look at the whole picture and encourages her to vote in favor of the 5.2 millage rate.

Commissioner Olchyk went on record to say she has nothing against the Mayor and as a person likes him very much as human being not as a Mayor. What she objects to is that when she voices her opinion the Mayor criticizes her personally and he does not do that to any other Commissioner. She further stated that the Mayor has no right to criticize her ideology and point of view as he can say what his own ideology and point of view are. Commissioner Olchyk said if we treat the budget much like our own budget at home perhaps we may do a better job. She feels that although we have not done a bad job in the past she stated we have been very lucky and that is due to the new construction such as Chateau and Surf Club.

Commissioner Cohen asked do we know what the people want, are they happy with the 5.2 millage rate. He believes there will be further development in the town and have to look to the future.

Mayor Dietch apologized to Commissioner Olchyk and said he certainly did not intend to be patronizing toward her and did not want what he said to come out that way. He further said he has a deep respect for her and her comments and although they do not always agree with each other he will reflect on what she said and it will not happen again.

Manager Crotty asked the Commission if they could accept a proposed rate that he could publish in the August edition of the Gazette. Manager Crotty said they have

made some cuts to the budget and asked Director Nelson to give them an overview and cuts needed if the millage rate is reduced to 5.108. Notice will be going out to the public in late August with the proposed rate of 5.2 which was discussed at the last budget meeting. There will be two meetings in September and the public will have a chance to give their input. The Gazette will publish the 5.2 millage rate with the notice that the Commission has reduced the budget and the millage rate may be reduced to 5.108.

It was clarified that any vote on the millage rate (other than 4.9224) has to be unanimous and Commissioner Olchyk said she had no problem with that.

The last item for discussion was the manager recruitment process. Town Manager Crotty gave an update on the item. On August 10th the Commission will be provided with the ten finalists for their rankings. The Commission will turn their rankings in to HR by August 6th and the list will be narrowed down to the top five finalists. The date of August 13, 2014 was scheduled for interviews. The Commission discussed the community meeting the candidates to give them the opportunity to ask questions. That meeting will be monitored by the Town Manager. This will take place before the Commission meets the candidate's one on one. The Commission agrees that candidates coming from out of town will pay their own expenses.

As a point of privilege the Mayor indicated he was asked by the Sierra Club to sign a letter of support as Mayor of Surfside. The letter was to the President and was about climate change.

2. Adjournment

Respectfully submitted

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
May 31, 2014

AS OF

67% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: August 12, 2014

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
GENERAL FUND			
REVENUE	\$ 8,665,810	\$12,197,616	71%
EXPENDITURES	7,289,797	\$12,197,616	60%
Net Change in Fund Balance	1,376,013		
Fund Balance-September 30, 2013 (Audited)	5,304,042 ^A		
Fund Balance-May 31, 2014 (Reserves)	<u>\$ 6,680,055</u>		
RESORT TAX (TEDAC SHARE)			
REVENUE	\$ 200,967 ^B	\$287,471	70%
EXPENDITURES	209,573	\$287,471	73%
Net Change in Fund Balance	(8,606)		
Fund Balance-September 30, 2013 (Audited)	94,497		
Fund Balance-May 31, 2014 (Reserves)	<u>\$ 85,891</u>		
POLICE FORFEITURE/CONFISCATION			
REVENUE	\$ 32,706	\$46,000	71%
EXPENDITURES	42,597	\$46,000	93%
Net Change in Fund Balance	\$ (9,891)		
Fund Balance-September 30, 2013 (Audited)	138,143		
Fund Balance-May 31, 2014 (Reserves)	<u>\$ 128,252</u>		
TRANSPORTATION SURTAX			
REVENUE	\$ 358,539	\$196,916	182%
EXPENDITURES	105,179	\$196,916	53%
Net Change in Fund Balance	253,360		
Fund Balance-September 30, 2013 (Audited)	131,475		
Fund Balance-May 31, 2014 (Reserves)	<u>\$ 384,835</u>		
CAPITAL PROJECTS			
REVENUE	\$ 1,164,892	\$1,054,770	110%
EXPENDITURES	1,301,738	\$1,054,770	123%
Net Change in Fund Balance	(136,846)		
Fund Balance-September 30, 2013 (Audited)	255,263		
Fund Balance-May 31, 2014 (Reserves)	<u>\$ 118,417</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 \$3,304,042 is unassigned fund balance (reserves).

B. Resort Tax Revenues for May 2014 are received in June 2014, the (Total collected through May 2014 is \$584,572) (\$200,967 is for TEDAC and \$383,605 is the General Fund).

ENTERPRISE FUNDS

ACTUAL	ANNUAL BUDGETED	% BUDGET
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WATER & SEWER

REVENUE	\$ 1,855,417	\$3,190,000	58%
EXPENDITURES	1,514,692	\$3,190,000	47%
Change in Net Position	340,725		
Unrestricted Net Position-September 30, 2013 (Audited)	(5,261,333) C1		
Restricted Net Position	1,260,776 C2		
Capital Project Expenses to date for Water & Sewer	(100,959)	\$0	
Unrestricted Net Position-May 31, 2014 (Reserves)	\$ (3,760,791)		

MUNICIPAL PARKING

REVENUE	\$ 683,519	\$1,052,185	65%
EXPENDITURES	629,827	\$972,185	65%
Change in Net Position	53,692		
Unrestricted Net Position-September 30, 2013 (Audited)	1,066,574		
Capital Project Expenses to date for Municipal Parking	-	\$80,000	
Unrestricted Net Position-May 31, 2014 (Reserves)	\$ 1,120,266		

SOLID WASTE

REVENUE	\$ 923,242	\$1,336,241	69%
EXPENDITURES	861,272	\$1,336,241	64%
Change in Net Position	61,970		
Unrestricted Net Position-September 30, 2013 (Audited)	227,274		
Unrestricted Net Position-May 31, 2014 (Reserves)	\$ 289,244		

STORMWATER

REVENUE	\$ 330,834	\$505,000	66%
EXPENDITURES	249,784	\$505,000	49%
Change in Net Position	81,050		
Unrestricted Net Position-September 30, 2013 (Audited)	2,520,512		
Restricted Net Position	347,140 C3		
Capital Project Expenses to date for Storm Water	(50,333)	\$0	
Unrestricted Net Position-May 31, 2014 (Reserves)	\$ 2,898,369		

NOTES:(con't)

C1. The reserves balance of (\$3,760,791) is the result of a change in current net position as of May 2014 of \$340,725, net position as of September 30, 2013 of (\$5,261,333) includes \$651,144 for rate stabilization, plus Restricted Net Position of \$1,260,776, less Capital Project expenses of (\$100,959) paid through May 2014 on the Utility Project.

C2. The Restricted Net Position of \$1,260,776 includes \$1,017,776 for renewal and replacement, and \$243,000 for State Revolving Loan reserves.

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


Donald G. Nelson, Finance Director


Michael P. Crotty, Town Manager

**ATTACHMENT

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

May 31, 2014

FUND	9/30/2011	9/30/2012	9/30/2013	5/31/2014
General	\$ 4,256,315	\$ 5,266,374	\$ 5,304,042	\$ 6,680,055
Resort Tax	184,867	171,496	94,497	85,891
Police Forfeiture	117,889	122,272	138,143	128,252
Transportation Surtax	239,760	122,302	131,475	384,835
Capital	399,754	132,783	255,263	118,417
Water & Sewer	2,692,379	(1,931,707)	(5,261,333)	(3,760,791)
Parking	1,385,581	1,258,325	1,066,574	1,120,266
Solid Waste	207,462	228,437	227,274	289,244
Stormwater	342,240	104,651	2,520,512	2,898,369
Total	\$ 15,301,180	\$ 9,951,380	\$ 4,476,447	\$ 7,944,538

TOWN OF SURFSIDE, FLORIDA

**STATEMENT OF NET POSITION
PROPRIETARY FUNDS**

SEPTEMBER 30, 2013

	Business-type Activities - Enterprise Funds				
	Water and Sewer	Municipal Parking	Sanitation	Stormwater Utility	Totals
Assets					
Current Assets					
Cash and cash equivalents	\$ 38,012	\$ 189,725	\$ 271,463	\$ --	\$ 499,200
Accounts receivable, net	647,746	15,661	80,505	96,705	840,617
Due from other funds	--	916,291	--	2,860,408	3,776,699
Due from other governments	--	--	7,105	--	7,105
Prepaid items	17,180	2,950	6,575	885	27,590
Total Current Assets	702,938	1,124,627	365,648	2,957,998	5,151,211
Noncurrent Assets					
Investments	5,873	--	--	--	5,873
Restricted cash and cash equivalents	1,906,402	--	--	1,526,621	3,433,023
Capital Assets					
Construction in progress	22,426,000	--	--	2,962,873	25,388,873
Land	--	1,358,011	--	--	1,358,011
Infrastructure	1,273,252	1,427,934	--	267,828	2,969,014
Equipment	157,215	468,019	378,200	--	1,003,434
	23,856,467	3,253,964	378,200	3,230,701	30,719,332
Less: accumulated depreciation	(1,299,278)	(894,544)	(312,432)	(100,278)	(2,606,532)
Total Capital Assets, Net	22,557,189	2,359,420	65,768	3,130,423	28,112,800
Total Noncurrent Assets	24,469,464	2,359,420	65,768	4,657,044	31,551,696
Total Assets	25,172,402	3,484,047	431,416	7,615,042	36,702,907
Liabilities					
Current Liabilities					
Accounts payable	407,449	29,678	28,006	23,365	488,498
Accrued liabilities	50,857	10,604	17,980	2,849	82,290
Due to other funds	3,776,699	--	--	--	3,776,699
Due to other governments	69,838	--	--	--	69,838
Interest payable	183,502	--	--	61,167	244,669
Retainage payable	355,474	--	--	36,485	391,959
Current portion note payable	--	80,000	--	--	80,000
Current portion of revenue bonds payable	410,055	--	--	136,685	546,740
Current portion of state revolving loan payable	158,987	--	--	52,996	211,983
Compensated absences	2,101	727	6,791	39	9,658
Customer deposits	188,664	6,860	8,611	--	204,135
Total Current Liabilities	5,603,626	127,869	61,388	313,586	6,106,469
Noncurrent Liabilities					
Net OPEB obligation	11,341	3,636	15,864	2,573	33,414
Compensated absences	18,917	6,548	61,122	353	86,940
Revenue bonds payable	7,781,967	--	--	2,656,641	10,438,608
State revolving loan payable	5,282,895	--	--	1,760,966	7,043,861
Total Noncurrent Liabilities	13,095,120	10,184	76,986	4,420,533	17,602,823
Total Liabilities	18,698,746	138,053	138,374	4,734,119	23,709,292
Deferred Inflows of Resources					
Unearned revenue	18,839	6,860	8,611	--	34,310
Net Position					
Net investment in capital assets	10,474,213	2,279,420	65,768	13,271	12,832,672
Restricted for renewal and replacement	1,017,776	--	--	266,140	1,283,916
Restricted for loan reserve	243,000	--	--	81,000	324,000
Unrestricted	(5,261,333)	1,066,574	227,274	2,520,512	(1,446,973)
Total Net Position	\$ 6,473,656	\$ 3,345,994	\$ 293,042	\$ 2,880,923	\$ 12,993,615

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



Town of Surfside

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

TOWN MANAGER'S REPORT AUGUST 2014

COMMUNITY PROGRAMS/INITIATIVES/ENHANCEMENTS

1. Bus Service

Discussions have now been completed with the Managers of Bal Harbour, Bay Harbor Islands and Sunny Isles Beach. Each municipality has expressed its desire to participate in this multi-jurisdictional transportation analysis in order to provide a bus transportation system that is more responsive to its residents ridership needs by attempting to provide a coordinated schedule and routes; expand designation options (Mount Sinai; Aventura Mall, etc.); reduce costs by eliminating overlapping routes and number of vehicles; and provide linkages to the Miami-Dade transportation system.

Miami-Dade CITT has agreed to organize the coordination of the three bus circulators (Surfside, Bal Harbour and Bay Harbor) in an attempt to identify a more efficient routing that would reduce the overall operating costs.

Each community will appoint a contact person to identify the stops that are necessary. Sunny Isles did not attend but will be asked to participate. Expected timeline for this effort is three (3) months, at which time a revised routing plan should be available for local review, ultimately leading to an interlocal agreement. Duncan Tavares will serve as the Town's representative. The Finance Director, Don Nelson, attended the CITT Municipal Transportation Workshop on behalf of the Town on July 24, 2014.

2. 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.

At the April 23 Miami Beach Commission meeting, follow-up discussion was held and the Commission did not support a skate park in this vicinity. Miami Beach Parks and Recreation Director John Rebar wrote following the April 23 meeting that, "at this time, Commission is not in support of a skate park anywhere along the west lots 79th through 87th. These lots are now part of a much larger North Beach revitalization plan. The direction is to not invest any capital funds on these lots until the long range vision has been determined". Discussions will continue to explore these options with Miami Beach representatives.

DOWNTOWN BUSINESS DISTRICT AND TOURISM

3. Sidewalk Ordinance Implementation

Sidewalk Café permit applications were included with the LBTR/CU renewals which were sent to businesses in July. Businesses, which have sidewalk cafés, will be required to submit their application with LBTR/CU renewal or cease the sidewalk café.

4. Parking Structure Feasibility Study

The report entitled "Parking Solution: The Next Step" was presented to the Commission on April 1, 2014 and was an agenda item for the April 8 Commission meeting.

At the May meeting, the Commission approved the proposal of Lambert Advisory to assist in the process of evaluating the Public Private Partnership (P3) recommendation contained in the April 1, 2014 report for the Post Office site. The initial work to be undertaken includes necessary economic/market analysis to ultimately determine feasibility of a P3 and identification of strategic opportunities to ensure a successful P3. Preliminary report was received from Lambert Advisory and a meeting held in July to review. It is requested that the Commission set a date in September to meet with Eric Liff (Lambert Advisory) and staff to present the results of TASK I of the P3 contract with Lambert Advisory.

5. Five Year Tourism Strategic Plan

The new Tourist Board Members have been provided with the Plan as well as the Resort Tax Ordinance (including the recommended changes), FY 13/14 Budget documents etc. The Tourist Board will focus on the FY 14/15 budget as identified in the Five Year Tourism Strategic Plan over the next couple of months. A joint meeting of the Town Commission and Tourist Board was earmarked for October to discuss revising the Resort Tax Ordinance and to address the Board's governance, authority and composition. A date needs to be identified. (**Action Item**)

INFRASTRUCTURE AND UTILITIES

6. 95th Street End Project

The Public Works Director is working as the General Contractor for phase 2 of this project (bulkhead to the hard pack). Luke's Landscaping will be the main sub-contractor (clearing, bringing in fill material, top soil, trees and ground cover and concrete sidewalks and stairs). Town staff will install the shower and benches. This will be on the September Commission agenda for approval.

7. Seawall Project

Per the direction of the Commission, a report will be presented at the September Commission meeting recommending a plan to address seawall deficiencies within available resources.

8. 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.

The Town Manager moderated a May 14, 2014 Community Discussion to kick-off this exciting community project. The objective of the discussion was to arrive at consensus of the process to be utilized. It was suggested that the process should appropriately be led by the Parks and Recreation Committee and the Tourist Board as their responsibilities are closely aligned with most aspects of the Community Center.

A joint meeting between the Parks and Recreation Committee and Tourist Board was held on May 19, 2014 to review the possibility of forming a joint community center expansion Committee. This concept was approved and the first official meeting of the Committee was held on June 9, 2014. This meeting was televised on Channel 77. Information was provided to the Committee on past proposal for a second floor to the Community Center. The Committee will review this information and start to formulate and provide a priority list of what should be included on the second floor.

The second scheduled meeting was held on July 7, 2014 in the Commission Chambers. At this time it was requested by the Committee to have a proposed budget amount and to start a priority list during the next scheduled meeting on August 21, 2014 at 7:00 pm.

These meetings will alternate between the regularly scheduled Parks and Recreation Committee and Tourist Board meetings monthly until the Fall. The goal is to have a recommendation for the Town Commission at that time.

Staff has completed a proposed construction budget and financing plan. Copies will be provided to the Tourist Board and Parks and Recreation Committee at the August 21 meeting as requested.

9. Biscaya Drainage

A community meeting was held with Biscaya residents on site July 10, 2014 at 7:00 pm. Three residents, Commissioner Karukin, CGA, and Public Works attended. This meeting was a pre-construction meeting set up to discuss the construction process, start date, length of job and to answer any questions before the start of the project. The structures have been ordered and delivery is scheduled for August. The drainage pipes have been delivered. Start date is set for the week of August 18th.

10. Town Hall and Tennis Hut Improvements

Tennis Hut

Decon Environmental is finishing the rehabilitation of the tennis center. During the inspection process from the Town's electrical inspector, it was discovered that the existing main electrical panel, conduit, and outlets did not meet code and needed to be replaced prior to proceeding further. Decon submitted a proposal utilizing the Broward County School Board bid to do this electrical work. The new electric is completed. Decon still has to install the drywall board, paint the interior and exterior, install the new ceramic tile and install the A/C unit on the wall to complete the project. Project to be completed in August per the Public Works Director.

Town Hall

Commission approved the Town Hall improvements (A/C replacement, roof replacement and mold remediation) at the July 22, 2014 meeting. A preconstruction meeting was held on July 28, 2014 with the roofing and A/C contractors for this project to coordinate both phases of this project. The Town Attorney's office is finalizing contracts. Estimated start time for the roof is August 23, 2014.

PLANNING, ZONING AND DEVELOPMENT

11. The Shul Project

The Shul application was heard at the February 27, 2014 Planning and Zoning Board meeting and the Town Commission will consider at a special quasi-judicial public hearing at a date to be determined. An independent traffic consultant has been retained to analyze the study submitted by the Shul as well as review existing conditions. Further, Staff, FPL and Shul representatives have met to address the undergrounding in the alley. FPL has expressed concerns regarding the undergrounding. Staff is

working towards achieving the original objective of undergrounding utilities in the alley as mutually agreed to by the Shul and the Town; and as approved by Planning and Zoning on February 27.

12. Massing and Zoning Discussion

At the 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 May 29, 2014 Planning and Zoning Board meeting. The Town Commission will be presented with an ordinance at the August 12 meeting. **(Agenda Item)**

13. Sign Code

The Town Commission authorized CGA to proceed with a re-write of the Sign Code. The content was discussed by DVAC in March and at a Joint Meeting of the Town Commission and Planning and Zoning Board. The sign code eliminates inconsistencies and unenforceable provisions to provide a user friendly document. The final draft was presented to the Planning and Zoning Board on June 26, 2014. The Planning and Zoning Board agreed to permit open/closed signs and TVs in the storefronts, with limitations on the brightness of the illumination. The Board also requested all wall signs to be illuminated. The Town Commission reviewed this ordinance on July 8, 2014 on first reading and the Planning and Zoning Board reviewed this item at their July meeting. See Agenda item for ordinance and Commission Communication on the sign code rewrite. **(Agenda Item)**

14. Historic Preservation

The staff of the Miami-Dade Historic Preservation Board (Board) has identified 9 buildings along the west side of Collins Avenue as potentially historic structures. These include 9016, 9024, 9025, 9033, 9040, 9048, 9054, 9064 and 9340 Collins Avenue. The property owners were notified of the Board's interest in these buildings through a letter each property owner received notifying them that their property is now subject to a moratorium on all building permits until the Board held a public hearing to determine if the structure would be designated historic. The property owners contacted the Town

asking for assistance in this matter. At that time, the Town contacted the Board's staff requesting a meeting to discuss the implications of this moratorium and inform them of the Town's ongoing plans, including the parking structure analysis and the discussion of development standards on the block between Collins and Harding. Based on our discussion with the Board's staff, we indicated that it would be appropriate to request a deferral of a decision by the Board. The Board meeting was held on June 18, 2014 and Town staff requested a six month deferral to provide for an opportunity to work with the Board's staff. An attorney for one of the affected property owners was also present and asked for a three month deferral. The Board granted a three month deferral of the decision to designate the properties historic. Also, a meeting was held with the Historic Preservation staff on August 5 and additional properties were identified by the County as Eligible for Designation (not yet initiated). Staff is preparing information on this subject and will soon be an item for Commission consideration and direction. It is the intent to schedule a follow-up community/public meeting to discuss these findings.

15. Land Development Regulations – Block Between Harding and Collins Avenues

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

Preparation of new zoning criteria and comparison of existing conditions

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

At the June, 2014 Planning and Zoning meeting, the Board voted unanimously to establish this as a top priority and recommended that a program modification be included in the FY 14/15 budget approving funding for this planning effort. Funds have been included in the proposed budget for this planning initiative. At the request of Commissioner Cohen and Planning and Zoning Chair Lindsay Lecour a resolution will be on the August 12 Commission agenda to initiate this planning effort in August. (**Agenda Item**)

TOWN COMMISSION

16. Charter Review

The voters will be presented with seven (7) Charter amendments on the November 4, 2014 Election ballot: Qualifications for Office; Vacancy on Commission; Vacancy in Candidacy; Canvassing Board; Qualifying for Elected Office; Establishing Elected Officials' Staggered Terms and Increasing Town Commissioners' Terms from Two Years to Four Years; and Runoff Election. A Voter's Guide will be distributed before the November, 2014 Special Election.

TOWN DEPARTMENTS

Building Department

17. FEMA National Flood Insurance Program (NFIP)

The CAV is now closed and we are awaiting a follow-up visit from FEMA. The date of the follow-up visit has not been determined.

18. Community Rating System (CRS)

Heidi Liles of the Insurance Services Office has sent out an email to her communities that were planning for a CRS Audit in 2014, stating that these communities will need to be postponed until 2015. The community visit date has not been determined.

19. Forty Year Building Certification for Collins, Harding, Abbott Avenues and Surfside Blvd.

The 40 Year Building Certification Program is progressing as follows:

Reported certifications: 121 in present case file
Completed certifications: 42
Time extensions granted: 3 and 1 additional time extension
Exempt from Certification: 3
Vacant commercial properties: 11
Sent to Code Enforcement for non-compliance: 8
150 day repair order: 2
On hold: 4

20. The Chateau Permit Documents

The Chateau Permit documents have been reviewed and are pending clarification of the building structural calculations. Sub-trade reviews are complete and approved. The master building permit should be approved by the end of August barring any further corrections.

Code Compliance Department

21. Sight Triangle (Hedges) and Corner Visibility

At the June 19, 2014, Special Commission Meeting, the Commission: 1) directed the Administration and Town Attorney to prepare an ordinance amending the sight triangle provisions reflecting a reduction in the sight triangle from 25 feet to 15 feet provided we do not go into private property; 2) provided policy direction to enforce planting restrictions and keep public easements and right-of-ways clear of hedges and shrubs; 3) consider relocation of certain stop signs and stop bars when possible in keeping with County and Police regulations; 4) paint curbs to keep vehicles from parking too close to the intersections; 5) establish a process to provide relief to those properties identified as "true hardship" cases. The Administration and Town Attorney will bring forth an ordinance amendment, for first reading, along with a proposed policy for the Commission's consideration at the September meeting.

Finance

22. Billing Adjustment to Commercial Recycling Customers

There was a billing adjustment on the most recent Solid Waste bill for Recycling Services to the Commercial Recycling customers because of an undercharge in the recycling fee. There are sixty – three commercial condominium and apartment accounts that were billed a lower than normal bill for the recycling portion of their solid waste quarterly bill for the period of October 1, 2012 to June 30, 2014. The under billed amount is being proportionately collected this fiscal year and next fiscal year. The most recent billing included the annual recycling fee for the period October 1, 2013 to September 30, 2014. The four quarterly recycling bills beginning October 1, 2014 through September 30, 2015 will include a separate fee for the remaining under billed portion of the recycling service. All of the sixty – three commercial recycling customers have been contacted by letter to inform them of the billing adjustment for recycling services.

Parks and Recreation

23. Beach Management Agreement

Progress on a Town/Miami-Dade County Beach Management Agreement is dependent upon the County receiving specific authorization from FDEP permitting the County to assign certain management responsibilities to local municipalities. The County sent a letter to FDEP on March 17 requesting a determination that the County can assign maintenance/regulations to local governments. The County once again has received a denial from the State to move forward with this request.

24. Pool Tot Lot Repairs - Community Center

Work is still in progress on the final phase of the repairs and work continues to move forward. The water playground remains 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 are received. The amount

anticipated and budgeted for this project remains the same, not to exceed the retainer amount of \$22,600. Some minor repairs are still pending and will not be completed until the Fall to avoid closing the tot lot during the summer months. Any and all work performed by the contractor will be warrantied from the date it is completed.

25. Tennis Programing

The Parks and Recreation Department will present options for operations including court rentals. The proposed budget did not include the funding request for the recreational software for the tennis facility. Due to budget constraints and the cost of the requested recreation software, other options will be explored.

26. Security Cameras at 96th Street Park

Parks and Recreation and the Police Department presented an option of placing security cameras in strategic areas at the park that will help identify/deter issues that arise at the park. Over the past 6 months, there has been a rash of cell phone thefts that cameras would have helped identify the person(s) involved. The cameras would also monitor patrons coming in and out of the park. The cost of the cameras is \$7,744. The work on installation of the camera system has started.

27. After School Program

The Parks and Recitation Department will be working with Life Sports Fitness to provide an after school program beginning this Fall. This program will provide a structured after school program for students from 2:00 – 6:00 pm. Transportation will be provided from Bay Harbor K-8 to the Community Center. The after school program will include Sports and Fitness along with homework supervision and tutoring. This program will be a revenue only program for the Town of Surfside and monthly revenue collected will be based on the number of students enrolled in the after school program. This program was a major priority of the Parks and Recreation Committee.

28. Police Department

A. Women's Self Defense Class

The Surfside Police Department hosts ongoing Women's Self Defense Classes from 6:00 pm to 8:00 pm in the police training room. The training shows how to resist and how to escape a sexual assault. The techniques are easy-to-learn and easy-to-use. The training also shows how to escape a standing assault and what to do if the attacker has you pinned on the ground. These techniques do not require strength, speed or coordination and are perfect for women of all ages and physical types. Classes are free of charge. Residents should contact Dina Goldstein, 305-861-4862 for dates of the classes.

B. Police Explorer Program

Surfside, Bal Harbour, Bay Harbor Islands, and Golden Beach Police Departments will implement a new Police Explorer Program this summer. The registration date for the program is August 12 at 6:00 pm in the Surfside PD Training Room. Officer Dianna Hernandez is the liaison for the program.

C. Survival Mindset

Surfside Police Department is hosting Survival Mindset, a Personal Safety Seminar with a nationally known instructor on August 11 from 6:00 – 9:00 pm in the Commission Chambers. The class will teach you to recognize and avoid potentially dangerous situations, learn practical safety measures designed to keep you safe, and learn what sex offenders do not want to know. The class is free to residents. Executive Assistant Dina Goldstein will manage the program.

D. Emergency Preparedness Program – Condominiums

The Surfside Police Department is offering emergency preparedness seminars to condominium associations. Officer Dianna Hernandez is the contact.

E. Security Assessment

The Surfside Police Department is offering free residential and commercial security assessments for residents and business owners. Sgt. Jay Matelis is the contact.

F. Police Escort

On Friday afternoons and evenings, SPD will participate in bicycle details with Bal Harbour and Bay Harbor Islands Police Departments for the safety of pedestrians traveling to and from the Shul and the three surrounding municipalities.

Current Topics

29. Town Manager Recruitment


On August 13, a meeting will be held from 9:15 – 10:15 am affording the public to meet and ask questions of the final candidates for the Town Manager's position. Following this meeting, the Commission will conduct one-on-one interviews. It is anticipated that the Commission will identify a priority ranking of the candidates at a Special Meeting on August 13 at 4:15 pm.

30. Sand Project Community Monitoring Committee

Meetings continue and a full report on Committee activities is listed under Town News on the Town's homepage. At its July 21 meeting, the Committee unanimously approved a motion to identify a process/action plan including permitting through FDEP to remove/relocate the placed sand. At the

July 29 meeting, Dr. Stephen Leatherman reported to the Committee that his independent testing determined that the sand color and size compatibility meet State requirements. On August 5, the Committee is scheduled to receive a presentation from Gordon Thomson, P.E., D.C.E., on FDEP permitting procedures and options to implement the Committee's approved motion to remove/relocate the transferred sand.

Respectfully submitted


by: 

Michael P. 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: Town Commission

FROM: Linda Miller, Town Attorney 

CC: Michael P. Crotty, Town Manager
 Manny Anon, Jr., Assistant Town Attorney

DATE: August 12, 2014

SUBJECT: Office of the Town Attorney Report for August 2014

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

July 16, 2014	FY 14/15 Budget Meeting
July 16, 2014	Special Town Commission Meeting
July 22, 2014	FY 14/15 Budget Meeting
July 31, 2014	Planning and Zoning and Design Review Board Meeting
August 11, 2014	Tourist Board Meeting
August 12, 2014	Town Commission Meeting

Ordinances prepared and reviewed for Second Reading:

- Sign Code Ordinance
- Parking Trust Fund Ordinance

Ordinances prepared and reviewed for First Reading:

- Massing Ordinance

Resolutions prepared and reviewed:

- Parking Trust Fund
- Voter's Guide
- 90th Street End Project
- Harding Avenue Corridor
- Holiday Lights

Town Manager:

- Follow up preparation of Agreement for Architectural and Engineering Services
- Review of conditions of approval on all ongoing development projects
- Ongoing review and research for Public-Private Partnership
- Follow up with Town Manager and Code Enforcement from post-Hedge/Sight Triangle Special Meeting for preparation of amendments to Code
- Continued follow-up with Code Enforcement regarding code compliance issues
- Ongoing research for dock and dredging permit issue and ownership of Pointe Lake and North Canal
- Follow-up for proposed Agreement between Miami Beach and Surfside for Miami Beach to provide sewage conveyance for disposal services and to memorialize the new rate of compensation to be paid by Surfside
- Review letter and proposed Second Amendment to Interlocal Agreement between Miami-Dade County and Surfside for Solid Waste Management disposal and transfer needs.
- On-going follow-up research and analysis of Planning & Zoning Board priority for land development regulations for future development of the Harding and Collins Avenue corridor
- Analysis of undergrounding utilities in the alley between 96th and 95th Street
- Coordinate with Town Manager on issues regarding Miami-Dade Historic Preservation Board (Board) identification of buildings along the west side of Collins Avenue as potentially historic structures and notification of a moratorium on building permits

Town Clerk/Elections:

- On-going preparation for Voter's Guide

- Review updated Ethics Law requirements
- Review and follow up for Public Records requests and exemptions
- Follow-up research for Sunshine Law issues

July 31, 2014 Planning and Zoning and Design and Review Board:

Design Review Board Applications:

A. Request of the Owner of Property located at 725 92 Street to convert the garage to additional living space for their single family home.

B. Request of the Owner of Property located at 8834 Abbott Avenue to upgrade the front façade with new windows, doors, a stone veneer and a rear patio addition.

C. Request of the Tenant of Property located at 9484 Harding Avenue to install a new sign (Geneva Tailor).

D. Request of the Tenant of Property located at 9487 Harding Avenue to install a new sign (Sushi 26 Tapas).

E. Request of the Owner of Property located at 9234 Bay Drive to knock down the existing residence and build a two story single family residence on the west side of Bay Drive.

F. Request of the Owner of Property located at 8943 Harding Avenue to add a second story to an existing one story duplex.

Planning and Zoning Board:

Ordinances: Sign Code
Parking Trust Fund
Discussion: Massing

Building Department/Code Enforcement/Planning:

- Eruv Inspection
- Meeting with FPL regarding undergrounding of utilities on alley behind The Shul.
- Follow up with inventory for Beach surveys research on jurisdiction on beach/sand issues
- Analysis of real estate signs for sign code
- Continued research and follow-up re: dock and Class 1 Permit
- Follow up for 1268 Biscaya Drive Stipulated Order
- Research and review development permit language for compliance

- Meet with Miami-Dade County Attorney's Office regarding County's Jurisdiction on Site Triangle and research applicable Florida Statutes, and Florida Green Book, Miami-Dade County Code, and Town of Surfside Code

Finance Department:

- Research State Statute regarding voting requirements for setting tax millage rate
- Department updates for FY 14/15 Budget documents

Human Resources:

- Research nepotism provision in Charter
- Research Veteran Preference changes

Parks and Recreation:

- Revisions to Specific Use Agreement for Life Sports Fitness and Surfside
- On-going analysis of status of Florida Department of Environmental Protection and Miami-Dade County for beach jurisdiction issues

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Draft Holiday Lights Agreement
- Review Surfside Official Mobile Application
- Research allowable expenditures from resort tax revenue
- Analysis of spending authority of Tourist Board

Public Works:

- Review the initial draft of the Grand Beach Hotel Maintenance Agreement
- Draft/Revise DAC Air Conditioning Agreement
- Draft/Revise Unlimited Roofing Services Agreement
- Review for revisions to the Stormwater Utility Fees Ordinance
- On-going preparation for Agreement with Bal Harbour for Force Main Project

Police Department:

- Prepare ATS Reconciliation letter applying future funds collected to the accrued balance
- Review and draft contract for Town phone services

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

1. On September 1, 2013, 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 Surfside Police Incident Report indicates the resident sustained a contusion on her right elbow and abrasions to her chin and both knees. FMIT currently is analyzing the issue of comparative negligence and continues its investigation.
2. On August 28, 2013, 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. Resident completed therapy. FMIT advised that the resident’s attorney is still waiting on final medical billings. FMIT is waiting on a demand to determine the merits of the injury. Investigation on-going.
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. On July 30, 2014, **FMIT finalized its investigation and denied the claim.**

Legal representation is provided by the (“FMIT”) in the following matters:

1. Donald McGavern vs. Surfside, State of Florida Office of the Judge of Compensation Claims, OJCC Case NO. 14-007583RJH. Claimant, McGavern filed an appeal of a denial of his Workers’ Compensation Claim. Discovery is on-going.
2. 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. Mr. Bakker filed a motion seeking leave to amend and proposed a new Count III directed against the Town. The new Count III seeks to invalidate Resolution 12-Z-2078 on grounds that the Town's approval of the Young Israel site plan violated Section 4 of the Town Charter. Young Israel and the Town filed a motion requesting that Mr. Bakker's request for leave to amend the pleadings be denied. The Court has entered an Order indicating that it would not be expediting its review of the pending matters. Accordingly, the parties are now waiting for the Court to issue an Order on all pending claims and all pending defenses.

Legal Matter not covered by FMIT:

Pieter Bakker and Shirley Bakker vs. Town of Surfside. Case No. 14-1026, Division of Administrative Hearings, State of Florida ("DOAH"). Mr. and Mrs. Bakker filed a Petition for Formal Administrative Hearing and seek to have the Comprehensive Plan Amendment adopted by Ordinance No. 2014-1613 rejected as failing to be "in compliance" with Chapter 163, Florida Statutes. The Administrative Law Judge heard this matter on April 17, 2014 in the Town Hall Chambers. Both parties submitted proposed recommended orders to the Administrative Law Judge, D.R. Alexander. On June 17, 2014, Judge Alexander issued a Recommended Order and recommended that the Department of Economic Opportunity enter a Final Order determining that the comprehensive plan amendments adopted by Ordinance No. 2014-1613 are in compliance. The Town awaits the Final Order from the Department of Economic Opportunity. The Town's legal fees and costs from March 7, 2014 to July 31, 2014 are approximately \$36,380.

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



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

1. **Planning and Community Development** –In August 2012, the Shul submitted a site plan application for an expansion. The application was heard and unanimously approved at the February 27, 2014 Planning and Zoning Board meeting and will be heard at a Special Town Commission meeting on August 28, 2014. Per the discussion at the Planning and Zoning Board meeting, staff has requested that an independent traffic engineer review the package. Results of the analysis will be reported in the site plan report. The draft sign code was presented to DVAC in March and to a joint meeting of the Planning and Zoning Board/Town Commission in May. The sign code eliminates inconsistencies and unenforceable provisions to provide a user friendly document. The draft was presented to the Planning and Zoning Board on July 31, 2014 and the Town Commission will hear this item on second reading at their August 12, 2014 meeting. Staff has also prepared a modification to the parking trust fund which institutes a cap on the number of spaces a business may buy into the fund. The Miami-Dade Historic Preservation Board notified property owners along Collins Avenue that its staff have identified properties with potential historic significance. The Board instituted a moratorium on building permits until the Board could have a hearing and determine if the structures would be deemed historic. If a designation is instituted, then the property owners will have limited options for their properties. Furthermore, the County staff was not aware of any of the projects the Town is exploring, such as new zoning criteria for the block between Collins and Harding Avenues or the potential for a parking structure. Town planning staff attended the Historic Board meeting on June 18, 2014 to request a six month deferral of a decision by the Board so that the Town could work with County staff. The Board granted a three month deferral and Town staff has begun coordinating efforts with the County Staff. At the start of the fiscal year, planning staff will commence an analysis on the zoning criteria for the block between Collins Avenue and Harding Avenue. Staff continues to answer approximately 85-100 zoning questions monthly and reviews permit applications.

2. **Information Technology & TV Broadcasts** - AT&T is still trying to locate a suitable conduit for the Metro Ethernet install, as the planned conduit appears to be blocked. IT and Public Works are working with AT&T to determine if there is another solution. The automated arrest forms access has been set up for the Police Department and the training computer has been configured. IT is working on the new Police Department laptops and rolling them out in phases. IT has procured a quote to upgrade the broadcasting system in the Chambers room. Surveillance cameras are being installed at the 96th Street Park. IT will be migrating the Town's main fileshare over to a new server this month.

3. **Public Utilities / Engineering – Public Utilities / Engineering** – The 1 year warranty video of the sanitary sewer mains has commenced and is approximately 70% complete. The engineers are now reviewing the videos and noting any required corrections or repairs. The repairs will be completed by the Contractor at no cost to the Town.

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	\$859,000
TOTAL	\$11,270,381	\$9,225,928

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

4. **Town-Owned Seawall Repair** – CGA presented the three (3) submitted bids at the July Commission Meeting. Per Commission directive, CGA has held Value Engineering meetings with the Contractor who proposed the best value to the Town, PAC COMM, Inc. The Value Engineering meetings will continue this month and CGA will present the final solution to the Commission in the September Commission meeting.
5. **Biscaya Drainage Project** – A community outreach meeting was held with the residents of Biscaya on Thursday, July 10, 2014. The Town has procured the precast structures and required piping. Construction will begin in August 2014.



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD
AND
DESIGN REVIEW BOARD
MINUTES
MAY 29, 2014
7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2nd Floor
Surfside, Florida 33154

DESIGN REVIEW BOARD

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:06 pm.

2. ROLL CALL

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

Vice Chair Kligman arrived at 7:20 p.m.

3. APPROVAL OF MINUTES: April 28, 2014

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

4. DESIGN REVIEW BOARD APPLICATIONS:

A. Request of the Owner of Property located at 9472 Harding Avenue

The applicant is requesting to install two retractable awnings.

Town Planner Sarah Sinatra presented the item. Applicant Veronica Arbucias clarified the color of the awning which is burgundy.

A motion for approval was made by Board Member Castellanos. The motion received a second from Board Member Gutierrez and all voted in favor.

B. Request of the Owner of Property located at 9461 Harding Avenue

The applicant is requesting to install a new permanent sign.

Town Planner Sarah Sinatra presented the item.

Representing the applicant, Paul Henson addressed the questions posed by the Board regarding standoff of letters and illumination. The Board wanted the applicant to be aware that sign code changes will be made soon and he should consider some of the recommendations they are suggesting. These steps would prevent the applicant from having to change his sign in the future in order to be in compliance. Mr. Henson said at this time it may not be financially feasible to have external illumination.

A motion for approval was made by Board Member Glynn with the following conditions:

1. provide a one inch standoff for the letters
2. consider external illumination of the facade

The motion received a second from Board Member Gutierrez and all voted in favor.

C. Request of the Owner of Property located at 9599 Harding Avenue

The applicant is requesting to install a new permanent sign.

Town Planner Sarah Sinatra presented the item. There was some discussion regarding the type of lettering.

A motion for approval was made by Board Member Peter Glynn. The motion received a second from Board Member Castellanos and all voted in favor.

Board Member Gutierrez suggested that on all applications approved and completed, there be a final Planning and Zoning Code Review to assure all work done is in compliance.

5. ADJOURNMENT.

There being no further business to come before the Design and Review Board the meeting adjourned at 7:20 p.m.

PLANNING AND ZONING BOARD

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:33 pm.

2. ROLL CALL

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

3. APPROVAL OF MINUTES: **April 28, 2014**

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

4. ORDINANCES:

A. AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES"; 90-49.2 "AWNINGS AND CANOPIES"; 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Code Compliance Director Joe Damien presented the ordinance.

Vice Chair Kligman asked for clarification of the fine structure and Board Member Glynn asked how noise levels are measured. Mr. Damien addressed both issues and said he would be happy to come back and provide more information if needed.

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

B. AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 "MARINE STRUCTURE" TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY;

PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sarah Sinatra presented the ordinance. Building Official Ross Prieto gave some input as to the D5 site triangle and what size dock would be in compliance.

Board Member Castellanos make a motion for approval with the resolution of keeping the 35 foot dock. The motion received a second from Vice Chair Kligman and all voted in favor.

5. DISCUSSION ITEMS:

A. Parking Trust Fund

Commissioner Karukin said the item will be coming before the Commission and asked the members of the Board to gather information from the Town Manager so they may give any input they may have to the Commission.

Board Member Glynn said we need a moratorium on this subject and is against the selling of parking spaces as the town does not have enough spots.

Vice Chair Kligman said he was not against more development but feels developers should build their own garages and not rely on the town to build one.

Public Speaker Jorge Gutierrez said one of the problems developers face is that there is not enough land to build a parking lot on their site unless they go vertical.

Public Speaker Sergio Castaneros was in agreement with Vice Chair Kligman and said new developers should be required to provide proper parking spaces.

Commissioner Cohen left the meeting at 8:25 p.m.

B. Massing

Town Planner Sarah Sinatra spoke on the item.

She clarified the options on the limitation on the building length and showed some photos of the different designs. At the next meeting she will provide dimensions and scale comparison of the different designs.

As a public speaker, Commissioner Karukin said his preference was the pedestal design with the two towers as it allows more of a breezeway. Commissioner Karukin asked the Board to start thinking about the strip of land in H40 and possible development as there has been multiple inquiries about this land.

Board Member Glynn made a motion to ask the Town Manager to plead for the urgency of this issue and ask for a work authorization so we can work on this immediately. The motion received a second from Board Member Castellanos and all voted in favor.

6. FUTURE AGENDA ITEMS:

Town Planner Sarah Sinatra

7. REPORT OF PERMITS ISSUED FOR THE MONTH OF APRIL 2014.

Building Official Ross Prieto


8. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:52 p.m.

Accepted this 26 day of June, 2013


Chair Lindsay Lecour

Attest:


Sandra Novoa
Town Clerk



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

7:00 pm

Monday June 16, 2014

Town Hall Commission Chambers
9293 Harding Avenue

MINUTES

1. Roll Call of Committee Members

The meeting was called to order by Chair, Retta Logan at 7:58pm.

Also in attendance: Veronica Lupinacci, Shlomo Danzinger, Alberto Aguirre, Eliana Salzhauer, Tim Milian, Parks and Recreation Director, Marta Olchyk (Exited at 8:06pm), Commission Liaison, Commissioner Michael Karukin, Linda Miller, Town Attorney, Frantza Duval, Recording Clerk

2. Approval of minutes from 5/19/14

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

3. Summer Camp Update

Tim advised that there are 125 registered kids in summer camp with 10 spots available in the teen camp. Of the registered kids 110 are residents and 15 are non-residents.

There is a waiting list for the blue and green teams which are based on ages 6-12. The waiting list is at 10 people.

The expansion of the Community Center will allow for additional participants for camp. The number of kids registered are consistent with last year's participants.

4. 4th of July

The activities will start at 2:00pm with the traditional swim races.

The towels (popular from last year) will be available as a part of the giveaways, as well as pouches, and 50-100 bags remaining from last year.

Marta Olchyk inquired as to how much is being spent on giveaways. Tim Milian didn't have the information available, but using items from previous year has cut down the cost. Last year Parks and Recreation spent \$2800 in giveaways.

Tim Milian will have the breakdown of the cost after the event.

Eliana Salzhauer inquired about the total cost of the fireworks. Tim Milian advised that the cost to Parks and Recreation is \$8,000.00.

The total is \$12,000 with \$4,000 coming from the Tourist Board.

Tim Milian advised that in the past Zambelli use to cost more and the Town use to have a five year contract with them.

Alberto Aguirre inquired if the fireworks can be sponsored.

Commissioner Karukin advised that in the past there have been issues regarding sponsorships.

Elian Salzhauer wants Duncan to speak the hotels about doing fireworks.

Retta Logan suggested partnering with the hotels in the future to help alleviate the cost to the Town for fireworks.

5. After School Program Update

The Town is considering partnering with a group that does the sports program in Town for an after school program.

Tim Milian is still negotiating and may even be able to procure a rate of \$15 per day/\$200 a month.

The kids would be picked up from the school and brought to the Community Center.

Tim Milian is working on transportation which is an issue. He is planning on using old circular bus. Cost is an issue as the bus is old, has extensive miles, and the a/c isn't working.

The vendor will be paying the Town through a contractual agreement and would be set as a daily and weekly program.

It's a revenue producing program which serves the Surfside residents. The Town will be able to supervise the program.

Sports program and educational program will be offered to the students.

Retta Logan inquired if the program will be offered to the students at Mater Academy, which have some Surfside residents.

Tim Milian advised that the main focus is Ruth K Broad students, but he would find out about Mater Academy.

Eliana Slazhauer advised that the P.A.L. program held through Bay Harbour is changing completely. It's being completely held by Bay Harbour. Eliana Salzhauer suggested having Tim Milian talk to Bay Harbour to help revitalize their after school program, thus eliminating the one for Surfside.

Tim Milian has already reached out to Bal Harbour to extend his efforts, but will continue trying.

6. Community Input

Retta Logan would like to sponsors for the soccer uniforms.

Tim Milian will look in to the shirts and sponsors.

****The next Parks and Recreation meeting will be July 7, 2014 at 8:00pm.**

7. Meeting Adjournment

Veronica Lupinacci made a motion to adjourn the meeting; Eliana Salzhauer seconded the motion. The motion passed unanimously. The meeting ended at 8:32pm.

Accepted this 7 day of July, 2014

Retta Logan

Member (Print)

[Signature]
Signature

Attest:

Frantza Duval
Recording Clerk



TOWN OF SURFSIDE
Tourist Board Meeting
Monday June 9, 2014 – 6:00 p.m.
Town Hall Commission Chambers
9293 Harding Avenue, 2nd Floor
Surfside, FL 33154

MINUTES

Tourist Board Members

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

Town of Surfside

Eli Tourgeman, Vice Mayor / Commission Liaison
Duncan Tavares, TEDACS Director
Frantza Duval, Recording Secretary

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

I. Call to Order and Roll Call

The meeting was called to order by Michelle Kligman at 6:03pm.

The recording clerk, Frantza Duval, called the roll with the following members present:
Michelle Kligman, Barbara Cohen, Joel Baum, Sandra Argow.

Also present: Eli Tourgeman, Commission Liaison, Michael Crotty, Town Manager, Linda Miller, Town Attorney, and Duncan Tavares, TEDACS Director

Dr. Elizabeth Levine absent with regrets.

II. Welcome by Vice Mayor Tourgeman, Tourist Board Commission Liaison

He welcomed the Board and thanked everyone for serving. He is happy to be the liaison to the board.

- Update on Code of Ethics

The Vice-Mayor provided updates on the rules of conduct with regard to ethics. He recently spoke to Joseph M. Centorino, Director of the Ethics Commission, who advised that any writing on any document while attending meetings does not officially become a public record until the information is shared with another member. The Vice-Mayor also advised that two Commissioners can participate in the same meeting without violating the code of ethics. Once the two Commissioners get into a debate/dialogue at said meeting then the violation occurs.

- Purchase of Tourist Board Table Cloth

Vice Mayor Tourgeman would like the Board to purchase a table cloth for future events that states something like "Surfside Tourist Board." Michelle Kligman wants to see a mock-up with pricing. Duncan Tavares will come back to the Board with the information but advised that a tablecloth exists that is used when a table is used at events.

- III. Approval of May 5, 2014 Meeting Minutes**
Barbara Cohen made a motion to approve the minutes; Joel Baum seconded the motion. The motion passed unanimously. The minutes were approved.
- IV. A/R ~ Resort Tax**
Duncan Tavares reiterated that all businesses are up-to-date on their resort tax payments.
- V. Holiday Lights Proposal Presentation ~ Randy Meyerson / Miami Christmas Lighting**
Randy Meyerson gave a presentation on possible holiday lights for the downtown. Miami Christmas lighting has done the lighting for Aventura Mall and other reputable businesses and municipalities. They would be responsible for the up keep of the lights, installation, and removal. Barbara Cohen inquired about the deadline to decide and it was advised that sooner is better. Sandra Argow inquired if the Town has any other decorations. Duncan Tavares advised that the previous Tourist Board purchased entrance sign decorations only. The string lights that the Town used in the past no longer work. The Board is in favor of exploring options with white lights. Michael Crotty, inquired if Miami Christmas Lights would be able to provide a nativity scene and it was advised that they could. Barbara Cohen made a motion to move forward with the Holiday light proposal; Sandra Argow seconded the motion. The motion passed unanimously.
- VI. Tourist Board Mission Statement ~ Chair Michelle Kligman**
Michelle Kligman inquired if the Board members had time to consider a mission statement. Sandra Argow provided the Board with some sample mission statements to review for ideas. Michelle Kligman wants the Board to discuss it further at next month's meeting.
- VII. Orientation II ~ Duncan Tavares, TEDACS Director**
- **Form 1 / Contact Information / BIOs Reminders**
He reminded the Board of the deadline to submit the information.
 - **Upcoming Meeting Schedule / Agenda Item Timeline**
He provided information regarding an upcoming schedule to address future agenda items. Sandra Argow advised that she will not be available for September's meeting. Michelle Kligman wants Duncan to provide the information regarding Sister City prior to the meeting for feedback if she's not available for the meeting date. He advised that he will be sending it prior to the meeting. However, the Board did receive the information as part of their orientation packet.
 - **FY 14/15 Tourism Plan overview**
Duncan Tavares provided the Board with published and printed materials promoting the Town in which the Tourist Board had participated – eg Art Basel and Welcome Magazine. The goal was to establish an identity for Surfside. There has been print and digital promotion in the past.
He would like to see more cooperative efforts with the Grand Beach Hotel Surfside (GBHS). Joel Baum inquired if we have invited anyone from GBHS to a meeting. Duncan Tavares advised that they are invited every month. Michelle Kligman noticed that in the GBHS rooms there was nothing that referenced Surfside. There were no guides about restaurants or businesses and she remembers it being a part of their development agreement. Duncan Tavares advised that he had tried to work with them on this item. She also noticed that the Surf Club/Four Seasons are referencing themselves as Miami Beach and not Surfside and that this violates their development order.

At the next meeting, Vice-Mayor Tourgeman will provide a mock brochure from GBHS that they had presented to the Town Commission. Barbara Cohen inquired when the Visitors Guide will be available. Duncan Tavares stated that there are changes being made daily in the business district and that it has been difficult to keep up. However a September launch is projected. He would like to see the guide introduced at an event at the GBHS. Sandra Argow made a motion authorizing Duncan Tavares to meet with GBHS and come back in July with their sales and marketing team. Barbara Cohen seconded the motion. The motion passed unanimously.

**VIII. Community Center joint meeting with the Parks & Recreation Department:
Monday June 16, 2014, at 7pm in the Commission Chambers**

IX. Next Meeting: Monday July 7, 2014 at 6:00pm

X. Public Comment

XI. Adjournment

Barbara Cohen made a motion to adjourn the meeting. Sandra Argow seconded the motion. The motion passed unanimously. The meeting ended at 7:49pm.

Accepted this 7th day of July, 2014

Elizabeth Levine
Member (Print)

Elizabeth Levine
Signature

Attest:
Frantza Duval
Frantza Duval
Recording Clerk



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

Community Center Expansion Committee

MEETING

7:00 pm

Monday June 16, 2014

Town Hall Commission Chambers
9293 Harding Avenue

MINUTES

1. Roll Call of Committee Members

The meeting was called to order by Tim Milian at 7:06pm.

Also in attendance: Duncan Tavares, TEDACS Director, Barbara Cohen, Sandra Argow, Marta Olchyk, Parks and Recreation Commission Liaison, Ross Prieto, Building Official, Linda Miller, Town Attorney, Tim Milian, Parks and Recreation Director, Veronica Lupinacci, Retta Logan, Shlomo Danzinger, Alberto Aguirre, Commissioner Michael Karukin, Eliana Salzhauer (Entered at 7:33pm), Frantza Duval, Recording Clerk.

2. Distribution of prior Community Center Plans and Information

Tim distributed original plans, drawings, and specs for one, two, three story of the community center.

He went over some of the desired items that were to be included in the original second story. (I.e. media center, multipurpose ballroom, storage, catering, reception foyer balcony) Adding a second story with these features will allow for an additional 8000 square feet of space.

The additional story must be Multi-faceted and multi-purpose to fit the needs of the community.

Duncan Tavares advised that the Town is the in process of selecting both architectural and engineering firms through an RFQ. The selection of both an architectural and

engineering firm will be able to provide insight to the expansion of the community center.

Tim Milian will provide a questionnaire during 4th of July event to residents to get feedback on community center expansion.

Michael Karukin inquired if it has been determined on how much of the pre-approved \$100,000 will be needed to determine if the second floor the community center

Eliana Salzhauer wants the Town to look into the previous contract to see if the engineer at the certified if the community center is structurally sound to hold a second floor.

Retta Logan inquired if there would be any code changes to hinder moving forward with the community center. Ross Prieto advised that there aren't any code changes.

Tim would like to meet in July to start labeling and ranking based on the community input on the second story design feature.

Everything proposed for the ground floor will be done with the exception of the fitness center.

Ranking is needed for the priorities of what is needed in the building.

Michael Karukin inquired as to what happens to money that isn't spent and it is believe any funds that isn't utilized goes back into the reserves.

Michael Karukin advised that the gym is waste of real estate.

Eliana Salzhauer advised that a gym is definitely not cost effective.

Eliana Salzhauer advised that the Town shouldn't have to pay additional money to determine if the community center is structurally sound to sustain a second story if the engineering company certified that it is the original company has to pay for the certification.

Ross Prieto will look further into the matter.

Michael Karukin can create a survey of the wish list for the second story and the results can be provided at the next meeting.

3. Review Steps to move forward with second floor recommendations

Retta Logan suggested that additional information regarding previous engineering contract regarding structural capacity of the second floor be brought to the next meeting. The Board will also come back with their recommendations.

4. Next meeting date reminder

The next meeting is July 7, 2014 at 7:00pm.

5. Community Input

6. Meeting Adjournment

Retta Logan made a motion to adjourn the meeting; Veronica Lupinacci seconded the motion. The motion passed unanimously. The meeting ended at 7:55pm.

Accepted this 7 day of July, 2014

Te Ha Logan
Member (Print)

[Signature]
Signature

Attest
[Signature]
Frantza Duval
Recording Clerk



Town of Surfside
9293 Harding Avenue, Surfside FL 33154

**Sand Project Community Monitoring Committee
Organizational Meeting**

Wednesday, June 25, 2014 – 7:00 pm
Town Hall – Commission Chambers

MINUTES

Committee Members

Joe Benton
Juan Borges
Deborah Cimadevilla
Lee Gottlieb
David Raymond
Scott Stripling
Barbara Woolverton

1. Call to Order and Welcome

The meeting was called to order by Town Manager, Michael Crotty at 7:02pm.

Also in attendance: Mayor Daniel Dietch, Commissioner Michael Karukin, Courtney Cunningham, President of Cunningham Group, Joseph Kroll, Public Works Director, Ross Prieto, Building Official, Duncan Tavares, TEDACS Director, Frantza Duval, Recording Clerk

2. Introduction of Committee Members

Juan Borges, resident, is interested in the helping the Surfside community in any way possible.

Scott Stripling, Chair of Surfider Foundation, is interested in the protection of the ocean, environmental nourishment, and health issues of the public.

Barbara Woolverton, resident, is interested in resolving the sand issue. Barbara will no longer be able to serve on the Board, but has asked that Marianne Meisheid replace her on the Committee.

Jeffrey Platt, resident, was asked to fill in for Deborah Cimadevilla, who will no longer be able to serve on the Committee. Mr. Platt is interested in the beach sand initiative.

Lee Gottlieb, Youth Environmental Alliance Director of Community Outreach, is interested in assisting to vet the health and safety concerns and to help protect the natural resources.

David Raymond, resident, is interested in helping the environment and specifically what happens on the beach.

Joe Benton, Surf Club, is looking to be a part of the solution to help move this forward.

3. Committee Charter

- Review of Charter Tasks
Action plan includes community outreach.

Michael Crotty advised that the purpose of the committee was to address the issues and concerns since the sand transfer was undertaken and completed.

The first task is to address any and all chemical issues.

The Town Manager has provided all testing reports and communications related to the sand transfer to the committee.

The Town Manager suggested that the committee consider what can be done to bring sand transfer to a close with regards to toxicology at the next meeting.

The committee will eventually create a final report with their recommendations to the town commission identifying one of four options which include (no action, mix & blend, overlay, or remove the sand).

Dune restorations and escarpments have been major issues and this is something that the committee will also look into.

The committee will also look into if beach maintenance permits are beneficial to the Town.

The committee will also look into Legislative action requiring the state to adopt legislation to have people test sand for chemicals prior to transfers.

The goal is to have this completed within 60 days.

Scott Stripling inquired if there has been any additional health issues and it was advised that no additional issues have been reported.

Michael Crotty advised that reports have also been submitted to Miami- Dade Health Department for review.

Deborah Cimadevilla advised that Chlordane, a pesticide used in buildings in the past was never tested. Michael Crotty said this can be tested.

Juan Borges wants to the environmental audit done by the Surf Club to be made available to the committee. Joe Benton will make the request and have it available at the next meeting.

Michael Crotty advised that Dr. Leatherman will be available to the committee regarding beach issues and will be available at the next meeting being held on July 1, 2014.

Lee Gottlieb inquired as to how the Town derive at the list of chemicals to be tested. Ross Prieto advised that Teracon recommended it for testing. It the standard testing of chemicals for soil.

Barbara Woolverton advised that proper testing is needed. Joe Benton advised that recommendations can be made to Tallahassee requiring

them incorporate testing in the future whether there is suspicion or not of toxicology contaminations.

Joseph Kroll advised that work on the beach as far as the escarpment is concerned is complete.

Michael Crotty recommended walking the beach at 6pm prior to one of the meetings to discuss any issues on the beach.

Deborah Cimadevilla advised that there was a truck dredging sand out of the water and placing it out on the beach which was reported to Florida Department of Environmental Protection (FDEP). She has videos of this happening. Joe Benton advised Deborah Cimadevilla to submit footage and photos for the records to be reviewed.

Courtney Cunningham, President of the Cunningham Group, helped identify issues within the action plan. The main component of the action plan to engaging the community and keeping them informed and keeping them a part of the process.

Mr. Cunningham job's is make sure the public receives the information in a timely and transparent manner. He wants to make sure that the residents receives facts that are supported by research.

Mr. Cunningham advised that a text message gateway will be available for residents to sign up for in order to receive the latest information.

David Raymond advised that the main issues that residents had was not properly being informed and getting pieces of information. He advised that status updates are regularly needed.

The committee is subject to the Sunshine Law for transparency.

Mr. Cunningham advised that social media pages were created, pending Town approval, that are ready to be launched.

- Establish schedule/priority of addressing assigned tasks

4. Establishment of meeting dates and times

Michael Crotty advised that on July 1, 2014 Dr. Teaf and Dr. Leatherman will be available to attend the meeting.

Michael Crotty suggested weekly meetings for the beginning phase of the committee.

The next meetings will be July 1, 10, 17, 2014.

5. Public comment

N/A

6. Election of Committee Chair and Vice Chair

It was agreed that since two new members are absent it would be discussed at the next meeting.

A calendar will be provided showing the available dates for the next meetings.

David Raymond inquired if someone from FDEP will be available to join the committee at a meeting.

Jeffrey Platt recommends having Christian Lambright, a representative of FDEP, in on the meetings.

7. Other items

N/A

8. Adjournment

The meeting was adjourned by the Town Manager, Michael Crotty at 8:03pm.

Accepted this 1 day of July, 2014

Jeffrey L. Pina

Member (Print)

[Signature]
Signature

[Signature]

Attest:

Frantza Duval
Recording Clerk



Town of Surfside
9293 Harding Avenue, Surfside FL 33154

**Sand Project Community Monitoring Committee
Regular Meeting**

Tuesday, July 1, 2014 – 7:00 pm
Town Hall – Commission Chambers

MINUTES

Committee Members

Joe Benton
Juan Borges
Lee Gottlieb
Marianne Meischeid
Jeffrey Platt
David Raymond
Scott Stripling

1. Call to Order and Welcome

The meeting called to order by the Town Manager at 7:03pm.

Also in attendance: Linda Miller, Town Attorney, Dr. Steven Leatherman, Florida International University, Dr. Chris Teaf, HSWMR, Inc. Alex Front, ARS Environmental.

2. Approval of Minutes: June 25, 2014 Organizational Meeting

Marianne Meischeid made a motion to approve the minutes; Lee Gottlieb seconded the motion. The motion passed unanimously. The minutes were approved.

3. Presentation on Sunshine Law and Public Records

Linda Miller presented information to the Committee regarding the Sunshine Law.

4. Introduction of Dr. Stephen Leatherman and discussion with Committee on possible assistance or services to be provided

Dr. Stephen P. Leatherman is Professor at Florida International University.

Dr. Leatherman, in his career, has done extensive studies on beach sand quality.

Dr. Leatherman will be using a sieve and will conduct sieve analysis among other methods to determine the quality of the sand.

There are 50 criteria's used to rate the beaches.

Dr. Leatherman advised of several options the Town could have pursued:

- Throwing the sand in the emerging dunes. The plants would have grown through the sand.
- A sand dune could have been created serving as a surge barrier or energy dissipater.

Native sand can be found under the original dune.

Monica Grandeze was disappointed about the selection procedure of the committee and suggested that there may have been some favoritism in the process and there was no transparency. She never received a call or an email.

Larissa Alonzo inquired about what the standard definition of sand.

Dr. Leatherman advised that sand is not defined by color, but actually by size.

Sand naturally has arsenic due to sea shells and clams.

Deborah Cimadevilla would like to see testing done that would compare the previous sand and current sand.

Ms. Cimadevilla's main concern is not necessarily the color. She could eventually live with the color, but the toxicity is the major issue.

The Board would like to see Dr. Leatherman report back with the following:

- To do testing with the sieve
- To do a color test
- Determine compatibility per state definition
- To determine range of what's in the area (off shores sources)
- To determine range of compatibility and how it relates to what the Town prefers
- To determine list of places that have the best legislative practices locally and state wide for the movement of sand

5. Sand Testing Results

- Presentation by Dr. Christopher Teaf, HSWMR (Town toxicologist) on initial chemical testing of sand and arsenic conclusions.

Dr. Teaf is board-certified by the Academy of Toxicological Sciences and is Director of Toxicology and President for Hazardous Substance & Waste Management Research, Inc. (HSWMR).

Dr. Teaf was hired by the Town to test the levels of arsenic in the sand sample.

Dr. Teaf spoke on the many testing protocols that can be done.

David Raymond suggested having analysis of the sand underneath where it has been placed to help determine if the arsenic level is the same as below.

Mr. Raymond inquired as to how many samples are needed in order to have conclusive results.

Mr. Raymond also inquired as to what other things should be tested that may be a concern other than arsenic.

Mr. Raymond would like to see a list of things that should be tested as well as the protocol.

- Presentation by Alex Front of ARS Environmental regarding testing results presented at the June 10 Town Commission meeting relating to lead

Mr. Front summarized his background as a self-taught environmental consultant with ARS Environmental, Inc.; education GED. Mr. Front was hired by private citizens to conduct May collection/analysis. Mr. Front took "representative" subsamples on/near the "hard pack" trails. Even though the Iron (Pb) "presence was very low", he felt samples needed to be tested for leachability (TCLP). No "total metals data" in sand were collected from which the objective decision was made to go to TCLP. He concluded that "There was no lead present in the sand" in mg/kg ("total Pb analysis").

In 2014, Mr. Front sampled 3 areas: hard pack west, hard pack middle, low tideline. Only sand sample was from tideline. No sand sample had any leachable lead. Locations were sampled late at night (9 PM to midnight). He took samples from 8-12 inch depth and composited them from 2-3 feet horizontally near the hard pack to make one hard pack sample.

Dr. Leatherman noted that leached materials would concentrate near the water table. Mr. Front agreed with conclusion that Pb may be present in leaching tests from some hard pack samples present, but the levels are so low as to be completely insignificant, and that it should be at the tideline if it was significant. Pb wasn't found at tideline. "A" samples are "hard pack west", closest to Collins Ave; "B" samples were middle hard pack "trail" in dunes; and "C" samples were at low tideline.

The Pb detections were "very low, minute, insignificant almost", later described as "minimal, nominal, nothing". Mr. Front raised an issue during Ms. Cimadevilla's comments, describing what he called "3R's

of toxicology", defined as "reduce, refine, replace", and associating that with environmental issues.

Mr. Front expressed an interest in getting on Surf Club site to sample soil. A number of Committee members questioned that logic.

- Direction from Committee on process/action to resolve sand testing/chemical issue

The Board wants Dr. Teaf to determine and create a testing protocol for sand and Dr. Leatherman to proceed with the recommended testing.

6. Confirm future meeting date(s)/time(s) and identify specific agenda items
July 21, 2014
7. Election of Committee Chair and Vice Chair
[Note: Due to a new member attending, this item is placed toward the end of the agenda]

Marianne Meisheid nominates Jeffrey Platt as Chair for the Committee.
Scott Stripling nominates David Raymond as Chair for the Committee.

David Raymond respectfully declines the nomination due to personal conflicts.

Jeffrey Platt has been elected as the Chair.

Lee Gottlieb nominates himself as Vice-Chair for the Committee and is now the Vice-Chair.

8. Public comment
9. Other items/updates
10. Adjournment

Jeffrey Platt made a motion to adjourn; Juan Borges seconded the motion. The motion passed unanimously. The meeting ended at 10:20pm.

Accepted this 21 day of July, 2014

Jeffrey Platt
Member (Print)

[Signature]
Signature

Attest: [Signature]
Frantza Duval
Recording Clerk

Frantza Duval

From: Michael Crotty
Sent: Monday, July 21, 2014 4:50 PM
To: Sand Committee
Subject: FW: Alex Font ARS "Sample Photo Location" & Sample Chain of Custody" May 22-23,2014 11:30 PM- 1:30 AM
Attachments: 2014_May22_PHOTO-ARS_Sample_locations.pdf; 2014_May22_AR_Sample_Chain_of_Custody.pdf

fyi



Michael P. Crotty
Town Manager
Town of Surfside
9293 Harding Ave
Surfside, FL 33154
(305) 861-4863 (305) 993-5097 F
Email: mcrotty@townofsurfsidefl.gov
www.townofsurfsidefl.gov

From: Mare0413 [mailto:mare0413@aol.com]
Sent: Monday, July 21, 2014 4:18 PM
To: Michael Crotty; Michael Karukin; Sandra Novoa
Subject: Alex Font ARS "Sample Photo Location" & Sample Chain of Custody" May 22-23,2014 11:30 PM- 1:30 AM

Hi Mike,

I just picked up my packet for the July 21, 2014 "Sand Project Community Monitoring Committee. I am concerned that there are facts/attachments missing and incorrect statements in the July 1, 2014 Sand Project Community Monitoring Committee MINUTES. Therefore, I have attached two important pieces of information that were presented to Michael Karukin July 15, 2014 in order to clarify the ARS Sample Locations & Sample Chain of Custody.

Specific corrections that should be noted are for the record are:

- Mr. Font's samples from 3 areas are: "A" samples are from the HARD PACK, "B" Samples are from the MID-BEACH Renourished SAND, "C" Samples are from the original WHITE SAND at the Tide Line. *SAND samples were taken from the Mid-Beach Renourished Sand and the Low Tide Line White Sand.*
- Mr. Font collected **three** A, B, and C Samples (and three representative subsamples) for a total of **nine lab results**.
- The **three** locations where the A,B,C samples were taken were: **87th Terrace, 90th Street, and 96th Street.**
- The results from "A" samples (Hard Pack) showed: **Positive** "TCLP" LEAD LEACHABILITY in **all three "A" Samples.** (96th St, 90th St, 87 Terr).
- The results from "B" samples (Mid-Beach Renourished **Sand**) showed: **Positive** "TCLP" LEAD LEACHABILITY at the **96th St.** Negative at 90th St & 87 Terr.
- The results from "C" samples (Low Tide Line White Sand) showed: Negative "TCLP" LEAD LEACHABILITY in all three "C" Samples.
- The results from the **96th St samples "A & B"** were missing from the committee information July 1, 2014.

- The nine samples were collected starting: **11:30 P.M. May22, 2014 through 2:00 A.M. May 23, 2014**. This time was decided because it was low tide.
- Mr. Font took samples from the **top surface to a depth of 12 inches**.
- Mr. Font does not agree that the positive lead levels on the hard pack are insignificant. They may be low, but not insignificant.
- Mr. Font does not agree that positive lead levels are only significant at the Tide Line. Even though the TCLP lead results were low, "the very presence of lead is significant on the beach".
- Mr. Font did not do "Total Metal Testing" because previous testing by Terracon did not detect lead present (mg/kg).
- Mr. Font did express interest in sampling on the Surf Club site because of an ARS Environmental, Inc 2010 lead base paint chemical analysis that produced positive levels of lead on the Surf Club site... At this time it was advised to perform the lead TCLP to detect leachability.

Thank you for letting me set the record straight. I was present with Mr. Font at the time of this sampling May 22, 2014. I hope this will be sent to the committee so that we can save time tonight at the "Sand Project Community Monitoring Committee".

Regards,

Marianne Meischeid
9225 Collins Ave, Surfside, FL 3315
(786) 606-1127

5/23/14

ARS ENVIRONMENTAL, INC.

Environmental Consulting Services
Asbestos Business License #ZA-0000164

Asbestos Consulting • Radon Measurements • Lead Assessments • Indoor Air Quality Testing • Mold Investigations

CHAIN OF CUSTODY - LEAD SAMPLING PROJECT NUMBER: 2014-0729-ARSENIC

PAINT CHIP SWAB DUST SOIL WATER AIR OTHER

Sampling Date: 5/22 + 5/23/14 Taken By: ALEX FRANT Page 1 of 1

Job Site: SOIL SAMPLES
SOUTH BOUNDARY LINE 87TH TERRACE TO NORTH BOUNDARY
LINE 96TH STREET AND EAST TO TIDE LINE SURFSIDE, FLA

ID	Description	Color	Condition
1A	8877 COLLINS AVE (SUBSAMPLING WAS CONDUCTED) HARD PACK WEST (+) Barium COMPOSITE SAMPLES TOP SURFACE TO 18" DEPTH		
1B	8877 COLLINS AVE MID SECTION (HARD PACK)		
1C	8877 COLLINS AVE TIDE LINE (EAST END)		
2C	90TH STREET TIDE LINE (EAST END)		
2B	90TH STREET MID SECTION (HARD PACK)		
2A	90TH STREET WEST END (HARD PACK) (+) Barium		
3A	96TH STREET WEST END (HARD PACK) (+) Barium		
3B	96TH STREET (MID SECTION) (HARD PACK) (+) Barium		
3C	96TH STREET TIDE LINE (EAST END)		

ARSENIC ANALYSIS REQUESTED IF ARSENIC PRESENT T.C.L.P. ANALYSIS REQUESTED

Please Circle Turn Around Time
Same Day 24hr **48hr** 4 Days

Transferred By: [Signature] Date: 5/23/14

Received By: [Signature] Date: 5/27/14 10:10

10097 Cleary Boulevard • #305 • Plantation, FL 33324 • Phone: 954-227-2402 • Fax: 866-816-5110
www.arsenvironmental.com • sales@arsenvironmental.com

TCLP lead leachability TEST

SURFSIDE, FL BEACH



shore line (white sand)
Dune to Mean High Water Line (Dark Sand)

90 A, B, C
Samples A

97 A, B, C
Samples B

96 A, B, C
Samples C

Hard Pack

ARS Environmental In
Surfside, FL Samples
May 22-23, 2014



Town of Surfside Commission Communication

Agenda #: 4A1
Agenda Date: August 12, 2014
Subject: Sign Code
From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Planning and Zoning Board has requested the Town update its Sign Code. This request is a result of the Board reviewing signage that meets code requirements, but is not the quality desired in the business district. Staff was authorized to proceed in January 2014. The Downtown Vision Advisory Committee (DVAC) reviewed the conceptual changes of the code in March 2014 and joint Planning and Zoning Board/Town Commission meeting was held in May 2014. This was further discussed at the June 26, 2014 Planning and Zoning Board Meeting.

The joint meeting and the following Planning & Zoning Board meeting resulted in a number of discussion topics. The following analysis provides a full summary of changes in the code, however, due to certain topics of interest at the joint meeting, here is a brief synopsis of modifications resulting from that meeting. The *italicized* is the code language and the bulleted section is the explanation of staff's analysis.

1. *National flags shall not exceed twenty (20%) of the window glass area.*
 - Flags are exempt from permit requirements and the 20% limitation is the same as other window signage requirements.
2. *Open/Closed sign suspended behind a glass window or door provided the sign does not exceed one (1) square foot are permitted and may be illuminated by white internal illumination.*
 - It was requested at the meeting that open/closed signs be limited to one color. Staff researched this and found that typical open/closed signs are blue and red. Requiring these signs to be one color will result in a custom open/closed sign. Therefore, staff did not limit the color, only the illumination.

3. *Temporary window signs of any nature may be attached to glass window or doors, or mounted within 12 inches of a glass window or door.*
 - The existing code required any temporary signage to be placed no closer than 12 inches to a window or door. It has been observed that this requirement is continually violated, therefore, staff is recommending that the 12 inch restriction be removed and temporary signage be permitted to be attached to the glass.

4. *Illumination.* All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn.
 - This requirement will assist with keeping the business district lit at night. The illumination may be either internal or external. The maximum illumination proposed is 10 foot candles measured from the centerline of the adjacent sidewalk. Based on the June 26, 2014 Planning and Zoning Board meeting, the Board has requested that staff test the foot candles by measuring foot candles of TV screens in the business district to determine if 10 is too high. Staff will conduct this analysis prior to the July 31, 2014 Planning and Zoning Board meeting and adjust the foot candles in the ordinance if necessary.
 - There was discussion of requiring either the business owner or the tenant to come into compliance. The property owner, not the tenant, has the responsibility to make certain their property is in compliance with the Town's codes.

5. *Television screen or similar. Television screens or similar electronic features may be located inside the storefront and project out to the sidewalk. These features shall be oriented towards the pedestrian and angled to be parallel to the sidewalk. Television screens or similar electronic features shall not exceed twenty (20%) percent of the area of the glass window if the feature is within thirty-six (36) inches of the window. Television screens or similar electronic features located within greater than thirty-six (36) inches of the window shall not be required to be no greater than twenty (20%) percent of the window area. A maximum of two foot candles of illumination shall be permitted from any television screens or similar electronic features to be measured at the centerline of the adjacent sidewalk.*
 - Staff is recommending permitting TV screens or similar features, but they shall be limited to 20% of the storefront and limited to two foot candles as measured from the centerline of the adjacent sidewalk.



6. *Offset.* Signs shall be off-set from the wall a minimum of one quarter inch to a maximum of two inches to permit rain water to flow down the wall face. This is not applicable to push-through or raceway mounted lettering.
7. *Prohibit cabinet signs.*
8. *Signage for upper floor tenants.* Each upper floor tenant shall be entitled to erect permanent signage which does not exceed 80% of the allowable signage square footage for the first floor signage, provided such sign meets all of the requirements of this subsection. In addition, each upper floor tenant shall be entitled to erect a single sign, not over one-hundred and eight (108) square inches in size, at the entrance or lobby of the building which provides egress to the upper floor.
 - Staff is recommending permitting signage for second floor tenants which does not exceed 80% of the signage for the first floor tenant. Requiring the signage to be the same materials for the first floor tenant as the second floor was analyzed, but it is not recommended.
 - Staff does not recommend permitting a projecting sign for the second floor tenants.
9. *Sign amortization.* All legally permitted signs which become non-conforming by the provisions of this Code shall be replaced with a conforming sign within three years of the effective date of this ordinance.

Non-conforming signs shall be immediately replaced if any of the following conditions exist during the amortization period.

- (1) There is additional development of a site
- (2) There is a change in use, occupancy, or tenant
- (3) There is a change in sign copy (with the exception of window signs)
- (4) There is a structural sign alteration or repair
- (5) There is sign damage by any cause which exceeds 50% of the sign as determined by the Building Official
- (6) There is removal of a sign

- Provided an amortization of non-conforming sign of 3 years, but shall be immediately replaced if certain actions described above occur. The Town will provide information to the businesses regarding grant opportunities to assist in sign compliance.

Summary of changes:

The following summary is a comparison of changes in the code by section.

General and miscellaneous provisions

- (b) Deleted language related to Supreme Court case studies and legal references
- (e) Removed “Definitions” from this section and created a new section solely containing terms and definitions

Definitions

Removed	Removed and Replaced	Amended
Directory & upper floor sign	Blade sign (see Projecting sign)	“Cabinet sign” definition
Murals	Community interest sign (see <i>Special Event Banner</i>)	“Changeable copy” definition
V-box	Grand opening banner (see <i>Special Event Banner</i>)	“Monument sign” definition
	Menu holders (see <i>Menu sign</i>)	“Non-conforming sign” definition
	Pedestrian sign (see <i>Projecting sign</i>)	“Sign” definition
	Primary occupancy sign (see <i>Primary Business sign</i>)	“Temporary sign” definition
	Sandwich or “A” frame (see <i>Portable Sign</i>)	“Window sign” definition
	Sidewalk café signage	

	<i>(see Portable Sign)</i>	
	Sign area <i>(see Area)</i>	
	Pest control warning sign (see Fumigation warning sign)	

Added		
Area	Frontage, Building and Street	Pole mounted sign
Awning sign	Fumigation warning sign	Portable sign
Bandit sign	Home business sign	Primary business sign
Balloon sign	Individually mounted letter sign	Push-through sign
Banner sign	Illuminated	Raceway
Billboard sign	Marquee	Reverse channel sign
Business hours sign	Menu sign	Sign Face
Commercial sign	Non-commercial sign	Secondary business sign
Conforming sign	Non-complying sign	Umbrella sign
Copy	Open/Closed sign	Wall sign
Frontage	Pan Channel Letter	
Freestanding sign	Permanent sign	

Sign Design Parameters

- Changed section heading to “Sign Design and Appearance”
- (b) (c) Use of streets, waterways, sidewalks, public property and vacant lots language moved to a new section entitled “Prohibited Sign Locations”
- (d) Sign removal language moved to a new section entitled “Sign Removal” which outlines the time limitations and parameters for removal of both permanent and temporary signs
- (e) Moved “Pest control warning sign” language to the “Sign Permit” section under “Exempt Signs.” Renamed “Pest control warning sign” “Fumigation

Warning sign” as it is officially referenced by the Department of Agriculture and Consumer Services. Under Florida State Administrative Code “Fumigation Warning signs” already have specific design and placement requirements; as such, all references to design parameters for this type of sign were removed. (See RULE 5E-14.122 of the Florida State Administrative Code: “Fumigation Requirements – Pre-fumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities.”)

- Added new language to this section which speaks more directly to design parameters and sign appearance such as appropriate scale, size, sensitivity to surrounding buildings and street context, incorporating complementary colors in sign design, use of weather resistant materials and proper sign maintenance and upkeep
- Extended time frame within which damaged or defective conforming signs must be removed and repaired from 30 days to 90 days.
- Required any damaged or defective non-conforming signs to be replaced with a sign that meets the requirement of the most current sign code.
- Added a list of exempt signs which do not require a permit including temporary signs, national flag, Town banners, numerical address sign, menu sign, hours of operation sign, management sign, open/closed sign, and fumigation warning sign.
- Limited the size of a national flag in the business district to 20% of the window glass area of the storefront.
- Added a requirement that all illuminated signs shall require a separate electrical permit
- Added a “Local Business Tax Receipt” requirement which says no such receipts shall be issued for a new business until all signs associated with the former business are removed.
- Added evaluation criteria for permit review
- Extended the time period for failure to commence from 90 days to 2 years.



National Flag



Town Banners



Numeric Address Sign



Open/Closed Sign



Business Hours Sign



Menu Sign



Property Management Sign



Fumigation Warning Sign

Permanent Signs by District

- The following sign types were **added** to the permanent signs list:



▪ *Projecting Sign*



Reverse Channel (Halo effect)



Raceway



Push through lettering



Pan channel letter

SD-B40 Zoning District

- (d) "Miscellaneous" 'Managed by..' sign type moved to the exempt signs list under "Sign Permits"
- (e) "Location" language moved to a new section entitled "Prohibited Sign Locations"
- (f)(1)(2)(3)(4) Temporary "Window Signs" moved to the "Temporary Signs" section
- (f)(5) Menu sign, hours of operation, and open/closed sign moved to exempt signs list under "Sign Permits".
- (f)(5) List of acceptable materials added to description of permanent "Window Signs" including painted gold leaf or silver leaf, silk screen, cut or polished metal, cut or frosted vinyl and etched glass
- (i) Permitted upper floor tenants to have wall signage no greater than 80% of the lower floor tenants but no signage above the eave line of the building.
- Required internal or external illumination for signs from dusk to dawn.
- Require buildings facing the alley to provide a reflective emergency address sign
- Permit illuminated Open/Closed signs.



Painted Gold Leaf



Painted Silver Leaf



Silk-Screen



Cut Vinyl



Frosted Vinyl



Etched Glass



Cut or Polished Metal

H30C, H40, MU and H120 Districts

- (b)(3) Edited acceptable wording/lettering for “Supplemental Sign”
- (e)(4) Edited acceptable wording/lettering for “Parking Sign” section
- (e)(6) Added a requirement that “Monument Signs” be landscaped at the base and that internal or external illumination be permitted.

H30A and H30B Districts

- (a)(b)(c) Redefined permitted permanent sign type within this district as “Wall Sign”

Sec 90-73 of original sign code Prohibited Signs

- In addition to Home Business sign and signs which emit smoke, vapor, or noise the following sign types were added to the list of prohibited sign types:





Temporary Signs

- Required all temporary signs to be professionally lettered
- Added Construction Sign to the list of allowable temporary signs
- Added Temporary Window Sign to the list of allowable temporary signs
- Added Special Event Banner Sign to the list of allowable temporary signs
- Permit temporary signage to be placed in the window rather than only 12 inches from the glass.

Construction Sign

Temporary Window Sign

Special Event Banner



Real Estate Sign

- (a) Added a timeframe for sign removal
- (b) Revised the maximum sign area within the SD-B40 District
- (d) Revised the area and height requirement for signs within the residential district in addition to allowing for sign riders
- (e) Allowed for signs to be black and white and to permit logos or symbols
- Added the requirement that signs be made of rigid, weatherproof materials

Political Sign

- Replaced requirement that sign be "...no closer than ten (10) from any lot line," with "No portion of the sign shall extend across the property line."

- Placed a prohibition on illumination of such signs
- Added language prohibiting placement of political signs on public property
- Placed a maximum height limitation of forty-two (42) inches from the ground for such signs

Non-conforming Signs

- Provided a three year amortization period.
- Added language that prohibits relocation of non-conforming signs
- Added a section on non-complying signs

Sign Construction and Maintenance

- This section was deleted and language moved to the “Sign Design and Appearance” section

Budget Impact: This task was conducted under a separate work authorization for \$15,000.

Growth Impact: N/A

Staff Impact: N/A

Staff Recommendation: Approval. The Town Commission approved this ordinance on first reading, with a request to review the second floor tenant signage to make sure there were proper limitations on the number of permitted signs. Staff modified the code to limit the number of signs. Also, the Commission requested staff review the location of political signs and the color limitations on realtor signs. No change was required.

The Planning and Zoning Board requested that staff measure the foot candles of the TV screens in the business district to confirm that 10 foot candles was adequate. Staff has measured the foot candles and is recommending two foot candles.

Lastly, the Board requested that Staff work with a lighting company on analyzing wall washers. Staff conducted initial cost estimates and it appears that wall washers would be a minimum of \$1,000 per 30 linear feet for the lighting, not including permitting and electrical hook up costs. There also could be façade improvements necessary to conceal the light source. Based on this cost, staff is not recommending the wall washers as a requirement and instead is recommending all signage to be illuminated, internal or external. If it is externally illuminated, the illumination shall be warm white wall washers. The Planning and Zoning Board recommended approval of the ordinance to the Town Commission at their July 31, 2014 meeting.

ORDINANCE NO. 14 - _____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA REPEALING AND REPLACING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the “Town”) revised and replaced its sign code in its entirety by Ordinance No. 10-1558; and

WHEREAS, the Town after study has determined that further updating and revisions to the Town sign code are advisable; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the revisions to the sign code at a duly noticed hearing on July 31, 2014 and determined that it is consistent with the Town’s comprehensive plan and recommended its adoption; and

WHEREAS, the Town Commission has reviewed this Ordinance and the recommendations of the Planning and Zoning Board at a duly noticed hearing; and

WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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

Section 1. Recitals. Each of the above stated recitals is true and correct and the recitals are incorporated herein by this reference.

Section 2. Adoption of the Sign Code. The Town Commission hereby repeals the existing sign code in Article VI of Chapter 90 “Zoning” and replaces it with the sign code as follows:

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

Section 6. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

PASSED and ADOPTED on First Reading the _____ day of _____, 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 Barry R. Cohen	yes	_____	no	_____
Commissioner Michael Karukin	yes	_____	no	_____
Commissioner Marta Olchyk	yes	_____	no	_____
Vice Mayor Eli Tourgeman	yes	_____	no	_____
Mayor Daniel Dietch	yes	_____	no	_____



Town of Surfside Commission Communication

Agenda # 4A2
Agenda Date: July 8, 2014
Subject: Parking Trust Fund
From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Planning and Zoning Board and the Town Commission have expressed concern over the Parking Trust Fund and the lack of requirements, such as a cap on the number an applicant may pay into the fund and the payment spread out over 30 years without interest.

Analysis:

Staff reviewed other local municipalities and found that Coral Gables has a very specific parking trust fund ordinance which is a good base for Surfside's revised ordinance. The proposed ordinance provides for a cap of 10 spaces plus no more than 10% of the overall required off-street parking spaces, over and above the 10 spaces. The intent of allowing a business to pay for the first 10 spaces is to provide more options for small businesses looking to expand.

For instance, if 100 spaces were needed for a new project, under this scenario they would only be able to pay for 20 spaces into the fund and the rest would need to be constructed. In another example, if a building needed 25 spaces, they would only be able to pay for 12 spaces into the fund.

Staff has included a one-time payment prior to building permit rather than options for annual payment, which is consistent with Coral Gables.

Lastly, the Town Commission would have discretion whether an applicant could use the parking trust fund as an option to satisfy their parking requirements. The Town Commission would evaluate the use of the fund on

the availability of parking, current parking occupancies and planned parking expansions.

Staff Recommendation: Staff recommends the Town Commission approve on first reading.

Budget Impact: Could impact potential payment into the parking trust fund.

Growth Impact: Properties will need to provide more onsite parking or reduce their overall development program to meet their parking needs.

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

ORDINANCE NO. 14-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING,” ARTICLE VII “OFF-STREET PARKING AND LOADING,” DIVISION 1 “OFF-STREET PARKING,” SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING PARKING TRUST FEES PAID IN LIEU OF OFF-STREET PARKING; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Surfside, Florida (“Town Commission”) has provided in Section 90-77 of the Town of Surfside Code of Ordinances for the payment of parking fees as an option to satisfy off-street parking requirements of the Zoning Code as a means of fostering a pedestrian-friendly mixed-use downtown environment within the Town of Surfside (“Town”); and

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

WHEREAS, the Town Commission finds that the Parking Fees and Parking Trust Fund provisions of Section 90-77 should be amended to better effectuate the purposes of the Town; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the district regulations on July 31, 2014 with due public notice and input and made its recommendation to the Town Commission regarding consistency with the Comprehensive Plan; and

WHEREAS, the Town Commission having conducted duly noticed public hearings on these regulations as required by law, having considered the input of the public, the Planning and Zoning Board and town staff; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE 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. 90-77. Off-street parking requirements.

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

(b) Parking compliance for properties and uses located in SD-B40 zoning district and for religious places of public assembly in other areas of the town.

(1) *Off-street parking applicability.* This section applies to:

- a. Uses within the SD-B40 zoning district where changes of use from service businesses to restaurant or retail occur; and
- b. Religious places of public assembly located within the area depicted on the Public Assembly Places as set forth in subsection 90-41(d)(23) hereinabove.

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

- a. On site provision of required parking spaces as more specifically set forth in subsection 90-77(c);
- b. Tandem parking as more specifically set forth in subsection 90-77(d);
- c. Joint use and off-site facilities as more specifically described in section 90-80. If parking is satisfied by agreement with a private third party, the town shall require an agreement in writing for an effective period of no less than five years. No less than 60 days prior to the expiration of such agreement, either a new agreement shall be in place or the owner of the property for which the parking is being provided shall receive the town's approval of the employment of one of the other prescribed options contained in this subsection. Failure to secure the town's approval of one or a combination of the prescribed options shall result in revocation of the owner's certificate of occupancy and certificate of use;
- d. Shared parking; or
- e. Payment of parking trust fee that can be used to finance the provision of parking whether through the purchase, construction or modification of parking facilities or to otherwise provide for additional parking as more specifically set forth in subsection 90-77(b)(4).

* * *

(4) *Parking trust fee.* The off-street parking requirements may be complied with by paying into the downtown parking trust fund the sum of money that is the product of the number of parking spaces required but not provided, multiplied times the amount of the established fee per parking space. The parking fee amount shall be calculated on a "per parking space" standard, based upon a portion of the cost of the land, combined with the cost of design and construction, for a single structured off-street parking space. The established fee per parking space shall be determined by the town manager and approved by resolution of the town commission, as may be amended from time to time. All required parking fees shall be paid by a one-time payment prior to the issuance of a building permit.

Parking fees collected pursuant to this subsection shall be deposited into the parking trust fund established in subsection 90-77(b)(5). The fund shall be used to facilitate the provision of public off-street parking and infrastructure improvements related to parking including, but not limited to, the following activities:

- a. Acquire fee simple or other interests in land, and other real property for parking purposes;
- b. Construct, maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities for public use including all labor and materials, cost of interest and financing, and all other such reasonable costs;
- c. Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;
- d. Coordinate plans for parking facility improvements and expansion with public transportation plans and operations in the vicinity;
- e. Provide accessibility to off-street parking facilities by suitable means such as public shuttle, tram or trolley service and related physical improvements such as bus shelters and right-of-way modifications; and
- f. Perform such other related activities as may be necessary to carry out the intent of this subsection.

The success and financial feasibility of providing any such shuttle, tram, bus, or trolley service, as provided herein, shall be subject to annual evaluation by the town commission. Funds deposited in the Parking Trust Fund shall be made available to the town commission for the purposes set forth in this subsection, after review and recommendation by the town manager to the town commission and approval by the town commission.

(5) *Parking trust fund.* There is hereby established a trust fund to be entitled the "Town of Surfside Parking Trust Fund," to be maintained and administered by the Town Manager. Any new construction, addition, alteration or rehabilitation on property within the SD-B40 district or religious place of public assembly or any that creates an increase in off-street parking requirements under Section 90-77 (c) may propose satisfying those requirements for off-street parking by providing a payment-in-lieu as established in the most current fee resolution approved by the Town Commission as follows:

- a. Where the new construction, addition, alteration or rehabilitation creates a demand for off-street parking of 10 or fewer parking spaces;
- b. For new construction, additions, alterations or rehabilitations that create an off-street parking demand greater than 10 spaces, a developer may propose a payment-in-lieu to satisfy the requirement for 10 percent of the overall required off-street parking spaces, over and above the 10 spaces permitted in subsection (a). Acceptance of the payment-in-lieu to satisfy the parking requirement is at the discretion of the Town Commission. When reviewing development plans that propose a payment-in-lieu, the Town Commission will consider any relevant information including, the existing supply of public parking spaces supporting the use, current parking occupancies and plans for construction or expansion of public parking facilities.

~~Parking fees collected pursuant to subsection 90-77(b)(4) shall and any other monies may be deposited into this fund. The fund shall be used to facilitate the provision of public off street parking and infrastructure improvements related to parking including, but not limited to, the following activities:~~

- ~~a. Acquire fee simple or other interests in land, and other real property for parking purposes;~~
- ~~b. Construct, maintain, operate, lease, manage, purchase, or otherwise provide off street parking facilities for public use including all labor and materials, cost of interest and financing etc;~~
- ~~c. Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;~~
- ~~d. Coordinate plans for parking facility improvements and expansion with public transportation plans and operations in the vicinity;~~
- ~~e. Provide accessibility to off street parking facilities by suitable means such as public shuttle, tram or trolley service and related physical improvements such as bus shelters and right-of-way modifications; and~~
- ~~f. Perform such other related activities as may be necessary to carry out the intent of this subsection.~~

~~The success and financial feasibility of providing any such shuttle, tram, bus, or trolley service, as provided in subsection (b)(5)e., shall be subject to annual evaluation by the town commission. Funds deposited in the downtown parking trust fund shall be made available to the town commission for the purposes set forth in this subsection, after review and recommendation by the town manager to the town commission and approval by the town commission.~~

* * *

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

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

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

Section 6. Effective Date. This Ordinance shall be effective upon final 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, Town Clerk

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



Linda Miller
Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

VOTE ON ADOPTION:

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



Town of Surfside Commission Communication

Agenda #: 4B1
Agenda Date: August 12, 2014
Subject: Massing
From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the April 3, 2013 Planning and Zoning Board meeting, staff presented a discussion item of a number of topics regarding building massing related to new construction. One of the topics was the maximum wall frontage of buildings.

Staff was requested to develop options that will reduce the maximum building frontage within the H120 district. This topic was vetted at approximately eight additional Planning and Zoning Board meetings, with detailed graphics provided to the board to assist in the development of the proposed text. Graphics of the proposed text are included.

Analysis: Below is the proposed code change:

Sec. 90-51. Maximum frontage of buildings.

90-51.1 Continuous wall frontage shall not exceed 270 feet and be articulated as follows:

- (1) *H30C*: For every 50 feet, a minimum three-foot change in wall plane.
- (2) *H40*: For every seventy-five (75) feet, a minimum six-foot change in wall plane.
- (3) *H120*: For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal. The maximum 270 foot continuous wall frontage is limited to a building platform no greater than 30 feet in height. This platform may contain habitable and non-habitable spaces. Buildings are permitted above the 30 foot high platform subject to the following:

a) A tower above the platform shall provide a continuous wall plane no greater than 150 feet in length with a minimum six-foot vertical or horizontal change in wall plane.

b) The distance between more than one tower located on a platform shall be a minimum of 40 feet.

c) If a platform is provided, the side setbacks of any tower shall be a minimum of 20 feet from the setback of the platform.

(4) Structured parking garages: see section 90-49.4

Staff Recommendation: Staff the Town Commission approve this ordinance on first reading.



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

150-Foot
Wide Tower

240-Foot
Wide Pedestal

30-Foot
Wide Side
Setback

30-Foot
Wide Side
Setback



80-Foot
Wide Tower

40-Foot
Wide Separation

80-Foot
Wide Tower

20-Foot
Wide Tower
Setback

20-Foot
Wide Tower
Setback

240-Foot
Wide Pedestal

30-Foot
Wide Side
Setback

30-Foot
Wide Side
Setback



ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING; SECTION 90-51 MAXIMUM FRONTAGE OF BUILDINGS, SPECIFICALLY AMENDING SECTION 90-51.1 TO LIMIT THE HEIGHT OF THE 270 FOOT LONG PLATFORM TO 30 FEET IN HEIGHT AND LIMIT THE TOWERS TO 150 FEET IN LENGTH; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-51 of the Town of Surfside Code regulates the maximum continuous wall frontage of buildings; and

WHEREAS, Section 90-51.1 of the Code contains a limitation of 270 feet on the maximum building length; and

WHEREAS, the Town wishes to provide greater separation between building towers by limiting height of the 270 foot long platform to 30 feet and limit the towers to 150 feet in length; and

WHEREAS, the Town Commission has attempted to create regulations to address the specific needs of this unique community and continues to amend these regulations as they may best suit the needs of the community; and

WHEREAS, the Town Commission held its first duly noticed public hearing on these regulations on August 12, 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, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the Code of Ordinances on August 27, 2014; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on September 9, 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 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. 90-51. - Maximum frontage of buildings.

90-51.1 Continuous wall frontage shall not exceed 270 feet and be articulated as follows:

- (1) *H30C*: For every 50 feet, a minimum three-foot change in wall plane.
- (2) *H40*: For every seventy-five (75) feet, a minimum six-foot change in wall plane.
- (3) *H120*: For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal. The maximum 270 foot continuous wall frontage is limited to a building platform no greater than 30 feet in height. This platform may contain habitable and non-habitable spaces. Buildings are permitted above the 30 foot high platform subject to the following:
 - a) A tower above the platform shall provide a continuous wall plane no greater than 150 feet in length with a minimum six-foot vertical or horizontal change in wall plane.
 - b) The distance between more than one tower located on a platform shall be a minimum of 40 feet.
 - c) If a platform is provided, the side setbacks of any tower shall be a minimum of 20 feet from the setback of the platform.
- (4) Structured parking garages: see section 90-49.4

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

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

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

Section 6. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

PASSED and ADOPTED on first reading this ____ day of _____, 2014.

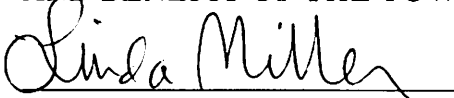
PASSED and ADOPTED on second reading this ____ day of _____, 2014.

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 Barry R. Cohen yes _____ no _____

Commissioner Michael Karukin yes _____ no _____

Commissioner Marta Olchyk yes _____ no _____

Vice Mayor Eli Tourgeman yes _____ no _____

Mayor Daniel Dietch yes _____ no _____



Town of Surfside Commission Communication

Agenda # 5A
Agenda Date: August 12, 2014
Subject: Parking Trust Fund Cost Per Parking Space
From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Town Commission indicated there was concern over the cost per parking space an applicant may pay into the Parking Trust Fund. The current fee is \$22,500.

Analysis:

The \$22,500 fee does not cover the true cost of construction, operation and maintenance and other related impacts of a parking structure. The code states that the fund shall be used to facilitate the provision of public off-street parking and infrastructure improvements related to parking including, but not limited to, the following activities:

- a. Acquire fee simple or other interests in land, and other real property for parking purposes;*
- b. Construct, maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities for public use including all labor and materials, cost of interest and financing etc;*
- c. Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;*
- d. Coordinate plans for parking facility improvements and expansion with public transportation plans and operations in the vicinity;*

e. Provide accessibility to off-street parking facilities by suitable means such as public shuttle, tram or trolley service and related physical improvements such as bus shelters and right-of-way modifications; and

f. Perform such other related activities as may be necessary to carry out the intent of this subsection.

The intent of the parking trust fund is to build parking spaces paid for by the applicant having the benefit of not being required to build 100% of their parking onsite. After consultation with local builders, developers and reviewing other municipal parking trust fund contribution per space, staff is suggesting revising the parking trust fund fee per parking space be increased to \$38,000 per parking space.

By way of example, Coral Gables charges \$42,000 per parking space and Miami Beach charges \$35,000 per parking space. Both municipalities require payment prior to the issuance of a building permit.

Staff Recommendation: Staff recommends the Town Commission approve on first reading.

Budget Impact: Could impact potential payment into the parking trust fund.

Growth Impact: Properties will need to provide more onsite parking or reduce their overall development program to meet their parking needs.

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE FEES TO BE ASSESSED PER PARKING SPACE PROVIDED IN SECTION 90-77 OF THE TOWN CODE WHICH ESTABLISHED A TRUST FUND TO BE ENTITLED THE “TOWN OF SURFSIDE DOWNTOWN PARKING TRUST FUND; REPEALING ALL OTHERS; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 90-77 of the Town of Surfside Code of Ordinances established a trust fund to be entitled the “Town of Surfside Downtown Parking Trust Fund” to be maintained and administered by the Town Manager; and

WHEREAS, Resolution No. 10-1991 adopted on December 14, 2010, approved a per parking space fee; and

WHEREAS, the Town has caused to be completed a study of the costs to the Town of providing parking spaces, and has determined that the prior established per space fee is outdated and no longer reflects the actual costs of providing for a single structured off-street parking space; and

WHEREAS, the Town Commission of the Town of Surfside finds it is in the public interest to adopt a Downtown Parking Trust Fund per parking space fee of thirty-eight thousand dollars (\$38,000).

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

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

Section 2. Approval and Adoption. The Town Commission approves and adopts the Downtown Parking Trust Fund per parking space fee of thirty-eight thousand dollars (\$38,000) for the Town of Surfside that may be payable in accordance with the terms set forth in Sec. 90-77 of the Town of Surfside Code of Ordinances.

Section 3. Repeal of Prior Fees. All other per space parking fees established under Section 90-77 of the Surfside Code of Ordinances are hereby repealed.

Section 4. Authorization. The Town Commission authorizes the Town Manager and Town Attorney to do whatever is necessary to effectuate the terms of this Resolution.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED and **ADOPTED** on this ____ day of _____, 2014.

Motion by Commissioner _____, Second by Commissioner _____.

FINAL VOTE ON ADOPTION


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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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




Linda Miller, Town Attorney



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

TO: Town Commission

FROM: Linda Miller, Town Attorney 

Cc: Michael P. Crotty, Town Manager
 Manny Anon, Jr., Assistant Town Attorney
 Sandra Novoa, CMC, Town Clerk

DATE: August 12, 2014

SUBJECT: November 4, 2014 Special Election Voter's Guide

The voters of the Town of Surfside will be presented with the following seven (7) municipal ballot questions on the Town's November 4, 2014 Special Election ballot:

Qualifications for Office.

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 Charter requirement that members be "qualified electors";
- Require that Commission members be Town residents for at least one year immediately preceding qualifying for elected office instead of one year prior to registering to vote; and
- Delete language regarding dual-office holding?

Vacancy on Commission.

Shall Charter language governing "Vacancies on Commission" be amended to:

- Clarify when vacancies occur and establish process for filling vacancies;
- Conform related election dates;
- Expand definition of "vacancy" to include when Commission seats remain unfilled after qualifying ends; and
- Grant Commission "good cause" power excusing Commission member's failure to attend meetings resulting in possible vacancy.

Vacancy in Candidacy.

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?

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"?

Qualifying for Elected Office.

Shall Charter language governing "Qualifying" (i.e., becoming a candidate) for elected office be amended to change time period for filing a qualifying petition from 55-35 days before election to 65-45 days before election while retaining Citizens' 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?

Establishing Elected Officials' Staggered Terms and Increasing Town Commissioners' Terms from Two to Four Years.

The Charter establishes two year, unstaggered terms for the Mayor and Town Commissioners.

Shall the Charter be amended to provide that commencing with Town's General Election in 2016, terms of Town Commissioners shall be increased from two years to four years while retaining Mayor's two year term, all Commission members' terms shall be staggered, Vice-Mayor selection shall be by Commission, and related provisions regarding Runoff Election shall be conformed to reflect staggered terms?

Runoff Election.

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 clarify 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?

Recommendation: The Town Attorney and Town Manager recommend adoption of the attached Resolution authorizing the expenditure of \$4,500 towards educating the Town's voters of the above ballot issues, which expenditure is expected to serve the public purpose given the Town's reasonable expectation that these efforts at explaining the ballot questions and educating the voters will result in a more informed electorate vote, benefiting the public good.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND AUTHORIZING AN EXPENDITURE OF BUDGETED FUNDS UP TO \$4,500 FROM ACCOUNT NO. 001-2400-519-4911 FOR THE PUBLIC PURPOSE OF INFORMING AND EDUCATING THE VOTERS OF THE TOWN OF SURFSIDE REGARDING THE TOWN'S SEVEN BALLOT QUESTIONS ON ITS NOVEMBER 4, 2014 SPECIAL ELECTION BALLOT IN ORDER TO ACHIEVE A MORE INFORMED ELECTORATE VOTE; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the voters of the Town of Surfside will be presented with seven (7) Town ballot questions on its November 4, 2014 Special Election ballot; and

WHEREAS, the subject matters of the ballot measures concern amendments to the Town's Charter, all of which issues affect and involve the interests of the Town of Surfside and its citizens; and

WHEREAS, the Town Commission believes that educating the voters on these matters is in the public interest and serves a public purpose; and

WHEREAS, in an effort to explain, and educate the voters on each of these questions through various methods which may include video presentation on the Town's cable channel, a voter's guide, and other means, the Town Administration is requesting approval and authorization of an expenditure of budgeted funds up to \$4,500 from Account No. 001-2400-519-4911 for video production, printing, graphics, translation services, layout, mailing, advertising, and other miscellaneous costs as needed; and

WHEREAS, these expenditures will further serve the public purpose given the Town's reasonable expectation that these efforts at explaining the ballot questions and educating the voters thereon will result in a more informed electorate vote, benefiting the public good.

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

Section 1. Recitals Incorporated. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution upon adoption hereof.

Section 2. Approval and Authorization. The Town Commission approves and authorizes the expenditure of budgeted funds up to \$4,500 from Account No. 001-2400-519-4911 for the public purpose of explaining to and educating the Town's voters on the seven (7)

Town ballot questions which will appear on its November 4, 2014 Special Election ballot.

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

PASSED and **ADOPTED** on this ____ day of _____, 2014.

Motion by Commissioner _____, Second by Commissioner _____.

FINAL VOTE ON ADOPTION

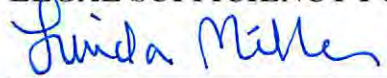
Commissioner Barry R. Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney



**Town of Surfside
Commission Communication**

Agenda Item # 5C

Agenda Date: August 12, 2014

Subject: Resolution Approving the Design of the 90th Street End Project

Background: The Town Commission adopted Resolution No. 13-Z-06 on April 23, 2014 and approved the amended site plan and conditional use application by The Surf Club.

Condition No. 22 of Resolution No. 13-Z-06 requires The Surf Club to fund a total not to exceed \$400,000 for the 90th Street End Project (“90th Street End Project”) that includes landscape and streetscape improvements from Collins Avenue to the 90th Street beach access point east of the hard pack. The Surf Club has submitted the design for the 90th Street End Project. Several meetings have been held to review the design and it is acceptable to staff.

Recommendation: The Town Commission adopt the attached Resolution approving the 90th Street End Project design and authorize the Surf Club to undertake said improvements of the 90th Street End Project and obtain all necessary permits to undertake said project.



Joseph Kroll, Public Works Director



Michael P. Crotty, Town Manager

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA PURSUANT TO RESOLUTION NO. 13-Z-06, CONDITION NO. 22 REVIEWING AND APPROVING THE DESIGN PREPARED BY THE APPLICANT, THE SURF CLUB INC. FOR THE 90th STREET END PROJECT; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission adopted Resolution No. 13-Z-06 on April 23, 2014 and approved the the amended site plan and conditional use application by “Applicant” The Surf Club, Inc.; and

WHEREAS, pursuant to Condition No. 22 of Resolution No. 13-Z-06, the Applicant shall fund a total not to exceed \$400,000 for the 90th Street End Project (the “90th Street End Project”) that includes landscape and streetscape improvements from Collins Avenue to the 90th Street beach access point east of the hard pack; and

WHEREAS, the Applicant, The Surf Club Inc. has submitted Attachment “A” for the design of the 90th Street End Project which includes landscape, hardscape and streetscape improvements (the “Work”) from Collins Avenue to the 90th Street beach access point west of the “hard pack”; and

WHEREAS, it is in the best interest of the Town to accept and to approve the design for the 90th Street End Project.

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

Section 1. Recitals Incorporated. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution upon adoption hereof.

Section 2. Approval and Authorization. The Town Commission approves the design prepared by The Surf Club, Inc. for the 90th Street End Project and authorizes the Town Manager in consultation with The Surf Club, Inc. to finalize a construction schedule for the same project within 30 days of the adoption of the Resolution. The Surf Club, Inc. is authorized to undertake said improvements and shall be required to obtain all necessary permits to undertake said project.

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

PASSED and **ADOPTED** on this ____ day of _____, 2014.

Motion by Commissioner _____, Second by Commissioner _____.

FINAL VOTE ON ADOPTION

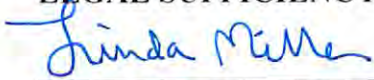
Commissioner Barry R. Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Item # 5D

Agenda Date: August 12, 2014

Subject: Resolution Approving CGA Work Order No. 88 – Create Zoning Criteria Including Mid-Block Walkways and Open Space

Background: At the September 30, 2013, Joint Planning and Zoning and Town Commission meeting, there was a discussion about the block between Collins and Harding Avenues and the high interest in redevelopment of this corridor. In an effort to stay ahead of the new construction, there was interest from both boards to prepare criteria to help guide future development into the desired development pattern.

At its June meeting, the Planning and Zoning Board voted unanimously to establish this as their top priority for FY 14/15 and requested that funds be included in the FY 14/15 Budget.

Based on that, a budget item is included in the proposed FY 14/15 for an analysis and preparation of zoning criteria which includes the following:

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

\$55,000 is included in the proposed budget for FY 14/15 for this purpose.

Current Issue: Commissioner Cohen met with the Town Planner and Town Manager on July 23 and requested that the implementation of this initiative be expedited. Specifically, Commissioner Cohen

requested that the Commission consider authorizing the corridor study to commence in August in order to avoid a several month delay.

Further, Planning and Zoning Board Chair Lindsay inquired if the contract with CGA can be expedited “so that we can start reviewing this at the August Planning and Zoning meeting? We can’t afford to wait until September to look at this given all the activity on these parcels”.

Finally, during a meeting on August 1, Commissioner Olchyk requested that the Town Planner be requested to review the Work Authorization in an attempt to reduce the cost of the proposal. This request was passed on to the Town Planner on August 3. Town Planner Sarah Sinatra provided the following response:

“There really is not one factor that has affected cost. Each component has added to the price. One option is to not include graphics. Maybe that would reduce it by \$10,000. If you did not include the strategies for the walkways and open space/landscaping, maybe another \$15,000. Overall, each component is necessary for the project to succeed. Eliminating one component may actually not be possible to conduct a corridor analysis. We have to look at how one concept impacts the next”.

Budget Impact: The proposed budget for FY 14/15 contains an allocation of \$55,000 for these services.

Recommendation: While it is unusual to authorize expenditures in yet unadopted budgets, Staff would support/recommend expediting this planning initiative by adopting the enclosed Resolution contingent upon:

- Confirming the unanimous agreement of the Commission at the July 22 meeting to establish the millage rate at 5.108 mills for FY 14/15; and/or
- Commission including a dedicated funding source as alternative funding source should the \$55,000 allocation in the proposed FY 14/15 budget not be included in the adopted budget (Resolution includes General Fund Reserves as the alternative funding source)


Michael P. Crotty, Town Manager

Attachment: Resolution Authorizing CGA Work Authorization No.88 (June 25, 2014)

RESOLUTION NO. 14 – _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING CALVIN-GIORDANO & ASSOCIATES, INC. (“CGA”) WORK AUTHORIZATION NO. 88 (CREATE ZONING CRITERIA INCLUDING MID-BLOCK WALKWAYS AND OPEN SPACE, CGA PROPOSAL NO. 14-7020) IN A TOTAL AMOUNT NOT TO EXCEED \$52,913.54 FROM THE GENERAL FUND, FY 14/15 BUDGET (ACCOUNT #: 001-2000-524-31-10) PROVIDING FOR AUTHORIZATION, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission has determined a need to begin review of and prepare revised zoning criteria for the blocks between Collins and Harding Avenues; and

WHEREAS, \$55,000 has been allocated in the proposed FY 14/15 budget for these professional services; and

WHEREAS, Town consulting planners, Calvin-Giordano & Associates, Inc. (“CGA”) have submitted a proposal for said planning consulting services (See Attachment “A” Proposal No. 14-7020); and

WHEREAS, it is in the best interest of the Town to approve the proposal of CGA in the amount of \$52,913.54 for said consulting planning services; and

WHEREAS, the Town desires to expedite the implementation of the proposal prior to the adoption of the FY 14/15 due to the priority nature of the project.

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. Approval and Authorization. The Town Commission approves and authorizes the Town Manager and/or his designee to take all actions necessary to implement the terms and conditions of a Work Order No. 88 (Create Zoning Criteria including Mid-Block Walkways and Open Space, CGA Proposal No. 14-7020) in the amount of \$52,913.54.

Section 3. Authorization to Appropriate and Expend Funds. Beginning in October, 2014, the Town Manager is hereby authorized to expend funds from the 2014/2015 Fiscal Year Budget not to exceed \$52,913.54 from the General Fund, Account #: 001-2000-524-31-10. If for any reason, the Commission fails to include said funds in the FY 14/15 budget, payment for the services of Work Order No. 88 as outlined herein shall be made from the reserves of the General Fund.

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

PASSED and **ADOPTED** on this ____ day of _____, 2014.

Motion by Commissioner _____, Second by Commissioner _____.

FINAL VOTE ON ADOPTION

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

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney



Date: June 25, 2014

Mr. Michael Crotty
Town Manager
TOWN OF SURFSIDE
9293 Harding Avenue
Surfside, FL 33154

RE: Work Authorization No. 88

Create zoning criteria including mid-block walkways and open space

CGA Proposal No. 14-7020

Dear Mr. Crotty,

Enclosed for your review and approval is Work Authorization No. 88 for Create zoning criteria including mid-block walkways and open space. The scope of the project includes Zoning criteria including mid-block walkways and open space.

The Scope of Services to be furnished under this Work Authorization includes Planning as shown on the attached Work Authorization.

The Basis of Compensation is hourly based upon the established rates pursuant to the Professional Services Agreement between the Town and CGA, plus reimbursables, for a total not to exceed \$52,913.54.

Sincerely,

CALVIN, GIORDANO & ASSOCIATES, INC.

Shelley Eichner, AICP
Senior Vice President

- Building Code Services
- Coastal Engineering
- Code Enforcement
- Construction Engineering & Inspection
- Construction Services
- Contract Government
- Data Technologies & Development
- Emergency Management Services
- Engineering
- Governmental Services
- Indoor Air Quality
- Landscape Architecture & Environmental Services
- Municipal Engineering
- Planning
- Public Administration
- Redevelopment & Urban Design
- Renewable Energy
- Resort Development
- Surveying & Mapping
- Transportation Planning & Traffic Engineering
- Utility & Community Maintenance Services
- Water Resources Management

1800 Eller Drive, Suite 600
Fort Lauderdale, FL 33316
Phone: 954.921.7781
Fax: 954.921.8807

www.cgasolutions.com

TOWN OF SURFSIDE

Create zoning criteria including mid-block walkways and open space PROJECT DESCRIPTION

1. SCOPE OF SERVICES

I. Professional Planning Services

- A.** Preparation of new zoning criteria and comparison of existing conditions
- B.** A review of green book traffic engineering standards as well as Miami-Dade County and FDOT as it relates to mid-block accessibility, walkways, pedestrian activity
- C.** Impacts to existing buildings and strategies for potential non-conformities such as if there is a modification to an existing building, under what circumstances would the entire development need to be brought up to the proposed code
- D.** Consistency of new criteria with comprehensive plan, including the 1989 Comprehensive Plan, which provided for a study of this corridor
- E.** Requirements for open space in terms of landscaping and public space
- F.** Coordination with legal in terms of vested rights, reduced density or intensity resulting from new zoning criteria
- G.** Design criteria for pedestrian walkways
- H.** Coordinate with the Miami-Dade Historic Preservation Board on any properties designated historic or selected by the Board for potential historic designation.

2. BASIS OF COMPENSATION:

Hourly rates with an estimated fee of \$50,393.85 plus reimbursables at \$2,519.69 with a total not to exceed amount of \$52,913.54. Payments to be made monthly.

3. SUBMITTED

Submitted by: Shelley Eichner Date: 6/25/14
Shelley Eichner, AICP

4. APPROVAL

Approved by: _____ Date: _____
Michael Crotty, Town Manager

**TOWN OF SURFSIDE
WORK AUTHORIZATION ESTIMATE DATE**

WORK AUTHORIZATION NO. 88
PROJECT NAME Create zoning criteria including mid-block walkways and open space
 CGA Proposal No. 14-7020
DESCRIPTION Zoning criteria including mid-block walkways and open space

TITLE	RATE	HOURS/UNITS	COST
Associate Planning	\$159.14	200	\$31,828.00
Planner	\$95.48	50	\$4,774.00
Planning Administrator	\$127.31	75	\$9,548.25
Principal	\$212.18	20	\$4,243.60

\$50,393.85

SUB-CONSULTANTS **COST**

LABOR SUBTOTAL	\$50,393.85
REIMBURSABLE SUBTOTAL	\$2,519.69
TOTAL	\$52,913.54

Reviewed by: _____
 Michael Crotty, Town Manager



**Town of Surfside
Commission Communication**

Agenda Item # 5E

Agenda Date: August 12, 2014

Subject: Business District Holiday Lights

Background: On July 7, 2014 the Tourist Board authorized the expenditure of \$38,500.00 with South Florida Lighting Team, LLC, d/b/a Miami Christmas Lights (“MCL”) to light the downtown business district trees in white lights for the upcoming holiday season. The Tourist Board has traditionally utilized their allocated, Town Commission approved budgetary portion of the Resort Tax to pay for holiday lights in the district and at the Town’s entrances.

Analysis: This is the first holiday season that the Town is able to light the trees that were installed as part of the downtown streetscape improvement project. There are 97 trees in the business district averaging 15’ in height. Not only do lights have to be wound around each tree trunk, each crown will have additional lighting. The Tourist Board was informed by MCL that all the holiday and decoration lightings will have to be ordered in advance and there will be insufficient time now to obtain similar services through the normal purchasing process. The Town has made a good faith review of available sources and other governmental agreement as to price, delivery of services and terms.

For the Town’s Public Works department to install the lights, maintain them and remove the lights, the approximate cost would be \$50,000. It would also require 3 employees to work for 2-3 weeks on installation alone. These employees would essentially not be available to do the myriad of other required Town tasks during this time. A similar amount of time would be required of them to take all of the lights down. This estimate does not address the cost (labor/time/materials) of replacing lights that go out during the period that they are in place.

The vendor contract is \$38,500. The contract not only provides an \$11,500 savings, but also a guarantee to repair any and all lights if necessary at no extra charge.

It is important to reiterate that this item is paid for out of the Tourism portion of Resort Tax not the General Fund/ad valorem (resident taxes). The Tourist Board is granted the authority to expend their budget as they deem necessary given their mission to support tourism endeavors.

The downtown generates approximately \$350,000 in resort tax revenue per year and is a focal point of Surfside as a destination. Visitors to the downtown district, let alone those staying in the hotels supplying approximately \$1M in resort tax, expect a downtown to be festive during the holidays – something the competition is acutely aware as noticed by their lighting efforts. A decorated, warm and inviting, downtown further assists in fostering a viable and desirable destination for both visitors and residents alike.

Budget Impact: \$38,500 from Resort Tax allocated to the Tourist Board as part of the approved budget.

Staff Impact: None.

Recommendation: The Tourist Board and Town Administration recommend the Town Commission approve the Resort Tax Board Expenditure of \$38,500.00 for holiday lights and decorations on Harding Avenue from 94th Street to 96th Street, and authorize the Town Manager to enter into an agreement with South Florida Lighting Team, LLC, d/b/a Miami Christmas Lights on behalf of the Town.


TEDACS Director


Town Manager

RESOLUTION NO. 14 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE RESORT TAX BOARD EXPENDITURE OF \$38,500 FOR HOLIDAY LIGHTS AND DECORATIONS ON HARDING AVENUE FROM 94TH STREET TO 96TH STREET FROM THE RESORT TAX FUND ACCOUNT NO. 102-8000-552-48-10; AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH SOUTH FLORIDA LIGHTING TEAM, LLC, D/B/A/ MIAMI CHRISTMAS LIGHTS AND TOWN; AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT THE TERMS OF THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside wishes to install holiday lights and decorations along Harding Avenue from 94th Street to 96th Street; and

WHEREAS, per Town Code, *Sec. 3-12. Waiver of competitive bidding procedures.*

“The town commission may authorize the waiver of competitive bidding procedures upon the recommendation of the town manager that it is in the town's best interest to do so, to obtain goods and services which cannot be acquired through the normal purchasing process due to insufficient time, the nature of the goods or services, or other factors. Purchases authorized by waiver process shall be acquired after conducting a good faith review of available sources and negotiation as to price, delivery and terms.”

WHEREAS, the Town Commission of the Town of Surfside, Florida believes it is in the Town's best interest to obtain services which cannot be acquired through the normal purchasing process due to insufficient time; and

WHEREAS, the Town Commission of the Town of Surfside, Florida believes it is in the Town's best interest to enter into an agreement with South Florida Lighting, LLC, d/b/a Miami Christmas Lights (“MCL”) for the installation of holiday lights and decoration along Harding Avenue from 94th Street to 96th Street; and

WHEREAS, the Town Commission hereby amends the FY 2013-14 Budget and appropriates the amount of \$19,250.00 from the Resort Tax Fund, Account No. 102-8000-552-48-10 and further appropriates funds in the amount of \$19,250.00 from the FY 2014-15 Budget Resort Tax Fund, Account No. 102-8000-552-48-10 for a total of \$38,500.00 for holiday lights and decorations; and

WHEREAS, the Town Commission approves the Resort Tax Board expenditure of \$38,500.00 to MCL for holiday lights and decorations and authorizes the Town Manager to execute the attached Agreement with MCL. (See Attachment "A").

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

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

Section 2. Approval and Authorization. The Town Commission amends the FY 2013-14 Budget and appropriates the amount of \$19,250.00 from the Resort Tax Fund Account No. 102-8000-552-48-10 and further appropriates funds in the amount of \$19,250.00 from the FY 2014-15 Budget Resort Tax Fund, Account No. 102-8000-552-48-10 for a total of \$38,500.00 for holiday lights and decorations and authorizes the Town Manager to execute the attached Agreement with MCL (Attachment "A").

Section 3. 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 Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Marta Olchyk _____
Vice Mayor Eli Tourgeman _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney



**TOWN OF SURFSIDE
AGREEMENT
WITH SOUTH FLORIDA LIGHTING TEAM, LLC,
d/b/a/ MIAMI CHRISTMAS LIGHTS**

THIS CONTRACTUAL AGREEMENT (hereinafter referred to as the "Agreement") made this _____ day of _____, 2014, ("Effective Date") by and between the **TOWN OF SURFSIDE**, Florida, (hereinafter referred to as "Town"), and **SOUTH FLORIDA LIGHTING TEAM, LLC, d/b/a/ MIAMI CHRISTMAS LIGHTS**, a corporation authorized to do business in the State of Florida (hereinafter referred to as "Contractor") whose FEI/EIN # is 900423544. The Term of this Agreement is for 12 months with an Option ("Term"). All services provided are subject to the terms and conditions below and on the attached Scope of Work or Services ("Services") attached in Exhibit "A". By signing this Agreement, Town hereby authorizes Contractor to provide the Services listed herein and on any and all attachments. The Agreement shall be effective on the Effective Date.

RECITALS

WHEREAS, Contractor is a qualified seasonal décor firm; and

WHEREAS, the Town wishes to install holiday decorations and lights along Harding Avenue between 96th and 94th Streets as well as other tasks ("Services") as more specifically described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the Contractor is qualified, willing and able to provide the desired Services on the terms and conditions set forth herein; and

WHEREAS, the Town desires to enter into an Agreement with Contractor to provide the Services in an amount of Thirty Eight Thousand Five Hundred Dollars (\$38,500.00), as more particularly described in attached Exhibit "A".

NOW THEREFORE, in consideration of the premises and the mutual covenants herein name, the parties agree as follows:

1. **RECITALS**. The Recitals set forth above are hereby incorporated into this Agreement and made a part of hereof for reference.
2. **SERVICES**. Contractor shall install, and maintain holiday decorations along Harding Avenue between 96th and 94th Streets by November 21, 2014, and remove the holiday decorations and lights by February 16, 2015 unless requested by the Town otherwise and perform all other Services, as provided in Exhibit "A", which is attached hereto and incorporated herein by reference.

3. **TERM OF THE AGREEMENT.** This AGREEMENT shall have an initial term of one (1) year (the "TERM") beginning on the latest date that TOWN last ordered service starts. TOWN shall have a one (1) year Renewal Option (a "Renewal Term"), unless terminated in accordance with the remaining terms of this Agreement. If the TOWN opts to extend for one year, at the end of the Renewal Term, TOWN will have another one (1) year Renewal Option ("Second Renewal Term"). At the end of the Second Renewal Term, the contract will automatically terminate unless the Parties enter into another agreement or extension.

4. **COMPENSATION.** The Town agrees to pay the Contractor a total amount not to exceed Thirty Eight Thousand Five Hundred Dollars (\$38,500.00) to perform the Services. The Town agrees to pay 50% (\$19,250.00) when the contract is executed and the remaining 50% (\$19,250.00) will be paid on or about November 21, 2014 when all the holiday decorations and lights have been installed. However, 20% (\$7,700.00) of the total amount will be withheld by Town until Contractor removes all holiday decorations and lights by February 16, 2015 unless requested by the Town otherwise. Payment to Contractor for services and tasks under this Agreement shall be in accordance with this Agreement and under the following conditions:

- a. **Disbursements.** There are no reimbursable expenses associated with this contract.
- b. **Payment Schedule.** Invoices received from the Contractor pursuant to this Agreement will be reviewed by the Director of Tourism, Economic Development & Community Services. If Services have been rendered in conformity with the Agreement, the invoice will be sent to the Finance Department for payment. Invoices must reference the contract number assigned hereto. Invoices will be paid in accordance with the State of Florida Prompt Payment Act.
- c. **Availability of Funds.** The Town's performance and obligation to pay under this Agreement is contingent upon Town Commission amending the 2013-14 FY Budget and appropriate the amount of \$19,500.00 from the Resort Tax Fund, Account Number 102-8000-552-48-10 and further appropriate funds in the amount of \$19,500.00 in the 2014-15 FY Budget Resort Tax Fund, Account number 102-8000-552-48-10 for a total of \$38,500.00 for holiday lights and decorations.
- d. **Final Invoice.** In order for both parties herein to close their books and records, the Contractor will clearly state "final invoice" on the Contractor's final/last billing to the Town. This certifies that all services have been properly performed and all charges and costs have been invoiced to the Town. Since this account will thereupon be closed, any other additional charges, if not properly included on this final invoice, are waived by the Contractor.

Contractor shall make no other charges to the Town for supplies, labor, taxes, licenses, permits, overhead or any other expenses or costs unless any such expense or cost is incurred by Contractor with the prior written approval of the Town. If the Town disputes any charges on the invoices, it may make payment of the uncontested amounts and withhold payment on the

contested amounts until they are resolved by agreement with Contractor. Contractor shall not pledge the Town's credit or make it a guarantor of payment or surety for any contract, debt, obligation, judgment, lien, or any form of indebtedness. The Contractor further warrants and represents that it has no obligation or indebtedness that would impair its ability to fulfill the terms of this Agreement.

5. **INSURANCE.** Contractor shall, at its sole cost and expense, during the period of any work being performed under this Agreement, procure and maintain the following minimum insurance coverage to protect the Town and Contractor against all loss, claims, damage and liabilities caused by Contractor, its agents or employees, as indicated below:

- ❑ Comprehensive General liability insurance, including broad form contractual liability coverage for all operations, including, but not limited to, contractual, products, and completed operations, personal injury and property damage liability with minimum limits of One Million Dollars (\$1,000,000) per occurrence.
- ❑ Worker's Compensation and employer's liability coverage, as required pursuant to Florida law.

Insurance required of the Contractor shall be primary to, and not contribute with, any insurance or self-insurance maintained by the Town. Such insurance shall not diminish Contractor's indemnification and obligations hereunder. The insurance policy shall be issued by companies authorized to do business under the laws of the State of Florida and acceptable to the Town with a minimum A.M. Best rating of A-Excellent. Before any work under this Agreement is performed, and at any time upon request, Contractor shall furnish to the Town certificates of insurance evidencing the minimum required coverage and shall be appropriately endorsed for contractual liability, with the Town named as additional insured. All policies shall contain a waiver of subrogation endorsement. All policies and certificates shall be in forms and issued by insurance companies acceptable to the Town Manager or his designee. All insurance policies and certificates of insurance shall provide that the policies may not be canceled or altered without thirty (30) days prior written notice to the Town. The Town reserves the right from time to time to change the insurance coverage and limits of liability required to be maintained by Contractor hereunder. Contractor shall also require and ensure that each of its sub-contractors providing services hereunder (if any) procures and maintains, until the completion of the services, insurance of the types and to the limits specified herein. **ANY EXCEPTIONS TO THE INSURANCE REQUIREMENTS IN THIS SECTION MUST BE APPROVED IN WRITING BY THE TOWN.**

6. **TERMINATION AND REMEDIES FOR BREACH.**

- A. **Termination for Cause.** If, through any cause within reasonable control, the Contractor shall fails or refuses to fulfill in a timely manner or otherwise violate any of the covenants, agreements or stipulations material to this Agreement, the Town shall have the right to terminate the Services then remaining to be performed. Prior to the exercise of its option to terminate for cause, the Town shall notify the Contractor of its violation of the particular terms of the Agreement and grant Contractor three (3) days to cure such default. If the default remains

uncured after three (3) days the Town may terminate this Agreement, and the Town shall receive a complete refund from the Contractor or in an amount equal to the actual cost of a third party to cure such failure, whichever is greater. Notwithstanding the foregoing, the Contractor shall not be relieved of liability to the Town for damages sustained by it by virtue of a breach of the Agreement by Contractor and the Town may reasonably withhold payment to Contractor for the purposes of set-off until such time as the exact amount of damages due the Town from the Contractor is determined. Additionally, the Contractor shall be required to indemnify the Town for all costs incurred by the Town to re-procure and hire a third party to complete the Services described in this Agreement. Further the Town will be entitled to liquidate damages discussed in paragraph 10.

- B. **Termination for Convenience of Town.** Town may, for its convenience and without cause, terminate the Services then remaining to be performed at any time by giving Contractor five (5) days written notice. Town shall pay for services rendered as of the date of termination.
- C. **Termination for Insolvency.** The Town also reserves the right to terminate the remaining Services to be performed in the event the Contractor is placed either in voluntary or involuntary bankruptcy or makes any assignment for the benefit of creditors.

7. **LIQUIDATED DAMAGES.** Time is of the essence in this Agreement. Notwithstanding any other Section in this Agreement, in the event the Contractor fails to install the holiday lights and decorations along Harding Avenue between 96th and 94th Streets by November 21, 2014, and in the absence of any extended calendar days extension granted by the Town Manager or his designee, the Contractor shall be required to return the 50% deposit paid by the Town, i.e. \$19,250.00 (Nineteen thousand two hundred fifty dollars) and shall be required to pay the Town \$10,000.00 (ten thousand dollars) as liquidated damages to the Town, such amount being the actual cash value agreed upon by the Parties as the loss to Town resulting from Contractor's delay in not having the holiday lights and decorations installed by November 21, 2014. Additionally, in such an event, the Contractor shall be required to indemnify the Town for all costs incurred by the Town to re-procure and hire a third party to complete the Services described in this Agreement, and Contractor shall assume complete financial responsibility for any costs the Town may incur as a result of the Contractor's failure to install the holiday lights and decorations by November 21, 2014.

8. **DEFECTS IN WORKMANSHIP AND INSTALLATION.** Contractor warrants that it will promptly correct any defects related to the performance of its Services under this Agreement. The Contractor's obligations shall include, but not be limited to, repairing or replacing the defective workmanship and/or installation of holiday lights and decorations at Heritage Park. In such an event, the Town shall provide Contractor with written notice thereof specifying the defect, and Contractor shall have no later than 24 (twenty four) hours to correct the defect. In the event Contractor fails to correct the defect within this 24 hour period after being notified by the Town, and in the absence of any extended calendar days extension granted by the Town Manager or his designee, then the Contractor shall be required to pay a liquidated

damage penalty of \$100.00 (One Hundred Dollars) for each calendar day beyond the 24 (twenty four) hours deadline, continuing to the time at which the defects are corrected. Such amount is the actual cash value agreed upon as the loss to Town resulting from Contractor's delay.

9. **ASSIGNMENTS, TRANSFERS, SUBCONTRACTING.** The Contractor shall not subcontract, assign or transfer any work under this Agreement without the express, prior written consent of the Town. Should the Contractor subcontract any Services under this Agreement, it shall be done with continued liability for the Contractor. The Contractor shall remain responsible for Services, responsibilities and liabilities of any person or entity acting under Contractor.

10. **TIME OF COMPLETION AND WITHHOLDING OF FINAL PAYMENT.** The Services to be rendered by the Contractor shall be commenced upon execution of this Agreement and shall be completed no later than November 21, 2014, and all holiday lights and decorations shall be removed by February 16, 2015 unless requested by the Town otherwise. A reasonable extension of time shall be granted in the event the work of the Contractor is delayed or prevented by the Town or by circumstances beyond the reasonable control of the Contractor including weather conditions or acts of God, which render the performance of the Contractor's duty impracticable. Additionally, the Town shall also be entitled to withhold 20% (\$7,700.00) of the total Compensation to be paid to Contractor until all holiday decorations and lights are removed.

11. **AUTHORITY TO PRACTICE.** Contractor hereby represents and warrants that it has and will continue to maintain all licenses and approvals required conducting its business and that it will at all times conduct its business activities in a reputable manner. Proof of such licenses and approvals shall be submitted to the Town prior to commencement of work under this Agreement.

12. **CONFIDENTIAL INFORMATION.** The Contractor shall not, either during the term of this Agreement or any time for a period of ten (10) years subsequent to that date upon which the Contractor shall leave the employment of the Town for any reason whatsoever, disclose to any person or entity, other than in the discharge of the duties of the Contractor under this Agreement, any information which the Town designates in writing as "confidential." As a violation by the Contractor of the provisions of this Section could cause irreparable injury to the Town and there is no adequate remedy at law for such violation, the Town shall have the right, in addition to any other remedies available to it at law or in equity, to enjoin the Contractor in a court of equity for violating such provisions. However, Contractor understands the Town is subject to Florida's Public Records Act, Chapter 119, Florida Statute and that such books, records, documents and data maintained by the Town are public records unless expressly exempted by general law.

13. **NOTICES.** All notices and other communications required or permitted to be given under this Agreement by either party to the other shall be in writing and shall be sent (except as otherwise provided herein) (i) by certified or registered mail, first class postage prepaid, return receipt requested, (ii) by guaranteed overnight delivery by a nationally recognized courier service, or (iii) by facsimile with confirmation receipt (with a copy simultaneously sent by

certified or registered mail, first class postage prepaid, return receipt requested or by overnight delivery by traditionally recognized courier service), addressed to such party as follows:

If to the Town:	Michael P. Crotty Town Manager Town of Surfside 9293 Harding Avenue Surfside, Florida 33154 Tel: (305) 731-3914	With a copy to: Duncan Tavares Director of Tourism, Economic Development & Community Service Town of Surfside 9293 Harding Avenue Surfside, Florida 33154 Tel: (305) 864-0722
If to the Contractor:	South Florida Lighting Team, LLC, d/b/a Miami Christmas Lights Mr. Kurt Stange 1330 West Avenue, Suite 2012 Miami Beach, FL 33139 Tel: 305-432-2225	

14. **GOVERNING LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Any claim, objection, or dispute arising out of the terms of this Agreement shall be litigated in Miami-Dade County, Florida. Any and all disputes between Contractor and Town that arise under or in connection with this Agreement which cannot be resolved through good faith negotiation shall be submitted to binding arbitration, to be conducted in Miami-Dade County, Florida in accordance with the American Arbitration Association Arbitration Rules.

15. **ATTORNEY'S FEES.** If this matter is placed in the hands of an attorney for collection, or in the event suit or action is instituted by the Town to enforce any of the terms or conditions of this Agreement, Contractor shall pay to the Town, in such suit or action in both trial court and appellate court, the Town's costs together with the Town's reasonable attorney's fees for the anticipated cost of collection and judgment enforcement.

16. **NON-DISCRIMINATION.** The Contractor agrees to comply with all local and state civil rights ordinances and with Title VI of the Civil Rights Act of 1984 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Title 1 of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and with Executive Order 11248 as amended by Executive Orders 11375 and 12086. The Contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Contractor will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading.

demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Town setting forth the provisions of this non-discrimination clause. The Contractor agrees to comply with any Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 708), which prohibits discrimination against the handicapped in any Federally assisted program.

17. **CONFLICT OF INTEREST.** The Contractor agrees to adhere to and be governed by the Miami-Dade County Conflict of Interest Ordinance Section 2-11.1, as amended; and by the Town's Ordinance Article VII – Code of Ethics, which are incorporated by reference herein as if fully set forth herein, in connection with the Agreement conditions hereunder. The Contractor covenants that it presently has no interest and shall not acquire any interest, directly or indirectly which should conflict in any manner or degree with the performance of the Services. The Contractor further covenants that in the performance of this Agreement, no person having any such interest shall knowingly be employed by the Contractor. The Contractor guarantees that he/she has not offered or given to any member of, delegate to the Congress of the United States, any or part of this contract or to any benefit arising therefrom.

18. **MOST FAVORED NATION.** Contractor agrees that if, after the Effective Date of this Agreement, it enters into another agreement for the same or substantially similar scope of services with another local government in Florida which contains a term or condition, including fees, charges or costs, that are more favorable than the terms in the Agreement, Town may provide Contractor with written notice explaining how the new agreement is for the same or substantially similar services and how the new agreement contains terms or conditions that are more favorable than the terms in the Agreement, and requesting to negotiate an amendment to the Agreement (a "New Agreement Notice"). The parties shall act in good faith to negotiate an amendment to the Agreement that addresses, in a manner that is fair and equitable to both parties, the matters raised by the Town in the New Agreement Notice. If the parties fail to reach agreement upon an amendment within thirty (30) days of the New Agreement Notice, then the Town shall have the right to terminate this Agreement without penalty or early termination fee, subject to the terms and conditions herein, by providing thirty (30) days advance written notice to Contractor, such notice to be given no later than sixty (60) days from the New Agreement Notice.

19. **FORCE MAJEURE.** Neither party will be liable to the other or be deemed to be in breach of this Agreement for any failure or delay in rendering performance arising out of causes beyond its reasonable control and without its fault of negligence. Such causes may include, but are not limited to, acts of God or the public enemy, terrorism, significant fires, floods, earthquakes, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or governmental authorities approval delays which are not caused by any act or omission by Contractor. The party whose performance is affected shall request an extension of time to perform its obligations stated in this Agreement by notifying the party, which it is obligated within ten (10) days following the event. If the notified party agrees that the event was the cause of the delay, the time to perform the obligations stated in this Agreement shall be

extended by the number of days of delay caused by the event. If the required notice is not given by the delayed party, no time extension shall be granted.

20. **HOLD HARMLESS AND INDEMNIFICATION.** For other good and valuable consideration the receipt and adequacy of which is hereby acknowledged, Contractor agrees to indemnify, defend and hold harmless, the Town, its officers, agents, and employees from, and against any and all claims, actions, liabilities, losses and expenses including, but not limited to, attorney's fees for personal, economic or bodily injury, wrongful death, loss of or damage to property, at law or in equity, which may arise or may be alleged to have risen from the negligent acts, errors, omissions or other wrongful conduct of the Contractor, agents or other personnel entity acting under Contractor's control in connection with the Contractor's performance of services under this Agreement and to that extent the Contractor shall pay such claims and losses and shall pay all such costs and judgments which may issue from any lawsuit arising from such claims and losses including wrongful termination or allegations of discrimination or harassment, and shall pay all costs and attorney's fees expended by the Town in defense of such claims and losses including appeals. That the aforesaid hold-harmless agreement by Contractor shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations of Contractor or any agent or employee of Contractor regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

21. **SOVEREIGN IMMUNITY.** Nothing in this agreement shall be deemed or otherwise interpreted as waiving the Town's sovereign immunity protections existing under the laws of the State of Florida, or as increasing the limits of liability as set forth in Section 768.28, Florida Statutes.

22. **INDEPENDENT CONTRACTOR RELATIONSHIP.** The Contractor is an independent contractor and shall be treated as such for all purposes. Nothing contained in this Agreement or any action of the parties shall be construed to constitute or to render the Contractor an employee, partner, agent, shareholder, officer or in any other capacity other than as an independent contractor other than those obligations which have been or shall have been undertaken by the Town. Contractor shall be responsible for any and all of its own expenses in performing its duties as contemplated under this Agreement. The Town shall not be responsible for any expense incurred by the Contractor. The Town shall have no duty to withhold any Federal income taxes or pay Social Security services and that such obligations shall be that of the Contractor, other than those set forth in this Agreement. Contractor shall furnish its own transportation, office and other supplies as it determines necessary in carrying out its duties under this Agreement.

23. **COMPLIANCE WITH LAW.** Contractor shall comply with all laws, regulations and ordinances of any federal, state, or local governmental authority having jurisdiction with respect to this Agreement ("Applicable Laws") and shall obtain and maintain any and all material permits, licenses, approvals and consents necessary for the lawful conduct of the activities contemplated under this Agreement.

24. **MISCELLANEOUS.**

- A. In the event any provision of this Agreement is found to be void and unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall nevertheless be binding upon the parties with the same effect as though the void or unenforceable provisions had been severed and deleted.
- B. This Agreement may be executed in multiple identical counterparts, each of which shall be deemed an original for all purposes.
- C. This Agreement shall constitute the entire agreement between the parties with respect to the subject matter hereof, and it shall supersede all previous and contemporaneous oral and written negotiations, commitments, agreements and understandings relating hereto.
- D. Any modification of this Agreement shall be effective only if in writing and signed by the parties to this Agreement.
- E. No waiver of any provision of this Agreement shall be valid or enforceable unless such waiver is in writing and signed by the party granting such waiver.

25. **AMENDMENT.** Any modification of this Agreement shall be effective only if in writing and signed by the parties to this Agreement. No waiver of any provision of this Agreement shall be valid or enforceable unless such waiver is in writing and signed by the party granting such waiver.

26. **SEVERABILITY.** The Parties to this Agreement expressly agree that it is not their intention to violate any public policy, statutory or common law rules, regulations, or decisions of any governmental or regulatory body, If any provision of this Agreement is judicially or administratively interpreted or construed as being in violation of any such policy, rule, regulation, or decision, the provision, sections, sentence, word, clause, or combination thereof causing such violation will be inoperative (and in lieu thereof there will be inserted such provision, section, sentence, word, clause, or combination thereof as may be valid and consistent with the intent of the Parties under this Agreement) and the remainder of this Agreement, as amended, will remain binding upon the Parties, unless the inoperative provision would cause enforcement of the remainder of this Agreement to be inequitable under the circumstances.

27. **ENTIRE AGREEMENT.** The terms and conditions contained herein supersede all prior oral and written representations and understandings between us, including prior iterations and versions of the Agreement, and constitute the entire Agreement between us concerning the subject matter of this Agreement. This Agreement shall not be modified or amended except in writing signed by authorized representatives of both of us.

IN WITNESS WHEREOF, the parties, intending to be legally bound, hereby have executed this Agreement as of the date set forth.

**TOWN OF SURFSIDE
A Florida Municipal Corporation,**

BY: _____
Michael P. Crotty, Town Manager
Date

BY: _____
Mr. Kurt Stange
Owner/President
SOUTH FLORIDA LIGHTING TEAM, LLC
d/b/a MIAMI CHRISTMAS LIGHTS
Date

Attest: _____
Sandra Novoa, CMC, Town Clerk
Date

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

BY: _____
Linda Miller, Town Attorney
Date

MIAMI CHRISTMAS LIGHTS



Town of Surfside 2014 Holiday Light Proposal
July 08, 2014

July 08, 2014

Miami Christmas Lights
1330 West Ave - Suite 2012
Miami Beach FL 33139
Ph: 305.432.2225

Dear Duncan,

Thank you for allowing Miami Christmas Lights to provide a no obligation proposal for your holiday lighting project. I look forward to working together and know you will enjoy our professional holiday decorating service. Our company strives to exceed our customers' expectations and build long-term client relationships.

Our team understands how stressful the holidays can be and focuses on making your holiday preparation as simple as possible. We provide all lights, materials and products used in your display to eliminate the extra work and hassle of buying or retrieving the decorations yourself. Sit back, relax and watch us transform your location into a holiday masterpiece.

Miami Christmas Lights design artists are the best in the business. We have built a completely custom holiday light display that will set your property apart from your neighbors. Many people can hang lights, but the true value in hiring Miami Christmas Lights is our expert design staff, top of the line products and exceptional installation team!

We know you expect the best! That is why Miami Christmas Lights only uses top of the line, commercial grade lights and décor on our projects. From years of experience, we have found that investing in the best products produces the best displays with little to no maintenance issues. We have the best reputation in the business and intend to work even harder, improving our service each day. When you hire Miami Christmas Lights, you are getting the most reputable company in the business that will ensure your display is nothing short of spectacular!

Thanks again for the opportunity to work with you. We will do everything in our power to ensure we exceed your expectations and make this the easiest, brightest, most beautiful holiday season ever!

Sincerely,



M Randy Meyerson
Director of Sales & Marketing
C: 786.587.5022
O: 305.432.2225

MIAMI CHRISTMAS LIGHTS COMPANY OVERVIEW

Miami Christmas Lights is South Florida's premier holiday décor company servicing commercial, municipal and residential properties throughout South Florida. Since our inception in 2008, Miami Christmas Lights has been elevating the holiday décor service experience by developing unique displays, manufacturing custom décor, installing the displays quickly and properly, maintaining each display with our proactive maintenance program, removing the décor promptly after the season, refurbishing all décor to "like-new" condition and storing the décor in our secure warehouse. We pride ourselves in taking over all holiday display activities and alleviating our customers of any and all responsibilities so they are able to focus on other tasks during the busy holiday season.

Due to our boutique-like corporate structure and individual customer account management approach, Miami Christmas Lights has achieved triple digit growth every year since inception. As the experts in our industry, we truly understand our clients' exact needs, and assist them in creating the most phenomenal holiday display while staying within their budget. Our customer satisfaction is the highest in the area, evidenced by our above average rate of returning customers. We invest in only the best products on the market in an effort to ensure that our installations look magnificent and as a result, we are always successful in exceeding our customers' expectations.

What Makes Miami Christmas Lights Different?

Industry Experts Miami Christmas Lights is always the first to learn about new products and technology by regularly attending holiday décor and technology conferences around the world. With the introduction of affordable LED lighting, the holiday décor industry is continuously developing innovative products and technologies, which were unavailable in the past. We have a thorough understanding of these new products and make recommendations based on our customer's needs and desires to ensure their display is elegant, unique and state of the art.

Professional We are well renowned for our company's high standard of professionalism. Our entire team, from CEO to our installation crews, all go through vigorous training to ensure their work product is of the highest standards our company requires and our customers expect. All office employees are on call 24 hours a day, 7 days a week to provide the most enjoyable customer experience. For each account, we dedicate an account management team to guarantee that we exceed our customers' expectations. Our installation teams are well trained and are required to be in company uniform at all times while on a job. Our teams are extremely effective in making certain our work is done right, and in the least intrusive manner possible. We routinely work in 3 – 8 hr shifts, in order to complete the project in the most efficient and convenient way possible.

Innovative Miami Christmas Lights has the can-do-it-all attitude. No project is too large for us to implement and execute. We have designed, fabricated, installed, maintained and removed the largest wreath in the Southern United States. We have local access to and relationships with structural engineers, welders, and fabricators for quick emergency products. We also specialize in incorporating technology into our décor by creating custom Ipad Apps, iPhone controlled C7 LED RGB lights, and music synchronized displays. With the introduction of LED lights, various new and exciting applications relating to holiday décor have come to fruition.

Environmental, Community and Charity Projects In November of 2011, Miami Christmas Lights developed a one of a kind unique holiday community and charity project called "Heart of the Holidays". We work with local charities to develop programs and décor to promote awareness and raise money for an assortment of worthy causes. For example, we work closely with elementary through high school students in the Miami area to create custom recycled banner art work, illuminated recycled ornaments and other recycled décor to display on these projects. Using the students' creations, we have been able to raise tens of thousands of dollars to support local charities, while creating awareness to the local community, school and student partners. These charitable activities are a true example of the holiday spirit and we are thankful that we are able to help bring our local community together for a larger cause.

Installation Miami Christmas Lights has created an unparalleled training program, whereby each of our team members must complete prior to performing any installation. This training program allows us to state with confidence that we have the best and most professional installation team in the South Florida area. Additionally, we have a continuing training program that each of our team members must participate in throughout the holiday season. Each Miami Christmas Lights team member is an expert in electricity and is trained to balance the electrical load between all available power sources on a display. We also seal each electrical socket with special grease to minimize the opportunity for GFI's to trip. All of our team members have been trained on any and all equipment required to complete the installation and hold required certificates. Miami Christmas Lights understands that if our installation is perfect, there will be significantly less maintenance throughout the season.

Maintenance Miami Christmas Lights approach to maintenance is unique to our industry. We have created and implemented a proactive maintenance program that continuously checks each installation to ensure all décor is functioning properly. Our team monitors each display daily to ensure everything is working correctly. In the event a maintenance issue is noticed, our 24 hour and 7 day a week team is ready at all times to handle and address any problem. Maintenance requests can be reported to maintenance@miamichristmaslights.com or by phone at 305.432.2225.

Restoration Our company standard is perfection at any and all stages of the project at hand. If a product is not in like-new condition, we will not install it. Upon removal of all products from our clients' properties, we will then begin our meticulous and systematic inspection of all décor. First, our team washes each product with a cleaning solution for preservation. Next, we determine whether any of the products requires sanding and repainting. After the product has undergone the refurbishment process, we conduct thorough testing of each and every light and replace as required to ensure the decoration is ready and suitable for the next upcoming season. If there is ever an unusual circumstance that would prevent us from properly refurbishing the décor, our clients are alerted immediately to evaluate the best course of action. Miami Christmas Lights initiates this labor intensive refurbishment process immediately subsequent to removal and is completed in May of each year, well in advance of the following year's installation. Finally, once the restoration is complete, our electronic inventory system is updated and a summary is sent to our client for review and approval.

Storage Miami Christmas Lights stores all items indoors at our secure warehouse located at 274 NE 67th Ave Miami FL 33138. We have a 16 camera remote captured surveillance system, gated parking lot, security system, and reinforced doors to ensure the safe storage of all décor. All product is wrapped in a protective plastic or cloth covering to ensure the longevity of the product and like-new condition while in storage. Each customer has a labeled section of the warehouse for organization and accessibility. By storing the products in this state of the art manner, Miami Christmas Lights can guarantee the prolonged existence of its' décor.

Focus Miami Christmas Lights provides, as its sole business, design, fabrication, installation, maintenance, removal and storage of holiday décor services. Our entire business model is focused on the service model eliminating other distracting departments. Our corporate culture is groomed as a customer service company, whom happens to service the holiday décor industry. Customer satisfaction is not only our sole focus of business, but we guarantee it. We will not rest until each display is perfect and our customers are 100% satisfied.

MIAMI CHRISTMAS LIGHTS REFERENCES

Forum Group – 600 Brickell World Center

Project Descriptions: Miami Christmas Lights created an extremely unique project for 600 Brickell World Plaza. Being one of only 7 platinum LEAD certified buildings in the world upon completion, 600 Brickell had a



vision to create an environmental “Rockefeller Center” display for the community here in Miami. Miami Christmas Lights listened to the needs of the client and created a unique display that included the custom manufacturing of a 40 foot wreath, the largest wreath in the southeastern U.S., which is hung over 12 stories high on the face of the building. Miami Christmas lights also created a custom “Heart of the Holidays” program that worked with local elementary through high school students to develop handmade recycled ornaments that reflected the themes of the local charity partners. Miami Christmas Lights and 600 Brickell were able to raise donations to support the local charities as well as a custom Ipad app that displayed pictures of the students with their ornaments and information promoting both the

Among other things included in the project, Miami Christmas Lights also created an alpine themed trellis display, wrapped more than 30 royal palm trees with fronds and 30 oak trees with snowfall

lights, designed, manufactured and installed 9 – 9 foot Deer Greeters, 24’ Christmas Tree, 6’ Menorah, projected animated Image Projection System snowflakes on the side of the building and created an Ipad photo station linked with facebook so visitors could take and share photos with facebook.

Miami Christmas Lights installs the project in less than 6 days by utilizing extremely well trained and organized installation teams which rotate shifts work constantly for 24 hours each day until the project is complete.

We insist the installation is done in such a manner to minimize the impact on the building and its tenants. Once the installation is complete, Miami Christmas Lights maintains the display by continually monitoring it and servicing any items immediately. We believe our reputation is attached to each display we create and want to ensure our displays are something not only our clients are proud of, but we are as a company as well. If any maintenance issue is communicated to us by our clients, Miami Christmas Lights has a 24 hr, 7 day a week service to handle all



Once the season is over, Miami Christmas Lights removes all décor from the property in 48 hours. Again, we are able to accomplish this very quick removal time by utilizing our extremely professional, well train removal teams that work 3 shifts to remove the décor

After the removal is complete, all décor is transported back to our secure warehouse to be immediately reviewed, refurbished and maintained. All items receive a thorough rinse with a cleansing solution to ensure the décor is ready for the next season. All lights are tested and replaced as needed while

resurfacing and painting is done as needed to ensure the products are in "like-new" condition for the following season. All maintenance is started immediately after removal and typically completed by May 1st. We understand the extreme expectation of our clients and hold ourselves to even higher standard. If the product does not return to a "like-new" condition due to uncontrollable events, Miami Christmas Lights always recommends the décor be replaced for the following season.

The overall project has been extremely successful and a 6 year contract is in place between Miami Christmas Lights and 600 Brickell. The display is so immaculate that it is often featured on national TV during the Miami Heat home Christmas basketball game as well as the Orange Bowl and National Championship games that are hosted in Miami. Miami Christmas Lights meticulously maintains and services 600 Brickell and is able to exceed their expectations each season. Our boutique, customer centric focus provides personal service to accounts within a much larger company.



Continuum South Beach

Project Description: Miami Christmas Lights was hired to design, install and maintain the Continuum South Beach holiday light program. The Continuum had worked with numerous other vendors over the past several years and each time was disappointed with their performance. Finally, they contacted Miami Christmas Lights who listened to their needs, design and installed a custom program that exceeded their expectations.

Miami Christmas Lights installed over 100,000 commercial grade injection mold 5MM LED lights on the property on over 125 trees. Miami Christmas Lights was able to exceed the Continuum South Beach's expectations through its proactive maintenance programs which monitored the lights twice a week to catch any maintenance issues before the Continuum did. We also sealed each connection with proprietary salt and water repellent grease to minimize GFI tripping and keep the holiday display illuminated continuously.



Due to Miami Christmas Lights' impeccable service, the Continuum South Beach extended the contract to keep the lights on their property until June 1st. On the removal date, Miami Christmas Lights worked closely with The Continuum South Beach to remove the lights in the fastest way possible at the most convenient time of day. We are no stranger to working three shifts a day to remove the lights as fast as possible. Once all décor is removed from a client's property, Miami Christmas Lights

immediately begins to review and service all products to ensure like-new condition for the following season. We cycle out all product within three years, to ensure our display are always functioning and look immaculate.

Due to the service Miami Christmas Lights has provided to The Continuum South Beach, they have already extended their agreement for several more years of service with Miami Christmas Lights.

Aventura Mall

Project Description: Aventura Mall, the third largest shopping center in the United States, called Miami Christmas Lights to help them design a holiday display that would highlight the malls high-end clientele while attracting new customers to the shopping center. The project included the entire perimeter of the mall as well as the actual buildings. To make the project even more difficult, power was not installed anywhere on the property before the conception began.

Miami Christmas Lights was excited at this extreme and unique challenge! Our team rushed into action to learn what was important to Aventura Mall in order to design the best possible holiday project. We presented countless new technologies for interactive display that fit the direction given by the client. Our design team created multiple themes and rendered drawings of the property to ensure we exceeded our client's expectations.



When the project was finally selected, Miami Christmas Lights had the daunting task of installing over 11,000 strings of Christmas lights on over 470 trees working around the clock with several teams for a month straight. We utilized all of our resources to ensure the project was done on schedule and ready to go as the client had requested. We continually maintained the property sending a team of personnel every night to ensure the display was no

The project was so exceptional that local TV station Channel 7 sent a reporter to interview both the mall and our company. Thousands of customers flooded the mall to see the lights causing traffic jams as they stared in awe.

Aventura Mall was overwhelmingly pleased with the design, service and outcome of the project.

THE MIAMI CHRISTMAS LIGHTS PROMISE

Miami Christmas Lights knows that there are other options for holiday décor. Below are our promises to ensure you know that when you hire Miami Christmas Lights, you are getting the best in the business!



Design – Our sales team spends all off season traveling the world to different holiday décor shows to ensure we know the latest LED products and designs.

We promise to design an elegant, creative display that will create a “Wow” effect for your property!

Service – Miami Christmas Lights strives to exceed your expectations at every opportunity. Our friendly team will do everything we can to ensure you have an enjoyably holiday experience!

We promise to provide the best holiday decor service. Our team is available to help you with whatever you require, 24 hours a day.



Miami Christmas Lights



The Competition



Miami Christmas Lights



The Competition

Display – Miami Christmas Lights focuses on making each display magical. We do not “limit” the amount of lights we install on a display, but rather use the necessary amount to ensure it looks spectacular! We invest in each client to build long-term satisfied customers.

We promise to install the display correctly the first time and do everything in our power to exceed your expectation.

Products – Miami Christmas Lights only uses the BEST commercial grade LED products on the market. Our investment in our customers and these high quality 5MM injection mold LED lights ensures a remarkable display without eliminating all the headaches.

We promise to always use the best commercial grade LED products to ensure your design is spectacular!

TOWN OF SURFSIDE HOLIDAY LIGHT INSTALLATION



AREAS TO ILLUMINATE

96th St & Harding Ave to 95th st



Wrap 35' Medjool palm with Warm White 5 MM LED lights - At the turnoff from 96th St and Harding Ave



Wrap 10' Sabal palm with Warm White 5 MM LED lights - In the Pocket Parks at the beginning of Harding Ave by 96th St



Wrap 15' Sabal palm with Warm White 5 MM LED lights - In the Pocket parks on Harding Ave between 96th St and 95th St



Wrap 15' Medjool palm with Warm White 5 MM LED lights - On Harding Ave between 96th St and 95th Sts

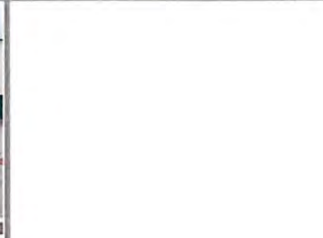
95th St & Harding Ave to 94th st



Wrap 15' Sabal palm with Warm White 5 MM LED lights - In the Pocket Parks on Harding Ave between 95th St and 94th St



Wrap 15' Medjool palm with Warm White 5 MM LED lights - On Harding Ave between 95th St and 94th St



PRODUCT PICTURES



Sabal 15' 5MM-WW

ESTIMATE

Customer Information	Quote Information
Town of Surfside Duncan Tavares 9293 Harding Ave Surfside, FL 33154 Ph: 305.864.0722 Em: dtavares@townofsurfsidefl.gov	Order Number: 14 - 229 Proposal Date: 2014-07-01 Contract Term: 2016 Install Date: 2014-10-13* Deposit Amount Due: \$19239.25 Deposit Method: Check

Item	Qty	Price	Total
96th St & Harding Ave to 95th st			
Medjool 35' 5MM-WW - At the turnoff from 96th St and Harding Ave	2	\$575.00	\$1,150.00
Crown 18" WW - For the Medjool Palms At the turnoff from 96th St and Harding Ave	2	\$300.00	\$600.00
Sabal 10' 5MM-WW - In the Pocket Parks at the beginning of Harding Ave by 96th St	2	\$175.00	\$350.00
Crown 12" WW - For the Sable Palm trees In the Pocket Parks at the beginning of Harding Ave by 96th St	2	\$100.00	\$200.00
Sabal 15' 5MM-WW - In the Pocket parks on Harding Ave between 96th St and 95th St	11	\$225.00	\$2,475.00
Crown 12" WW - For the Sabal Palm trees In the Pocket parks on Harding Ave between 96th St and 95th St	11	\$100.00	\$1,100.00
Medjool 15' 5MM-WW - On Harding Ave between 96th St and 95th Sts	37	\$225.00	\$8,325.00
Crown 18" WW - For the Medjool Palm trees On Harding Ave between 96th St and 95th Sts	37	\$300.00	\$11,100.00
95th St & Harding Ave to 94th st			
Sabal 15' 5MM-WW - In the Pocket Parks on Harding Ave between 95th St and 94th St	10	\$225.00	\$2,250.00
Crown 12" WW - For the Sabal Palm trees In the Pocket Parks on Harding Ave between 95th St and 94th St	10	\$100.00	\$1,000.00
Medjool 15' 5MM-WW - On Harding Ave between 95th St and 94th St	35	\$225.00	\$7,875.00
Crown 18" WW - For the Medjool Palm trees On Harding Ave between 95th St and 94th St	35	\$300.00	\$10,500.00
Equip - 50' Tow	1	\$1,250.00	\$1,250.00
		Sub Total	\$46,925.00
		18% Discount upon signing 3 year contract	\$8,446.50
		Grand Total	\$38,478.50
		DEPOSIT AMOUNT DUE	\$19,239.25

Notes

Power

96th St & Harding Ave to 95th st - 44.8 amps; **95th St & Harding Ave to 94th st** - 38.5 amps; Total: 83.3 amps
TBD

Insurance

Miami Christmas Lights carries \$3,000,000/\$4,000,000 commercial liability and \$1,000,000 workers compensation insurance. For copies of either policy, please ask your sales representative.

Terms and conditions

By my signature below, I certify that I have read and agree to the provisions set forth in this invoice and to the Miami Christmas Lights Standard Terms and Conditions posted at www.miamichristmaslights.com/termsandconditions which are incorporated by reference herein. **A deposit of 50% of the total invoice is required to reserve the installation time slot. Miami Christmas Lights will not begin any work until deposit is received. Agreement expires 2016 after season.**

Name: _____ Signature: _____ Date: _____

CUSTOMER CHECKLIST

Power

MCL requires Customer to supply sufficient power with outlets in adequate locations for the Decorations. We are unable to determine the load currently existing on the applicable circuits and suggest Customer has an electrician inspect their system to ensure adequate power prior to installation. MCL will provide total power required for the project in our proposal for Customer's convenience. MCL also requires Customer to identify and show the location of Customer's circuit breaker (and timer controls if applicable) prior to installation. MCL also requires access to these two items during installation.

Tree/Hedge Trimming

MCL requires all trees and hedges to be trimmed prior to the installation date reflected in the Invoice. Cut cords from trimming will be charged to Customer. Please advise your landscape crew of the lights to ensure no issues.

Lights and products

The Work includes all lights, extension cords, timers and decorations (the Decorations) for Customers' displays. After the season, MCL shall remove the lights and other Decorations from the Property. All Decorations remain the property of MCL.

Preventative Bubble Covers and GFI Outlets

All outlets should be equipped with an oversized bubble cover to prevent moisture from tripping the GFI. If the entire display connected to a single outlet is off, it is most likely caused by a "tripped" GFI or circuit. Customer is responsible for first resetting the GFI or circuit before requesting a maintenance specialist. Note: Power must be coming to the outlet to reset a GFI. If the outlet is on a timer, it cannot be reset until power is restored to the outlet.

Maintenance

In the event that lights malfunction and a maintenance issue arises; MCL has a 72 hour repair service. We will come to your location and fix or replace the broken item as quickly as possible. Please note: we are not responsible for lights that have been cut, damaged or destroyed by lawn crews. This is outside of our maintenance warranty and will be billed to Customer. Please alert your landscaper of the holiday lights on your property.

Sprinkler Systems

Please adjust your sprinkler system to operate only when the lights are off. If the sprinklers shower the lights in water the GFI may "trip" and cause problems to the display. We recommend using your sprinkler system starting at 9 am.

Removal

At Customer's request, MCL will come back and unplug the holiday lights on any date after December 25th. Removal of the lights and Decorations will start on January 2nd and will continue until January 31st. MCL will remove Customer's lights based on their geographic location and cannot guarantee a removal date. Please review all Terms and Conditions for service at www.miamichristmaslights.com/termsandconditions.

NEXT STEP

Dear Duncan,

Thank you again for allowing Miami Christmas Lights to present a proposal for your holiday light project. I know you will not be disappointed with our service, and we will exceed your expectations. Our company strives on building long term clients by providing the best holiday lighting design and installation service in the industry.

We are very close to finalizing your project. Please review the above proposal and let me know if we need to add or remove anything. To lock your installation date into our calendar, which is filling up quickly, we need the following:

- Signed quote from proposal package
- 50% deposit which can be taken over the phone or by mail

If there is anything I can assist with to help move the project forward, please do not hesitate to ask. I am here to assist in any way I can. Again thank you for your time. I and the entire Miami Christmas Lights team look forward to working with you!

Sincerely,



M Randy Meyerson
Director of Sales & Marketing
C: 786.587.5022
O: 305.432.2225

Happy Holidays

MIAMI CHRISTMAS LIGHTS 

miamichristmaslights.com
305-432-2225



Town of Surfside Commission Communication

Agenda Item # 9A

Agenda Date: August 12, 2014

Subject: Policy Regarding Walking Dogs on the Narrow Walk Path

Background: This item was discussed during the June 10, 2014 Regular Town Commission meeting and after some discussion Commissioner Olchyk made a motion to defer the item.

Attached please find the original item and the minutes from the June 10, 2014 Regular Town Commission meeting.

Sandra Novoa, Town Clerk

Michael P. Crotty, Town Manager

5/21/14

Agenda Items.

Condition of the scanning machine ~~and~~ ^{using} the room that stores it.

Review the enforcement of allowing dogs in the narrow walk path.

Presented by Marta Clahff

Please remember we have an agreement to please agenda items in the order they are presented in other words don't put it at the end since I'm not staying after 11:00 p.m.

Thanks,
MD

9. Mayor, Commission and Staff Communications

A. Discussion on Operating Hours of Grand Beach Skybar (Verbal) – Commissioner Michael Karukin

Commissioner Karukin made a motion to allow the Skybar to stay open until midnight provisionally until the end of summer 2014 and then reviewed again. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Cohen absent.

B. Condition of the Plans Scanning Machine – Commissioner Marta Olchyk
Ross Prieto gave an overview and update on the item.

C. Enforcement of Allowing Dogs in the Narrow Walk Path – Commissioner Marta Olchyk

Commissioner Olchyk had visuals of signs not allowing dogs and said these are not being enforced and wants to know what we are to do about it. Town Attorney Miller spoke on the legalities and what portion of land is owned by condominiums.

Public Speakers:

--Michael O'Hagan thinks the signs are illegal and should be removed but also said dog owners must be responsible and pick up after their animals. Roxanne Fontaine is in agreement with Mr. O'Hagan and expressed how important dogs are for many people.

--Monica Grandeze said the signs should be enforced and dogs do not belong to the beach. She also indicated that many owners do not pick up after their animals.

--Terry Cohen said more receptacles are needed for dog refuse.

Vice Mayor Tourgeman is a dog lover but agrees with Commissioner Olchyk that dogs should not be allowed on narrow walking paths.

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

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

D. Town Hall: Roof, Air Conditioning Issues and Remediation – Joseph Kroll, Public Works Director

Commissioner Karukin made a motion to have the a/c and remediation done as soon as possible. The motion received a second from Vice Mayor Tourgeman and all voted in favor with Commissioner Cohen absent.

E. Approval of Budget Schedule for FY 14/ 15 – Donald Nelson, Finance Director
Change of date for Special Budget Meeting now scheduled for Wednesday, July 16, 2014 (5:00-7:00 p.m.)

The Commission all approved the change in schedule with Commissioner Cohen absent.



**Town of Surfside
Town Commission Meeting
August 12, 2014
7:00pm**

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

DISCUSSION ITEM COVER MEMORANDUM

Title: Town Manager Recruitment Process – Evaluation Criteria

Submitted By: Daniel Dietch, Mayor

Objective: To establish evaluation criteria to apply to the top-ranked Town Manager candidates.

Consideration: The current recruitment process for a new Town Manager identified the nine most qualified candidates from amongst the 58 total applicants. By the time you read this Memorandum, we will have narrowed the number to five through a ranking process. The next step is to interview each of the five top-ranked candidates. Through this, we can personally assess the “fit” of each candidate in light of our expectations, needs and opportunities facing Surfside both short and long terms.

To establish a uniform process and to provide input based on my experience, I offer three evaluation criteria, in no particular order, for your consideration:

1. **Communication Skills**– what is the candidate’s approach to communication and what examples can he or she provide illustrating how he or she uses different communication approaches and skills to convey information and build consensus for both ordinary and extraordinary situations (e.g., with the Town Commission, staff, residents, business interests, etc.).
2. **Administrative Leadership** what is the candidate’s administrative experience and what examples can he or she provide on how he or she: 1) identifies issues and develops and implements actions plans before problems arise; 2) identifies opportunities and develops and implements action plans to achieve an outcome; and 3) develops and fosters teamwork and trust that results in an empowered administration that is motivated and satisfied.
3. **Management Style/Character** – what is the candidate’s temperament with examples of his or her own management style, personality type (self-assessment), motivation, judgment, adaptability and stamina.

I look forward to discussing these and your own suggested criteria so that we can reach consensus at the August 12th Commission Meeting on the evaluation criteria that we will all use when ranking the top five Town Manager candidates.