



**Town of Surfside
Town Commission Meeting
AGENDA
July 12, 2016
7 p.m.**

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

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Rule 6.05 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

** 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.*

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. July 2016 Donate Life Month Proclamation Presentation** – Mayor Daniel Dietch

2. Quasi-Judicial Hearings (None)

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

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

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

A. Minutes – Sandra Novoa, MMC, Town Clerk

June 9, 2016 Budget Workshop Minutes

June 14, 2016 Regular Commission Meeting Minutes

June 22, 2016 Special Commission Code Compliance Process and Priorities Meeting Minutes

B. Budget to Actual Summary as of April 30, 2016 – Guillermo Olmedillo, Town Manager

***C. Town Manager's Report** – Guillermo Olmedillo, Town Manager

- 1. See Click Fix
- 2. Development Applications
- 3. Code Compliance Cases
- 4. Prohibitions Regarding the Sale or Use of Expanded Polystyrene Food Service Articles
- 5. Code Compliance Workshop
- 6. Parks and Recreation Capital Project
- 7. Police Department June Significant Incidents/Arrests
- 8. Fourth of July
- 9. Parking Enforcement Officer Willie Perez
- 10. Click It or Ticket Campaign
- 11. Police Events
- 12. New Recycling Program
- 13. Information Technology and TV Broadcasts

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

E. Committee Reports – Guillermo Olmedillo, Town Manager

- May 16, 2016 Parks and Recreation Committee Meeting Minutes

F. FY 2015/2016 Budget Amendment Resolution – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL BUDGET RESOLUTION ADOPTED FOR FISCAL YEAR OCTOBER 1, 2015 TO SEPTEMBER 30, 2016; FOR THE PURPOSE OF AMENDING THE ANNUAL BUDGET IN THE CAPITAL PROJECTS FUND, POLICE FORFEITURE FUND, AND SOLID WASTE FUND; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinances

(Set for approximately 7:30 p.m.) (Note: Good and Welfare must begin at 8:15)

A. Second Reading Ordinances

1. Special Events Ordinance– Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING CHAPTER 35 ARTICLE I “SPECIAL EVENTS”; CREATING SECTION 35-5. “SPECIAL EVENTS INVOLVING THE COMMERCIAL USE OF SINGLE-FAMILY RESIDENTIAL PROPERTIES PROHIBITED”; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

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(Set for approximately 7:30 p.m.) (Note: Good and Welfare must begin at 8:15)

B. First Reading Ordinances

1. Sign Definition Modification Ordinance – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; SECTION 90-69. DEFINITIONS; AMENDING THE DEFINITION OF “AREA” OF A SIGN TO INCLUDE THE SUPPORTING STRUCTURE WITHIN THE MAXIMUM ALLOWABLE SIGN AREA; AMENDING THE DEFINITION OF “MONUMENT SIGN” TO ADD THAT THE BASE OF THE SIGN IS INDEPENDENT OF THE WALL, ENTRY FEATURE OR FENCE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

2. Roof Pitch Ordinance – Sarah Sinatra, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; SECTION 90-44. “MODIFICATIONS OF HEIGHT REGULATIONS”; SPECIFICALLY AMENDING SECTION 90-44.1 TO INCLUDE ROOF PITCHES AS AN ARCHITECTURAL ELEMENT WHICH MAY BE ERECTED TO A REASONABLE AND NECESSARY HEIGHT, CONSISTENT WITH AND NOT TO EXCEED LIMITATIONS AS SPECIFIED IN THE CODE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

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3. Beach Furniture Ordinance – Linda Miller, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE II “LOCAL BUSINESS TAX RECEIPT” OF CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING “SECTION 70-41 “LOCAL BUSINESS TAX SCHEDULE”; AMENDING CHAPTER 86 “WATERWAYS”; ARTICLE II, “PUBLIC BEACHES”, SPECIFICALLY AMENDING SECTION 86-26 “DEFINITIONS”; AMENDING SECTION 86-27 “INTENT OF ARTICLE”; CREATING SECTION 86-30 “BEACH FURNITURE”; CREATING SECTION 86-31 “BEACH FURNITURE PERMIT”; CREATING SECTION 86-32 “PERMIT CONDITIONS”; CREATING SECTION 86-33 “INDEMNIFICATION AND INSURANCE”; CREATING SECTION 86-34 “CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS”; CREATING SECTION 86-35 “RIGHTS; PAYMENT OF FINE; RIGHT TO APPEAL; FAILURE TO PAY CIVIL FINE OR TO APPEAL”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Resolutions and Proclamations

(Set for approximately 8:15 p.m.) (Note: Depends upon length of Good and Welfare)

A. Sid Tepper Street Designation – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, CO-DESIGNATING 89TH STREET AS “SID TEPPER STREET”; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO MIAMI-DADE COUNTY COMMISSIONER SALLY HEYMAN FOR SPONSORSHIP OF A RESOLUTION FOR CONSIDERATION AND APPROVAL BY THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR APPROVAL; PROVIDING FOR IMPLEMENTATION AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

7. Town Manager and Town Attorney Reports

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

All items on the Consent Agenda are considered routine or status reports by the Town Commission and will be approved by one motion. Any Commission member may request 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. **Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2015** – Guillermo Olmedillo, Town Manager
- B. **Miami Dade County Board of County Commissioners – Two Historic Preservation Ordinances passed June 7, 2016 – First Reading** – Guillermo Olmedillo, Town Manager
- C. **Procedures to Regulate the Submittal of Electronic Presentations to the Town Clerk Prior to a Public Meeting** – Guillermo Olmedillo, Town Manager

10. Adjournment

Respectfully submitted,



Guillermo Olmedillo
Town Manager

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

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

AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE

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

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

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



**Town of Surfside
Town Commission Budget Workshop
MINUTES
June 9, 2016
5:00 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 5:03 P.M.

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Daniel Dietch, Commissioner Tina Paul and Commissioner Daniel Gielchinsky. Vice Mayor Barry Cohen and Commissioner Michael Karukin were absent. Commissioner Karukin arrived at 5:05 p.m.

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance

2. Discussion and Input of Upcoming FY 16/17 Budget – Guillermo Olmedillo, Town Manager

Manager Olmedillo presented the budget under General Funding. Before the presentation the calendar for future Budget Meetings was reviewed for any conflicts. The July 12th meeting date has been changed to July 20th at 5:00 p.m.

Finance Director Donald Nelson gave an overview on how the budget works. He then gave a presentation on the proposed budget. He explained that some numbers may change as on July 1st they will receive the Property Appraisers tax value for the town. He gave the dates of future hearings regarding the budget. Director Nelson gave a detailed presentation on the budget and said there was a strong growth last year in assessed value without adding new construction. He said the tax millage rate set to date is 5.0293 and noted the income it would generate. Manager Olmedillo explained the column regarding unfunded items and Director Nelson said they will be considered for approval only if there could be a balanced budget.

The Commission went through each section of the budget. Commissioner's asked questions as they went through the line items one by one. Manager Olmedillo explained the need for a new position of an Assistant Town Manager. He said the Commission is free to express their views on the candidate but the final decision will be that of the Town Manager. Commissioner Gielchinsky supports the position and trusts Manager

Olmedillo's selection of the new hire. Commissioner Karukin went over the funding for the item.

There was a lengthy discussion regarding property assessed value and tax income as well as millage rate. The Commission supports the new position of Assistant Town Manager and would like to consider funding for staff for an Educational Assistance Program.

Commissioner Gielchinsky said the Planning and Zoning Board is asking for resources to study sea level rise and streetscape issues such as undergrounding utilities, sidewalks and shade trees. He praised the Planning and Zoning Board and supports their requests. He thinks we should have a plan in place a year from now. He believes there should be a study on cost analysis to underground utilities, sidewalks and shade trees. Commissioner Karukin respectfully disagreed with some of the issues. He said sea level rise is now part of the Comprehensive Plan requirement as well as being studied by various groups and committees which the town can be part of. He will only support this if the sea level rise issue and the newly formed subcommittee can use the process as part of the Comprehensive Plan.

Mayor Dietch speaking on streetscape issues believes we can use the resources we have now and perhaps if we have an Assistant Town Manager he can organize dealing with these items. Commissioner Paul questioned why the underground utilities only included one street and not town wide. Commissioner Karukin questions the undergrounding because of our low sea level.

Town Planner Sinatra spoke about the EAR which is like a report card and gave an explanation which includes State law.

Commissioner Gielchinsky asked that we do a study so when the funding is available we can move forward. Director Nelson said the budget line item was for an updated town wide study.

Mayor Dietch asked that a report be prepared and given to the Commission between July 12 and September 13th on this issue. Commissioner Gielchinsky requested that shade trees and sidewalks be included in the report. Commissioner Karukin requested that line items for shade trees, sidewalks and undergrounding be separated as to what each item would cost.

Mayor Dietch recognized Representative Geller who joined the meeting.

Manager Olmedillo continued explaining the need for an additional staff person in customer service and also the benefits of digitalization of records. Director Nelson said the digitizing would be out sourced and records be kept offsite. Building Official Ross Prieto gave further details and said it is public record and anyone could have access online.

Under Public Safety the Chief is asking for additional staff. The Mayor asked what he would prefer two PSA's or one police officer. Chief Allen said he would want both and gave his reasoning. Commissioner Paul asked how he felt about one police officer and one PSA. The Chief said he could agree to that. The Mayor said the Commission is

supportive of one and one. Also, under the Public Safety budget replacement vehicles were discussed. The Commission was supportive of three new vehicles as the Chief was asking for five.

Commissioner Karukin asked for a breakdown of all our software maintenance and Director Nelson said he can provide that information.

Under Parks and Recreation, the Earth Day Event was talked about and the Mayor thinks it is an important event and this year's event was very successful. He suggests looking into partnering with our neighboring communities and to also find other ways to support this event without going into the General Fund.

Dog stations were discussed and the problems of placement of new stations. Besides dog stations, Commissioner Paul said we also need more trash cans and Commissioner Karukin said there is also a problem of placement.

Commissioner Karukin asked for more information on the reserve fund and Director Nelson gave details.

The Commission moved out of the General Fund and on to the Capital Improvement Fund. Manager Olmedillo gave an update regarding the sewer model capacity.

Under the Municipal Parking Fund pay stations were discussed and Commissioner Karukin said many foreign visitors have a problem understanding it. It was suggested that pay by phone is a good option to use. The Mayor asked if the Commission could get some customer feedback. Chief Allen explained the machines are old and problems arise.

Solid Waste was discussed and some new receptacles needed.

The Mayor opened the public speaking.

Public Speakers:

-Barbara Cohen commended the Commission and speaking on behalf of the Tourist Board they would like a new push for a new bid for downtown, the feasibility of a consultant for the addition of a second floor on the community center building with a plan that people can still use the building while the addition is constructed. If a second floor is not possible then a discussion to create a meeting, cultural and entertainment community center with parking, on top of the parking garage across from the community center. She also said there is a need for additional parking spaces at the community center especially when there are special events and meetings.

-Victor May had a presentation and asks his neighbors to stand together against injustices and corruption in the city's government and that they should not accept the budget put together by the city that really did not consider its residents. Mr. May's presentation was 20 pages and although his time ran out he was allowed to make a closing statement.

Mayor Dietch said he heard the word corruption mentioned several times and said one may go to the website or on line to select agencies such as State Attorney's Office, FBI, Commission on Public Trust and said on behalf of his colleagues they do not stand for a

hint of any impropriety and if there is any evidence on impropriety to report it and do something about it and not just make statements. Commissioner Gielchinsky took offense at the suggestion of corruption and said they are all volunteers and reminded everyone that Mr. May ran for Mayor in the last election and received a total of only 90 votes which expresses what the residents really thought of his platform.

Closing the public hearing the Mayor thanked all for sharing their thoughts. The Town Manager said he had the direction he needed. He said by July 1st they will have the details. There will be a summer study between July 12 - September 13, 2016.

3. Adjournment

The meeting adjourned at 7:38 a.m.

Respectfully submitted,

Accepted this ____ day of _____, 2016

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk



**Town of Surfside
Town Commission Meeting
MINUTES
June 14, 2016
7 p.m.**

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

1. Opening

A. Call to Order

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

B. Roll Call of Members

Town Clerk Sandra Novoa called the roll with the following members present: Mayor Daniel Dietch, Commissioner Michael Karukin, Commissioner Tina Paul and Commissioner Daniel Gielchinsky. Vice Mayor Barry Cohen was absent.

Commissioner Gielchinsky made a motion to permit Vice Mayor Cohen to participate by phone. The motion received a second from Commissioner Paul and all voted in favor.

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance

D. Mayor and Commission Remarks – Mayor Daniel Dietch

Commissioner Paul asked all to please stand with her and with Orlando and for the gay community of the world. She thanked the community for electing and accepting her and she is very proud to be able to serve. Commissioner Gielchinsky gave an update on conversations he had with various members of the community and said the number one issue appeared to be the undergrounding of power lines, second being gating and traffic alleviation. Commissioner Karukin said not everyone endorses the gating process. Mayor Dietch said he stands in support of the people in Orlando and his heart goes out to the people there. Vice Mayor Cohen thanked the people who have expressed their wishes for his recovery. The Vice Mayor suggested a Dance Challenge within the town and other communities.

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

Item 8 from Town Manager's Report was linked with Item 5B Ad Hoc Citizen Traffic Mitigation Advisory Committee. Item 5A Sustainability Subcommittee of the Planning and Zoning Board was linked to with Item 9J Sustainability Subcommittee and the Comprehensive Plan.

Move up on the agenda Items 5I School Nurse Initiative and 9E Miami Dade Urban Debate League.

Commissioner Karukin made a motion to accept the linkages and moving of items. The motion received a second from Commissioner Gielchinsky and all voted in favor.

F. Community Notes – Mayor Daniel Dietch

The Mayor recognized two surfside students who received awards, Sofia Gutterez for Outstanding Art Student and Sofia Iacobacci as Outstanding Surfside Resident. On Flag Day, Chief Allen was recognized as Officer of the Year by the American Legion. Mayor Dietch commented on the moving ceremony of the burning of the American flag. The Mayor announced honors the city has received and the upcoming community events which can be found in the Gazette and on the Town's website.

G. National Flood Insurance Program Community Rating System – Mayor Daniel Dietch

The Mayor gave an overview on the item and a discount has been restored with the anticipation of a larger discount in the future. He displayed and read a plaque the city has received.

2. Quasi-Judicial Hearings (None)

3. Consent Agenda

Pulled Items:

Commissioner Paul pulled item 3A and 3C. Mayor Dietch pulled item 3A. Commissioner Karukin pulled item 3B and Item 3C.

Commissioner Paul made a motion to approve the consent agenda minus the pulled items. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent for the vote.

A. Minutes – Sandra Novoa, MMC, Town Clerk

B. May 10, 2016 Regular Commission Meeting Minutes (Item Pulled)

Commissioner Paul had a correction to the wording and should read “Commissioner Paul asked if the cost of the vehicles could be offset by use at construction sites and if the older cars be used at the construction sites.”

Mayor Dietch had a correction “Max Liefer representing Deco Capital”

C. Budget to Actual Summary as of March 30, 2016 – Guillermo Olmedillo, Town Manager

***C. Town Manager's Report – Guillermo Olmedillo, Town Manager**

1. See Click Fix
2. Development Applications
3. Code Compliance Cases
4. Prohibitions Regarding the Sale or Use or Expanded Polystyrene Food Service Articles
5. Code Compliance Workshop
6. Parks and Recreation Programs
7. Police Department May Significant Arrests

8. Traffic Management Report (pulled item)
Commissioner Gielchinsky made a motion that direction be given to the Manager to continue to move forward with recommendations. The motion received a second from Commissioner Karukin and all voted in favor. Vice Mayor Cohen was absent.
9. Sergeant's Promotional Examination
10. Opening for Community Service Aide Position
11. Trial Program – Surfside Residential Overnight Parking (Linked with Item 5B)
Commissioner Paul said she had suggested the hours of 7:00a.m.-7:00 p.m. much like Miami Beach.
12. Multi-Agency Traffic Educational/Enforcement Event
13. Police Events
14. New Recycling Program
15. Information Technology and TV Broadcasts

Commissioner Karukin made a motion to approve the pulled consent agenda items. The motion received a second from Commissioner Gielchinsky and all voted in favor. Vice Mayor Cohen was absent.

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

E. Committee Reports – Guillermo Olmedillo, Town Manager

- February 24, 2016 Pension Board Meeting Minutes
- April 18, 2016 Parks and Recreation Committee Meeting Minutes
- April 28, 2016 Planning and Zoning Board Meeting Minutes

F. Mutual Aid Agreement between the City of North Miami Beach Police Department and the Town of Surfside Police Department – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACKNOWLEDGING THE MUTUAL AID AGREEMENT BETWEEN THE CITY OF NORTH MIAMI BEACH, FLORIDA POLICE DEPARTMENT AND THE TOWN OF SURFSIDE, FLORIDA POLICE DEPARTMENT; AUTHORIZING THE TOWN MANAGER AND CHIEF OF POLICE TO EXECUTE AND IMPLEMENT THE TERMS AND CONDITIONS OF THE MUTUAL AID AGREEMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Approved on consent.

G. Proclamation Request – Declaring July 2016 as Donate Life Month in Support of the Life Alliance Organ Recovery Agency – Mayor Daniel Dietch
Approved on consent.

H. Report on Code Enforcement Petitions received on April 21, 2016 and May 3, 2016 from Mr. Jonathan Horn – Sandra Novoa, MMC, Town Clerk
Approved on consent.

4. Ordinances

A. Second Reading Ordinances

- 1. Planning and Zoning Design Review Board Membership Ordinance – Guillermo Olmedillo, Town Manager**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS” CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE PLANNING AND ZONING BOARD; SPECIFICALLY AMENDING SECTION 90-18 “DESIGN REVIEW BOARD” CHANGING THE LICENSE AND PROFESSIONAL EXPERIENCE REQUIREMENTS FOR MEMBERS SERVING ON THE DESIGN REVIEW BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Gielchinsky made a motion for discussion. The motion received a second from Commissioner Karukin. Commissioner Gielchinsky said he was satisfied with the ordinance.

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

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

B. First Reading Ordinances

1. Construction Hours and Notice – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING “CHAPTER 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE II. - BUILDING CODE”; SPECIFICALLY CREATING SECTION 14-32; “CONSTRUCTION SCHEDULE AND NOTICE”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Paul made a motion for discussion. The motion received a second from Commissioner Gielchinsky.

Commissioner Gielchinsky had questions regarding weekend work, and no work on Sunday. Commissioner Karukin was not comfortable with the wording of the ordinance as it states that even a home owner is not able to work on their home on a Sunday. Manager Olmedillo gave further details on repair and maintenance and construction noise.

The Mayor opened the meeting to public speakers.

-Terry Cohen said last Sunday her neighbor had a tree trimming company do work. She believes that if one is doing work inside their home with no disturbance to neighbors it should be allowed even on a Sunday.

-Jonathan Horn said this is a quality of life issue and on weekends repair or maintenance work that are noisy should not be allowed.

-George Kousoulas thought the basics of the ordinance was good and suggested that one could check with the definitions of our building codes and code compliance to see if what is being done is an alteration or a repair.

-Laurie Kahn said home construction work is being done on weekends because there is no one who can stop them.

Commissioner Paul and Mayor Dietch thought the suggestion from Mr. Kousoulas about the definitions in our building codes and code compliance idea could be referred to in the ordinance. The noise ordinance could also be referred to. There was further discussion regarding weekend work and commercial workers and homeowners doing work on their home. The definition of emergency repairs was mentioned and the need for approval by the City Manager.

The Mayor paused the item to go to Good and Welfare.

There was further discussion regarding permit work or non-permit work on a Sunday also if one is doing work themselves or commercially done. Manager Olmedillo explained that the noise issue is separate. Building Official

Ross Prieto explained permit vs. non-permit work but explained that it is not what type of work that is being done but how it is being performed and the noise that it can generated. Hours of operation was also discussed.

The Manager was given direction regarding permitted and non-permitted work and the hiring of people to do work on Sundays. Hours of operation was defined and emergency work. The ordinance will come back for a second reading in August.

Commissioner Paul made a motion to accept with changes. The motion received a second from Commissioner Gielchinsky. The motion passed 3/2 with Commissioner Karukin and Vice Mayor Cohen voting in opposition.

2. Amending Special Events Ordinance – Guillermo Olmedillo, Town Manager

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING CHAPTER 35 ARTICLE I “SPECIAL EVENTS”; CREATING SECTION 35-5. “SPECIAL EVENTS INVOLVING THE COMMERCIAL USE OF SINGLE-FAMILY RESIDENTIAL PROPERTIES PROHIBITED”; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the ordinance. Manager Olmedillo presented the item.

Commissioner Gielchinsky made a motion for discussion. The motion received a second from Commissioner Karukin.

Public Speaker Terri Cohen said this is an ongoing problem where there are rentals of homes for commercial parties. It creates traffic problems and when approached by police the owner tells them it is a private party even though there are different events and there is no way to prove it is not a private party.

The Mayor suggested that under Subpart D.1.C we amend the ordinance to include language as to the issuance of violations and if there is habitual abuse there will be prohibition of any future special events. The Manager agrees there should be violations issued and then taken before a magistrate to present our case.

Commissioner Karukin asked if this precludes a garage sale and does it present any conflicts with any of our other codes. Manager Olmedillo said garage sales are separate from this ordinance and referred to the Town Attorney regarding conflicts with other codes which there are no conflicts. Commissioner Karukin asked that the ordinance be amended to include areas H30A and H30B.

Commissioner Gielchinsky made a motion to accept with the amendments made by Commissioner Karukin and Mayor Dietch. The motion received a second from Commissioner Karukin and all voted in favor.

3. Sheds – Sarah Sinatra Gould, AICP, Town Planner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; SEC. 90-19. “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS”; SPECIFICALLY AMENDING SECTION 90-19.7 EXEMPTING SHEDS FROM PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD REVIEW AND PROVIDING THE DESIGN GUIDELINES SHALL BE FOLLOWED; AMENDING “SECTION 90-54 “ACCESSORY BUILDINGS AND STRUCTURES IN THE H30A AND H30B DISTRICTS” SPECIFICALLY AMENDING SECTION 90-54.7 RELATED TO SHEDS AND LANDSCAPE REQUIREMENTS; 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 Sinatra presented the item.

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

Public Speaker Larisa Alonso thanked the Commission for making this easier for residents and perhaps other codes should be looked at that may help residents.

5. Resolutions and Proclamations

A. Sustainability Subcommittee of the Planning and Zoning Board – Guillermo Olmedillo, Town Manager (Linked to Item 9J)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE TOWN OF SURFSIDE SUSTAINABILITY SUBCOMMITTEE OF THE PLANNING AND ZONING BOARD TO MEET ON A PERIODIC BASIS; PROVIDING FOR RULES AND PROCEDURES; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Paul made a motion to accept. The motion received a second from Commissioner Gielchinsky and all voted in favor.

B. Ad Hoc Citizen Traffic Mitigation Advisory Committee – Guillermo Olmedillo, Town Manager (Linked to Manager’s Report Item B)

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ESTABLISHING THE TOWN OF SURFSIDE AD HOC CITIZEN TRAFFIC MITIGATION ADVISORY COMMITTEE; TO EXIST FOR THREE (3) MONTHS IN DURATION AND TO HOLD THREE (3) MEETINGS; TO STUDY, REVIEW AND TO PROVIDE RECOMMENDATIONS FOR THE DEVELOPMENT OF THE COMPREHENSIVE TRAFFIC MITIGATION PROGRAM PROVIDING; PROVIDING FOR RULES AND PROCEDURES; PROVIDING FOR AUTHORIZATION AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Karukin does not support this and gave his reasons. He feels it is not an effective use of the town’s resources as this has been covered excellently by Chief Allen. Mayor Dietch said not all issues are being solved and there is a need for organization so we can better address the community as to when things are proposed to be done. Commissioner Karukin suggested adding language as to communication with the community to the Charter. Manager Olmedillo and Chief Allen gave more insight on the item. Commissioner Paul feels this committee gives the residents a voice and said she attended a traffic meeting which was well attended and is in favor. Commissioner Gielchinsky was weighing his decision and is not sure if it is a good idea but also said it is only three meetings. Vice Mayor Cohen thinks it is a good idea and would like to go forward with it. Selection of committee members was discussed as by geographic areas and problem areas. The Mayor directed the Town Manager to better define the function of the committee.

Public Speaker Victor May believes this is a good idea and agrees that we have no goals.

Mayor Dietch appointed Clara Leal-Diaz Parker to the committee and Commissioner Karukin said he would like to be the liaison. Commissioner Paul appointed Deborah Cimadevilla and Commissioner Karukin appointed Juan Borges. Vice Mayor Cohen and Commissioner Gielchinsky will make their appointments at a later date.

Commissioner Paul made a motion to accept. The motion received a second from Commissioner Gielchinsky. The motion passed 4/1 with Commissioner Karukin voting in opposition.

C. Mill and Pave 88th Street East of Collins – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED PROPOSAL/CONTRACT TO M&M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING; TO MILL AND PAVE 88TH STREET EAST OF COLLINS AVENUE; AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$18,294.00 FROM THE FISCAL YEAR 2015/2016 TRANSPORTATION FUND ACCOUNT NO. 107-8500-549-4911; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution. Town Manager Olmedillo gave more details on the item.

Commissioner Paul made a motion for discussion. The motion received a second from Commissioner Karukin.

Commissioner Paul asked what can be done to improve safety on 88th Street. The Mayor urged residents to all call the police if they see a vehicle driving on the beach area.

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

As a point of order, Commissioner Gielchinsky made a motion to take Item 9D next. The motion received a second from Commissioner Karukin and all voted in favor.

D. Approval of Expenditure for Emergency Repair to Sanitary Lift Station Pump – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT OF \$17,000.00 FROM THE FISCAL YEAR 2015/2016 WATER AND SEWER REPAIR AND MAINTENANCE ACCOUNT NO. 401-9900-536-4601 FOR THE EMERGENCY REPAIR TO A SANITARY LIFT STATION PUMP; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

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

- E. Purchase a stand-by sanitary pump for lift stations as sole source to match existing pumps in operation – Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$35,000.00 FROM THE FISCAL YEAR 2015/2016 MACHINERY AND EQUIPMENT ACCOUNT NO. 401-9900-536-6410 PURCHASE A HOMA AMX644-350/60GU/CFM DRY PIT NON-CLOG SEWAGE PUMP FROM BARNEY'S PUMPS, INC.; WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(6) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

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

- F. Surfside Seawall Replacement Project Phase II – Award Contract to Pac. Comm. Inc.– Guillermo Olmedillo, Town Manager**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AWARDED A CONTRACT TO PAC COMM, INC. FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2015/2016; TRANSFERRING FUNDS IN THE AMOUNT OF \$376,750.00 FROM THE STORMWATER FUND TO THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340; APPROPRIATING FUNDS IN THE CAPITAL PROJECTS FUND; AUTHORIZING THE EXPENDITURE OF THE AMOUNT NOT TO EXCEED \$723,000.00 FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340 FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Gielchinsky made a motion for discussion. The motion received a second from Commissioner Karukin.

Commissioner Gielchinsky asked if the contractor would honor the same pricing to residents if they wished to avail themselves. The Town Manager

said yes. Commissioner Gielchinsky asked if the money was there and the Town Manager said yes it is in the Water and Sewer account.

Public Speaker Mr. May said there was discrimination as not all ideas are listened to. He spoke about previous repair of our seawall and now a similar replacement. The Mayor gave an update of the item to Mr. May to better answer his concerns. Commissioner Gielchinsky said this is an opportunity for residents to take advantage of the pricing to repair their seawalls.

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

G. Surfside Seawall Replacement Project Phase II – Professional Engineering Services - Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING WORK AUTHORIZATION NO. 98 SEAWALL GRANT APPLICATION AND MANAGEMENT FOR THE SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2015/2016; TRANSFERRING FUNDS IN AN AMOUNT OF \$65,257.73 FROM THE STORMWATER FUND TO THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340; APPROPRIATING FUNDS IN THE CAPITAL PROJECTS FUND; AUTHORIZING THE EXPENDITURE OF THE AMOUNT NOT TO EXCEED \$65,257.73 FROM THE CAPITAL PROJECTS FUND ACCOUNT NO. 301-4400-541-6340 FOR SURFSIDE SEAWALL REPLACEMENT PROJECT PHASE II FOR PROFESSIONAL ENGINEERING SERVICES; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Gielchinsky. All voted in favor with Vice Mayor Cohen absent.

Chris Giordano from CGA gave information regarding inspection and the expenses. The Town Manager was directed to notify residents of the availability of seawall repair.

Vice Mayor Cohen left the meeting at 12:14 a.m.

H. Approval of Expenditure for Enhancement and Replacement of A/C Ductwork and Variable Air Volume Boxes – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PROPOSAL AND SALES AGREEMENT FROM D.A.C. AIR CONDITIONING CORP.; AUTHORIZING THE TOWN MANAGER AND/OR DESIGNEE TO EXPEND FUNDS IN THE AMOUNT OF \$33,567.00 FROM THE CAPITAL IMPROVEMENTS TOWN HALL IMPROVEMENTS ACCOUNT NO. 301-4400-539-6220 FOR ENHANCEMENT AND REPLACEMENT OF AIR CONDITIONING DUCTWORK AND VARIABLE AIR VOLUME BOXES; WAIVING THE BID PROCESS PURSUANT TO SECTION 3-13(6) OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution.

Commissioner Karukin made a motion for discussion. The motion received a second from Commissioner Gielchinsky.

The Mayor asked the Town Manager if this was the end of the road. Town Manager Olmedillo and Public Works Director Kroll believe this will make things much better. The Town Manager said they will have to include a warranty disclosure provision as this was a concern of Commissioner Karukin.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Paul. All voted in favor with Vice Mayor Cohen absent.

I. School Nurse Initiative – Guillermo Olmedillo, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MIAMI BEACH, NORTH BAY VILLAGE, THE TOWN OF BAY HARBOR ISLANDS, THE VILLAGE OF BAL HARBOUR AND THE MIAMI BEACH CHAMBER EDUCATION FOUNDATION; TO SUPPORT AND ENHANCE THE NURSE INITIATIVE FOR 2016-2017 SCHOOL YEAR; AUTHORIZING THE APPROPRIATION OF \$3,667.00 FROM THE FISCAL YEAR 2016-2017 ANNUAL BUDGET FOR THE TOWN OF SURFSIDE'S PROPORTIONATE SHARE OF FUNDING FOR THE NURSE ENHANCEMENT INITIATIVE; SUBJECT TO APPROVAL IN THE TOWN OF SURFSIDE FISCAL

YEAR 2016-2017 ANNUAL BUDGET; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Sandra Novoa read the title of the resolution. Dr. Rosenfeld representing the City of Miami spoke about the program.

Commissioner Karukin made a motion to approve. The motion received a second from Commissioner Paul. The motion passed 4/1 with Vice Mayor Cohen absent for the vote.

6. Good and Welfare

Mayor Dietch opened the meeting to Good and Welfare.

Public Speakers

-Victor May (The Mayor asked Mr. May to give the Town Clerk a copy of his presentation a day before so arrangements can be made for him to give his visual presentation.) He spoke about seawalls and repairs and replacements.

-Jonathan Horn asked if there was a way to separate Biscaya Drive and the petition they presented. The Mayor said the ordinance on hours of operation was discussed earlier, there will be a workshop and the residents of Biscaya Drive have other initiatives they may seek. He also said they need leadership on some of their issues.

-Deborah Cimadevilla asked Commissioner Gielchinsky who was asking for the undergrounding of utilities and said she found online an article on Surfside and why it was not a good idea. She also mentioned the flooding issue on Abbott Avenue. She asked they not spend money on undergrounding and check the factual information.

-Terry Cohen spoke about a dock on 96th Street. She also spoke about the noise ordinance and the difference between a private and commercial party. She suggested a code compliance officer be on call on weekends when these events occur.

-Marianne Meischeid spoke about the temporary certificate of occupancy given to the Marriott in the amount of \$7,500 and wanted to know why the amount was so small which was set aside to improve the entrances on 92nd Street. She wanted to know where the plan is to beautify 92nd Street.

-Jeff Platt spoke about the direction of the town which was considered residential but feels that is changing to become a tourist town. He feels there have been private meetings with developers and not through the City Manager which is not the proper way things should be done.

-George Kousoulas spoke on the unique dune system which is a communal thing. His concern is the many crossovers which have been made and now the Chateau is planning a crossover which he feels is redundant and is a threat to storm surge. He blames the town for allowing this to have happened.

-Larisa Alonso spoke on the 92nd Street shower station which needs to be fixed and also if there was a way to spend money on improving access to the beach instead of undergrounding utilities. She also said the Surfside public bus is very dirty and needs cleaning. She feels the Tourist Board is not acting appropriately as they do not have the members needed that have hotel and hospitality experience. She also commented on the crossover the Chateau is building and feels it should not have been allowed.

-Louis Cohen suggested that all new building developments should have more LEED (Leadership in Energy and Environmental Design). He also would like to see the Commission consider extended and staggered terms.

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

Commissioner Karukin would like more information regarding the crossovers and the dunes as he has no knowledge of this issue. Regarding the town going from residential to tourist he said that was not accurate as we once were considered tourist and went to residential and now we are part tourist. The money tourism generated helps the town in the general fund. He also spoke about the undergrounding and would like to get more information on the pros and cons.

Commissioner Paul agrees with Mr. Cohen about more LEED. She said she was not aware of the certificate of occupancy mentioned but feels we should welcome the new residents as it is good for the town and brings in more income. She agrees with the idea of ramps and improving beach access. Regarding docks there are many safety and liability issues involved but likes the idea. She does believe we need code enforcement on the weekends. She suggested something like golf carts to transport people and people can tip the driver something like they have on Miami Beach.

Commissioner Gielchinsky believes the boat dock is a great idea but they would have to weigh the pros and cons. Regarding the dune issue and crossover he asked if anyone had any information on this to please let them know. Regarding the undergrounding he said many families/people are in favor of it. He gave an overview of his experience working with undergrounding utilities. He said they would like to do a study how this can be done in Surfside.

Commissioner Karukin said many years ago they did look into having a boat dock and the town attorney said there were many liabilities involved as well as the proximity to some of the residential homes and also people using it that are not Surfside residents. There would also be parking and traffic issues. He said the golf cart idea also did come up once before as well as having rickshaws.

The Mayor said the Town Manager has all the information regarding the certificate of occupancy and one could speak with him if they have further questions. He said the town has changed and we are not just a tourist town and referred to what Commissioner Karukin indicated and one can go back in time and see the history of Surfside. He also said they are always trying to improve the city's streets and the showerhead in question will be fixed if dangerous. He also commented on the extended and staggered terms and agrees with more LEED requirements even on the residential side.

The Mayor then continued with Item 4B-1.

7. Town Manager and Town Attorney Reports

Town Manager and Town Attorney Reports have been moved to the Consent Agenda

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

- A. Boards and Committees Appointments** – Guillermo Olmedillo, Town Manager
Commissioner Gielchinsky nominated Richard Iacobacci to the DRB/Planning and Zoning Board. George Kousoulas was nominated to the Environmental Sustainability Resources Sub-Committee.
- B. Town Asset Maximization Diagrams**– Guillermo Olmedillo, Town Manager
Manager Olmedillo presented the item on ways of beautifying the town. The Commission were all in favor of this plan. Public Speaker George Kousoulas said he thought the Manager’s plan was fantastic.
- C. Demolition permitting for Single Family Homes with Architectural or Historic Significance** – Linda Miller, Town Attorney
Attorney Miller presented the item. Commissioner Paul explained further and had some photos to support this. There was further discussion on historic preservation. Building Official Ross Prieto and Assistant Town Attorney Jane Graham addressed some of the concerns of the Commission. Public Speaker George Kousoulas spoke on the item and said this does not address all issues.

Commissioner Paul made a motion to proceed with working with the Miami-Dade Historic Preservation Board to help staff prepare legislation. The motion received a second by Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

Commissioner Paul made a motion to extend the meeting to 1:15 a.m. The motion received a second from Commissioner Karukin and all voted in favor with Vice Mayor Cohen absent.

- D. Beach Chairs Plan** – Guillermo Olmedillo, Town Manager
Manager Olmedillo presented the item.
The Mayor opened the public speaking.

Public Speakers:

- Marianne Meisheid feels the Manager’s plan is not good and needs planned property owners only with no vendors.
- Harald Bindeus representing the Grand Beach Hotel spoke about too much regulation. He thinks the Manager’s plan is good and they are working with the town to come together. He explained the need for beach services and the benefits of having this hotel and the income it generates for the town.
- Sean McKeen General Manager of the Marriott said here should be complete deregulation.
- Jean-Michel Kling, General Manager of the Grand Beach Hotel said guests at the hotel have the same rights as residents. They are entitled to having beach chairs and they have been working with the town on this issue.
- Jeff Platt is not in favor of the plan and said it only mentions vendors and do the residents want vendors on the beach. From 7:00 a.m. areas are already set up with beach chairs.

-Clara Diaz-Leal believes the plan is okay but lacks specifics. She does not have a problem with licensed vendors but there should be more flexibility in making this workable.

-Deborah Cimadevilla is upset we are still talking about this as the residents have spoken. She is not in favor of the plan and a year ago we all spoke about chairs being placed as needed only. There were other issues she spoke about regarding beach access and the residents should have at least 60% of the beach.

-Maria Perez a local resident and broker said she has never had problems with the beach area but we could use a lifeguard.

-Reed Kandalraft, General Manager of the Four Seasons supports the Managers plan.

-Moniur Mojchrad wants to be assured there will always be space for residents on the beach.

-Joe Benton supports the Town Manager's plan and said we should be focusing on the dune.

-Oscar Chavez has property on the beach and pays high taxes and mentioned the problems all the new hotel construction has caused. He feels all these hotels will be taking over the entire beach. He believes they should have only 30% of the beach and is against any vendors.

-Patricia Fernandez is fighting for the preservation of Surfside as a community and said we need regulation regarding beach chairs.

-Monica Otano is concerned about the Manager's plan and believes we need regulation of beach chairs.

Commissioner Karukin made a motion to extend the meeting to 1:00 a.m. The motion received a second from Commissioner Paul and all voted in favor.

-Larisa Alonso asked why this cannot be regulated. If commercial chairs are placed everywhere she asks how can children play on beach. Chairs are being stored on the dunes and the plan does not address storage. Take a look at other areas where residents are being pushed out of their beaches.

-Jessica Weiss believes it is a small group that is very vocal and believes there is no problem with the chairs and she has no issue.

-Sara Liss said there seems to be a lot of passion and concern and feels there is a time for action.

-George Kousoulas has looked at this issue in several ways and believes the simple plan is ok but because it is simple it can create chaos. Upland property should be included in the plan.

-Victor May shares concerns of residents and residents should have access to the beach.

Commissioner Paul said we should all want to find the right balance for access to the beach. She does feel there should be some regulation and does not want to see a sea of beach chairs set up along the beach that may infringe on resident's rights.

Commissioner Karukin believes there should be limits on the opening chair count. The upland use sounds reasonable as well. He reminded all that it is not "our beach" but beaches belong to the State and Surfside does not own it.

Commissioner Karukin asked if we can get a definitive answer on limits and percentages. Manager Olmedillo said with his conversations with DEP we cannot control vendors and it is very difficult even to deal with percentages. Vendors also have to be sponsored and not just any vendor can come out and set up. They gave specific feedback that the only thing we can control is health, safety and welfare.

The Mayor said to reflect back to the manager our feedback so we can move forward with regulatory framework.

Commissioner Gielchinsky does not believe there is a problem with beach chairs and at this time feels there is no need for regulation and does not believe we should spend any money on this issue. In speaking with residents there are other issues they are more concerned with.

Commissioner Karukin concerns are even though it is not a big problem now it may become a problem in the future.

Commissioner Paul said depending on where you live there may be a problem and she wants to see a balance where all can enjoy the beach equally. The Mayor said not everyone will be happy but to stop bickering and give staff direction to start some framework to go forward.

Vice Mayor Cohen thanked the Commission for realizing we have no authority in regulating the beach and we are on our own. The Vice Mayor then spoke about sea level rise as this is something that has to be addressed. Tourist Director Duncan Travares said moving this forward is the best direction. Commissioner Paul would like notices regarding future workshops or 1st reading be put in the water bills and notices at the condos. The Mayor said it is put on the website and in the Gazette. The Vice Mayor said this is a waste of time.

Commissioner Karukin made a motion to direct staff to use the feedback to work on a first reading ordinance. The motion received a second from Commissioner Paul. The motion carried 3/2 with Vice Mayor Cohen and Commissioner Gielchinsky voting in opposition.

- E. Miami Dade Urban Debate League** – Guillermo Olmedillo, Town Manager
Cliff Schulman presented the item and is asking for some financial support. Commissioner Karukin said this is an unbudgeted item and last year they were asked by various groups for donations. He said they have already allocated monies and are down in funds from this account. The Mayor suggested allocating \$500 this budget and entertain another \$500 next year. Commissioner Gielchinsky added that perhaps they could also volunteer as judges and Mr. Schulman very much liked that idea. The Mayor asked if he can report back in about six months as to the progress of the program.

Commissioner Gielchinsky made a motion to approve \$500 at this time and urges his colleagues to join and volunteer as judges. The motion received a second from Commissioner Paul and all voted in favor.

- F. Post Office Lot Parking Update** – Guillermo Olmedillo, Town Manager
Manager Olmedillo gave an update and said he has continued having conversations with the owner of the lot. He is asking for direction as to what they

want (1) public/private partnership (2) what type of business structure (3) determine the equity participation. He also said if they wish to continue negotiations with the owner of the lot we should get some type of appraisal.

Commissioner Karukin said there were not enough specifics and therefore he could not give any direction and was not comfortable with this. Commissioner Paul said she is in favor of a parking garage and if we can do this without incurring the costs she is for it. Commissioner Gielchinsky agrees with (1) and (2) and also an appraisal.

Public Speaker George Kousoulas believes this is one of two lots that are right for the town and they should move forward with it but not consider (3) regarding equity.

Public Speaker Clara Diaz Leal feels this item is important and it is always left for late on the agenda. She feels we need an appraisal in order to move on it.

Public Speaker Victor May also spoke on the item and aid there are different ways to handle this.

Commissioner Gielchinsky made a motion to continue to direct the Town Manager with consideration of #1 and #2 and suggesting the owner to employ an appraisal and the Town will get an appraisal and if in agreement both sides will split the cost to hire a third appraisal. The motion received a second from Mayor Dietch after passing the gavel. The motion carried 3/1 with Commissioner Karukin voting in opposition. Vice Mayor Cohen was absent.

Commissioner Karukin made a motion to extend the meeting to 1:30 a.m. The motion received a second from Commissioner Paul and all voted in favor

G. Practical Difficulty Variance – Mayor Daniel Dietch

Mayor Dietch presented the item.

Commissioner Karukin made a motion to rescind Ordinance 15-1636. There was discussion on the item as to pros and cons.

There was no second to the motion.

The item will be brought back in August.

Commissioner Gielchinsky made a motion to extend the meeting fifteen minutes. The motion received a second from Commissioner Karukin and all voted in favor.

H. Sid Tepper Street Designation – Mayor Daniel Dietch

Commissioner Paul made a motion to accept. The motion received a second from Commissioner Gielchinsky and all voted in favor. Vice Mayor Cohen was absent.

I. Draft Discussion Item Memorandum Template – Mayor Daniel Dietch

The Mayor presented the item.

Commissioner Karukin thought it was a good template but is against it being a rule.

Commissioner Paul made a motion to accept a preferred discussion item memorandum format. The motion received a second from Commissioner Gielchinsky and the motion carried 3/1 with Commissioner Karukin voting in opposition. Vice Mayor Cohen was absent.

J. Sustainability Subcommittee and the Comprehensive Plan (Comp Plan) – Commissioner Michael Karukin (Linked to Item 5A)

Commissioner Karukin gave an introduction to the item and talked about his concerns regarding Item 5A and the necessary language needed for both items. Mayor Dietch and Town Planner Sinatra addressed his concerns and some language will be added to the Charter which satisfied Commissioner Karukin.

Public Speaker George Kousoulas agrees with Commissioner Karukin and wants to know what this Subcommittee will be doing as he feels there may be an overlap.

Commissioner Gielchinsky thanked Commissioner Karukin for putting this together.

10. Adjournment

The meeting adjourned at 1:47 a.m.

Respectfully submitted,

Accepted this ____ day of _____, 2016

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk



**Town of Surfside
Special Town Commission Meeting
MINUTES
June 22, 2016
5:00 p.m.**

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

1. Opening

A. Call to Order 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 Daniel Dietch, Commissioner Michael Karukin, Commissioner Tina Paul and Commissioner Daniel Gielchinsky. Vice Mayor Barry Cohen was absent.

C. Pledge of Allegiance

Police Chief Allen led the Pledge of Allegiance

Commissioner Gielchinsky made a motion to permit Vice Mayor Cohen to participate by phone. The motion received a second from Mayor Dietch after passing the gavel, and all voted in favor.

As a point of order, Commissioner Gielchinsky said he has to leave at 6:50 p.m.

2. Code Compliance Process and Priorities – Alan Graham, Code Compliance Director

Town Manager Olmedillo introduced the item and the purpose of the meeting was to seek policy direction on each type of violation. He explained that life safety has to be dealt with immediately.

Code Compliance Director, Alan Graham gave a power point presentation on each item. He said some of the codes are regulated by County and State and the Town of Surfside. He explained the process of code compliance from warnings all the way through going to a special magistrate and liens.

- Code Compliance Mission
- Code Compliance Responsibilities
- Overview of the Code Compliance Process
- Reasons for Establishing Enforcement Priorities
- Current Code Enforcement Priorities – Single-Family District
- Current Code Enforcement Priorities – Multi-Family District
- Current Code Enforcement Priorities – Business District

- Commonly Occurring Violations
- Compliance Periods & Civil Penalties
- Compliance Time Periods
- Civil Penalties
- Questions & Answers

Commissioner Karukin gave a power point presentation based on public survey with most responses from single family homes. He thanked the Code Compliance Director for a good job in handling the town.

The Mayor opened the Public Hearing.

Public Speakers

-Victor May spoke about the cost of fines and feels they are too excessive and called it robbery.

-Barbara McLaughlin spoke about barking dog noise and that the imposed extension on fines has not been discussed.

-Deborah Cimadevilla thanked the new Code Compliance team. Littering should be enforced more in neighborhoods and on the beach. She also mentioned short term rentals.

- Jeff Platt asked if the open cases mentioned by Director Graham are listed and can be viewed by the public.

No one else wishing to speak the Mayor closed the public hearing.

The Mayor gave a brief overview of the history of the town regarding code compliance and enforcement.

Commissioner Paul thanked the staff and Commissioner Karukin for their presentations. She said before this item came up she did not quite understand the actual process and how it goes to a special magistrate. She believes we have to determine the priorities and issues facing the town and come to a conclusion on how to best deal with it.

Commissioner Gielchinsky asked Director Graham where we stand in cleaning up the alleys and citations issued. Director Graham said of the 30 citations given 24 are now in compliance. He said of the few that have not complied they have handed out hearing notices yesterday and as of Jul 20th if they have not complied they will have to go before the town special magistrate. Regarding parking in the alley Director Graham said he has spoken with the Building Official and there are no legal parking spaces in some alleys and they will be dealing with it. Manager Olmedillo said his priority on alley violations was safety issues such as illegal electrical concerns, water and drainage and garbage.

Commissioner Gielchinsky had a question for Commissioner Karukin regarding landscaping which was highly rated in his survey. Commissioner Karukin explained it was in the top five concerns of the public survey based on averages. Beautification of the town was addressed by Commissioner Gielchinsky. Commissioner Gielchinsky also spoke on short term rentals in the residential areas. Undergrounding utilities as well as alleyways was addressed by Commissioner Karukin.

Commissioner Karukin asked the Town Manager to better define strict construction vs. loose construction. The Manager explained when construction is being done and when the town is notified there is a discussion with the applicant about building permits. The Commissioner also asked about zoning codes and how they overlap with the Building Dept. The Manager explained they have two different codes, our building code which is looked over by our Building Official and then a zoning code and sometimes they have to work together. He had asked the Manager about FTE's and from the information he received we are much the same with our neighboring cities. Regarding fines, he said he is hoping we can revisit some of the issues. He was in support of fines for littering. Sidewalk cafes, he feels during the day people need access to sidewalks. The Commissioner had a question regarding the daily fine concept and thought weekend and holidays should not be included in the accrual. The dollar amount of fines was discussed and why some should be more excessive than others.

Vice Mayor Cohen asked for clarification of the meeting and if action was to be taken. Manager Olmedillo gave details on the item and said he is asking for direction on increasing some deterrents. The Vice Mayor agreed that some violations need to be increased in dollar amount as some will just keep doing it over and over again.

Commissioner Paul mentioned some violations which she did not feel were so important and also talked about vacant lots.

The Mayor sees it as two issues, life safety and quality of life. When it comes to safety we have to be firm. He disagrees with using code compliance as a revenue generator as compliance is the goal and with talking with administration and people he finds that the town has been very reasonable. He addressed the comment referring that fines are robbery and he also responded to the notion of selective enforcement. He spoke about violators first receiving a courtesy reminder. With reference to special events without permission he suggests adopting a habitual violator code and then there will be a loss of privilege. Also, the community should be educated as to what is considered a civil matter and what they can do. Manager Olmedillo explained that when police are called they may indicate that the issue is a civil matter as they define it as something that is not of a criminal nature. He agrees that we have to find a way to better explain it.

The Mayor suggested better service standards as voice mailboxes are often full and people do not get a response back. He feels reasonable codes and enforcement is necessary and in treating all people fairly. He also spoke about short term rentals as well as prioritizing things. He gave his views on littering, garbage cans, trash on yards, parking lot maintenance. He asked the Town Manager how he wanted direction by district or one by one and the priorities.

The Manager said he needs the ability to increase deterrents which are visual, noise and maintenance and this takes money. He would like to come back with a list of the violations and priorities. Should the business district be looked at first as it is the heart of the town? He spoke of condominiums looking much better as they have management vs.

single family homes. He said we cannot abandon the single family area as they get many complaints from them. He mentioned right-of-way and what a homeowner is responsible for and what is public property. He believes the downtown district is a priority and code violations especially those that relate to safety issues.

Commissioner Karukin agrees that the business district is an appropriate place to start. He also said the idea of adopting a notion of a habitual violator was a good idea. He agreed with the Mayor who said the code compliance officer should be out there more and not have to spend most time inputting information on the computer as that task could be performed by other administrative clerical staff. The Mayor said he received a website link from Tourist Director Travares which rated Surfside as one of the cleanest communities. He also said that was from a visitor's perspective as many residents are appalled at some of the conditions we have allowed. He said the town is reasonable and can work with people having extenuating circumstances.

Commissioner Gielchinsky agrees with starting with the business district for a few months as some of the violations are one time deals such as illegal electrical and once fixed the violation is gone.

Manager Olmedillo said although focus will start with the business district he stressed they will not be abandoning the single family home district and will respond to issues. He also said it takes time to get compliance from the time of notification of a violation.

Commissioner Karukin feels they should start with the priorities of the business district so they still have time to address the rest of the town.

In directing the Town Manager, the Mayor said they are in agreement that they focus for the next three months on the business district with the first priority being life safety across all districts and second is quality of life. He also said there was enough information from the survey done by Commissioner Karukin as to what residents feel is most important. As to short term rentals the assistance of the community is needed to build a case.

The Manager said he will present a schedule of monetary deterrents in August. He also spoke of the problems in how to address short term rentals. He will also be considering the escalation of violation fees.

Commissioner Gielchinsky left the meeting at 6:50 p.m.
Vice Mayor Cohen left the meeting at 7:00 p.m.

Commissioner Paul spoke about how we determine the fine and the escalation of fees to fit the violation and also to prioritize.

Passing the gavel, Mayor Dietch made a motion to direct staff to prepare a prioritized code compliance program and a revised fee schedule general enough in order to make changes on the dais, to introduce the habitual violator especially for special events,

Film and print productions, sidewalk cafes and short term rentals. The motion received a second from Commissioner Paul and all voted in favor. Vice Mayor Cohen and Commissioner Gielchinsky were absent.

Passing the gavel, Mayor Dietch made a motion to amend it to be a resolution for the fee schedule. The motion received a second from Commissioner Paul and all voted in favor. Vice Mayor Cohen and Commissioner Gielchinsky were absent.

3. Adjournment

The meeting adjourned at 7:11 p.m.

Respectfully submitted,

Accepted this _____ day of _____, 2016

Daniel Dietch, Mayor

Attest:

Sandra Novoa, MMC
Town Clerk

**TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2015/2016**

AS OF

April 30, 2016

59% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date: July 12, 2016

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
<i>GENERAL FUND</i>			
REVENUE	\$10,205,769	\$12,781,002	80%
EXPENDITURES	7,272,193	\$12,781,002	57%
Net Change in Fund Balance	2,933,576		
Fund Balance-September 30, 2015 (Audited)	5,905,726 ^A		
Fund Balance-April 30, 2016 (Reserves)	<u>\$ 8,839,302</u>		
<i>RESORT TAX (TEDAC SHARE)</i>			
REVENUE	\$ 351,528 ^B	\$661,870	53%
EXPENDITURES	280,429	\$661,870	42%
Net Change in Fund Balance	71,099		
Fund Balance-September 30, 2015 (Audited)	339,396		
Fund Balance-April 30, 2016 (Reserves)	<u>\$ 410,495</u>		
<i>POLICE FORFEITURE/CONFISCATION</i>			
REVENUE	\$ 37,689	\$80,000	47%
EXPENDITURES	31,557	\$80,000	39%
Net Change in Fund Balance	\$ 6,132		
Fund Balance-September 30, 2015 (Audited)	113,431		
Fund Balance-April 30, 2016 (Reserves)	<u>\$ 119,563</u>		
<i>TRANSPORTATION SURTAX</i>			
REVENUE	\$ 111,991	\$366,769	31%
EXPENDITURES	130,673	\$366,769	36%
Net Change in Fund Balance	(18,682)		
Fund Balance-September 30, 2015 (Audited)	440,662		
Fund Balance-April 30, 2016 (Reserves)	<u>\$ 421,980</u>		
<i>CAPITAL PROJECTS</i>			
REVENUE	\$ 76,691	\$272,896	28%
EXPENDITURES	68,794	\$272,896	25%
Net Change in Fund Balance	7,897		
Fund Balance-September 30, 2015 (Audited)	182,903		
Fund Balance-April 30, 2016 (Reserves)	<u>\$ 190,800</u>		

NOTES:

* Many revenues for April 2016 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. Includes \$183,442 of Prepaid Expenses. The balance of \$3,722,284 is unassigned fund balance (reserves).

B. Resort Tax Revenues total collected through March 2016 is \$1,025,964 (\$351,528 is the TEDAC and \$674,436 is the General Fund).

ENTERPRISE FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
WATER & SEWER			
REVENUE	\$ 1,717,072	\$3,098,177	55%
EXPENDITURES	1,140,859	\$3,098,177	37%
Change in Net Position	576,213		
Unrestricted Net Position-September 30, 2015 (Audited)	(2,705,871)		
Restricted Net Position	1,765,319 C1		
Unrestricted Net Position-April 30, 2016 (Reserves)	<u>\$ (364,339) C2</u>		
MUNICIPAL PARKING			
REVENUE	\$ 673,879	\$1,083,476	62%
EXPENDITURES	600,289	\$1,083,476	55%
Change in Net Position	73,590		
Unrestricted Net Position-September 30, 2015 (Audited)	1,089,165		
Unrestricted Net Position-April 30, 2016 (Reserves)	<u>\$ 1,162,755</u>		
SOLID WASTE			
REVENUE	\$ 963,900	\$1,918,784	50%
EXPENDITURES	1,099,285	\$1,918,784	57%
Change in Net Position	(135,385)		
Unrestricted Net Position-September 30, 2015 (Audited)	340,391		
Unrestricted Net Position-April 30, 2016 (Reserves)	<u>\$ 205,006</u>		
STORMWATER			
REVENUE	\$ 289,191	\$678,848	43%
EXPENDITURES	211,321	\$678,848	31%
Change in Net Position	77,870		
Unrestricted Net Position-September 30, 2015 (Audited)	4,051,768		
Restricted Net Position	347,140 C3		
Unrestricted Net Position-April 30, 2016 (Reserves)	<u>\$ 4,476,778</u>		

NOTES:(con't)

C1. The Restricted Net Position of \$1,765,319 includes \$1,522,319 for renewal and replacement, and \$243,000 for State Revolving Loan reserves.

C2. The reserves balance of (\$364,339) is the result of a change in current net position as of April 2016 of \$576,213 net position as of September 30, 2015 of (\$2,705,871) includes Restricted Net Position of \$1,765,319.

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

**ATTACHMENT



Guillermo Olmedillo, Town Manager

Town of Surfside
Fund Balance (Reserves)

4/30/2016

FUND	9/30/2013	9/30/2014	9/30/2015	4/30/2016
General	\$ 5,304,042	\$ 6,366,391	\$ 5,905,726	\$ 8,839,302
Resort Tax	94,497	180,297	339,396	410,495
Police Forfeiture	138,143	159,626	113,431	119,563
Transportation Surtax	131,475	396,740	440,662	421,980
Capital	255,263	849,445	182,903	190,800
Water & Sewer	(5,261,333)	(3,501,884)	(2,705,871)	(364,339)
Parking	1,066,574	1,000,355	1,089,165	1,162,755
Solid Waste	227,274	116,662	340,391	205,006
Stormwater	2,520,512	3,838,412	4,051,768	4,476,778
Total	\$ 4,476,447	\$ 9,405,044	\$ 9,757,571	\$ 15,462,340



TOWN MANAGER'S REPORT JULY 2016

COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS

1. See Click Fix -- Report attached.

PLANNING, ZONING AND DEVELOPMENT

2. Development Applications

A. 9133-9149 Collins Avenue – A site plan application for the Surf Club II has been received and a Development Review meeting was held on September 4, 2015. The plans include restoring a 16 dwelling unit historic building (the Seaway Villas) and adding a 34 unit, 12 story building immediately north of the Surf Club I. The plans were resubmitted on March 18. The second Development Review meeting was held on April 18, 2016. A DIC meeting will be scheduled after the plans are resubmitted and all comments are addressed.

B. 9011 Collins Avenue – A site plan amendment application for the northwest building at the Surf Club has been received. A Development Review meeting was held on May 16, 2016. Once the plans are revised and resubmitted, a second Development Review meeting will be scheduled.

C. 9011 Collins Avenue – A site plan amendment application to add one pool and modify the landscaping at the rear of the Surf Club site has been received. A Development Impact Committee meeting was held on February 11, 2016. The Planning and Zoning Board heard this application in May. This item is scheduled for the July 12 Town Commission Quasi-Judicial meeting.

D. 9300 Collins Avenue – A site plan application for 68 townhouse units, replacing 101 multifamily units, has been submitted. A Development Review meeting was held on March 10, 2016. A second Development Review meeting was held on April 27, 2016. A DIC meeting was held on May 23, 2016 and Planning and Zoning is scheduled for July 18, 2016.

E. 8851 Harding Avenue – A site plan application for 23 units was submitted in 2014. A Development Review meeting was held in January 2015. No resubmittal has been received to date.

TOWN DEPARTMENTS

Code Compliance

3. Code Compliance Cases

- A. Code Violation Cases – as of June 22 2016, the Code Compliance Unit is managing 117 open cases, 38 cases that are scheduled for a hearing before the Special Master, and 18 lien cases.

- B. Harding Avenue Commercial Property Maintenance Cases – between March 22 and April 4, 2016, the Code Compliance Unit opened thirty (30) commercial property maintenance violations relating to the Harding Avenue businesses. Of these cases, 26 violations have been closed by compliance, 2 violations have been scheduled for a hearing before the Special Master, and 2 cases are still open but still working towards compliance by their respective property owners and tenants.

- C. Collected Civil Penalty Fines - unresolved Code Compliance cases accrue fines until the code violation is resolved. After the violation is abated, then the property owners are notified to remit the fine amount due. In many cases, the fine amount is either paid, resolved via a settlement agreement, or referred to the Town's Special Master for a hearing and ruling on the fine amount due. The following is a summary by fiscal year of the fine amounts collected:
 - FY 15/16: 116 cases have submitted payments totaling \$123,893 (thru June 28, 2016)
 - FY 14/15: 26 cases paid/settled for a total of \$86,869
 - FY 13/14: 6 cases paid/settled for a total of \$67,293
 - FY 12/13: 9 cases paid/settled for a total of \$15,750
 - FY 11/12: 8 cases paid/settled for a total of \$16,875

4. Prohibitions Regarding the Sale or Use of Expanded Polystyrene Food Service Articles

Effective June 1, 2016, the Code Compliance Division was authorized to enforce the provisions of this code section. Accordingly, the Code Compliance Division created an informative flyer on this ordinance, and distributed the flyer throughout the Town's business district. Copies of the flyer were also distributed to the Grand Beach Hotel, the Residence Marriott, and the Surf Club/Four Seasons.

5. Code Compliance Workshop

The Town of Surfside held a Special Town Commission Meeting on June 22, 2016. The purpose of the meeting was to seek policy direction from the Commission on how to manage code compliance. The Commission discussed code enforcement priorities, such as life-health-safety violations, nuisance violations, and quality-of-life issues. The Commission was asked to review the current civil penalties (fines) structure and to consider increasing the fines to act as a greater deterrent to those who commit serious code violations. The issue of repeat violators was discussed, and as a result, the Legal Department is drafting appropriate language to maximize civil fines and actions against habitual offenders for certain repeat violations, such as short-term rentals, special events, and sidewalk cafes.

Parks and Recreation

6. Capital Project

At the May 16, 2016 meeting, the Parks and Recreation Committee voted to move the Hawthorne Tot Lot renovation to the number one priority for the Parks and Recreation Five Year Capital Plan. The renovation proposal will be reviewed by the Parks and Recreation Committee at the July 18, 2016 meeting and a proposal for the renovation will be presented to the Town Commission at the August meeting. Funding will be provided through developers proffers collected for Parks and Recreation Capital Projects.

Police Department

7. June 2016 Significant Incidents/Arrests

Residential Burglary - 06/09/2016: 9100 block of Bay Drive. Detectives are actively working this case.

Trespass of Structure - 06/09/2016: 8900 block of Byron Avenue. Officers arrested three males and charged them with trespassing.

Aggravated Battery - 06/13/2016. Subjects were arrested.

Residential Burglary - 06/14/2016: 8900 block of Carlyle Avenue. Detectives are actively working this case.

Fire (Structure) - 06/16/2016: 8800 block of Harding Avenue. This case is currently under investigation.

Narcotics/Paraphernalia Possession - 06/17/2016. Subject (juvenile) was arrested for carrying a concealed weapon.

Burglary (Construction Site) – 06/24/16: 9011 Collins Avenue. This is an ongoing investigation.

8. Fourth of July

On July 4th, the Town of Surfside Parks and Recreation Department hosted the annual 4th of July Holiday Celebration drawing hundreds of families and visitors.

Additional police officers were assigned from 2:00 p.m. to 10:00 p.m. to ensure safety and security at the Community Center, on the beach, during the fireworks set-up and display, for beach escorts for trucks carrying equipment to the Community Center and on Collins Avenue to assist with pedestrian crossing.

9. Parking Enforcement Officer William Perez

Parking Enforcement Officer William Perez celebrated his 20th Anniversary with the Town of Surfside on June 27, 2016. We thank Willie for his outstanding years of service, dedication and loyalty to the Surfside Police Department and the Town of Surfside.

10. Click It or Ticket Campaign

The Surfside Police Department conducted a *Click It or Ticket* Campaign from May 23 to June 5, 2016. The campaign increased traffic education and enforcement in conjunction with community partners – proving that seat belts save lives. The National Highway Traffic Safety Administration (NHTSA) provides national leadership in planning and developing traffic injury control safety programs regarding seat belts, child car seat and automatic occupant protection systems, such as air bags. The statistics from the Surfside campaign are:

- Safety belt citations 108
- Child restraint citations 3
- Reckless driving citations 1
- Felony arrests 2
- Traffic arrests 6
- Total arrests 8
- Uninsured motorists 7
- Recovered stolen vehicles 1
- Speeding citations 50
- Suspended licenses 16
- Total citations 393

11. Police Events

- The Police Teen Summer Program in conjunction with the Parks and Recreation Teen Camp began on June 14 and concludes on August 4 with a graduation for the teenagers. The presentations include K-9, Florida Fish and Wildlife Conservation Commission, Officer Survival, Crime Scene Investigation, SWAT and visits to the Coast Guard Air Base and Fire Rescue Department Station 21 in Haulover.
- Lieutenant John Bambis and Sergeant Patrick Mckenna will coordinate an active shooter scenario training for Town employees in July.
- The Police Department will host a Hurricane Preparedness Workshop on July 14, 2016 at 6:00 p.m. in the Police Training Room. NRO Dianna Hernandez will coordinate this event.
- Chief David Allen and Captain Julio Yero will attend the Ad Hoc Citizen Traffic Mitigation Advisory Committee meeting on July 26, 2016 in the Commission Chambers.
- The Southeast Florida Crime Prevention Association will meet July 27, 2016 at 10:30 a.m. The location is to be determined. NRO Dianna Hernandez will attend.
- The monthly Bike with the Chief will be July 27, 2016 at Town Hall at 5:00 p.m.
- Coffee with the Cops will be July 29, 2016 at Starbucks at 10:00 a.m.

Public Works

12. New Recycling Program

Public Works began its new recycling program on June 1, 2016. For the past three weeks, single family residential collection has averaged about 7 tons per week. Upon commencement of the recycling program for commercial and condos, collections are estimated to be over 12 tons per week. The ratio of trash going to the landfill will be reduced dramatically over next year.

PROJECTS PROGRESS UPDATES

13. Information Technology and TV Broadcasts

- The IT Department migrated the RecTrac Software from its existing server at the Community Center to another existing server that is located at Town Hall on June 30, 2016.
- The IT Department has received three (3) bids for the Building Department's Document Management Project. Bids will be reviewed with Donald Nelson, Finance Director.
- The issue with the Channel 77 background music has been resolved.
- The Social Media Policy Draft has been submitted and reviewed by the Town Manager; comments/feedback have been received. The final version will be provided to the Town HR Department for distribution to the all Town Employees.
- The IT Department has ordered new cabling to complete a rack repair project in the Town's server room. This project will occur during the weekends to minimize Town downtime and will be completed in July 2016.
- Quotes are being obtained for anti-shock adapters for cameras in the Commission Chambers. This will reduce the vibration currently occurring on the video feed when the residents open or close the doors during meetings.
- We are also in the process of renewing maintenance agreements for the Town's existing servers. IT anticipates receiving various quotes by July 5, 2016 and then will meet with Don Nelson to discuss a plan of action.

Respectfully submitted:



Guillermo Olmedillo, Town Manager

Town of Surfside, FL

JUNE 1, 2016 TO JUNE 29, 2016

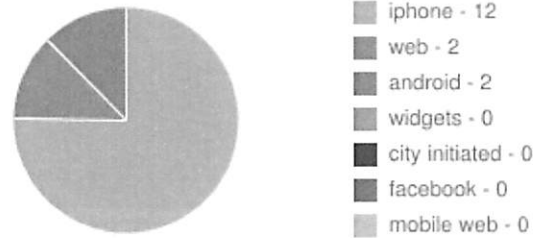
Between Jun 01, 2016 and Jun 29, 2016

16 issues were opened

11 issues were closed

The average time to close was 1.0 days.

Issues by Source



SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Beach Issue	3	2	0.6
Other	3	2	0.6
Drainage/Flooding (PW)	2	2	0.7
Street lights (PW)	2	2	1.7
Parking Issue	1	1	3.9
Police (Safety Concern)	1	1	0.1
Surfside Dog Park (P & R)	1	1	0.0
Code Compliance (Violation)	2	0	0.0
Dog Stations (P & R)	1	0	0.0
96 Street Park (P & R)	0	0	0.0
Barking Dog	0	0	0.0
Beach Patrol	0	0	0.0
Code Compliance (Safety Concern)	0	0	0.0
Community Center (P & R)	0	0	0.0
Construction Issues	0	0	0.0
Dead Animal	0	0	0.0
Graffiti (in park) (P & R)	0	0	0.0
Graffiti (PW)	0	0	0.0
Hawthorne Tot-Lot (P & R)	0	0	0.0
Pothole (PW)	0	0	0.0
Solid Waste	0	0	0.0

Jun 01, 2016 to Jun 29, 2016

1 of 2

(Commercial) (PW)

JUNE 1, 2016 TO JUNE 29, 2016

Solid Waste (Residential) (PW)	0	0	0.0
Utilities (Water/Sewer) (PW)	0	0	0.0
Veterans Park (P & R)	0	0	0.0

Town of Surfside, FL

LIFETIME REPORT JAN 1, 2014 TO JUNE 29 2016

Between Jan 01, 2014 and Jun 29, 2016

354 issues were opened

347 issues were closed

The average time to close was 36.8 days.

Issues by Source




SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Other	97	96	19.8
Police (Safety Concern)	57	57	9.2
Beach Issue	43	42	15.6
Code Compliance (Violation)	30	26	64.6
Street lights (PW)	26	26	217.8
Parking Issue	15	15	1.4
Code Compliance (Safety Concern)	12	12	138.3
Surfside Dog Park (P & R)	8	8	1.1
Drainage/Flooding (PW)	9	9	29.4
Barking Dog	9	9	21.8
Utilities (Water/Sewer) (PW)	9	9	0.8
96 Street Park (P & R)	7	7	4.5
Construction Issues	7	7	4.8
Dog Stations (P & R)	5	4	0.2
Hawthorne Tot-Lot (P & R)	4	4	5.2
Pothole (PW)	4	4	5.6
Community Center (P & R)	3	3	0.1
Graffiti (PW)	3	3	25.2
Solid Waste (Residential) (PW)	3	3	4.3

Solid Waste (Commercial) (PW)	2	2	0.1
Beach Patrol	1	1	0.0
Dead Animal	0	0	0.0
Graffiti (in park) (P & R)	0	0	0.0
Veterans Park (P & R)	0	0	0.0



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: Guillermo Olmedillo, Town Manager
 Jane Graham, Assistant Town Attorney

DATE: July 12, 2016

SUBJECT: Office of the Town Attorney Report for July 12, 2016

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

June 15, 2016 – Special Master Hearing

June 20, 2016 – Parks and Recreation Committee Meeting

June 22, 2016 – Special Town Commission Meeting - Code Compliance Priorities and Process

June 23, 2016 – Mandatory Ethics Training for Newly Elected Officials, Miami-Dade County Commission on Ethics and Public Trust

June 30, 2016 – Planning and Zoning and Design Review Board Meeting - *Rescheduled for July 18, 2016*

July 11, 2016 – Tourist Board Meeting

July 12, 2016 - Quasi-judicial Hearing – Amended Site Plan - Surf Club

July 12, 2016 – Town Commission Meeting

Ordinances for Second Reading:

- Sheds – Exempt from Planning and Zoning and Design Review Board review
- Special Events – Commercial Use of Single Family Properties

Ordinances for First Reading:

- Beach furniture
- Roof pitch
- Sign Modification Definition

Resolutions prepared and reviewed:

- “Sid Tepper Street” Co-designation
- Mid-year budget amendment

Town Commission/Town Manager:

- Review short term rental ordinance, contact several municipalities and counties for requirements regulating short term rentals, analysis, research and identification of host sites for remittance of resort tax and notification of identification of ownership of property for compliance with the Town’s short term rental permitting requirements, conference with Airbnb regarding enforcement of Town’s short term rental ordinance.
- Review code, case law and regulations of Miami-Dade County municipalities for analysis of demolition permitting process for preparation for meeting with Miami-Dade Historic Preservation Board staff.
- Review Miami-Dade County Historic Preservation Board Designation Report for “Collins Avenue Historic District.”
- Review Miami-Dade County first reading ordinance creating a mandatory workforce housing development program.
- Review two ordinances passed on first reading by the Miami-Dade County Board of County Commissioners for historic preservation related to the Miami-Dade County Mayor’s Working Group recommendations. (1) amending the definition of owner (condo/co-op), term limits for board members, training of new board members, designation criteria, ad valorem tax exemptions and other revisions (2) amending rules of procedure for the Board of County Commissioners, historic preservation appeals, municipality opt-out, criteria related to economic hardship and ad valorem taxation.

- Preparation for and attend Development Review Group meeting on June 10, 2016 – 8955 Collins Avenue project.
- Briefed new members of Committees and Boards on Sunshine Law, Public Records, and Ethics and Conflict of Interest
- Followed up with FDEP and neighboring municipalities on beach furniture regulation
- Review Miami-Dade County Ordinance Relating to Biscayne Bay Management and Development Review

Town Clerk:

- Research s. 48.111, Fla. Stat. regarding service of process on public agencies and officers.
- Research s. 286.011, Fla. Stat. regarding public meetings and presentations

June 30, 2016 Planning and Zoning and Design Review Board:

Rescheduled for July 18, 2016

Preparation of Resolution approving site plan for 9300 Collins Avenue for quasi-judicial hearing.

Building Department/Code Enforcement:

- Research Special Events permitting and policy
- Short-term rentals – research, analysis and legal sufficiency of notification requirements to short-term rental sites, research legislative history of Section 509.032(7), Florida Statutes on preemption authority
- Follow up with Code Enforcement for on-going settlement of cases
- Review of Code Procedures and preparation for Special Master proceedings
- Reviewed noise ordinance and construction hours

Parks and Recreation:

- Review Mosquito management agreement for the Tot Lot
- Review Playground Equipment for preparation of resolution and documents
- Review Party Rental agreement

Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:

- Revise Jacober Creative Agreement
- Review use of Resort Tax

Public Works:

- Follow up on undergrounding FPL and easements

Police Department:

- Research animal cruelty codes and statutes regarding iguanas

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

1. On June 28, 2014, Claimant alleges while walking in the east alley behind 9577 Harding Avenue she fell through a broken storm grate and sustained severe lacerations to her right leg. FMIT is investigating this claim.
2. Julien Deleon - Equal Employment Opportunity Commission (EEOC) Charge #510-2014-05171. Mr. Deleon has filed a Notice of Charge of Discrimination against the Town. The EEOC sent notification to Mr. Deleon of the right to institute a civil action under Title VII of the Civil Rights of 1964, as amended, 42 U.S.C. 2000e, et seq.
3. Claimant alleges a false arrest on June 1, 2014. FMIT is investigating this claim.
4. Pieter Bakker v. 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 a Third Amended Petition for Writ of Certiorari. The Town and Young Israel have filed a response to the Third Amended Petition for Writ of Certiorari and a request for Oral Argument. Mr. Bakker has filed a reply. The Town and Young Israel have filed a request for Oral Argument.

5. Parker, et. al. v. American Traffic Solutions, et. al.: United States District Court for the Southern District of Florida Civil Action No. 1:14-CV-24010. This is a class action case brought by plaintiffs who have received red light traffic violations against vendors who contract with municipalities and counties for red-light camera services (American Traffic Solutions “ATS”, “Xerox State and Local Solutions “Xerox”, and Gatso) along with 69 municipalities and counties. The complaint alleges that the local government defendants have improperly outsourced to the vendors their legislatively granted authority to issue traffic citations and unlawfully delegated to the vendor defendants the authority to determine whether a traffic violation has occurred. The Town and other Defendants filed a Motion to Dismiss. The Court dismissed the federal claims, however, did not dismiss the claims for unjust enrichment, declaratory and injunctive relief. The Court has stayed the case during the pendency of an appeal and heard oral argument on June 14, 2016.
6. Henderson v. Police Officer Carrasquillo and Police Officer Fernandez. On May 12, 2015 a complaint was served stating that on December 11, 2010, Mr. Henderson was arrested for Battery on a Law Enforcement Officer, Disorderly Conduct and Resisting Arrest Without Violence. The complaint alleges malicious prosecution against the Officers. Discovery is ongoing.

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



TOWN OF SURFSIDE

MUNICIPAL BUILDING
9293 HARDING AVENUE
SURFSIDE, FLORIDA 33154-3009

PARKS AND RECREATION ADVISORY COMMITTEE MEETING

Monday May 16, 2016

7:00 pm

Surfside Community Center
9301 Collins Avenue

MINUTES

1. Roll Call of Committee Members

Retta Logan called the meeting to order at 7:08pm.

Also in attendance: Tim Milian, Parks and Recreation Director, Shlomo Danzinger, *Eliana Salzhauer, Mitchell Gottlieb, Jeffrey Platt, Tina Paul, Liaison, Frantza Duval, Recording Clerk, Linda Miller, Town Attorney, Victor May, Resident, Arlene Ayalin, Resident

*Eliana Salzhauer entered the meeting at 7:13pm

2. Approval of Minutes from April 2016 Meeting

Jeffrey Platt made a motion to approve the April 2016 minutes; Mitchell Gottlieb seconded the motion. The motion passed unanimously. The minutes were approved.

3. Higher Education Scholarships

Tim Milian provided overview of the Higher Education Scholarships to the Board. Tim advised that the presently there are two \$1,000 scholarships and only one applicant submittal to date. The deadline for applications was extended until the end of May 2016. In June the committee will make their recommendation. Tim will email the Committee the applications from the applicants and the scholarship criteria as well. Eliana Salzhauer suggested using the Higher Education funds to do a camp or winter break scholarship, if there are no interest from residents with regards the Higher Education Scholarship. Mitchell Gottlieb inquired if the Committee is aware of the number of high school seniors within the community, in which the response was that there are students in the community to which the scholarship would apply. Victor May inquired if the scholarship only applies to high school seniors. He feels that it should be open to all students regardless of grade. Retta Logan advised that she agrees with Mr. May and feels that perhaps maybe a criteria change can be looked at possibly next year to include college freshman/sophomore.

4. Hawthorne Tot-Lot Renovation

Tim advised that the Hawthorne Tot-Lot Renovation was on Parks & Recreation Five Year Capital Improvement Plan. The main piece of equipment has been repaired multiple

times in-house. The funding, which is voluntary construction donation proffers, now currently available through Five Year Plan will get Tot-Lot repaired by the end of summer. Tim recommends moving Hawthorne Tot-Lot up on the Five Year Plan. The renovation will roughly cost between \$95,000 - \$110,000. Tim is also working on quote for picnic tables. He's looking into new receptacles and fountains. Mitchell Gottlieb inquired about the life expectancy of the new equipment. Tim Milian advised that the new equipment would be under warranty and that includes its own shade.

Tim advised that there was a request by a former Commissioner to place playground equipment in the green space behind the pool. Linda Miller, advised that the FDEP would need to get involve for something like this. Tim advised that the space heavily used by the Parks Department, so putting equipment out there wouldn't really be feasible.

Victor May inquired about putting a rubberized mat for the walkway that leads from the pool to the beach. Tim advised that the material that was used was required and approved by the State during construction of the facility.

Shlomo Danzinger made a motion to move the Hawthorne Tot Lot renovation ahead of the 96th Street Park renovation on the Five Year Capital Improvement Plan; Mitchell Gottlieb seconded the motion. The motion passed unanimously.

5. Community Input

Victor May advised that there is a lot of sand in the pool area. He inquired about basins to help rinse the sand off prior to coming to the pool. Tim advised there are showers available for use, but it all comes down to educating the public about rinsing before entering the pool and after. Jeffrey Platt advised that the shower near the green space has low pressure. Tim advised that he will look further into it.

Eliana Salzhauer advised not to forget about adding a bike rack at the Tot Lot. Tim advised that there is already a bike rack there and it won't be removed.

Eliana Salzhauer inquired about how to get the kids to wear helmets. Tim advised he's looking into a pedestrian safety course. He advised that the Police host bicycle related activities.

Victor May suggested placing rubberized mats in the locker rooms at the Community Center to help with slipping. Tim advised that there are current mats in place in the lockers room and the doors leading to the locker room. The old mats were being replaced by new mats.

6. Meeting Adjournment

Mitchell Gottlieb made a motion to adjourn the meeting, Shlomo Danzinger seconded the motion. The motion passed unanimously. The meeting ended at 8:24pm.

Accepted this 20 day of June, 2016

ELIANA SATCHAVER

Member (Print)

[Handwritten Signature]

Signature

Attest:

[Handwritten Signature]
Frantza Duval
Recording Clerk



Town of Surfside Commission Communication

Agenda Item #: 3F

Agenda Date: July 12, 2016

Subject: FY 2015/2016 Budget Amendment Resolution

Background: The State of Florida, the Charter of the Town of Surfside and sound financial management practices require monitoring of the Town's budgetary condition. Budget requirements include maintaining a balanced and a prohibition against entering into encumbrances for which there is not sufficient appropriation.

The Town Commission monitors the budget to actual summary at the fund level monthly on each agenda. The Town Manager is authorized by the Charter to make adjustments within funds so long as the appropriation for each fund not exceeded. The purpose of this budget amendment is for the Town Commission to amend the FY 2015/2016 Budget and to recognize changes in revenues and expenditures that differ from the adopted budget.

The attached document represents the amendment which is proposed to ensure compliance with State law, Town Charter and sound financial management practices.

Analysis: Staff has revisited and reviewed all FY 2015/2016 approved revenues and expenditures. The recommended change to the FY 2015/2016 Budget follows:

CAPITAL PROJECTS FUND (Attachment A)

The Capital Projects Fund is being amended for Florida Inland Navigation District (FIND) grant funding for the Seawall Replacement Phase II \$346,250.

POLICE FORFEITURE FUND (Attachment A)

The Police Forfeiture Fund is being amended to record confiscation revenues of \$38,015 (US Treasury- \$36,899; Department of Justice \$1,116) received.

SOLID WASTE FUND (Attachment B)

The Solid Waste Fund is being amended to increase revenues by \$113,350 from a rate restructure (\$107,350) and commercial roll-offs (\$6,000); and to reduce expenditures resulting from the change in purchase method of a budgeted capital outlay for a grapple truck (\$36,350).

Budget Impact: Adoption of this resolution will amend the original budget for estimated revenues and expenditures in the Capital Projects Fund, Police Forfeiture Fund and the Solid Waste Fund; and affect the fund balances (reserves).

Staff Impact: No impact to staff is required to re-balance the budget and meet the Town's fiduciary responsibilities.

Recommendation: It is recommended that the Surfside Town Commission adopt the FY 2015/2016 budget amendment resolution.



Donald Nelson, Finance Director



Guillermo Olmedillo, Town Manager



Andria Meiri, Budget Officer

**TOWN OF SURFSIDE
BUDGET AMENDMENT
ATTACHMENT A**

Fiscal Year: 2015/2016
 BA # 2 Budget Amendment
 Fund Nos. 301 Capital Projects Fund
 105 Police Forfeiture Fund

7/12/2016

Account Number	Account Description	Justification	Original/ Adjusted Budget	Increase	Decrease	Adjusted Budget
CAPITAL PROJECTS FUND						
REVENUES						
301-0000-334-3900	State - FIND Grant	State FIND Grant for Seawalls Phase II	0	346,250		346,250
301-0000-392-0000	Fund Balance - Reappropriated Fund Bal					-
TOTAL	CAPITAL PROJECTS FUND REVENUES		\$ -	\$ 346,250	\$ -	\$ 346,250
EXPENDITURES						
301-4400-541-6340	Infrastructure - Seawalls Phase II	Seawalls Phase II Award, Project & Grant Mgmt FIND Grant funding	0	346,250		\$ 346,250
TOTAL	CAPITAL PROJECTS FUND EXPENDITURES		\$ -	\$ 346,250	\$ -	\$ 346,250
POLICE FORFEITURE FUND						
REVENUES						
105-0000-359-2005	Treasury Confiscation		\$ -	36,899		\$ 36,899
105-0000-359-2010	Department of Justice Confiscation		0	1,116		1,116
105-0000-392-0000	Use of Restricted Fund Balance		80,000		38,015	41,985
TOTAL	POLICE FORFEITURE FUND REVENUES		\$ 80,000	\$ 38,015	\$ 38,015	\$ 80,000

Requested by: _____
 Budget Officer

Approved : _____
 Finance Director

Approved : _____
 Town Manager

**TOWN OF SURFSIDE
BUDGET AMENDMENT
ATTACHMENT B**

Fiscal Year: 2015/2016
 BA # 2 Budget Amendment
 Fund No. 403 Solid Waste Fund

7/12/2016

Account Number	Account Description	Justification	Current Budgt	Increase	Decrease	Adjusted Budget
SOLID WASTE FUND						
REVENUES						
403-0000-343-4000	Solid Waste Collection Charges	Solid waste rate restructure adjustment	\$1,256,001	\$107,350		\$1,363,351
403-0000-343-9003	Commercial Roll-offs Revenues	Adjustment for new revenue	0	6,000		6,000
403-0000-392-1000	Appropriated Net Assets	Decrease in use of fund balance	341,587		113,350	228,237
403-0000-383-1000	Capital Loan Proceeds	Decrease - grapple truck purchase not financed	160,000		160,000	0
403-0000-392-1000	Appropriated Net Assets	Use of fund balance to purchase grapple truck	228,237	160,000	36,350	351,887
TOTAL	SOLID WASTE FUND REVENUES		\$1,985,825	273,350	\$309,700	\$1,949,475
EXPENDITURES						
403-4000-534-7110	Principal	Decrease - grapple truck purchase not financed	\$29,000		\$29,000	\$0
403-4000-534-7210	Interest	Decrease - grapple truck purchase not financed	7,350		7,350	0
TOTAL	SOLID WASTE FUND EXPENDITURES		\$36,350	\$0	36,350	\$0

Requested by: _____
 Budget Officer

Approved : _____
 Finance Director

Approved : _____
 Town Manager

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL BUDGET RESOLUTION ADOPTED FOR FISCAL YEAR OCTOBER 1, 2015 TO SEPTEMBER 30, 2016; FOR THE PURPOSE OF AMENDING THE ANNUAL BUDGET IN THE CAPITAL PROJECTS FUND, POLICE FORFEITURE FUND, AND SOLID WASTE FUND; PROVIDING FOR APPROVAL AND AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (“Town”) adopted Resolution No. 15-2316 on September 21, 2015 establishing revenues and appropriations for the Town for the Fiscal Year ending September 30, 2016; and

WHEREAS, to address amendments in the budget of revenues and expenditures, the Finance Director and Budget Officer have met with the Town Manager and Department Heads to identify modifications with no impact on service delivery; and

WHEREAS, an increase to the budgeted revenue estimates and expenditure estimates is required for the Capital Projects Fund, Police Forfeiture Fund (Attachment “A”), and Solid Waste Fund (Attachment “B”) to comply with Florida Statutes and the Town’s commitment to sound budgeting practices, where budgeted expenditures may not exceed anticipated revenues; and

WHEREAS, it is in the best interest of the Town to adopt the Fiscal Year 2015/2016 budget amendment as submitted.

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

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

Section 2. Approval and Authorization. The Town Commission hereby approves and authorizes the proposed Fiscal Year 2015/2016 budget amendments as set forth in Attachments “A” and “B.”

Section 3. Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

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

PASSED AND ADOPTED this _____ day of July, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney

**TOWN OF SURFSIDE
BUDGET AMENDMENT
ATTACHMENT A**

Fiscal Year: 2015/2016
 BA # 2 Budget Amendment
 Fund Nos. 301 Capital Projects Fund
 105 Police Forfeiture Fund

7/12/2016

Account Number	Account Description	Justification	Original/ Adjusted Budget	Increase	Decrease	Adjusted Budget
CAPITAL PROJECTS FUND						
REVENUES						
301-0000-334-3900	State - FIND Grant	State FIND Grant for Seawalls Phase II	0	346,250		346,250
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TOTAL	CAPITAL PROJECTS FUND REVENUES		\$ -	\$ 346,250	\$ -	\$ 346,250
EXPENDITURES						
301-4400-541-6340	Infrastrucure - Seawalls Phase II	Seawalls Phase II Award, Project & Grant Mgmt FIND Grant funding	0	346,250		\$ 346,250
TOTAL	CAPITAL PROJECTS FUND EXPENDITURES		\$ -	\$ 346,250	\$ -	\$ 346,250
POLICE FORFEITURE FUND						
REVENUES						
105-0000-359-2005	Treasury Confiscation		\$ -	36,899		\$ 36,899
105-0000-359-2010	Department of Justice Confiscation		0	1,116		1,116
105-0000-392-0000	Use of Restricted Fund Balance		80,000		38,015	41,985
TOTAL	POLICE FORFEITURE FUND REVENUES		\$ 80,000	\$ 38,015	\$ 38,015	\$ 80,000

Requested by: _____
 Budget Officer

Approved : _____
 Finance Director

Approved : _____
 Town Manager

**TOWN OF SURFSIDE
BUDGET AMENDMENT
ATTACHMENT B**

Fiscal Year: 2015/2016
BA # 2 Budget Amendment
Fund No. 403 Solid Waste Fund

7/12/2016

Account Number	Account Description	Justification	Current Budget	Increase	Decrease	Adjusted Budget
SOLID WASTE FUND						
REVENUES						
403-0000-343-4000	Solid Waste Collection Charges	Solid waste rate restructure adjustment	\$1,256,001	\$107,350		\$1,363,351
403-0000-343-9003	Commercial Roll-offs Revenues	Adjustment for new revenue	0	6,000		6,000
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403-0000-383-1000	Capital Loan Proceeds	Decrease - grapple truck purchase not financed	160,000		160,000	0
403-0000-392-1000	Appropriated Net Assets	Use of fund balance to purchase grapple truck	228,237	160,000	36,350	351,887
TOTAL	SOLID WASTE FUND REVENUES		\$1,985,825	273,350	\$309,700	\$1,949,475
EXPENDITURES						
403-4000-534-7110	Principal	Decrease - grapple truck purchase not financed	\$29,000		\$29,000	\$0
403-4000-534-7210	Interest	Decrease - grapple truck purchase not financed	7,350		7,350	0
TOTAL	SOLID WASTE FUND EXPENDITURES		\$36,350	\$0	36,350	\$0

Requested by: _____
Budget Officer

Approved : _____
Finance Director

Approved : _____
Town Manager



Town of Surfside Commission Communication

Agenda #: 4A1
Agenda Date: July 12, 2016
Subject: Amending Special Events Ordinance
From: Alan P. Graham, Code Compliance Director

Background: The Town's Special Events Ordinance, Chapter 35, was adopted on July 12, 2011. The Ordinance authorizes the issuance of permits for special events, provides for exemptions, outlines enforcement and recycling regulations, and describes coordination of special events with the Surfside Police Department.

The Town is experiencing an increase in the number of requests for special events in public and private places, such as private homes, our beach and in public parks. In addition, the Town has experienced a number of permitted and non-permitted special events that have resulted in citizen complaints concerning loud music and parking problems.

Analysis: Town staff has reviewed the existing Special Events Ordinance, and researched Special Event rules and regulations of other cities. The time has come to update our Ordinance by providing additional definitions, regulations and enforcement language to insure that the single family residential districts will be protected from neighborhood disturbance that are commonly associated with special events of a commercial nature.

Budget Impact: No significant budgetary impact is anticipated by the amendment to this Ordinance.

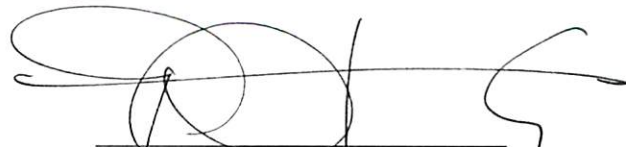
Growth Impact: None

Staff Impact: None

Staff Recommendation: Staff recommends approving the attached Ordinance amendment.



Alan P. Graham
Code Compliance Director



Guillermo Olmedillo
Town Manager

CIVIL PENALTIES AND FINES

The table contained herein lists the sections of the Town’s Code of Ordinances, as they may be amended from time to time by resolution of the Town Commission; which may be enforced pursuant to the provisions of this division, and prescribes the dollar amount of the civil penalty for the violation of these sections.

The “Description of Violation” below is for informational purposes only and the civil penalties attached are meant only as proposed figures and not intended to limit the nature, number of or amount of fines to be imposed for the violations that may be cited in this section. To determine the exact nature of the activity prescribed or required by the Code, the relevant Code section, ordinance or treatise cited in the specific violation must be examined.

Note: All code violation types not listed herein shall be subject to a fine of not less than \$100.00 or more than \$250.00 per day fine for a first time offense, and a fine of not less than \$200.00 or more than \$500.00 per day fine for a second or repeat violation.

Items that are underlines are new fines amounts; items that are scored through are deleted fines.

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
Chapter 6 – Alcoholic Beverages: This Chapter regulates the sale and consumption of alcoholic beverages, and businesses that sell alcoholic beverages.		
6-6	Failure to cease sales, service and consumption of alcoholic beverages during public emergencies.	\$250.00
6-8	Music shall not be audible beyond a distance of 25 feet from the place of business of the vendor.	\$100.00 <u>\$150.00</u>
Chapter 10 – Animals: This Chapter adopts the Miami-Dade County Animal Codes, and regulates dogs, cats, domestic pets, and other animals, and the responsibilities of animal owners and non-animal owners.		
10-2	Killing of any birds and squirrels.	\$250.00
<u>10-3</u>	<u>Limitation on number and kinds or pets.</u>	<u>\$150.00</u>
10-28(c)	Allowing an unleashed dog to run at large.	\$50.00 <u>\$100.00</u>
10-30	Failure to license dog.	\$50.00 <u>\$100.00</u>
10-32	Failure to remove fecal excrement.	\$100.00 <u>\$150.00</u>
10-33	Taking a dog, whether leashed or unleashed, muzzled or unmuzzled, other than a service dog, into any store where food for human consumption is sold or held for sale.	\$50.00 <u>\$100.00</u>

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
10-33	Taking a dog, whether leashed or unleashed, muzzled or unmuzzled, other than a service dog, on any public beach of the town.	\$100.00 <u>\$150.00</u>
10-34	Failure to have one's dogs properly collared and harnessed.	\$ 50.00
10-35	Unauthorized possession of a dog.	\$250.00
10-36	Keeping or harboring of any dog that engages in frequent or habitual barking, yelping, or howling.	\$50.00 <u>\$150.00</u>
10-36	Keeping or harboring of any dog that is mean or vicious.	\$50.00 <u>\$250.00</u>
10-36	Keeping or harboring of any dog in a cruel or inhumane manner.	\$250.00

Chapter 11 – Arts, Culture and Entertainment: This Chapter regulates the issuance of film & print production permits.

11-1(1)	Failure to obtain a film and print production permit (first offense)	\$500.00
11-1(1)	Failure to obtain a film and print production permit (second offense)	\$1,000.00
11-1(1)	Failure to obtain a film and print production permit (third offense)	\$2,500.00
11-1(1)	Failure to obtain a film and print production permit (fourth or greater offense)	\$5,000.00

Note: Habitual offenders of this Chapter may be prevented from being issued a film and print production permit for a specified period of time.

Chapter 14 – Buildings and Building Regulations: This Chapter regulates the issuance & inspection of properties, the Florida Building Code, property maintenance standards, and bulkhead lines.

14-2	Performing mechanical or hand abrasive operations that result in particles that float, drop or are blown onto adjacent property or public ways and streets.	\$250.00
14-2	Failure to confine all loose particles and abrasives from processes involving use of air pressure applications with suitable means to prevent their transfer to the ground.	\$250.00
14-28(b)	Failure to obtain a building permit as required.	\$250.00
14-32	Failure to comply with days and hours of construction.	\$250.00
14-55	Failure to maintain vacant lots or vacant buildings.	\$150.00
14-87	Unlawful to construct any groin, bulkhead, seawall, jetty breakwater. or other protective work or to place any temporary or permanent structure whatsoever East of the ocean bulkhead line.	\$250.00

Code Section	Description of Violation	Civil Penalty
14-87	Unlawful to repair, extend, alter or replace any existing structure lying East of the ocean bulkhead line.	\$250.00
14-88	Unlawful to erect any structure within 20 feet West of the ocean bulkhead line.	\$250.00
14-102	Unlawful construction within 20 feet landward of the Indian Creek bulkhead line.	\$250.00
<u>14-103</u>	<u>Unlawful construction adjacent to other waterways.</u>	<u>\$250.00</u>

Chapter 18 – Businesses: This Chapter regulates the business establishments in the business district, special sales, solicitors and peddlers, licenses, and sidewalk café business operations,

<u>18-26</u>	<u>Unlawful to peddle, hawk or sell on public streets, sidewalks, parks or in any public place in the town.</u>	<u>\$150.00</u>
18-88(g)	Failure to remove sidewalk café furniture upon notification.	\$500.00
<u>18-92</u>	<u>Failure to follow sidewalk café minimum standards (first offense).</u>	<u>\$100.00</u>
<u>18-92</u>	<u>Failure to follow sidewalk café minimum standards (second offense).</u>	<u>\$250.00</u>
<u>18-92</u>	<u>Failure to follow sidewalk café minimum standards (third offense).</u>	<u>\$500.00</u>
<u>18-92</u>	<u>Failure to follow sidewalk café minimum standards (fourth offense).</u>	<u>\$750.00</u>
<u>18-92</u>	<u>Failure to follow sidewalk café minimum standards (fifth or greater offense).</u>	<u>\$1,000.00</u>

Note: Habitual offenders of this Chapter may be prevented from operating a sidewalk café business for a specified period of time.

Chapter 34 – Environment: This Chapter regulates beach sand quality, the use of expanded polystyrene containers, stormwater drainage management, lot clearing, stormwater utility systems and litter.

<u>34-09</u>	<u>Sale/ use of expanded polystyrene food service articles (vendors/permittees)</u>	<u>\$150.00</u>
<u>34-10</u>	<u>Sale/ use of expanded polystyrene food service articles (food providers)</u>	<u>\$150.00</u>
<u>34-28</u>	<u>Unlawful to deposit any debris into the town’s drainage system.</u>	<u>\$250.00</u>
34-30	Unlawful to make an illegal connection to the town’s drainage system.	\$250.00
<u>34-31</u>	<u>Unlawful to dump debris into the town’s waterways.</u>	<u>\$250.00</u>
<u>34-69</u>	<u>Unlawful to allow unsightly accumulation on improved property.</u>	<u>\$150.00</u>
<u>34-70</u>	<u>Unlawful to permit excessive growth of vegetation.</u>	<u>\$150.00</u>
<u>34-71</u>	<u>Unlawful to allow excessive growth of vegetation on vacant lots.</u>	<u>\$150.00</u>

Code Section	Description of Violation	Civil Penalty
34-80	Unlawful to litter in any manner or amount whatsoever.	\$150.00

Chapter 35 – Events: This Chapter regulates the issuance of permits for special events, and the prohibition of commercial special events in certain residential districts.

35-1	Failure to obtain a Special Events permit (first offense).	\$500.00
35-1	Failure to obtain a Special Events permit (second offense).	\$1,000.00
35-1	Failure to obtain a Special Events permit (third offense).	\$2,500.00
35-1	Failure to obtain a Special Events permit (fourth or greater offense).	\$5,000.00
35-5	Holding a Special Event involving the commercial use of a single-family residential property (first violation).	\$1,000.00
35-5	Holding a Special Event involving the commercial use of a single-family residential property (second and subsequent violations).	\$5,000.00

Note: Habitual offenders of this Chapter may be prevented from receiving a special events permit for a specified period of time.

Chapter 46 – Health and Sanitation: This Chapter adopts the State of Florida Health Code, and allows for local enforcement of the Code.

46-1	Unlawful to violate any provisions of the state health code.	\$250.00
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Chapter 54 – Offenses and Miscellaneous Provisions: This Chapter regulates various criminal and non-criminal codes relating to premises used for illegal activities, offenses involving public peace, false alarms, and prohibited noise.

54-78	Prohibited to make or allow excessive noise.	\$150.00
54-79	Prohibited to make or allow restricted noise.	\$150.00

Chapter 62 – Secondhand Goods: This Chapter regulates garage sales, estate sales and auctions.

62-1	Prohibited to hold a garage/outdoor sale without a permit.	\$150.00
62-2	Prohibited to hold an estate sale without a permit.	\$150.00
62-3	Prohibited to hold an auction sale unless court ordered.	\$250.00

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
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Chapter 66 – Solid Waste: This Chapter regulates the placement, collection and disposal of solid waste.

66-4	Illegal to deposit garbage upon any property in the town.	\$250.00
66-5	Prohibited to sweep trash or debris into streets or gutters.	\$150.00
66-7	Failure of gardeners/landscapers to remove cuttings and trimmings.	\$150.00
66-7	Prohibited to use power blowers for grass cuttings.	\$150.00
66-48	Failure to use plastic bags for deposited garbage.	\$250.00
66-49	Improper disposal of wooden or paper cartons.	\$150.00

Chapter 70 – Taxation: This Chapter regulates the taxation of local businesses, and the collection of local business taxes, resort taxes and other taxes.

70-26	Unlawful to conduct business without first paying local business tax.	\$250.00
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Chapter 90 – Zoning: This Chapter regulates the uses allowed in the various zoning districts, certificates of use, and the regulation of short-term rentals.

90-27	Failure to obtain or renew a certificate of use.	\$250.00
90-27.7	Failure to display certificate of use.	\$150.00
90-36.1	Failure to obtain a temporary use or structure permit.	\$250.00
90-41.1(a)(3)	Failure to register a property for short-term rentals.	\$500.00
90-41.1(c)(1)	Failure to pay resort tax on a short-term rental (first offense)	\$500.00
90-41.1(c)(1)	Failure to pay resort tax on a short-term rental (second offense)	\$1,500.00
90-41.1(c)(1)	Failure to pay resort tax on a short-term rental (third offense)	\$5,000.00
90-41.1(c)(1)	Failure to pay resort tax on a short-term rental (fourth or greater offense)	\$7,500.00

Note: Habitual offenders of this Chapter may be prevented engaging in short-term rentals for a specified period of time.

90-52	Failure to provide/maintain required sight visibility clearances.	\$250.00
90-53	Failure to follow portable storage unit regulations.	\$150.00
90-65	Failure to follow boat parking regulations.	\$150.00
90-70	Failure to follow permanent sign permit regulations.	\$150.00

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
90-74	Failure to follow temporary sign regulations.	\$150.00
90-75	Failure to follow prohibited signs regulations.	\$150.00
90-88(6)	Unlawful to allow/permit tree abuse or hatracking of any tree.	\$500.00
90-97	Failure to obtain a tree removal/relocation permit prior to removal/relocation.	\$500.00

ORDINANCE NO. 2016 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING CHAPTER 35 ARTICLE I “SPECIAL EVENTS”; CREATING SECTION 35-5. “SPECIAL EVENTS INVOLVING THE COMMERCIAL USE OF SINGLE-FAMILY RESIDENTIAL PROPERTIES PROHIBITED”; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, residents in the Town of Surfside single family residential properties expect a peaceful neighborhood without disruptions from commercial activities and events; and

WHEREAS, Section 90-41(d)(1)(b) of the Town of Surfside Code requires that every use not specifically authorized and permitted for detached single-family dwellings is prohibited and nothing herein shall authorize or be construed to permit the renting of a room or a portion of the property or improvement; or, to permit the use of any part of the premises as a business, office or establishment for the purpose of carrying on any business or the practice of rendering personal, trade or professional services, except as provided in Section 90-25. “Home based and common-area assembly uses” and Section 90-26. “Home offices”; and

WHEREAS, creating Section 35-5. will clarify that special events involving the commercial use of single-family residential properties are prohibited in the Town of Surfside, and establish penalties to enforce violations to deter disruptions in single family residential properties; and

WHEREAS, the Town Commission held its first public reading on June 14, 2016 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on July 12, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COMMISSION OF SURFSIDE TOWN, FLORIDA; AS FOLLOWS:

Section 1. Recitals. That the above stated recitals are hereby adopted and confirmed.

Section 2. Town Code Amended. Surfside Town Code of Ordinances Section 35-5. “Special events involving the commercial use of single-family residential properties prohibited.” is hereby created and shall read as follows:

Sec. 35-5. Special events involving the commercial use of single-family residential properties prohibited.

(a) Intent and purpose. Section 90-41(d)(1)(b) restricts residential properties to residential and compatible accessory uses.

(b) Definitions.

(1) Use of residential property or use of the property in this section shall mean occupancy of residential property for the purpose of holding commercial parties, events, assemblies or gatherings on the premises.

(2) Advertising or advertisement shall mean any form of communication for marketing or used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, and gatherings as provided herein, upon the premises, as may be viewed through various traditional media, including, but not limited to, newspaper, magazines, flyers, handbills, television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.

(c) Regulations: Determination of commercial use.

(1) Accessory use of residential property shall be deemed commercial and not permitted, except as otherwise provided for in the Code, if owner, lessee or resident receives payment or other consideration, e.g., goods, property or services, in excess of \$100.00 per party or event for the commercial use of the property, including payment by any means, direct or indirect, including security deposits.

(2) Real estate open houses. The following events are not deemed commercial and are permitted: Open houses (open to the public) organized for the purpose of promoting the sale or lease of the residence where the open house is located, to potential buyers or renters, or events organized by the listing agent limited to licensed real estate brokers and/or agents, subject to the following:

a. No sale or display of goods, property or services by sponsoring businesses unrelated to the property; and

b. No charging admittance fees.

c. Events described in this subsection must end by 8:00 p.m.

(d) Enforcement and penalties for violations.

(1) Violations of this section shall be subject to the following fines. The special master shall not waive or reduce fines set by this section.

a. If the violation is the first violation\$1,000.00

b. If the violation is the second violation within the preceding 12 months\$5,000.00

c. Any subsequent violation after the second violation within the preceding

12 months.....\$10,000.00. After the third violation, violator shall be suspended from obtaining a permit for future special events for a period of one year from the date of violation.

- (2) The advertising or advertisement for the commercial use of a residential property for the purpose of holding commercial parties, event, assemblies or gatherings on the residential premises is direct evidence that there is a violation of Section 35-5. which is admissible in any proceeding to enforce Section 35-5. The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the Notice of Violation or any other report or as identified in the advertising or advertisement is direct evidence that the residential property was used in violation of Section 35-5.
- (3) In addition to or in lieu of the foregoing, the Town may close down the commercial use of the property or may seek an injunction against activities or uses prohibited under this section.
- (4) Any Town police officer or code compliance officer may issue notices for violations of this section. The Notice of Violation shall be issued to the property owner, tenant, event planner, promoter, caterer, or any other individual or entity that facilitates or organizes the prohibited activities. In the event the record owner of the property is not present when the violation occurs, a copy of the Notice of Violation shall be provided to such property owner.
- (5) The Town recognizes peoples' rights of assembly, free expression, religious freedom, and other rights provided by the State of Florida and the United States Constitution. It is the intent of the Town Commission that no decision under this section shall constitute an illegal violation of such rights, and this section shall not be construed as such a violation.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the 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 5. Conflict. That all sections or parts of sections of the Town Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this ___ day of _____, 2016.

PASSED AND ADOPTED on second reading this ___ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda #: 4B1
Agenda Date: July 12, 2016
Subject: Sign Area Definition Change
From: Sarah Sinatra Gould, AICP, Town Planner

Background: Numerous applicants have presented signs that exclude the supporting structure from the sign area. The Planning and Zoning Board has requested supporting structures be included within the maximum allowable sign area. Therefore, the definition of sign area should be modified.

The Planning and Zoning Board has also questioned the definition of a monument sign and the ability to connect the sign to a wall or other feature so that it is not a standalone structure. The definition of a monument sign should also be amended. The proposed changes are as follows:

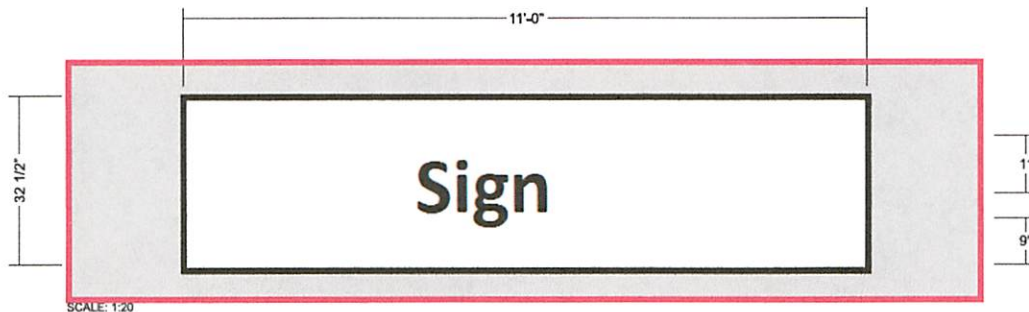
Analysis: Sec. 90-69. - Definitions.

Area: The entire perimeter of a sign which encloses visually communicative copy such as letters, symbols, or logos, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

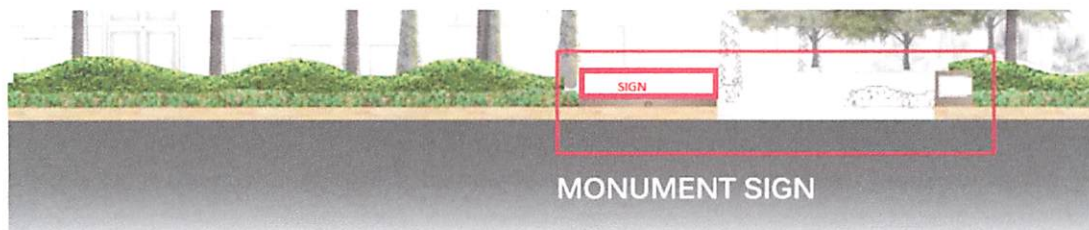
Monument sign: A free-standing sign generally having a low profile where the base of the sign structure is on the ground independent of the building, wall, entry feature or fence, but does not include a pole sign.

The following are images of what the Planning and Zoning Board wants modified. The image below represents how the code is interpreted currently.

Area definition modification explanation: The gray box is the supporting structure and the white box is the sign. Currently, the code permits the applicant to exclude the structure from the calculation of sign area. The Planning and Zoning Board would like to remove that exclusion and require an applicant to count that area as part of the overall maximum sign area square footage.



Monument sign definition modification explanation: In this scenario, the signage is part of an overall knee wall that is incorporated as an entry feature. The Planning and Zoning Board would like to clarify that monument signage shall be stand alone, independent of a building, wall, entry feature or fence.



Staff Recommendation: Staff recommends approval by the Town Commission on first reading.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager

ORDINANCE NO. 16 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; SECTION 90-69. DEFINITIONS; AMENDING THE DEFINITION OF “AREA” OF A SIGN TO INCLUDE THE SUPPORTING STRUCTURE WITHIN THE MAXIMUM ALLOWABLE SIGN AREA; AMENDING THE DEFINITION OF “MONUMENT SIGN” TO ADD THAT THE BASE OF THE SIGN IS INDEPENDENT OF THE WALL, ENTRY FEATURE OR FENCE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board has requested the definition of the “area” of a sign pursuant to Article VI of Chapter 90 of the Town of Surfside Zoning Code to be amended to include supporting structures within the maximum allowable sign area; and

WHEREAS, the Planning and Zoning Board has requested the definition of a “monument sign” pursuant to Article VI of Chapter 90 of the Town of Surfside Zoning Code to be amended to add that the base of the sign is independent of the wall, entry feature or fence; and

WHEREAS, the Town Commission held its first public hearing on July 12, 2016 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on August 25, 2016 with due public notice and input and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on September 13, 2016.

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. 90-69. - Definitions.

Area: The entire perimeter of a sign which encloses visually communicative copy such as letters, symbols, or logos, including the advertising surface and any framing, trim, or molding ~~but not~~ including the supporting structure.

Monument sign: A free-standing sign generally having a low profile where the base of the sign structure is on the ground independent of the building, wall, entry feature or fence, but does not include a pole sign.

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 adoption on second reading.

PASSED and ADOPTED on first reading this ____ day of _____, 2016.

PASSED and ADOPTED on second reading this ____ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



Town of Surfside Commission Communication

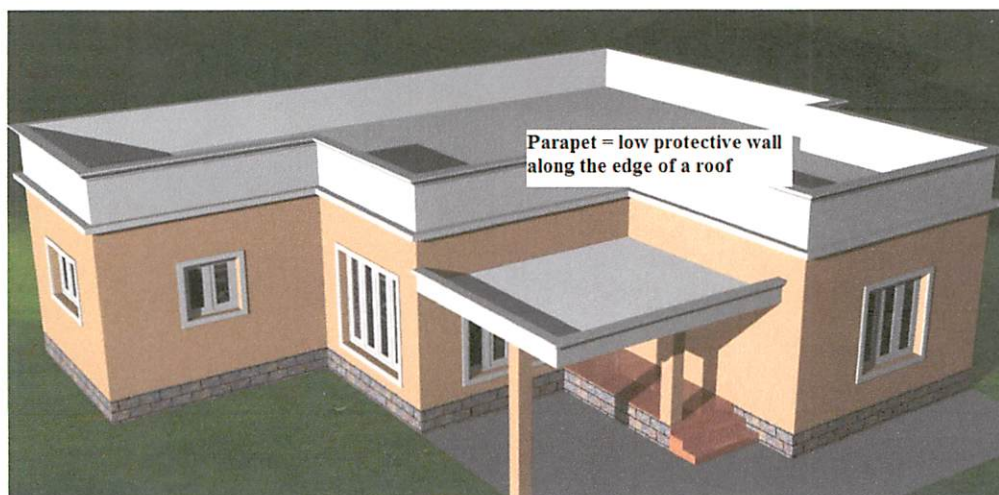
Agenda Date: July 12, 2016

Subject: Roof Pitch

From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Planning and Zoning Board has encouraged applicants to provide designs with pitched roofs rather than flat roofs. The Board has indicated that this type of design is more in line with the character of Surfside. In an effort to further encourage this design, the Board has requested a code change that allows the roof pitch above the top of the roof beam to be included as an architectural feature and therefore permitted to exceed the maximum height by three feet.

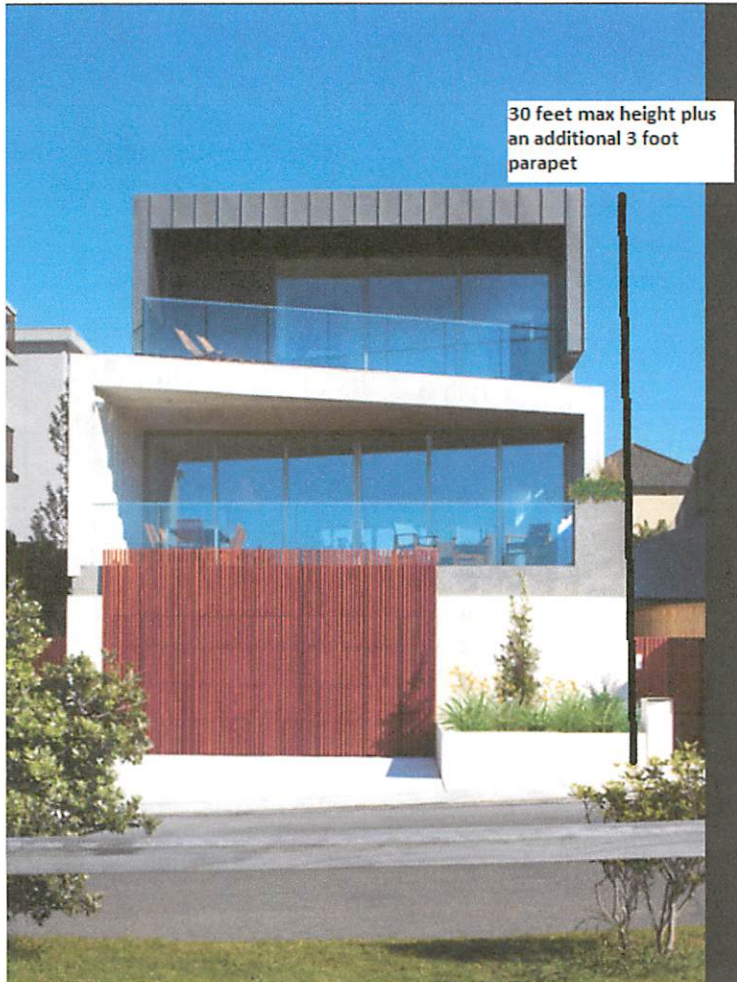
The code allows an applicant to build to 30 feet and then add a three foot parapet. Pitched roof homes typically would not add a parapet wall. Here is an example of a parapet, which is typical on a flat roof home.



The following images demonstrate how a flat roof home creates more square footage for properties and therefore, designs of flat roof homes are becoming more prevalent in Surfside. The Planning and Zoning board indicated a desire to “level the playing field” by allowing a pitch of a roof, which is a non-habitable space above the top of the roof, to act as an architectural feature and therefore be permitted under the permitted height encroachments.

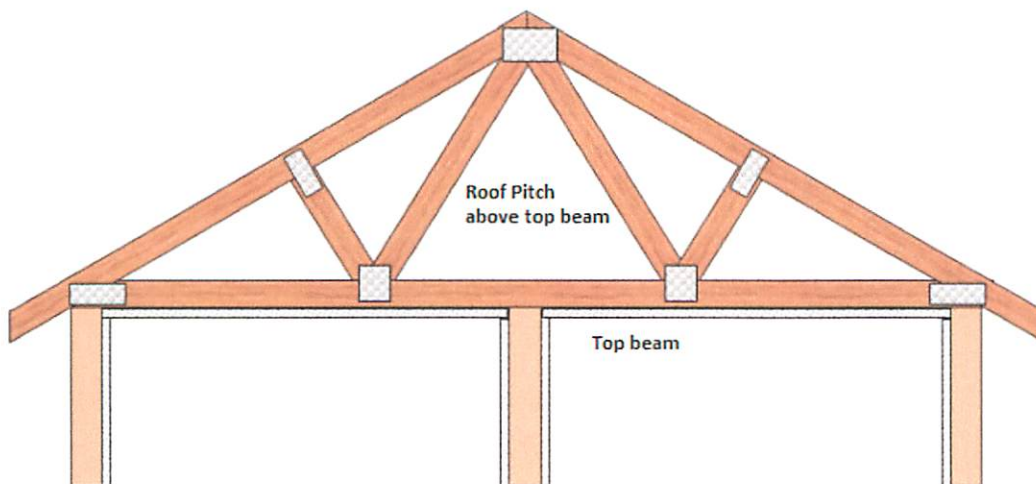
No additional parapets are typical for a pitched roof.





Proposed change

Allow 3 feet for roof pitch to encourage pitched roofs



Sec. 90-44. - Modifications of height regulations.

90-44.1 Architectural elements including cupolas, chimneys, flagpoles, spires, steeples, stair accessways, antennas, ventilators, tanks, parapets, trellises, screens, roof pitches and similar not used for human habitation, may be erected to a reasonable and necessary height, consistent with and not to exceed the following limitations:

Designation	Maximum Height (Feet)	Maximum Percentage of Aggregate Roof Area
H30A	3 FT	1%
H30B	3 FT	1%
H30C	3 FT	10%
H40	12 FT	10%
H120	20 FT	30%
SD-B40	12 FT	10%

Staff Recommendation: Staff recommends the Town Commission approve the proposed Ordinance.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

ORDINANCE NO. 16 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; SECTION 90-44. “MODIFICATIONS OF HEIGHT REGULATIONS”; SPECIFICALLY AMENDING SECTION 90-44.1 TO INCLUDE ROOF PITCHES AS AN ARCHITECTURAL ELEMENT WHICH MAY BE ERECTED TO A REASONABLE AND NECESSARY HEIGHT, CONSISTENT WITH AND NOT TO EXCEED LIMITATIONS AS SPECIFIED IN THE CODE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside Planning and Zoning Board has encouraged applicants to provide designs with pitched roofs, which are non-habitable spaces above the top of the roof, indicating that this type of design is in accordance with the character of Surfside; and

WHEREAS, Section 90-44.1 of the Town of Surfside Code provides that architectural elements including cupolas, chimneys, flagpoles, spires, steeples, stair accessways, antennas, ventilators, tanks, parapets, trellises, screens, and similar not used for human habitation, may be erected to a reasonable and necessary height, consistent with and not to exceed limitations as specified in the code; and

WHEREAS, to encourage pitched roof designs, the Planning and Zoning Board requested a code change to include the roof pitch as an architectural element which may be erected to a reasonable and necessary height, consistent with and not to exceed limitations as specified in the code; and

WHEREAS, staff recommends amending Chapter 90 “Zoning”; Section 90-44. and specifically amending Section 90-44.1 to include roof pitches as an architectural element which may be erected to a reasonable and necessary height, consistent with and not to exceed limitations as specified in the code; and

WHEREAS, the Town Commission held its first public hearing on July 12, 2016 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments on August 25, 2016 with due public notice and input and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on September 13, 2016.

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. 90-44. - Modifications of height regulations.

90-44.1 Architectural elements including cupolas, chimneys, flagpoles, spires, steeples, stair accessways, antennas, ventilators, tanks, parapets, trellises, screens, roof pitches and similar not used for human habitation, may be erected to a reasonable and necessary height, consistent with and not to exceed the following limitations:

Designation	Maximum Height (Feet)	Maximum Percentage of Aggregate Roof Area
H30A	3 FT	1%
H30B	3 FT	1%
H30C	3 FT	10%
H40	12 FT	10%
H120	20 FT	30%
SD-B40	12 FT	10%

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 adoption on second reading.

PASSED and ADOPTED on first reading this ____ day of _____, 2016.

PASSED and ADOPTED on second reading this ____ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION

Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



Town of Surfside Commission Communication

Agenda Item: 4B3

Agenda Date: July 12, 2016

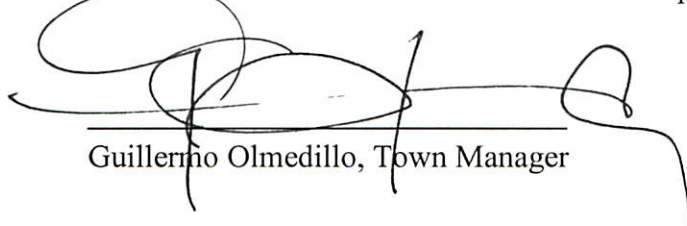
Subject: Beach Furniture Ordinance

Background: During the June 14, 2016 Town Commission meeting, the Town Commission directed the Administration to prepare a beach furniture ordinance for the July 12, 2016 Town Commission Agenda. The Town has the authority to promulgate laws to regulate the public beach in a reasonable manner to protect public health, safety and welfare, which must have a rational relation and be reasonably designed to accomplish a purpose necessary for the protection of the public. Town Administration has had discussions with the Florida Department of Environmental Protection related to the parameters of public, health, safety and welfare as presented in the attached ordinance.

Budget Impact: It is expected that two part-time Code Compliance Officers to work on weekends and holidays will cost \$45,000 annually.

Staff Impact: In addition to the part-time employees, the Code Compliance officers will follow up on cases that have to be prepared for Special Magistrate hearings.

Recommendation: It is recommended to adopt the attached ordinance on first reading.



Guillermo Olmedillo, Town Manager



Donald Nelson, Finance Director

ORDINANCE NO. 16 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE II “LOCAL BUSINESS TAX RECEIPT” OF CHAPTER 70 “TAXATION” AND SPECIFICALLY AMENDING “SECTION 70-41 “LOCAL BUSINESS TAX SCHEDULE”; AMENDING CHAPTER 86 “WATERWAYS”; ARTICLE II, “PUBLIC BEACHES”, SPECIFICALLY AMENDING SECTION 86-26 “DEFINITIONS”; AMENDING SECTION 86-27 “INTENT OF ARTICLE”; CREATING SECTION 86-30 “BEACH FURNITURE”; CREATING SECTION 86-31 “BEACH FURNITURE PERMIT”; CREATING SECTION 86-32 “PERMIT CONDITIONS”; CREATING SECTION 86-33 “INDEMNIFICATION AND INSURANCE”; CREATING SECTION 86-34 “CIVIL FINES AND PENALTIES; DENIAL OF FUTURE PERMITS TO REPEAT VIOLATORS”; CREATING SECTION 86-35 “RIGHTS; PAYMENT OF FINE; RIGHT TO APPEAL; FAILURE TO PAY CIVIL FINE OR TO APPEAL”; 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 has the authority to promulgate laws to regulate the public beach in a reasonable manner to protect public health, safety, and welfare, which must have a rational relation and be reasonably designed to accomplish a purpose necessary for the protection of the public; and

WHEREAS, the Florida Constitution states that “The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all the people,” s.11, Art. X, Fla. Const; and

WHEREAS, the public trust doctrine requires that governmental regulation of sovereign beach lands be in furtherance of this trust and, therefore, be in the best interest of all the people; and

WHEREAS, pursuant to the Town Charter, Sec. 2 and Sec. 86-36, Town Code, the beach is within the corporate limits of the Town of Surfside and the Town exercises full municipal jurisdiction; and

WHEREAS, pursuant to §205.042, Fla. Stat. and Sec. 70-26 of the Surfside Town Code, it is unlawful for any person to conduct or engage in any business, profession or occupation without first procuring a local business tax receipt and paying to the Town the local business tax; and

WHEREAS, emergency vehicular access must be provided by having a clear path east of the dune system, and either along the water line or several clear paths perpendicular to it; and

WHEREAS, unobstructed access must be provided around lifeguard towers; and

WHEREAS, the Town Commission held its first public reading on July 12, 2016 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 9, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

Section 2. Code Amendment. The Code of Ordinances of the Town of Surfside, Chapter 70 “Taxation” “Section 70-41 “Local Business Tax Schedule” is hereby amended as follows:

Sec. 70-41. - Local business tax schedule. There hereby are levied and imposed local business taxes for the privilege of engaging in or managing any business, profession or occupation within the town; the rates for such tax to be no greater than those as indicated herein.

* * *

B

Bakery goods, market (retail) or department, within the meaning of this subsection, shall be construed as any place of business where bakery goods are sold at retail135.00

Bar (as defined in section 6-1)500.00

Barbershops150.00

Beach furniture operation 500.00

* * *

Section 3. Code Amendment. The Code of Ordinances of the Town of Surfside, Chapter 86 “Waterways”; Article II, Public Beaches” is hereby amended as follows:

Sec. 86-26. - Definitions.

* * *

Beach furniture includes, but is not limited to, any chair, umbrella, tent or any other object that is used on the beach.

* * *

Public beach means ~~that land area in the RT 1 Zoning District, "Tourist District,"~~ that is seaward of the erosion control line. It shall also include all easements and rights-of-way within the area that are utilized for public beach purposes.

* * *

Beach Furniture Operator is a resort facility or condominium association within the boundaries of the Town of Surfside which allows another party to use such beach furniture for a fee or as part of a short-term paid lodging or residency arrangement.

* * *

Sec. 86-27. - Intent of article.

It is the intent of the town commission to prohibit those activities by persons on the public beach of the town that adversely affect the attractiveness of the public beach or endanger citizens, residents and visitors who use its facilities. The town commission finds that the health, safety, and welfare of the public is best protected by the regulation of beach furniture operations in the town. The town commission further finds and determines that motorboats that operate in the exclusion zone at excessive speeds or in a reckless and unsafe manner create a situation dangerous to the lives and property of persons using said waters within the exclusion zone; that excessive motorboat speed erodes shoreline property and destroys bulkheads, seawalls, docks and piers; and that said excessive speed or the operation of motorboats in a reckless and unsafe manner reduces other available recreational uses for said waters. The town commission further finds and determines that because different size motorboats create different problems when they operate at the same speed, a flexible regulatory scheme is required.

Section 4. Code Amendment. The Code of Ordinances of the Town of Surfside, Chapter 86 "Waterways"; Article II, Public Beaches" is hereby amended to create Sections 86-30 to 86-35 to read as follows:

Sec. 86.30. - Beach furniture.

A. Beach furniture shall not inhibit access to the public beach, nor obstruct access on the beach for pedestrians and emergency vehicles, nor impact native vegetation, nor affect sea turtles or other wildlife. Beach furniture may not be placed directly behind of or in

front of a lifeguard tower or within 10 feet of the entire perimeter of the lifeguard tower, or obstruct a lifeguard's view of the beach or ocean. No beach furniture shall be placed in the area immediately adjacent to or directly seaward of the street ends throughout the Town of Surfside.

- B. Beach furniture shall not be set out in the morning before sunrise or before completion of daily monitoring time for turtle nesting activity by a Florida Fish and Wildlife Conservation Commission authorized marine turtle permit holder to examine the beach in the area of the authorized activity to ensure any new sea turtle nests are identified and marked, whichever occurs first.
- C. A Beach Furniture Operator who provides beach furniture must obtain a permit from the Town through the permit process described in Sec. 86-31 of this chapter. The Beach Furniture Operator must procure a local business tax receipt and comply with the regulations of Sec. 70-41 of the Town of Surfside Code and all required licenses or permits from Miami-Dade County, the State of Florida, or federal entities.

Sec. 86-31. - Beach Furniture Permit.

Beach Furniture Operator, as defined in this article must obtain a permit to place beach furniture on the public beach within the Town.

- A. All beach furniture placed by a Beach Furniture Operator shall be set at least 20 feet seaward of the edge of vegetation line of the dune and at least 20 feet landward of the edge of wet sand at the high water line. For every 50 feet of beach furniture continuously placed on the public beach, there must be an unobstructed path of at least 10 feet wide.
- B. Application. Any Beach furniture operator shall apply for a permit on a form prepared by the Town and submit same, along with the applicable permit application fee, to the Town for processing. All permit applications shall include the following:
 - (1) An application fee of \$500.00;
 - (2) Evacuation plan, in case of a natural disaster such as a tropical storm or hurricane, including a storage area.
- C. Exemption. Nothing in this article shall require a permit from the general public to place beach furniture on the public beach for personal use.
- D. Review of permit application. A permit shall be granted upon the submittal of a completed application and the required fee, unless the Town Manager or his/her designee determines that the granting of such a permit:
 - (1) Unduly impedes governmental business or public access;
 - (2) Conflicts with previously scheduled activities;
 - (3) Imperils public safety; or
 - (4) Violates any public policy or local, state or federal law.
- E. Appeals. Any party aggrieved by the terms of a permit issued by the Town under this provision, or by the Town's decision to deny the permit or by the revocation of a permit issued by the Town may, within 30 days of the decision, appeal to the Town Commission.

Sec. 86-32. - Permit conditions.

The following conditions shall apply to the placement of beach furniture:

- A. Maintenance of beach furniture. The Beach Furniture Operator shall be responsible for ensuring that the beach furniture is clearly identified as to its ownership, maintained in good condition, free from evidence of deterioration, weathering, and discoloration, at all times.
- B. No obstruction to general public. Beach furniture shall be deployed in a manner to assure public access and to encourage public use of the beach.
- C. A Beach Furniture Operator must remove all beach furniture from the public beach east of the Erosion Control Line by sunset.
- D. The placement and/or use of beach furniture shall not obstruct the view of the lifeguard or for emergency personnel. Any request from a code enforcement officer, police officer or lifeguard to relocate beach furniture shall be complied with immediately.
- E. In the event of a declared state of emergency, the Town Manager or designee may issue a warning to the Beach Furniture Operator to remove and secure the beach furniture. If the Beach Furniture Operator fails to remove the beach furniture, the Town Manager or designee, at its option, may remove the beach furniture from the public beach. The Beach Furniture Operator shall be liable for all costs incurred by the Town for the removal and storage of the beach furniture in the event of an emergency.
- F. The Beach Furniture Operator shall comply with any order issued by the State of Florida, and Miami-Dade County regulations regarding the preservation of marine turtle nesting grounds to ensure that nesting surveys are conducted in accordance with the conditions set forth by the state and the county. In the event an unmarked marine turtle nest is exposed, or a dead, injured, or sick marine turtle is discovered, the Florida Marine Patrol (1-800-DIAL-FMP) shall be notified immediately for appropriate conservation measures to be taken.

Sec. 86-33. - Indemnification and insurance.

- A. The Beach Furniture Operator agrees to indemnify, defend, save and hold harmless the town, its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit or the Beach Furniture Operator's activity on the public beach.
- B. The Beach Furniture Operator agrees to obtain and maintain for the entire permit period, at its own expense, the following requirements:
 - (1) Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage. The town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.
 - (2) Workers' compensation and employers' liability as required by the state.

- C. All policies must be issued by companies authorized to do business in the state and rated B+:VI or better per Best’s Key Rating Guide, latest edition.
- D. The town must receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.
- E. The Beach Furniture Operator must provide and have approved by the town an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.
- F. Failure to comply with these requirements shall be deemed to be operating without a valid permit and shall cause an immediate suspension or revocation of the permit.

Sec. 86-34. - Civil fines and penalties; denial of future permits to repeat violators.

Violations of this article shall be punished by a civil penalty of \$500 per violation and a repeat violation shall result in a fine of \$1,000 per violation.

Sec. 86-35. - Rights; payment of fine; right to appeal; failure to pay civil fine or to appeal.

- A. A violator who has been served with a notice of violation shall elect either to:
 - (1) Pay the civil fine in the manner indicated on the notice; or
 - (2) Request an administrative hearing before a special master, to appeal the decision of the code compliance officer which resulted in the issuance of the notice of violation.
- B. The procedures for appeal shall be as set forth in sections 15-12 and 15-13 of the Town Code.
- C. Failure of the named violator to appeal the decision of the code compliance officer within 20 days after the date printed on the notice of violation shall constitute a waiver of the violator's right to administrative hearing. A waiver of the right to an administrative hearing shall be treated as an admission of the violation, and penalties shall be assessed accordingly.
- D. Any party aggrieved by the decision of a special master may appeal that decision to the circuit court pursuant to section 15-15.

Section 5. 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 6. 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 7. 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 relettered to accomplish such intentions; and the word “Ordinance” may be changed to “Section” or other appropriate word.

Section 8. Effective Date. This Ordinance shall be effective upon final adoption on second reading.

PASSED and **ADOPTED** on first reading this ____ day of _____, 2016.

PASSED and **ADOPTED** on second reading this ____ day of _____, 2016.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION

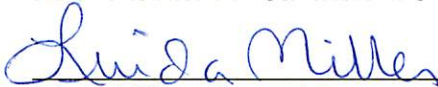
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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



Linda Miller, Town Attorney



**Town of Surfside
Commission Communication**

Agenda Item #: 5A

Agenda Date: July 12, 2016

Subject: Sid Tepper Street Designation

Background: At the June 14, 2016 Town of Surfside Commission meeting, Mayor Daniel Dietch introduced an item for discussion designating 89th Street as "Sid Tepper Street".

The Town Commission directed the Administration to prepare a Resolution designating 89th Street as "Sid Tepper Street" for Commission adoption at the July 12, 2016 meeting.

Mr. Tepper, along with his childhood friend and writing partner Roy Bennett, worked together over 25 years, publishing more than 300 songs, including over 40 songs for Elvis Presley, as well as other hit songs in the Billboard Top 100 for artists such as Guy Lombardo and his Royal Canadians. Over the next 22 years, the song writing team wrote for the Beatles, Tony Bennett, Rosemary Clooney, Peggy Lee, Frank Sinatra, Sarah Vaughn and Dean Martin amongst many others.

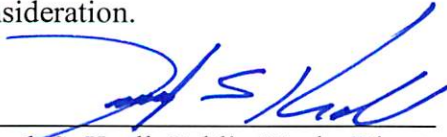
Mr. Tepper and his family moved to Surfside during the summer of 1969 and lived here until 2004. He was honored in Surfside in 2008 in recognition of his 90th Birthday and he was featured as a Surfside Star in the May 2015 Gazette.

Analysis: In order to designate 89th street as "Sid Tepper Street" the Town has to adopt a Resolution and present it to the Miami-Dade County Board of Commissioners for consideration.

Staff Impact: N/A

Budget Impact: The Miami-Dade Traffic Signals and Signs Division estimates the cost to replace the 89th Street signs with the new memorial designation signs to be approximately \$1500. The cost for the replacement signs will come out of Public Works street budget account.

Recommendation: Administration recommends the adoption of the Resolution designating 89th Street as "Sid Tepper Street", adding memorial signs with a cost of approximately \$1500 and presenting the Resolution to the Miami-Dade County Board of County Commissioners for consideration.



Joseph S. Kroll, Public Works Director



Donald Nelson, Finance Director



Guillermo Olmedillo, Town Manager

RESOLUTION NO. 16 - _____

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, CO-DESIGNATING 89TH STREET AS “SID TEPPER STREET”; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO MIAMI-DADE COUNTY COMMISSIONER SALLY HEYMAN FOR SPONSORSHIP OF A RESOLUTION FOR CONSIDERATION AND APPROVAL BY THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR APPROVAL; PROVIDING FOR IMPLEMENTATION AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at the June 14, 2016 meeting, the Town Commission accepted the recommendation to co-designate 89th Street as “Sid Tepper Street;” and

WHEREAS, Sid Tepper and his family moved to Surfside during the summer of 1969 and lived in Surfside until 2004; and

WHEREAS, Sid Tepper was born in Brooklyn, New York on June 25, 1918 and received his start in entertainment after high school when he enlisted in the Army during WWII; and

WHEREAS, Mr. Tepper was initially in the cavalry and then was assigned to the Special Services Entertainment Division to entertain the troops; and

WHEREAS, along with his childhood friend and writing partner Roy Bennett, Mr. Tepper worked together over 25 years, publishing more than 300 songs, including over 40 songs for Elvis Presley, as well as other hit songs in the Billboard Top 100 for artists such as Guy Lombardo and his Royal Canadians; and

WHEREAS, over the next 22 years, Sid Tepper and Roy Bennett wrote for The Beatles, Tony Bennett, Rosemary Clooney, Peggy Lee, Frank Sinatra, Sarah Vaughan and Dean Martin amongst many others; and

WHEREAS, Mr. Tepper was honored in Surfside in 2008 in recognition of his 90th Birthday; and

WHEREAS, in 2015 Mr. Tepper was designated a Surfside Star; and

WHEREAS, in recognition of Mr. Tepper’s love of Surfside and his cultural contributions, the Town Commission co-designates 89th Street as “Sid Tepper Street.”

NOW, THEREFORE, BE IT RESOLVED BY 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 of Co-Designation of 89th Street. The Town of Surfside Commission approves and requests the approval of Miami-Dade County to co-designate 89th Street as "Sid Tepper Street."

Section 3. Direction to the Town Clerk. Directing the Town Clerk to transmit a copy of this Resolution to Miami-Dade County Commissioner Sally Heyman for sponsorship of a Resolution for consideration and approval by the Miami-Dade County Board of County Commissioners to co-designate 89th Street as "Sid Tepper Street."

Section 4. Authorization and Implementation. The Town Manager is hereby authorized to take any and all action necessary to implement this Resolution.

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

PASSED AND ADOPTED this _____ day of July, 2016.

Motion by _____,

Second by _____.

FINAL VOTE ON ADOPTION

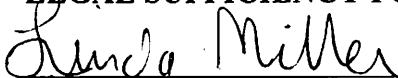
Commissioner Daniel Gielchinsky _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Barry Cohen _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, 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 #: 9A

Agenda Date: July 12, 2016

Subject: Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended September 30, 2015.

Background: The Comprehensive Annual Financial Report (CAFR) for the fiscal year that ended September 30, 2015 was audited by the independent auditing firm of Marcum, LLP and they have issued their opinion dated June 30, 2016. The independent auditors' opinion is located in the front of the CAFR and states: In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town as of September 30, 2015, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United State of America. The Town's Management Discussion and Analysis immediately follows the independent auditors report and provides a narrative introduction overview and analysis of the basic financial statements. Additionally, Marcum provided the Town Commission with a Communication Letter dated June 30, 2016 located in the back of the CAFR. The Financial Statements were prepared in conformity with generally accepted accounting principles in accordance with the Governmental Accounting Standards Board.

Recommendation: It is recommended that the Town Commission accept the Comprehensive Annual Financial Report, as audited by Marcum LLP for the fiscal year ended September 30, 2015, including the communication letter dated June 30, 2016. It is further recommended that the Town Commission join me in expressing gratitude and congratulations to the Finance Director Donald Nelson and his staff, Mayte Gamiotea, Controller, Marisol Rodriguez, Accounting Clerk, and Andria Meiri, Budget Officer for their diligence and hard work and effort leading up to the production of the CAFR.

Donald G. Nelson
Finance Director

Guillermo Olmedillo
Town Manager



**TOWN OF SURFSIDE
DISCUSSION ITEM**

Agenda #: 9B
Date: July 12, 2016
From: Guillermo Olmedillo, Town Manager
Subject: **Miami-Dade County Board of County Commissioners -
Two Historic Preservation Ordinances passed June 7, 2016 - First Reading**

Objective – The purpose of this item is to inform the Town Commission of two ordinances passed on first reading by the Miami-Dade County Board of County Commissioners related to historic preservation.

Consideration – On June 7, 2016 the Miami-Dade County Board of County Commissioners passed on first reading two Historic Preservation Ordinances related to the Miami-Dade County Mayor’s Working Group recommendations. Attached for your review are the following Miami-Dade County ordinances:

Item 4H: an ordinance on first reading re: amending the definition of owner (condo/co-op), term limits for board members, training of new board members, designation criteria, ad valorem tax exemptions and other revisions

Item 4K: an ordinance on first reading re: rules of procedure for BCC, historic preservation appeals, municipality opt-out, criteria related to economic hardship, ad valorem taxation, and other revisions

These two ordinances are scheduled for public hearing on Monday, September 12, 2016 before the Unincorporated Municipal Services Area Committee.

Recommendation – This item is for informational purposes.


Guillermo Olmedillo, Town Manager

MEMORANDUM

Agenda Item No. 4(H)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to historic preservation and ad valorem taxation; amending definition of owner for historic preservation purposes as it relates to condominium and cooperate properties and certain land leases; revising criteria for appointment of Historic Preservation Board members; providing for term limits on Historic Preservation Board members; requiring waiver of such term limits by ordinance; requiring training of new Board members; requiring the Board to consider certain criteria in deciding whether to designate certain sites; requiring designation reports to include additional factors; providing an ad valorem tax exemption for certain historic properties used for commercial or nonprofit purposes; making technical changes; amending sections 16A-4, 16A-6, 16A-10, and 16A-18 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman and Chairman Jean Monestime.



Abigail Price-Williams
County Attorney

APW/smm

Approved _____ Mayor

Agenda Item No. 4(H)

Veto _____

6-7-16

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO HISTORIC PRESERVATION AND AD VALOREM TAXATION; AMENDING DEFINITION OF OWNER FOR HISTORIC PRESERVATION PURPOSES AS IT RELATES TO CONDOMINIUM AND COOPERATE PROPERTIES AND CERTAIN LAND LEASES; REVISING CRITERIA FOR APPOINTMENT OF HISTORIC PRESERVATION BOARD MEMBERS; PROVIDING FOR TERM LIMITS ON HISTORIC PRESERVATION BOARD MEMBERS; REQUIRING WAIVER OF SUCH TERM LIMITS BY ORDINANCE; REQUIRING TRAINING OF NEW BOARD MEMBERS; REQUIRING THE BOARD TO CONSIDER CERTAIN CRITERIA IN DECIDING WHETHER TO DESIGNATE CERTAIN SITES; REQUIRING DESIGNATION REPORTS TO INCLUDE ADDITIONAL FACTORS; PROVIDING AN AD VALOREM TAX EXEMPTION FOR CERTAIN HISTORIC PROPERTIES USED FOR COMMERCIAL OR NONPROFIT PURPOSES; MAKING TECHNICAL CHANGES; AMENDING SECTIONS 16A-4, 16A-6, 16A-10, AND 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 16A-4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 16A-4. Definitions.

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (14) ~~Owner~~>>(s)<< ~~[[of a designated property]]~~: >>An owner is any person, organization, corporation, or other entity having a recorded fee simple interest in a building or its underlying land. When the ownership of a building has been divided into condominiums, the condominium association shall be considered the sole owner. When a building is owned by a cooperative corporation, the corporation shall be considered the sole owner. When an owner has entered into a recorded land lease for a term exceeding 75 years, which lease entitles the lessee to construct, demolish, or alter buildings on the land, the lessee shall also be considered an owner.<< ~~[[As reflected on the current Metropolitan Miami-Dade County tax rolls or current title holder.]]~~

* * *

Section 2. Section 16A-6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-6. Same—Members.

The Board shall consist of >>13<< ~~[[thirteen—(13)]]~~ members appointed by the Board of County Commissioners. The Board of County Commissioners should attempt to appoint architects, realtors, archeologists, historians, art historians, lawyers>>, developers, contractors, engineers, economists,<< or other individuals from the business, financial and other segments of the community who, by virtue of their profession or business, have demonstrated concern for historic preservation. The Historic Preservation Board shall contain not less than one architect; one real estate ~~[[agent]]~~ >>professional<< or attorney at law; and one historian or architectural historian. The term of office of membership shall be >>4<< ~~[[four—(4)]]~~ years for each member. Any vacancy occurring on the Board shall be filled by the County Commission for the remainder of the unexpired term, at the earliest possible date. Members shall be eligible for reappointment>>, but shall not serve more than 2 consecutive 4-year terms without a hiatus of at least 4 years, provided, however, that an appointment to fill an unexpired term shall not preclude that appointee from serving 2 consecutive 4-year terms thereafter, subject to waiver by a two-thirds vote of the Board of County Commissioners as provided in section 2-11.38.2. The provisions of section 2-11.38.2 that authorize the Board of County Commissioners to waive term

limit restrictions by resolution adopted by a two-thirds vote of members present shall not otherwise apply, and the aforementioned term limit restrictions shall not be waived by the Board of County Commissioners except by ordinance<<. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the County Commission. >>All new members shall receive an orientation or training upon being appointed to the Board. Except as otherwise provided in this Section.<< ~~[[Members of the]]~~ Board >>members<< shall be governed by >>the provisions applicable to all County boards, as set forth in Chapter 2, Article IB<< ~~[[Section 2-11.36, et seq.]]~~ of the Code.

Section 3. Section 16A-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-10. Designation process and procedure.

>>In deciding whether to exercise its discretion to designate a proposed individual site, district, or archeological or paleontological zone, the Board shall consider the objective criteria set forth in subsection (1) below, as well as the factors and considerations required to be addressed in staff's designation report pursuant to subsection (3) below, along with the evidence and testimony presented at the public hearing and any other information the Board deems relevant to its determination.<<

(>>1<<~~[[1]]~~) ~~[[1]]~~Criteria.~~[[1]]~~ The Board shall have the authority to designate areas, places, buildings, structures, landscape features, archeological and paleontological sites and other improvements or physical features, as individual sites, districts or archeological or paleontological zones that are significant in Miami-Dade County's history, architecture, paleontology, archeology or culture and possess an integrity of location, design, setting, materials, workmanship or association, or:

* * *

(>>2<<[[H]]) [[F]]*Properties not generally considered; exceptions.*[[B]] Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature and properties that have achieved significance within the last ~~[[fifty-]]~~50[[B]] years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

* * *

(>>3<<[[H]]) >>Designation<<[[~~Investigation and designation~~]]
report.[[B]] Prior to the designation of an individual site, a district, or an archeological zone, ~~[[an investigation and]]~~
>>a<< designation report must be filed with the Board. The format of these reports may vary according to the type of designation; however, all reports must address the following: The historical, cultural, architectural or archeological significance of the property or properties being recommended for designation; a recommendation of boundaries for districts and archaeological zones and identification of boundaries of individual sites being designated; a recommendation of standards to be adopted by the Board in carrying out its regulatory function under this chapter with respect to certificates of appropriateness and certificates to dig. Where a report is filed recommending designation of a district, the report must identify those properties, if any, within the district which are not historically or architecturally compatible with structures in the district. The standards for regulating such nonconforming properties shall provide that a certificate of appropriateness may be required only for new construction on such properties. All reports shall >>also address, to the extent applicable, the following: any<< ~~[[take into consideration]]~~ projected, proposed or existing public improvements and developmental or renewal plans>>; any private plans for development or redevelopment of the property or area under consideration, including any new architecture or features proposed for the same location; any applicable neighborhood or community revitalization goals, plans, or objectives, including any existing policies in the local government's comprehensive plan or other planning initiatives pertaining to, among other things, economic development, transportation, and housing; and the possible

adaptive use of the property after designation, based on applicable local government zoning regulations and other building code requirements<<.

* * *

Section 4. Section 16A-18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 16A-18. Tax exemptions ~~[[for renovations]]~~ for historic properties.

>>(1) Tax exemptions for historic properties used for certain commercial or nonprofit purposes.

(a) Pursuant to Section 196.1961, Florida Statutes, Miami-Dade County hereby elects to provide for an ad valorem tax exemption of 25 percent of the assessed value for any property, located in the unincorporated area of the County or in a municipality over which the County exercises historic preservation jurisdiction, that meets the following statutory criteria:

- (i) The property must be used for commercial or non-profit purposes;
- (ii) The property must be historically designed at the local level, a contributing property to a locally-designated historic district, listed in the National Register of Historic Places, or a contributing property to a National Register Historic District;
and
- (iii) The property must be “regularly open to the public,” as defined by law.

To retain this ad valorem tax exemption, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property. Where a qualifying property is located within a municipality over which the County exercises historic preservation jurisdiction, the exemption shall only apply to taxes levied by the County. The exemption does not apply to taxes levied for the payment of bonds

or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution.

(b) Any person or entity claiming the ad valorem tax exemption provided under subsection (1)(a) above shall file an application for exemption with the Miami-Dade County Property Appraiser, describing the property for which exemption is claimed and certifying its ownership and use. The Property Appraiser shall process the application and grant the exemption if the property meets the conditions and requirements specified in Section 196.1961, Florida Statutes, as may be amended from time to time. The property shall remain eligible for the exemption for as long as the property remains in compliance with the conditions and requirements specified in the Florida Statutes, as may be amended from time to time.

(2) *Tax exemptions for renovations of historic properties.*<<

(a) *Scope of tax exemptions.* A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to ~~[[one hundred-]]~~100~~[[D]]~~ percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution. The exemption does not apply to personal property. The exemption under this ordinance does not apply to properties within a community redevelopment area previously or hereafter established pursuant to Part III of Chapter 163, Florida Statutes, by either the Board of County Commissioners of Miami-Dade County or the governing body of any city or other municipality within Miami-Dade County.

* * *

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 7. This ordinance, except for Section 4 above, shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 8. Section 4 of this ordinance, which provides for an ad valorem tax exemption pursuant to Section 196.1961, Florida Statutes, shall become effective on January 1, 2017.

Section 9. The Clerk of the Board is directed to provide notice to the Miami-Dade County Property Appraiser of the adoption of this ordinance, particularly Section 4 hereof, and shall transmit a copy thereof to the Property Appraiser by December 1, 2016.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James Eddie Kirtley

Handwritten signature in black ink, appearing to be 'ADW' with a flourish underneath.

Co-Prime Sponsors: Commissioner Sally Heyman
Chairman Jean Monestime

MEMORANDUM

Agenda Item No. 4(K)

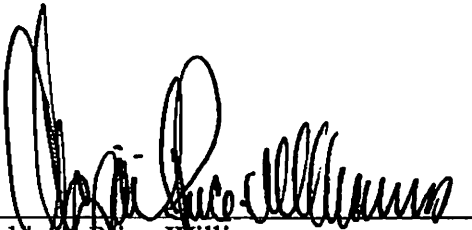
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to the Rules
of Procedure of the Board of
County Commissioners,
Historic Preservation and Ad
Valorem Taxation; amending
section 2-1 and Chapter 16A of
the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Primes Sponsors Chairman Jean Monestime and Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/cp

Approved _____ Mayor

Agenda Item No. 4(K)

Veto _____

6-7-16

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS, HISTORIC PRESERVATION, AND AD VALOREM TAXATION; AMENDING SECTION 2-1 AND CHAPTER 16A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT HISTORIC PRESERVATION APPEALS SHALL BE HEARD AT THURSDAY MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS; REVISING HISTORIC PRESERVATION CODE; ALLOWING MUNICIPALITIES TO OPT OUT OF COUNTY HISTORIC PRESERVATION JURISDICTION AND ENACT MUNICIPAL HISTORIC PRESERVATION ORDINANCES UNDER CERTAIN CIRCUMSTANCES; PROVIDING MINIMUM STANDARDS FOR MUNICIPAL HISTORIC PRESERVATION ORDINANCES AND PROGRAMS; PROVIDING PROCEDURES FOR THE COUNTY TO RESUME JURISDICTION WHERE A MUNICIPAL HISTORIC PRESERVATION PROGRAM IS NOT IN COMPLIANCE WITH COUNTY MINIMUM STANDARDS; REVISING QUALIFICATIONS, MEMBERSHIP, COMPOSITION, AND POWERS OF THE COUNTY'S HISTORIC PRESERVATION BOARD AND STAFF; REVISING PROCEDURES PERTAINING TO INITIATION OF HISTORIC DESIGNATION PROCESS BY OWNER PETITION, COUNTY'S HISTORIC PRESERVATION BOARD, AND STAFF; AMENDING PROCEDURES AND CRITERIA RELATING TO ECONOMIC HARDSHIP; SPECIFYING HISTORIC PRESERVATION APPEAL PROCEDURES; AUTHORIZING REQUIREMENT FOR CONDITIONS RELATED TO CERTIFICATES TO DIG; AUTHORIZING AN AD VALOREM TAX EXEMPTION FOR RENOVATIONS TO CERTAIN HISTORIC PROPERTIES USED FOR COMMERCIAL OR NONPROFIT PURPOSES; REVISING AND SUPPLEMENTING DEFINITIONS PERTAINING TO HISTORIC PRESERVATION; MAKING TECHNICAL REVISIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-1. Rules of Procedure of County Commission.

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

Rule 5.05 Agenda

(a) Order of business

* * *

(2) At Thursday meetings the following items of business shall be conducted in the following order:

- 1. Special presentations and proclamations
- 2. Items scheduled for Thursday
- 3. Policy matters for discussion by the board
- 4. Zoning
- 5. >>Historic preservation appeals
- 6.<< Metropolitan planning organization (MPO)
- >>7.<< ~~[[6-]]~~ Workshops

* * *

Section 2. Chapter 16A of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Chapter 16A - HISTORIC PRESERVATION

Sec. 16A-1. Short title.

This >>Chapter<< [[chapter]] shall be known and may be cited as the "[[Metropolitan]] Miami-Dade County Historic Preservation Ordinance."

Sec. 16A-2. Declaration of legislative intent.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, >>archaeological<< [[archeological]], paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of [[Miami-Dade]] >>the<< County. Therefore, this >>Chapter<< [[chapter]] is intended to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of buildings, structures, improvements, landscape features, paleontological and >>archaeological<< [[archeological]] resources of sites and districts which represent distinctive elements of the County's cultural, social, economic, political, scientific, religious, prehistoric and architectural history;
- (2) Safeguard the County's historical, cultural, >>archaeological<< [[archeological]], paleontological and architectural heritage, as embodied and reflected in such individual sites, districts and >>archaeological<< [[archeological]] zones;
- (3) Foster civic pride in the accomplishments of the past;
- (4) Protect and enhance the County's attraction to visitors and the support and stimulus to the economy thereby provided; and
- (5) Promote the use of individual sites and districts for the education, pleasure and welfare of the people of [[Miami-Dade]] >>the<< County.

Sec. 16A-3. Scope of regulations.

- (1) This >>Chapter<< [[chapter]] is intended to and shall govern incorporated and unincorporated Miami-Dade County.
- (2) The regulatory jurisdiction of the Miami-Dade County Historic Preservation Board pursuant to this Chapter shall extend to:

- (a) all property located in the unincorporated areas of Miami-Dade County;
- (b) all property located in incorporated areas of Miami-Dade County except where the municipality has enacted its own historic preservation ordinance in accordance with section 16A-3.1;
- (c) >>archaeological<< [[archeology]] and >>paleontological<< [[paleontology]] zones and sites in the incorporated and unincorporated areas of Miami-Dade County except where the municipality has enacted its own historic preservation ordinance in accordance with section 16A-3.1 and the ~~[[municipality, within 365 days of the effective date of this ordinance enacts an]]~~ ordinance ~~[[that]]~~ (1) expressly retains jurisdiction over >>archaeological<< [[archeology]] and >>paleontological<< [[paleontology]] zones and sites, (2) adopts regulations >>at<< [[as]] least as protective of >>archaeological<< [[archeology]] and >>paleontological<< [[paleontology]] zones and sites as those in this Chapter, and (3) commits the municipality to retain sufficient archeological personnel or consultants to enforce such regulations; and
- (d) the enforcement of the minimum standards established by this Chapter as set forth in this Chapter.

- (3) Nothing contained herein shall be deemed to supersede or conflict with applicable building and zoning codes. Provisions contained herein shall be cumulative and read in conjunction with other provisions of the ~~[[Miami-Dade County]]~~ Code.

Sec. 16A-3.1. Municipal Historic Preservation.

- (1) *County Technical and Legal Support for Municipal Preservation.* The ~~[[Director of the Office of]]~~ ~~County~~ Historic Preservation ~~Chief~~ ~~[[and the County Attorney's Office]]~~ may provide a requesting municipality with technical ~~[[and legal]]~~ assistance in preservation matters. Such assistance is not intended to replace the municipality's own commitment of resources to preservation or to divert resources from the County's own preservation responsibilities.
- (2) ~~Option~~ ~~Timeframes~~ for Municipalities to Enact Historic Preservation Ordinances.
- (a) >>Any municipality within Miami-Dade County may opt out of the County's historic preservation jurisdiction by enacting its own historic preservation ordinance consistent with the minimum standards of this Chapter. Within 30 days of the adoption of any such municipal ordinance, the municipality shall provide written notice to the County Historic Preservation Chief. Municipalities that do not adopt their own municipal historic preservation ordinances shall be governed by this Chapter, unless and until such time as they adopt their own historic preservation ordinances, as permitted in this subsection.<< [[Municipalities incorporated prior to July 1, 1982 were given the option to adopt their own municipal historic preservation ordinances or be governed by the County ordinance. The following municipalities enacted their own ordinances: Coral Gables, Hialeah, Homestead, Miami, Miami Beach, Miami Shores, Miami Springs, Opa-locka, and South Miami.]]
- (b) >>A current list of all municipalities that have adopted their own historic preservation ordinances and programs shall be kept on file with the Office of Historic Preservation and shall be available for inspection.<< [[Municipalities incorporated after July 1, 1982 but before the effective date of this

~~ordinance have until one year after the effective date of this ordinance to adopt their own preservation ordinances.~~

~~(e) Municipalities incorporated after the effective date of this ordinance have until one year after the effective date of their incorporation to adopt their own preservation ordinances.]]~~

(3) *Status of Designated Properties After Transition of Jurisdiction.* In the event that a municipality assumes jurisdiction of historic preservation from ~~[[Miami-Dade]]~~ ~~>>the<<~~ County by enacting an ordinance as provided in this section, all properties previously designated by the Miami-Dade ~~>>County<<~~ Historic Preservation Board shall have the status and protections of properties designated under the municipality's historic preservation ordinance unless and until such designation is removed by formal action of the municipality pursuant to its ordinance. The same rule shall apply if the County assumes jurisdiction from a municipality.

(4) *Minimum Standards for Municipal Ordinances.* ~~>>~~Pursuant to the authority granted in section 1.01(A)(18) of the Miami-Dade County Home Rule Charter, the County hereby adopts the provisions below as minimum standards for municipal historic preservation ordinances.~~<<~~

(a) To comply with the minimum standards for historic preservation ordinances~~>>~~,~~<<~~ a municipal ordinance shall contain provisions:

~~(>>i<<[[1]])~~ that establish a historic preservation board ~~>>~~, separate and apart from the municipal governing body,~~<<~~ which shall be empowered to designate individual sites or districts and to issue Certificates of Appropriateness ~~>>~~and Certificates to Dig<<; or to advise the city commission regarding such matters. In this regard, this ordinance shall constitute authority for a municipality to delegate to its preservation board the power to designate sites and districts and issue Certificates of Appropriateness ~~>>~~and Certificates to Dig. Appointees to the municipal historic preservation board shall consist of: architects; realtors; historians; lawyers; art historians; engineers; archaeologists; or

other individuals from the business, financial, or other segments of the community who, by virtue of their professions, community involvement, or businesses, demonstrate knowledge of or concern for historic preservation. The municipal historic preservation board shall include not less than one architect or architectural historian, one real estate professional or attorney, and one other qualified professional.<<

- (>>ii<<[[2]]) that provide procedures for the municipality, its staff, the ~~[[Director of the Miami-Dade]]~~ County ~~[[Office of]]~~ Historic Preservation >>Chief<<, and private parties to recommend the initiation of designations of historic districts and individual historic sites, whether residential, commercial, industrial>>, archaeological<< or other, pursuant to due notice to affected parties, legally-enforceable standards, quasi-judicial hearings, and appeals to court;
- (>>iii<<[[3]]) that protect designated sites or districts by >>providing criteria for considering demolition applications, as set forth in section 16A-11 of this Chapter, and<< preventing the issuance of building, construction, zoning, and demolition permits or the significant change of appearance of such sites or districts until a written Certificate of Appropriateness >>or Certificate to Dig<< has been issued;
- (>>iv<<[[4]]) that protect property owners by procedures (1) to de-designate properties and (2) to vary or modify historic regulation based upon economic hardship pursuant to due notice to affected parties, legally-enforceable standards, quasi-judicial public hearings, and appeals to courts;
- (>>v<<[[5]]) that provide economic incentives for preservation;
- (>>vi<<[[6]]) that regulate and prevent the demolition of historic buildings by neglect, and

(~~vii~~) that establish the Secretary of Interior's Standards for ~~the Treatment of Historic Properties~~, as may be amended from time to time, ~~as~~ ~~standards governing preservation~~, although a municipality may establish additional standards.

~~(viii)~~ that provide procedures for the municipal historic preservation board to review and make recommendations with respect to historically significant properties identified by any unsafe structures agency, prior to any demolition order being issued, as set forth in section 16A-11 of this Chapter.

(b) It is a violation of the minimum standards of this ~~section~~ ~~Chapter~~ for a municipal historic preservation ordinance:

(~~i~~) to exempt an otherwise historic property from historic regulation or designation on the basis that the owner did not consent to the regulation or designation;

(~~ii~~) to allow the issuance of a permit for the demolition of a historically-regulated property unless, after a public hearing pursuant to the ordinance, a variance based upon economic hardship has been granted or a Certificate of Appropriateness to demolish based on express standards in the ordinance has been issued. In this regard, it is a violation of the minimum standards of this ~~section~~ ~~Chapter~~ to permit the issuance of a Certificate of Appropriateness for demolition based solely upon the passage of a certain amount of time after the owner has applied to demolish.

(c) Municipalities that have already enacted historic preservation ordinances as of the effective date of ~~Ordinance No. [Insert Number]~~ ~~this ordinance~~ shall have ~~until December 31, 2017~~ ~~365 days from the effective date of this ordinance~~ to bring their ordinances into compliance with these minimum standards.

- ~~[(d) The minimum standards created in these sub-section shall not apply to any municipality that is recognized as a Certified Local Government by the Florida Secretary of State.]~~
- (5) >>Minimum Operational Standards. Pursuant to the authority granted in section 1.01(A)(18) of the Miami-Dade County Home Rule Charter, the County hereby adopts the provisions below as minimum operational standards for municipal historic preservation programs. To comply with the minimum operational standards for municipal historic preservation, a municipal historic preservation program shall<< ~~[[Guidelines for Municipal Enforcement. Municipalities are encouraged to comply with the following guidelines, but these guidelines shall not serve as minimum standards]]:~~
- (a) have a quorum appointed to its historic preservation board at least 9 months in any 12 month period;
 - (b) conduct public meetings of its historic preservation board no less than >>(4)<< ~~[[6]]~~ times in every calendar year;
 - (c) provide >>qualified<< ~~[[sufficient]]~~ professional staff to ~~[[its]]~~ >>assist the municipal<< historic preservation board ~~[[to allow the board to]]~~ >>in<< conduct>>ing<< its business, including evaluating properties and districts for designation, reviewing and issuing Certificates of Appropriateness, holding quasi-judicial hearings, and otherwise enforcing the terms of its historic preservation ordinance >>; for purposes of this subsection, “qualified staff” means not less than 1 person who has a bachelor’s degree in historic preservation, architecture, architectural history, history, or other closely related field, and who has at least 3 years of professional experience in the field of historic preservation or as a historic preservation planner; or who has a master’s degree in the above mentioned fields and who has at least 1 year of professional experience in the field of historic preservation or as a historic preservation planner<<;
 - (d) conduct a separate public hearing to consider for designation each property within its jurisdiction listed >>in<< ~~[[en]]~~ the National Register of Historic Places; ~~[[and]]~~

- (e) produce at least one designation report per calendar year >>, and present it to the municipal historic preservation board for consideration, << until all properties in its jurisdiction listed as historically significant on the >>municipality's<< ~~[[City]]~~ or the County's >>previous surveys<< ~~[[last survey]]~~ have been considered for designation >>.
 - (f) ensure that a historic survey to determine eligible properties and structures within the municipality is completed by municipal historic preservation staff within 2 years of the establishment of a municipal preservation ordinance; and
 - (g) update surveys of eligible historic resources from time to time, either independently or in conjunction with the County.<<
- (6) *Municipality Shall File Annual Report.* Municipalities that exercise jurisdiction of historic preservation shall annually file a report with the >>County's Office of Historic Preservation, with a copy provided to the<< Clerk of the Board of the Miami-Dade County Commission. This report shall briefly state the name, address and qualification of its historic preservation board members; when each member joined and, if applicable left the board; the name, address and telephone number of its historic preservation staff members and consultants; and the number of designation reports and Certificates of Appropriateness prepared and considered in that year. Attached to the report shall be a copy of the >>agendas and<< minutes of the meetings of the municipality's historic preservation board for that year and >>a list of<< any designation reports ~~[[and Certificates of Appropriateness]]~~ prepared by its staff during that year.
- (7) *Municipal Authority To Obtain Continuances Before Unsafe Structure Agencies.* A municipality that has enacted its own historic preservation ordinance in accordance with this section may obtain continuances before unsafe structure agencies as set forth in section 16A-11 (VI) (b) of this Chapter. For this limited purpose, "Director," "staff," and "Board" as used in that section shall refer to their counterparts in the municipality. The authority provided by this sub-section shall be interpreted only to expand, and not to limit, the discretion of a municipality.

>>(8) Municipalities Not in Compliance with Minimum Standards. Pursuant to the authority granted in section 1.01(A)(18) of the Miami-Dade County Home Rule Charter regarding a municipal governmental unit's failure to comply with the County's minimum standards, if a municipality is not in compliance with the applicable provisions of this chapter, the following process shall apply:

(a) Notice of non-compliance and opportunity for municipality to take curative action. The County Historic Preservation Chief shall send notice of non-compliance to the municipality by certified mail, which shall inform the municipality of the nature of the non-compliance and the steps necessary for the municipality to correct the non-compliance within a 6-month time period;

(b) Public hearing before Historic Preservation Board and authority to resume County jurisdiction over historic preservation within municipality. If, after the 6-month time period above, a municipality has failed to correct the non-compliance, a public hearing shall be set before the Historic Preservation Board to address the non-compliance. A notice shall be sent to the municipality by certified mail setting the hearing for a date certain, which shall be no sooner than 30 days from the date of the notice. The municipality, as well as members of the public and other interested parties, shall have the opportunity to address the Historic Preservation Board. The Historic Preservation Board may take appropriate action to resolve the non-compliance, including revoking the municipality's authority over historic preservation and returning jurisdiction to the County. This provision shall not be construed to require a quasi-judicial proceeding, and the public hearing on municipal non-compliance shall not be quasi-judicial in nature.

(c) Public hearing before the County Commission. Within 30 days of any action taken by the Historic Preservation Board to address a municipality's non-compliance pursuant to subsection (8)(b) above, the municipality may file a request with the Office of Historic Preservation for a public hearing before the Board of County Commissioners. The public hearing shall promptly be scheduled in coordination

with the Clerk of the Board and placed on the next available County Commission agenda, as provided in section 2-1 of the Code. The municipality, as well as members of the public and other interested parties, shall have the opportunity to address the County Commission. The County Commission shall decide whether to affirm, modify, or reverse the action of the Historic Preservation Board. This provision shall not be construed to require a quasi-judicial proceeding, and the public hearing on municipal non-compliance shall not be quasi-judicial in nature.

- (9) Voluntary return of authority over municipal historic preservation to the County. Upon repeal of a municipal historic preservation ordinance, jurisdiction of historic preservation functions and duties shall revert to the County.<<

Sec. 16A-3.2. Authority of the >>County Historic Preservation Chief<< [[Director]] to Appear as a Party.

~~[[In his official capacity, the Director of the Miami-Dade County Office of]]~~ >>The County<< Historic Preservation >>Chief, or such other person designated by the Mayor,<< shall have the legal authority to initiate or appear as a party in any administrative, legal proceeding, or appeal involving or arising out of a municipality's determination to designate an individual site or district, to grant or deny a Certificate of Appropriateness, to grant or deny a request to de-designate or grant a variance to a historic property, or to consider other similar matters involving individual sites or districts. In all such matters, the >>County Historic Preservation Chief<< [[Director]] shall be represented by the County Attorney.

Sec. 16A-4. Definitions.

- (1) >>Archaeological<< ~~[[Archeological]]~~ or paleontological zone: An area designated by this >>Chapter<< ~~[[chapter]]~~ which is likely to yield information on the paleontology, history>>, or<< ~~[[and]]~~ prehistory of Miami-Dade County based on prehistoric >>or historic<< settlement patterns in Miami-Dade County as determined by the results of the Miami-Dade County historic survey. These zones will tend to conform to natural physiographic features which were

- the focal points for prehistoric and historic activities and paleontology.
- (2) *Certificate of Appropriateness*: A Certificate issued by the Board permitting certain alterations or improvements to a designated individual site or property in a designated district.
 - (a) Regular Certificate of Appropriateness: A regular Certificate of Appropriateness shall be issued by the staff of the >>Historic<< Preservation Board, based on the guidelines for preservation approved by the Board.
 - (b) Special Certificate of Appropriateness. For all applications for a special Certificate of Appropriateness involving the demolition, removal, reconstruction or new construction at an individual site or in a district, a special Certificate of Appropriateness is required that is issued directly by the Board.
 - (3) *Certificate to Dig*: A Certificate that gives the Board's permission for certain >>digging<<[[Digging]] projects that may involve the discovery of as yet unknown or known >>archaeological<< [[archeological]] or paleontological sites in an >>archaeological<< [[archeological]] or paleontological zone >>or district<<. This Certificate is issued >>according to the criteria and process set forth in section 16A-14 of this Chapter. There are two kinds of Certificates:<< [[by staff of the Board based on the guidelines for preservation approved by the Board.]]
 - >>(a) Regular Certificate to Dig: A Certificate that may be issued by the County Historic Preservation Chief.
 - (b) Special Certificate to Dig: A Certificate that is issued by the Historic Preservation Board.
 - (4) Contributing Structure: A structure within a district that retains the architectural, cultural, archaeological, paleontological, or historical significance, and contributes to the identity, of the district.<<
 - [[(4) ~~*Certificate of recognition*: A Certificate issued by the Board recognizing properties designated pursuant to this chapter.]]~~
 - (5) *Demolition*: The [[complete constructive]] removal >>or destruction, in whole or in part,<< of a building>>, structure, or environmental feature<< on any site.

- >>(6) Demolition by neglect: The deliberate, reckless, or inadvertent failure to maintain minimum maintenance standards for any properties designated historic, either individually or as a contributing property in a historic district.<<
- (>>7<<[[6]]) District[[s]]: A collection of >>historical, cultural, architectural, archaeological,<< [[archeological]] or paleontological sites, buildings, structures, landscape features>>,<< or other improvements that are concentrated in the same area [[and have been designated as a district pursuant to this chapter]]. >>Districts are designated according to the criteria and process set forth in section 16A-10 of this Chapter.<<
- (>>8<<[[7]]) Exterior: All outside surfaces of a building or structure>>, including windows and doors
- (9) Ground disturbing activity: Any digging, excavating, landscape installation, site preparation work, or other such construction activities related to a designated archaeological or paleontological site, zone, or district<<.
- (>>10<<[[8]]) Guidelines for preservation: Criteria established by the Preservation Board to be used by staff in determining the validity of applications for a regular Certificate of Appropriateness and any Certificate to Dig and to establish a set of guidelines for the preservation of >>archaeological, paleontological, architectural, cultural, or historic resources<< [[buildings in south Florida]].
- (>>11<<[[9]]) Historic Preservation Board: A board of citizens created by this >>Chapter<< [[chapter]] as described in >>sections<< [[Sections]] 16A-5 through 16A-9>>, which may also be referred to herein as the "Board."
- (12) Historic Preservation Chief: The head of the Miami-Dade County Office of Historic Preservation or successor office.<<.
- (>>13<<[[10]]) Historic survey: >>Any<< [[A comprehensive]] survey >>done by, or at the direction of, the Historic Preservation Chief or municipal equivalent<< [[compiled by the Historic Preservation Division of the Miami-Dade County Office of Community and Economic Development]] involving the identification, research>>,<< and documentation of buildings, sites>>,<< and structures [[of any historical, cultural, archeological, paleontological or architectural importance]] in Miami-Dade County, Florida.

- (>>>14<<[[11]]) *Individual site:* ~~[[An archeological site, a paleontological]]~~ >>An individual<< site, building, structure, place >>,<< or other improvement that has been designated >>for preservation<< as >>an archaeological, paleontological, architectural, cultural, or historic resource<< ~~[[an individual site]]~~ pursuant to this >>Chapter.<< ~~[[chapter. Under the provisions of this chapter interior spaces may be regulated only where a building or structure is a designated individual site and where its interiors are specifically designated.]]~~
- >>(15) Integrity: The authenticity of a property's archaeological, paleontological, architectural, cultural, or historic identity, as evidenced by the survival of physical, structural, or other characteristics that existed during the property's historic or prehistoric period.
- (16) Landscape feature: Any improvement or vegetation on a site, including outbuildings, walls, fences, courtyards, fountains, trees, sidewalks or pathways, planters, gates, street furniture, rock formations, solution holes, statuary, or exterior lighting.<<
- (>>>17<<[[12]]) *National Register of Historic Places:* A federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended.
- >>(18) Non-contributing structure: A structure located within a district that does not exhibit the architectural, cultural, archaeological, paleontological, or historical significance for which the district was designated and does not contribute to the identity of the district.<<
- (>>>19<<[[13]]) *Ordinary repairs or maintenance:* Work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.
- (>>>20<<[[14]]) *Owner of a designated property:* As reflected on the current ~~[[Metropolitan]]~~ Miami-Dade County tax rolls or current title holder.
- >>(21) Staff: The Historic Preservation Chief and any other personnel assigned to the County's Office of Historic Preservation.<<

- ~~[(15) *Undue economic hardship:* Failure to issue a Certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.~~
- (16) *Landscape feature:* Any improvement or vegetation including, but not limited to outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture and exterior lighting.]

Sec. 16A-5. Historic Preservation Board—Created and established.

There is hereby created >>a<< [[an]] Historic Preservation Board, ("the Board"), as a governmental agency of the County government in and for Miami-Dade County, Florida. The Board is hereby vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, >>archaeological<< [[archeological]], paleontological and architectural resources in Miami-Dade County, Florida, as prescribed by this >>Chapter<< [[chapter]] under the direct jurisdiction and legislative control of the Board of County Commissioners.

Sec. 16A-6. Same—Members.

The Board shall consist of [[thirteen (13)]] >>13<< members [[appointed by the Board of County Commissioners]]. >>Each County Commissioner shall appoint 1 member. [[The Board of]] County Commissioners >>shall<< [[should attempt to]] appoint architects, realtors, >>archaeologists<< [[archeologists]], historians, art historians, lawyers>>, engineers,<< or other individuals from the business, financial and other segments of the community who, by virtue of their profession>>, community involvement,<< or business, have demonstrated >>knowledge of or<< concern for historic preservation. The [[Historic Preservation]] Board shall contain not less than one architect; one real estate agent or attorney at law; and one historian or architectural historian. The term of office of membership shall be [[four (4)]] >>4<< years for each member. Any vacancy occurring on the Board shall be filled by the >>appropriate<< County Commission>>er<< for the remainder of the unexpired term, at the earliest possible date. Members shall be eligible for reappointment. Members of the Board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the County Commission. Members of the Board shall be governed by

>>~~Chapter 2, Article IB~~<< ~~[[Section 2-11.36, et seq.]]~~ of the Code.
 >>The members of the Board shall annually elect a Chair, who shall serve at the pleasure of the Board, and such other officers as may be deemed necessary or desirable. No Board member shall serve more than 2 consecutive terms as Chair.<<

Sec. 16A-7. Same—>>Staff<< [[Organization]].

~~[[The members of the Board shall annually elect a Chair who shall serve at the pleasure of the Board and such other officers as may be deemed necessary or desirable.]]~~ The County
 >>Mayor<< ~~[[Manager]]~~ shall provide >>qualified<< ~~[[adequate]]~~
 professional staff for the Board, including but not limited to representatives from the ~~[[departments of community and economic development, building and zoning, and planning]]~~ Office of Historic Preservation which shall be deemed the staff of the Board. >>As used in this subsection, “qualified staff” means not less than 1 person who has a bachelor’s degree in historic preservation, architecture, architectural history, history, or other closely related field, and who has at least 3 years of professional experience in the field of historic preservation or as a historic preservation planner; or who has a master’s degree in the above mentioned fields and who has at least 1 year of professional experience in the field of historic preservation or as a historic preservation planner.<< The Office of Historic Preservation shall have a professional >>Historic Preservation Chief<< ~~[[Director]].~~ The Historic Preservation Board shall be consulted regarding the selection of the >>Historic Preservation Chief<< ~~[[Director]].~~ The Chair or ~~[[his or her]]~~ >>Chair’s<< designee shall serve on any board reviewing candidates for the position of >>Historic Preservation Chief.<< ~~[[Director. Minutes of each Board meeting shall be kept and prepared under the supervision and direction of the Board, and copies of such minutes shall be filed with the Clerk of the County Commission.]]~~

Sec. 16A-8. Same—Rules and regulations.

>>(1)<< The Board shall >>have the authority to<< make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this >>Chapter<< ~~[[chapter]].~~ Such rules and regulations shall conform to the provisions of this >>Chapter<< ~~[[chapter]]~~ and shall not conflict with the Constitution and General Laws of the State of Florida, and shall govern and control procedures, hearings and actions of the Board. No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations, and any amendments

or modifications thereto, and the same have been approved by the County Commission and filed with the Clerk of the Commission. Upon approval by the Commission, such rules and regulations shall have the force and effect of law within Miami-Dade County, Florida.

>>(2)<< The Board shall prescribe forms for use by applicants in compliance with the provisions of this >>Chapter<< ~~[[chapter]]~~.

>>(3)<< The Board may authorize any ~~[[one-(1)]]~~ of its members to administer oaths and certify to official acts.

>>(4) Minutes of each Board meeting shall be kept and prepared under the supervision and direction of the Board, and copies of such minutes shall be filed with the Clerk of the County Commission.<<

Sec. 16A-9. Same—Powers and duties.

The Historic Preservation Board shall have the following enumerated powers and duties>>; provided, however, that nothing in this section shall be deemed to restrict the power of the Board to take action pursuant to its authority in furtherance of the policies of this Chapter<<:

- (1) Adopt or amend rules of procedure>>, in accordance with section 16A-8<<.
- (2) Designate individual sites, districts>>, << and >>archaeological<< ~~[[archeological]]~~ and paleontological zones.
- (3) Issue or deny Certificates of Appropriateness and Certificates to Dig.
- (4) Approve historical markers and issue Certificates of recognition for individual sites and designated properties in a district.
- (5) Recommend zoning and building code amendments to the proper authorities.
- (6) Establish guidelines for preservation and criteria for issuance by staff of regular Certificates of Appropriateness.
- (7) Promote the awareness of historic preservation<<, including the preservation of architectural, archaeological, paleontological, and cultural resources,<< and its community benefits.
- (8) No actions of this Board will supersede or be construed as superseding the authority of the Board of County Commissioners.
- (9) Review and update the historic survey for its quality and professional merit, and validate the findings of the survey as bona fide and sincere.

- (10) Implement the authority of this >>Chapter<< [[chapter]] and fulfill the tasks set forth for this Board by the County Commissioners in this >>Chapter<< [[chapter]] and other ordinances.
- (11) Record and maintain records of the Board's actions and decisions.
- (12) Follow and abide by the laws of the United States of America, the State of Florida and Miami-Dade County.
- (13) Provide an annual report to the Board of County Commissioners.
- (14) Review and make recommendations to the Office of Historic Preservation regarding any grant proposals reviewed by the Office of Historic Preservation, including but not limited to Community Development Block Grants.
- >>(15) Review and approve for submittal to the State or National Register of Historic Places nominations for properties in the unincorporated area of the County or in municipalities that are not Certified Local Governments, as defined by state law.
- (16) Direct staff to, among other things: conduct research or other related action; to provide recommendations to the Board; or to conduct workshops or seminars.<<

Sec. 16A-10. Designation process and procedure.

- (>>1<<[[H]]) [[H]]Criteria. [[H]] The Board shall have the authority to designate areas, places, buildings, structures, landscape features, >>archaeological<< [[archeological]] and paleontological sites>>,<< and other improvements or physical features, as individual sites, districts>>,<< or >>archaeological<< [[archeological]] or paleontological zones that are significant in Miami-Dade County's history, architecture, paleontology, >>archaeology,<< [[archeology]] or culture [[and]] >>. Sites, districts, or zones considered for designation shall<< possess an integrity of location, design, setting, materials, workmanship>>,<< or association, >>and shall<< [[or]]:
- (a) [[Are]] >>Be<< associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, paleontological>>, or<< [[and]] architectural history that have contributed to the pattern of history in the community, Miami-Dade County, south Florida, the State or the nation; or

- (b) ~~[[Are]]~~ >>Be<< associated with the lives of persons significant in our past; or
- (c) Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or ~~[[that]]~~ possess high artistic value; or ~~[[that]]~~ represent a distinguishable entity whose components may lack individual distinction; or
- (d) Have yielded, or are likely to yield information in history or prehistory; or
- (e) ~~[[Are]]~~ >>Be<< listed in the National Register of Historic Places.

(>>2<< ~~[[H]]~~) ~~[[F]]~~ *Properties not generally considered; exceptions.* ~~[[F]]~~ Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature >>2<< and properties that have achieved significance within the last ~~[[fifty-(50)]]~~ >>50<< years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of >>a<< district~~[[s]]~~ that do >>es<< meet the criteria, or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction of historical importance.
- (b) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with >>a<< ~~[[an]]~~ historic event or person.
- (c) A birthplace or grave of >>a<< ~~[[an]]~~ historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.
- (d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
- (e) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance.
- (f) A property or district achieving significance within the past ~~[[fifty-(50)]]~~ >>50<< years if it is of exceptional importance.

>>(3) Notification of Intent to Survey. To determine whether individual sites, districts, or archaeological or paleontological zones are eligible for designation, it may be necessary for staff to survey areas of interest or previously un-surveyed neighborhoods. At least 7 days prior to the commencement of any new survey, notifications of the intent to survey shall be provided to the County Commissioner in whose Commission District the area for survey is found and, where the area is located within a municipality, to the municipality's mayor or town manager. Upon the completion of any survey, the results of the survey shall be provided to the aforementioned County Commissioner and, where applicable, municipal mayor or manager. In addition, if the survey finds individual sites, districts, or archaeological or paleontological zones that are eligible for designation, the relevant property owner(s) shall be notified and provided with the survey results before any designation proceedings are initiated. However, a comprehensive survey is not a prerequisite to commencing designation procedures for any individual sites, districts, or archaeological or paleontological zones.<<

(>>4<<[[HH]]) >>Designation<<[[Investigation and designation]] report. [[H]] Prior to the designation of an individual site, a district, or an >>archaeological<< [[archeological]] zone, [[an investigation and]] >>a<< designation report must be filed with the Board >>at a board meeting.<<. The format of these reports may vary according to the type of designation; however, all reports must address the following: >>the<< [[The]] historical, cultural, architectural>>,<< or >>archaeological or paleontological<< [[archeological]] significance of the property or properties being recommended for designation; a recommendation of boundaries for districts and archaeological >>or paleontological<< zones and identification of boundaries of individual sites being designated; a recommendation of standards to be adopted by the Board in carrying out its regulatory function under this >>Chapter<< [[chapter]] with respect to Certificates of Appropriateness and Certificates to Dig. Where a report is filed recommending designation of a district, the report must identify >>contributing and non-contributing sites or structures.<< [[these properties, if any, within the district which are not historically or architecturally compatible with structures in the district. The standards for regulating

~~such nonconforming properties shall provide that a Certificate of Appropriateness may be required only for new construction on such properties.]~~ All reports shall >>address<< ~~[[take into consideration]]~~ projected, proposed>>,<< or existing public improvements and developmental or renewal plans.

(>>5<< ~~[[FV]]~~) Procedure.

(a) *Petition of the owner.* The owner(s) of any property in unincorporated Miami-Dade County>>, or in any municipality that is under Miami-Dade County historic preservation jurisdiction,<< may petition this Board for designation of their property as an individual site, district or >>archaeological or paleontological<< ~~[[archeological]]~~ zone provided that they appear before the Board with sufficient information to warrant the investigation of the property for future designation and the Board finds that the property may be worthy of designation. The Board shall, based on its findings, either direct the staff to begin the designation process or deny the petition.

>>(1) If the property that is the subject of a petition had been the subject of a prior designation proceeding and the Board at that time decided not to proceed with designation, no subsequent petition by the owner(s) shall be accepted unless authorized by a vote of two-thirds-plus-one of appointed members of the Board.

(2) For condominium or cooperative properties, the petitioning owner(s) shall provide a statement from the condominium or cooperative association or board as to the association or board's official position on the potential designation, if any.

(3)<< Nothing in this subsection >>(5)(a)<< shall be deemed to restrict the power of the Board to initiate the designation process pursuant to this section.

>>(4) Proceedings to consider a petition shall be quasi-judicial and shall be considered a part of the record of any subsequent designation process for the subject property. The decision of the Board to accept a petition and commence the designation process shall not be deemed a final order, and no appeal may be taken until the conclusion of the designation process set forth in this section. The decision of the Board to deny a petition shall not be appealable.<<

(b) *Directive of the Board.* The Board shall, upon recommendations from staff>>,<< or the acceptance of petitions pursuant to ~~[[part (IV)]],~~ subsection >>5<<(a) >>above<< ~~[[of this section]],~~ >>or by its own authority,<< direct staff to begin the designation process by preparing a designation report, pursuant to part >>(4)<< ~~[[(H)]]~~ of this section and any other standards the Board may deem necessary, and submitting this report according to the procedures described herein. >>In addition, staff may, without prior directive from the Board, submit a staff-initiated designation report to the Board, and such staff-initiated report shall be deemed filed upon being published on a Board agenda.

(1) If the subject property had been the subject of a prior designation proceeding and the Board at that time decided not to proceed with designation, the Board shall not direct staff to begin the designation process unless authorized by a vote of two-thirds-plus-one of appointed members of the Board.

(2) Nothing in this subsection (5)(b) shall be deemed to restrict the power of the Board to direct staff to conduct research and provide recommendations to the Board regarding potential designations.

(3) Proceedings under this subsection (5)(b) shall be quasi-judicial and shall be considered a part of the record of any subsequent designation process for the subject property. The decisions of the Board to direct staff to conduct research or make recommendations, to direct the

commencement of the designation process, or to accept a staff-initiated designation report shall not be deemed final orders, and no appeal may be taken until the conclusion of the designation process set forth in this section. The decision of the Board to not undertake the designation process shall not be appealable.<<

- (c) >>Commencement of designation process. The filing of a designation report shall commence the designation process. A designation report shall be deemed filed when it is published on a Board agenda.
- (d) Request for consent<< [[Notification]] of owner. For each proposed designation of an individual site, district>>, or archaeological or paleontological<< [[or archeological]] zone, the Board >>and staff are<< [[is]] encouraged to obtain the permission of the property owner(s) within the designated area[;]] >>prior to commencing the designation process, but consent shall not be required for designation<< [[and is responsible for mailing a copy of the designation report to the owner(s) as notification of the intent of the Board to consider designation of the property at least fifteen (15) days prior to a public hearing held pursuant to this section.]]
- >>(e)<< [[(d)]] Notification of government agencies. Upon filing of a designation report, >>staff << [[the Secretary of the Board]] shall immediately notify the appropriate building and zoning department, the appropriate public works department>>, the office of the County Commissioner in whose district the property lies.<< and any other County or municipal agency, including agencies with demolition powers, that may be affected by said filing.
- >>(f)<< [[(e)]]Notification >>and conduct<< of a public hearing. For each individual site, district>>, or archaeological or paleontological<< [[or archeological]] zone proposed for designation, a public hearing must be held no sooner than [[fifteen (15)]] >>15<< days and within [[sixty (60)]] >>60<< days from the date a designation report has been filed with the Board. >>Following the public hearing, the Board shall, by resolution, decide whether to approve, amend, or deny the proposed

designation. All proceedings conducted under this subsection shall be quasi-judicial, and owners and other interested parties shall be given an opportunity to be heard regarding the proposed designation.<<

>>(1)<< Owners of record or other parties having an interest in the proposed designated properties, if known, shall be notified of the public hearing by >>U.S.<< ~~[[certified]]~~ mail to the last known address of the party being served >>at least 15 days prior to the public hearing<<; however, failure to receive such notice shall not invalidate the same as such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least ~~[[ten (10)]]~~ >>10<< days prior to the hearing.

>>(2) All notices shall include an internet address with a link to the designation report and an address where the physical designation report may be inspected and copied.<<
~~[[Owners shall be given an opportunity at the public hearing to object to the proposed designation.]]~~

>>(g)<< ~~[[f]]~~ *Requirement of prompt decision and notification.* Within ~~[[seven (7)]]~~ >>7<< days of a public hearing >>₁<< ~~[[on a proposed individual site, district or archeological zone, the Board shall by written resolution state its decision to approve, deny or amend the proposed designation and shall direct the Secretary of the Board to]]~~ >>staff shall prepare a written resolution showing the Board's decision or action and shall<< notify the following of its actions with a copy of the resolution:

- (1) The appropriate building and zoning department>>g<<,
- (2) The County Clerk,
- (3) The appropriate municipal >>mayor or manager and<< clerk when >>the property lies within a municipality<< ~~[[necessary]]~~,
- (4) Owner(s) of the affected property and other parties having an interest in the property, if known,

- (5) The appropriate planning department,
 - (6) The appropriate public works department,
[[and]]
 - (7) Any other County or municipal agency, including agencies with demolition powers, that may be affected by this action,
 - (8) Miami-Dade County Property Appraiser>>, and<< [[-]]
 - >>(9) The County Commissioner in whose district the property is located.<<
- >>(h)<< [[(g) {}] *Amendment or rescission.*[[{}]] The Board may amend or rescind any designation provided it complies with the same manners and procedures used in the original designation.
- >>(i)<< [[(h) {}] *Moratorium.* Upon the filing of a designation report by the staff, the owner(s) of the real property which is the subject matter of the designation report >>and<< [[{e}] any >>other<< individual or private or public entity shall not:
- (1) Erect any structure on the subject property.
 - (2) Alter, restore, renovate, move or demolish any structure on the subject property until such time as final administrative action, as provided by this >>Chapter<< [[{chapter}]], is completed.
- >>(3) Perform any ground-disturbing activities, including but not limited to new construction, filling, digging, or tree removal, that may alter or reveal an archaeological or paleontological site.<<
- >>(j)<< [[(i) {}] *Recording of designation.* The Board shall provide the Clerk of the Circuit Court with all designations for the purpose of recording such designation >>by legal description and folio number,<< and the Clerk of the Circuit Court shall thereupon record the designation according to law.

>>(6) Modifications to Designated Properties. Historic designations shall not preclude property owners from requesting alterations, additions, redevelopment, or demolition of the property after designation, by requesting a Certificate of Appropriateness pursuant to the procedures set forth in section 16A-11 of this Chapter; however, interior spaces of a designated building or structure may be altered or modified without approval of the Historic Preservation Board or Chief, unless its interiors are specifically included in the designation.<<

Sec. 16A-11. Application for Certificate of Appropriateness.

(>>1<<[[F]]) [[F]]Certificate required as prerequisite to alteration, etc. [[F]] No building, structure, improvement, landscape feature>>,<< or >>archaeological or paleontological<< [[areheological]] site within Miami-Dade County which is designated pursuant to >>section<< [[Section]] 16A-10 shall be erected, altered, restored, renovated, excavated, moved>>,<< or demolished until an application for a Certificate of Appropriateness regarding any architectural features, landscape features>>,<< or site improvements has been submitted to and approved pursuant to the procedures in this section. Architectural features shall include, but not be limited to, the architectural style, scale, massing, siting, general design, the color of exterior paint surfaces, and general arrangement of the exterior of the building or structure, including the type, style>>,<< and color of roofs, windows, doors>>,<< and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to >>section<< [[Section]] 16A-10. Landscape features and site improvements shall include but are not limited to, site >>re-grading<< [[regarding]], subsurface alterations, fill deposition, paving, landscaping, walls, fences, courtyards, signs>>,<< and exterior lighting. No Certificate of Appropriateness shall be approved unless the architectural plans for said construction, >>rehabilitation,<< alteration, excavation, restoration, renovation, relocation>>,<< or demolition are >>reviewed and<< approved by the >>Staff or<< Board.

(>>2<<[[H]]) [[~~Board~~]] >>Historic Preservation Chief<< to develop procedures.]] The >>Historic Preservation Chief<< [[~~Board~~]] shall develop procedures for making application for both a regular and special Certificate of Appropriateness.

(>>3<<[[H]]) [[~~F~~]]Standards for issuance.[[~~F~~]] The Board >>may<< [[~~shall~~]] adopt and [[~~may~~]] from time to time amend the standards by which applications for any Certificate of Appropriateness are to be measured and evaluated. In adopting these guidelines, it is the intent of the Board to promote >>preservation,<< maintenance, restoration, adaptive >>uses<< [[~~reuses~~]] appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites>>,<< and streetscapes. These guidelines shall also serve as criteria for staff to make decisions regarding applications for regular Certificates of Appropriateness.

(>>4<<[[FV]]) Regular Certificates of Appropriateness. Based on the guidelines for preservation, the designation report, a complete application for regular Certificate of Appropriateness, any additional plans, drawings>>,<< or photographs to fully describe the proposed alteration>>,<< and any other guidelines the Board may deem necessary, the >>Historic Preservation Chief or designee<< [[~~staff of the Board~~]] shall, within [[~~ten (10)~~]] >>10<< days from the date a complete application has been filed, approve or deny the application for a regular Certificate of Appropriateness by the owner(s) of a designated individual site, or property within a designated district. The >>determination<< [[~~findings of the staff~~]] shall be mailed to the applicant within [[~~three (3)~~]] >>3<< days [[~~of staff decision~~]] accompanied by a statement [[~~in full regarding the~~]] >>providing the reasons for the<< [[~~staff's~~]] decision. The applicant shall have an opportunity to >>appeal the<< [[~~challenge the staff~~]] decision by applying for a special Certificate of Appropriateness within [[~~thirty (30)~~]] >>30<< days of the staff's >>determination<< [[~~findings~~]].

(>>5<<[[V]]) Special Certificates of Appropriateness.

(a) An applicant for a special Certificate of Appropriateness shall submit >>an<< [[~~his~~]] application to the Board >>on a form prescribed by the Historic Preservation Chief<< [[~~pursuant to Section 16A-10~~]] and accompany such application



to the Board with full plans and specifications, site plan>>₁<< and samples of materials as deemed appropriate by the Board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any outbuilding, wall, courtyard, fence, landscape feature, paving, signage>>₁<< and exterior lighting. The applicant shall provide adequate information to enable the Board to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application >>also<< involves a designated >>archaeological or paleontological<< ~~[[archeological]]~~ site>>₁<< the applicant shall >>also request a Certificate to Dig in accordance with the procedures set forth in section 16A-14 of this Chapter, which may be heard and decided concurrently with the Certificate of Appropriateness.<< ~~[[provide full plans and specifications of work that may affect the surface and subsurface of the archeological site.]]~~

- (b) The Board shall hold a >>quasi-judicial<< public hearing upon an application for a special Certificate of Appropriateness ~~[[affecting property under its control]]~~. In such instances, notice and procedure of the public hearing shall be given to the property owner(s) by >>U.S.<< ~~[[certified]]~~ mail and to other interested parties by an advertisement in a newspaper of general circulation at least ~~[[ten (10)]]~~ >>10<< days prior to the hearing.
- (c) The Board shall >>conduct the public hearing and, by resolution,<< act upon an application within ~~[[sixty (60)]]~~ >>60<< days of receipt of application materials adequately describing the proposed action. The Board shall approve, deny>>₁<< or approve in modified form an application, subject to the acceptance of the modification by the applicant, or suspend action on the application for a period not to exceed ~~[[thirty (30)]]~~ >>30<< days >>unless more time is agreed to by the property owner(s)<< in order to >>obtain<< ~~[[seek]]~~ technical advice from outside its members or ~~[[to meet further with]]~~ >>to allow<< the applicant to >>to meet further with staff or<< revise or modify the application.

- (d) The decision of the Board shall be issued in writing. Evidence of approval of the application shall be by Certificate of Appropriateness issued by the Board or the Board's designated staff representative to the applicant and, whatever its decision, notice in writing shall be given to the applicant and the Director of the ~~[[Planning and Zoning Department]]~~ >>Regulatory and Economic Resources Department or successor. << When an application is denied, the Board's notice shall provide an adequate written explanation of its decision to disapprove the application. The Board shall keep a record of its actions under this >>Chapter << ~~[[chapter]]~~.
 - (e) Unless otherwise provided in the Certificate of Appropriateness, both regular and special Certificates of Appropriateness shall expire after 365 days. >>The Historic Preservation Chief or designee << ~~[[Staff]]~~ may grant extensions of time of up to an additional 180 days for restoration or rehabilitation work only upon satisfaction that the scope of the work originally approved has not changed and provided a written request is filed and work is commenced before expiration of the Certificate.
- >>6 << ~~[[VI]]~~ *Demolition.*
- (a) Demolition of a designated building, structure, improvement>>, << or site may occur pursuant to an order of a government agency or a court of competent jurisdiction or pursuant to an approved application by the owner for a special Certificate of Appropriateness.
 - (b) Government agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts>>, and archaeological << ~~[[or—archeologieal and paleontological zones pursuant to~~ >>section << ~~[[Section]]~~ 16A-10. The staff of such agencies shall consult with the staff of the Historic Preservation Board before entering a demolition order or placing such properties on an official agenda. Such unsafe structures agencies shall not enter a demolition order unless they first determine in writing that there exists no feasible alternative to demolition.

>>(1)<< The >>Historic Preservation Chief<< [~~Historic Preservation Board~~] shall be deemed an interested party and shall receive ten days prior written notice of any public hearings conducted by said government agency regarding demolition of any designated property.

>>(2)<< The Board may make recommendations and suggestions to the government agency and the owner(s) relative to the feasibility of and the public interest in preserving the designated property.

>>(3)<< At the written request of the >>Historic Preservation Chief<< [~~Director of Miami-Dade County's Office of Historic Preservation~~], such unsafe structure agencies shall continue any hearing on a property for not less than 30 days to allow consultation with the Miami-Dade County Historic Preservation Board.

>>(4)<< If an unsafe structures agency subjects a designated property to an order providing for demolition, the order shall also, at the written request of the >>Historic Preservation Chief or the<< Historic Preservation Board, establish a grace period of no less than 120 days to obtain a permit to repair the property, followed by no less than 180 days to complete such repairs. After entry of such a repair or demolish order, such unsafe structures agencies shall have the jurisdiction and authority to grant additional extensions of the grace period, provided the agency is satisfied that the repair will be completed in a reasonable time.>>(5)<< Nothing in this section shall prohibit an unsafe structures agency from entering an order requiring a designated property to be secured.

(c) No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner(s) thereof until an application for a special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this section.

>>(1)<< Refusal by the Board to grant a special Certificate of Appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The Board shall be guided by the criteria contained in part >>(6)<< ~~[(V4)]~~, subsection (d) herein.

>>(2)<< The Board may grant a special Certificate of Appropriateness which may provide for a delayed effective date. The effective date shall be determined by the Board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition.

>>(3)<< During the demolition delay period, the Board >>or Historic Preservation Chief<< may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this >>Chapter<< ~~[[chapter]]~~. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving ~~[[one-]]~~ 1 ~~[[d]]~~ or more structures or other features.

(d) In addition to all other provisions of this >>Chapter<< ~~[[chapter]]~~, the Board shall consider the following criteria in evaluating applications for a special Certificate of Appropriateness for demolition of designated properties:

- (1) Is the structure of such interest or quality that it would reasonably meet national, State>>₁<< or local criteria for designation as >>₂<< ~~[[an]]~~ historic or architectural landmark?
- (2) Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
- (3) Is the structure one ~~[[1]]~~ of the last remaining examples of its kind in the neighborhood, the County>>₁<< or the region?
- (4) Does the structure contribute significantly to the historic character of a designated district?
- (5) Would retention of the structure promote the general welfare of the County by providing an opportunity for study of local history, architecture>>₁, or<< ~~[[and]]~~ design or by developing an understanding of the importance and value of a particular culture and heritage?
- (6) Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

(>>₇<< ~~[[VII]]~~) >>Permits<< ~~[[Building permit not to issue without Certificate.]]~~ No building permit shall be issued by the >>Department of Regulatory and Economic Resources or its successor department<< ~~[[Director of the Building Department]]~~ which affects any designated property in Miami-Dade County without a Certificate of Appropriateness.

(>>₈<< ~~[[VIII]]~~) ~~[[E]]~~Compliance of work with Certificate standards.~~[[F]]~~ All work performed pursuant to the issuance of any Certificate of Appropriateness shall conform to the requirements of the Certificate. The County >>Mayor or designee<< ~~[[Manager]]~~ shall designate an appropriate official to assist the Board >>and Historic Preservation Chief<< by making necessary inspections in connection with enforcement of this >>Chapter<< ~~[[chapter]]~~ and shall be empowered to issue a stop work order if performance is not in accordance with the issued

Certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports >>and any stop work orders<< shall be furnished to the Board ~~[[and copies of any stop work orders both to the Board]]~~ and the applicant. The ~~[[Planning and Zoning Director]]~~ >>Regulatory and Economic Resources Director or successor<< or >>other<< appropriate official>>₁<< and staff for the Board shall be responsible for ensuring that any work not in accordance with an issued Certificate of Appropriateness shall be corrected to comply with the Certificate of Appropriateness prior to withdrawing the stop work order.

(>>9<<~~[[EX]]~~ ~~[[E]]~~Emergency, temporary measures.~~[[E]]~~) For the purpose of remedying emergency conditions determined to be dangerous to life, health>>₁<< or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction>>₁<< or other repairs to a building or site in Miami-Dade County, pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or >>other<< ~~[[natural]]~~ calamity shall be permitted to stabilize the building immediately without Board approval, and to rehabilitate it later under the normal review procedures to this >>Chapter<< ~~[[chapter]]~~.

(>>10<<~~[[X]]~~ ~~[[E]]~~No action to constitute approval.~~[[E]]~~) If no action upon an application is taken within ~~[[sixty-(60)]]~~ >>60<< days from the date of application, such application shall be deemed to have been approved and no other evidence of approval shall be needed. This time limit may be waived by mutual written consent of the applicant and the Board.

(>>11<< ~~[[X]]~~ ~~[[E]]~~Power of review.~~[[E]]~~) The Board shall have the authority to review applications for Certificates of Appropriateness for all >>properties designated by<< ~~[[property in]]~~ Miami-Dade County, however owned, by either private or public parties. The purposes of this >>Chapter<< ~~[[chapter]]~~ shall apply equally to plans, projects>>₁<< or work executed or assisted by any private party, governmental body or agency, department, authority>>₁<< or Board of the city, County>>₁<< or State.

~~[[XII]] Archeological Sites or Districts. To protect a designated archeological site, district, or zone the Board may require any of the following: (1) an archeological survey at the applicant's expense conducted by an archeologist approved by the Board containing an assessment of the significance~~

~~of the archeological site and an analysis of the impact of the proposed activity on the archeological site; (2) scientific excavation and evaluation of the site at the applicant's expense by an archeologist approved by the Board; (3) mitigation measures; and (4) protection or preservation of all or part of the archeological site for green space. The Board may require an archeological survey as a precondition to consider further action.]]~~

Sec. 16A-12. >>Undue<< Economic Hardship.

>>(1)<< Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant property, strict enforcement of the provisions of >>section 16A-11, pertaining to Certificates of Appropriateness, or section 16A-14, pertaining to Certificates to Dig, << [[this chapter]] would result in [[serious]] undue economic hardship to the applicant, the Board shall have the power to vary or modify adherence to this >>Chapter<< [[chapter]]; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect Miami-Dade County.

>>(2) For purposes of this section, "undue economic hardship" means that denial of the applicant's request would directly restrict or limit the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public.

(3) Failure to submit a claim of undue economic hardship within the timeframe required by this section shall be construed as a waiver or forfeiture of any such claim as to the subject application and shall preclude a party from claiming economic hardship during any proceedings on that application.<<

(>>4<< [[a]]) In any instance where there is a claim of undue economic hardship, the owner shall submit, by affidavit, to the Board at least [[fifteen (15)]] >>15<< days prior to the public hearing, the following information:

(>>a<<[[1]]) For all >>claims involving applications for demolition:<< [[property:]]

- (i) The amount paid for the property, the date of purchase and the party from whom purchased;
- (ii) The assessed value of the land and improvements thereon according to the ~~[[two (2)]]~~ >>2<< most recent assessments;
- (iii) ~~[[Real estate taxes for the previous two (2) years]]~~ >>Annual expenses on the property, including real estate taxes and insurance, for the previous 2 years<<;
- (iv) Annual debt service, if any, for the previous ~~[[two (2)]]~~ >>2<< years;
- (v) All appraisals obtained within the previous ~~[[two (2)]]~~ >>2<< years by the owner or applicant in connection with his purchase, financing or ownership of the property;
- (vi) Any listing of the property for sale or rent, price asked and offers received, if any; and
- (vii) Any consideration by the owner as to profitable adaptive uses for the property; and
- (viii) All cost estimates or reports relating to the demolition of the property obtained within the previous ~~[[two (2)]]~~ >>2<< years;
- (ix) All cost estimates or reports relating to the rehabilitation or restoration of the property obtained within the previous ~~[[two (2)]]~~ >>2<< years;
- (x) All reports relating to the engineering, architectural, or construction feasibility of rehabilitating or restoring the property obtained within the previous ~~[[two (2)]]~~ >>2<< years; ~~[[and]]~~
- (xi) All reports relating to the economic feasibility of restoring or rehabilitating the property obtained within the previous ~~[[two (2)]]~~ >>2<< years, including market studies~~[[:]]~~ >>; and<<
- >>(xii) A statement as to whether the property is the applicant's homestead, which may be demonstrated by presenting a current Homestead Tax Exemption issued pursuant to Chapter 196, Florida Statutes.<<

>>(b) For all claims involving applications for rehabilitation, restoration, or repairs:

- (i) At least two cost estimates from a licensed contractor or professional company for the work which is the basis of the claim;
- (ii) At least two cost estimates for the materials or alternatives preferred by applicant;
- (iii) If applicable, a statement from the insurance company as to what costs would be covered;
- (iv) A statement providing annual income and expenses for the preceding year, including insurance and property taxes.<<

(>>5<<[[2]]) For income-producing >>properties, applications shall also include the following information:<< [[property:]]

- (i) Annual gross income from the property for the previous [[two (2)]] >>2<< years;
- (ii) Itemized operating and maintenance expenses for the previous [[two (2)]] >>2<< years; and
- (iii) Annual cash flow, if any, for the previous >>2<< [[two (2)]] years.

(>>5<<[[5]]) The Board may require that an applicant furnish such additional information as the Board believes is relevant to its determination of undue economic hardship. The owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the board or preservation officer. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

>>(6) In addition to all other provisions of this Chapter, the Board shall consider the following in evaluating economic hardship claims:

- (a) Whether a reasonable effort has been made to market or sell the property;
- (b) Whether estimates that have been given for rehabilitation or restoration are substantiated by qualified professionals, and whether more than one has been provided;

- (c) Whether the building passed its 40-year recertification or any structural investigations have been performed in the last five years on the property;
- (d) Whether any legally binding contracts are pending on the subject property;
- (e) Whether the cost of renovation, rehabilitation or preservation will be greater than the assessed value of the property;
- (f) Whether records have been provided of any maintenance or repairs performed, or lack thereof, which would indicate that there has been deferred maintenance on the property; and
- (g) Whether, for condominium or cooperative ownership properties, monthly maintenance fees have been collected, and whether any special assessments have been approved in the last five years for particular projects.<<

Sec. 16A-13. Maintenance of designated properties.

Nothing in this >>Chapter<< [[chapter]] shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

Sec. 16A-13.1. Demolition By Neglect Prohibited.

[[(+)]] *Affirmative Maintenance Required.* The owner of a property designated pursuant to this >>Chapter,<< [[chapter]] either individually or as a contributing part of a district >>,<< shall comply with all applicable codes, laws >>,<< and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of such properties and the interior portions thereof when maintenance is necessary to prevent deterioration and decay of the property. All such properties shall be preserved against such decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:

- (a) Facades which may fall and injure the subject property, adjoining property, or members of the public.

- (b) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
 - (c) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
 - (d) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
 - (e) Any fault or defect in the property which renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.
 - >>(f) Deteriorated architectural or landscape features relevant to the historic integrity of the structure or site, including but not limited to: porches and porch supports, railings, lighting, eave and roof brackets, cornices, columns, stairways, siding, and other decorative or structural elements.<<
- [(2) ~~Undue Economic Hardship. A property owner who believes that application of this section creates an undue economic hardship may apply for a variance under section 16A-12.~~
- (3) ~~Enforcement.~~
- (a) ~~Notice and Administrative Enforcement. When a Miami Dade County Code Enforcement Officer learns of a violation of section (1), he or she shall give notice in writing of the violation to the owner, with specific written details of the corrective action necessary to remedy the violation. Such notice shall be given personally, by registered or certified mail, return receipt requested, or by posting on the property when the address of the owner cannot be located. The property owner shall have 30 days from the date of such notice to perform the corrective action. Thereafter, the Miami Dade County Code Enforcement Officer may issue a civil citation pursuant to chapter 8CC of the Code of Miami Dade County.~~
 - (b) ~~Action for Injunction and Remedial Relief; Lien on Property. If the Property Owner fails to take corrective action within the 30 day period provided in section 3(a), Miami Dade County may file an action seeking: an injunction ordering the property owner to take corrective action; an order~~

~~authorizing Miami Dade County to enter onto the property to make the corrective actions; and civil penalties. The Court shall order an injunction providing such remedies if Miami Dade County proves that the owner has violated this ordinance and such violation threatens the integrity or existence of an individual site or a contributing structure within a district. Such civil action may be initiated in the name of Miami Dade County at the discretion of the County Manager upon an affirmative vote of a majority of the Historic Preservation Board. Settlements of such lawsuits may be obtained in the same manner. Nothing herein shall prevent the Board of County Commissioners from initiating or assuming direction of the lawsuit, at its discretion. In the event that the Court authorizes Miami Dade County to enter onto the property to take the required corrective action, the Court shall also order that the cost of the corrective action shall constitute a lien against the property, accruing interest at the statutory rate for judgments until satisfied.~~

- (e) ~~Civil Penalties. Violation of this section shall be punished by a civil penalty of five hundred dollars. After expiration of the thirty day period provided in section (3)(a), each day that the corrective action is not taken shall constitute a separate violation.]]~~

Sec. 16A-14. Certificates to Dig.

~~(>>1<< [[F]]) Within an >>archaeological<< [[archeological]] or paleontological >>site or<< zone, new construction, filling, >>digging<< [[Digging]], the removal of trees, or any other >>ground-disturbing<< activity that may alter or reveal an interred >>archaeological<< [[archeological]] or paleontological site shall be prohibited without a Certificate to Dig. All >>permit<< applications to all appropriate municipal or County agencies involving new construction, large-scale >>digging<< [[Digging]], the removal of trees>>1<< or any other activity that may reveal or disturb an interred >>archaeological<< [[archeological]] or paleontological site, in an >>archaeological<< [[archeological]] or paleontological zone shall require a Certificate to Dig before approval.~~

>>(a)<< Based on the designation report for the >>archaeological<< ~~[[archeological]]~~ or paleontological >>site or<< zone, a complete application for a Certificate to Dig>>,<< and any additional guidelines the Board may deem necessary, the >>Historic Preservation Chief or designee<< ~~[[staff of the Board]]~~ shall, within ~~[[ten (10)]]~~ >>10<< days from the date the completed application has been filed, approve >>or deny<< the application for a Certificate to Dig ~~[[by the owners of a property in a designated archeological or paleontological zone]]~~. The Certificate to Dig may be made subject to specified conditions, including but not limited to conditions regarding site excavation.

>>(b)<< In order to comply with the site excavation requirements of the Certificate to Dig, the applicant may agree to permit the County >>Archaeologist<< ~~[[Archeologist]]~~ to conduct excavation from the time of the approval of the Certificate to Dig until the effective date thereof.

>>(c)<< The >>determination<< ~~[[findings of the staff]]~~ shall be mailed to the applicant >>within 3 days accompanied by a statement in full regarding the reasons for the decision<< ~~[[by registered mail promptly]]~~. The applicant shall have the opportunity to >>appeal the<< ~~[[challenge the staff]]~~ decision or any conditions attached to the Certificate to Dig by >>applying for a special Certificate to Dig within 30 days of the staff's determination.<< ~~[[requesting a meeting of the Board. The Board shall convene within thirty five (35) days after such a request and shall make every effort to review and reconsider the original staff decision to arrive at an equitable decision. The decision of the Board shall be reduced to writing within seven (7) days from the date of the meeting.]]~~

>>(2) Additional conditions. To protect a designated archaeological or paleontological site, district, or zone, the Historic Preservation Chief may require additional conditions when approving Certificates to Dig, including but not limited to:

(a) an archaeological survey at the applicant's expense, conducted by an archaeologist approved by the Historic Preservation Chief, which includes an

- assessment of the significance of the archaeological site and an analysis of the impact of the proposed activity on the archaeological site;
- (b) scientific excavation and evaluation of the site at the applicant's expense by an archaeologist approved by the Historic Preservation Chief;
 - (c) mitigation measures;
 - (d) protection or preservation of all or part of the archaeological site for green space;
 - (e) a requirement to include a buffer between the site and proposed development activities.<<
- (~~>>~~3<< ~~[[H]]~~) Approved Certificates to Dig. Approved Certificates to Dig shall contain an effective date not to exceed ~~[[sixty (60)]]~~ >>60<< days >>,<< at which time the proposed activity may begin>>. The Certificate to Dig is valid for a period of 180 days after the date of its approval. After the expiration date, the Historic Preservation Chief or designee may approve an additional 60-day period within which to complete work in progress, if the owner/petitioner can show cause why the work was not yet completed. After this time period, an application for a new Certificate to Dig shall be required.<< ~~[[, unless the Board decides to designate the site in question as an individual site or district pursuant to Section 16A-10 in which all the rules and regulations pertaining to the designation process shall apply from the date the designation report has been filed.]]~~
- >>(4) Special Certificate to Dig. An applicant for a Special Certificate to Dig shall follow the process for Special Certificates of Appropriateness set forth in section 16A-11(5) of this Chapter.<<
- (~~>>~~5<< ~~[[H]]~~) ~~[[F]]~~ Work to conform to Certificate; stop work order.~~[[F]]~~ All work performed pursuant to the issuance of a Certificate to Dig shall conform to the requirements of such Certificate. It shall be the duty of the appropriate government agencies and the staff of the Board to inspect from time to time any work pursuant to such Certificate to assure compliance. In the event work is performed not in accordance with such Certificate, the official designated by the County >>Mayor<< ~~[[Manager]]~~ pursuant to >>section<< ~~[[Section]]~~ 16A-11~~[[EX][VIII]]~~ shall be empowered to issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such projects as long as such stop work order shall continue in effect.

Sec. 16A-15. Appeals.

- >>(1) Procedure for Appeal to County Commission. Any party aggrieved by a final quasi-judicial decision of the Historic Preservation Board may appeal that decision to the Board of County Commissioners. Appeals to the Board of County Commissioners shall adhere to the following procedure:
- (a) Appeal by Aggrieved Party. Within 30 days of the public hearing at which the Historic Preservation Board takes final action as to an individual site, property district, or archaeological or paleontological zone, an aggrieved party may appeal the decision to the Board of County Commissioners by filing, with the Office of Historic Preservation, a notice of appeal on a form prescribed by the Historic Preservation Chief. The form shall provide for a brief written statement specifying, in concise language, the grounds for appeal and the reasons that the Board of County Commissioners should reverse the decision of the Historic Preservation Board. No attachments or additional written statements, outside of the space provided on the form, shall be accepted. Upon the timely filing of a notice of appeal, the Historic Preservation Chief shall transmit the notice to the Clerk of the Board, along with the record on appeal.
 - (b) Appeal by Historic Preservation Chief. If the decision of the Historic Preservation Board has not been appealed to the County Commission by an aggrieved party within the 30-day period specified in subsection (1)(a) above, the Historic Preservation Chief may, in his or her discretion, appeal such decision within 5 additional days in the manner aforestated.
- (2) Stay Pending Appeal. Upon the filing of an appeal to the County Commission, all Historic Preservation Board orders and conditions of approvals pertaining to the property or district in question shall be stayed until final action has been taken on the appeal by the Board of County Commissioners. Any moratorium on the individual site, property, district, or archaeological or paleontological zone shall remain in effect during the appeal period.
- (3) Fees for Appeal to County Commission. The appealing party shall be required to pay to the Clerk of the Board a fee for processing the appeal and to defray the costs associated with preparing the record on appeal. In addition,

- the appealing party shall pay the cost of preparing any transcripts of the proceedings below. The amount of the appeal fee, excluding transcription costs, shall be prescribed by Implementing Order approved by the Board of County Commissioners. There shall be no refunds, even where an appeal is subsequently withdrawn. The fees and costs specified herein shall not apply to an appeal initiated by the Historic Preservation Chief.
- (4) *Record on Appeal.* The record on appeal shall consist of the Historic Preservation Board's resolution as to the property or district in question, the Historic Preservation Chief's recommendation to the Historic Preservation Board, all documents and materials made part of the file and record before the Historic Preservation Board, and all minutes and transcripts, if any, of the proceedings below. The Historic Preservation Chief may also, in his or her discretion, include in the record a recommendation to the Board of County Commissioners regarding whether the appeal should be approved or denied. Except as provided herein, documents or materials not made part of the file and record before the Historic Preservation Board shall not be distributed to the County Commissioners prior to the public hearing on the appeal; such materials may be presented to the Board of County Commissioners at the time of the public hearing.
- (5) *Scheduling the Appeal for Public Hearing.* Within 60 days of the date on which the notice of appeal and record are transmitted to the Clerk of the Board, the appeal shall be placed on an agenda of the County Commission. The Clerk of the Board shall be responsible for placing the appeal on an agenda of the County Commission and for all matters related to scheduling of the public hearing.
- (6) *Notice to Affected Parties.* At least 20 days prior to the date of the public hearing, the Office of Historic Preservation shall provide written notification by U.S. mail to all affected parties of the date of the public hearing on the appeal. Where the property or district in question lies within a municipality, the Office of Historic Preservation shall additionally provide written notice of the appeal to the municipality's mayor or manager and to its attorney. At least 10 days prior to the date of the public hearing, the Clerk of the Board shall provide notice by advertisement, in a newspaper of general circulation, of the date of the public hearing before the County Commission.

- (7) Decision by the Board of County Commissioners. The Board of County Commissioners shall conduct a quasi-judicial public hearing on the appeal, and the County Commission's review shall be *de novo*. At the conclusion of the public hearing, the Board of County Commissioners shall approve or deny the appeal and may affirm, modify, or reverse the decision of the Historic Preservation Board below. The decision of the County Commission shall be by majority vote of members present and shall be set forth in a written resolution, a copy of which shall be forwarded to the Historic Preservation Board, the property owner, and, if applicable, the appellant.
- (8) Exhaustion of remedies. No person aggrieved by any decision or determination of an administrative official or by any decision of the Historic Preservation Board may apply to any court for relief unless such person has first exhausted the remedies provided for in this Chapter and taken all available steps provided in subsections (1) through (8) above. Furthermore, no application shall be made to any court for relief except from a resolution adopted by the Board of County Commissioners.
- (9) Judicial Review. Once the Board of County Commissioners has rendered a decision on the appeal, an aggrieved party may appeal that decision to a state court of competent jurisdiction, in accordance with the Florida Rules of Appellate Procedure governing the review of quasi-judicial rulings of a local government commission or board. Such time for appeal shall commence to run from the date the resolution sought to be reviewed is rendered by the Clerk of the Board. The appealing party shall be required to pay to the Clerk of the Board a fee to defray the costs associated with processing the appeal, the amount of which shall be prescribed by Implementing Order, as may be amended from time to time, as approved by the Board of County Commissioners. Such fee shall be in addition to any costs or fees that the appealing party may be required to pay to the Clerk of the Court, pursuant to applicable court rules and procedures. Any moratorium on the property or district shall remain in effect during the pendency of all appeals in court.<<

~~[[Within twenty (20) days of the written decision of the Board, an aggrieved party may appeal the decision by filing a written notice of appeal with the Clerk of the Board of County Commissioners. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within sixty (60) days of the filing of the appeal or the first regular County Commission meeting which is scheduled, whichever is later in time, the County Commission shall conduct a public hearing at which time they may affirm, modify or reverse the decision of the Board. Nothing contained herein shall preclude the County Commission from seeking additional information prior to rendering a final decision. The decision of the County Commission shall be in writing and a copy of the decision shall be forwarded to the Board and the appealing party.~~

~~Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the County Commission may appeal an adverse decision to the Circuit Court in and for Miami Dade County, Florida. The party taking the appeal shall be required to pay to the Clerk of the Board the sum of one hundred dollars (\$100.00) to defray the costs of preparing the record on appeal.]]~~

Sec. 16A-16. Penalties >>and Enforcement<<.

>>(1)<< Failure by an owner of record or any individual or private or public entity to comply with any provisions of this >>Chapter<< ~~[[chapter]]~~ shall constitute a violation hereof and shall be punishable by civil or criminal penalties including a fine >>of not more than \$500.00<< ~~[[not more than five hundred dollars (\$500.00)]]~~ per day for each day the violation continues and including a requirement that any work performed contrary to this >>Chapter<< ~~[[chapter]]~~ must be removed and the property returned to its condition prior to commencement of said action. >>Each day that a corrective action is not taken shall constitute a separate violation.<<

>>(2) Notice and Administrative Enforcement. When a Miami-Dade County Code Enforcement Officer, the Historic Preservation Chief, or equivalent official learns of a violation of this Chapter, he or she may institute enforcement proceedings in accordance with Chapter 8CC of this Code. The Historic Preservation Chief has authority to settle any civil violation notices issued to enforce this Chapter. In making such a decision, the Historic

- Preservation Chief shall consider the likelihood of prevailing and whether compliance was obtained.
- (3) *Action for Injunction and Remedial Relief: Lien on Property.* If the Property Owner fails to take corrective action within the time prescribed pursuant to Chapter 8CC of this Code, the County may file an action seeking: an injunction ordering the property owner to take corrective action; an order authorizing the County to enter onto the property to make the corrective actions; and civil penalties. Such civil action may be initiated in the name of the County at the discretion of the Historic Preservation Chief upon an affirmative vote of a majority of the Historic Preservation Board. Nothing herein shall prevent the Board of County Commissioners from initiating or assuming direction of the lawsuit, at its discretion. In the event that the Court authorizes the County to enter onto the property to take the required corrective action, the Historic Preservation Chief may also seek an order providing that the cost of the corrective action shall constitute a lien against the property, accruing interest at the statutory rate for judgments until satisfied.
- (4) *Consent Agreements.* The Historic Preservation Chief, may, in the Chief's discretion, terminate an investigation or an action commenced under the provisions of this Chapter upon execution of a written consent agreement between the Historic Preservation Chief, and the persons who are the subjects of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this Chapter by said persons. The consent agreement may in addition provide for the following: Mitigation of injuries accruing on account of the violation investigated or sued upon; compensatory damages; punitive damages; civil penalties; costs and expenses of enforcement; attorneys' fees; and remedial or corrective action. Except as expressly and specifically provided in the executed written consent agreement, an executed written consent agreement shall neither be evidence of a prior violation of this chapter nor shall such agreement be deemed to impose any limitation or action by the Historic Preservation Chief or the County in enforcing any of the provisions of this Chapter, nor shall the agreement constitute a waiver of or limitation upon the enforcement of any federal, State, or local law or ordinance. Each violation of any of the terms of an executed written consent agreement shall constitute a

separate violation under this chapter by the persons who executed the agreement and by their respective officers, directors, agents, servants, employees, attorneys, heirs, successors, and assigns, and by any persons in active concert or participation with any of the foregoing persons and who have received actual notice of the consent agreement. Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter.<<

Sec. 16A-17. Incentives.

>>In addition to the tax incentives provided for in section 16A-18 below, it is the policy of Miami-Dade County to assist owners of historic properties in identifying various incentives that may benefit historically designated properties throughout the County. Such incentives may include, for example, matching or non-matching grants from governmental and non-profit entities, waivers and exemptions to applicable regulations where allowed by law, historic preservation easements, and historic plaque and marker programs.<< All properties designated as individual sites>>, archaeological or paleontological zones,<< or [[as]] designated properties within a district shall be eligible, upon application by the owner(s), for any available financial assistance set aside for historic preservation by [[Metropolitan Miami Dade]] >>the<< County>>,<< contingent on the availability of funds and the scope of the project as described in the application.

~~[[It is the policy of Miami-Dade County to assist the owners of historic properties through the development of a Conservation Easement Program to obtain applicable state and federal tax benefits, pursuant to sections 193.505 & 704.06, Florida Statutes and any other governing law, provided that the Board of County Commissioners shall approve the acceptance, terms, and conditions of any conservation easement before it is accepted by the County. The Historic Preservation Board may promulgate the rules for such Historic Conservation Easements and model covenants that shall be used by the County upon approval by the Board of County Commissioners. The Historic Preservation Board is authorized to apply for grants and other sources of funding for the creation of historic grant and loan programs. Any~~

~~funds received shall be placed in a Historic Preservation Trust Fund and used only for the purposes for which they were received. The Historic Preservation Board is authorized to promulgate rules and model agreements for such a program which shall be used by the County upon approval by the Board of County Commissioners.]]~~

Sec. 16A-18. Tax exemptions for renovations for historic properties.

(~~>>1<<[[a]]~~) *Scope of tax exemptions.* A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties ~~>>as provided for in section 196.1997, Florida Statutes, as may be amended from time to time. In addition, a method is hereby created for the Board of County Commissioners, at its discretion, to allow an additional tax exemption for the restoration, renovation, or rehabilitation of historic properties, as provided for in section 196.1998, Florida Statutes, as may be amended from time to time<<. The exemption>>s<< shall apply to [[one hundred (100) percent of]] the assessed value of >>the<< [[all]] improvements >>made<< to historic properties which result from restoration, renovation, or rehabilitation [[made on or after the effective date of this ordinance]]. The exemption applies only to >>countywide operating<< taxes levied by [[Metropolitan Miami Dade]] >>the<< County. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to >>section<< [[Section]] 9(b) or >>section<< [[Section]] 12, Article VII of the Florida Constitution. The exemption does not apply to personal property. The exemption under this ordinance does not apply to properties within a community redevelopment area previously or hereafter established pursuant to Part III of Chapter 163, Florida Statutes, by either the Board of County Commissioners of Miami-Dade County or the governing body of any city or other municipality within Miami-Dade County.~~

(~~>>2<<[[b]]~~) *Duration of tax exemptions.* Any exemption granted under this section to a particular property shall remain in effect for ~~[[ten (10)]] >>10<<~~ years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall

be specified in the resolution approving the exemption. The duration of the exemption as established in the resolution granting the exemption shall continue regardless of any change in the authority of the County to grant such exemptions or any change in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained in their historic state over the period for which the exemption was granted.

(>>3<<[[e]]) *Eligible properties and improvements.*

(>>a<<[[+]]) Property is qualified for an exemption >>pursuant to section 196.1997, Florida Statutes,<< [[~~under this section~~]] if >>it meets the following statutory criteria, as may be amended from time to time<<:

(>>i<<[[A]]) At the time the exemption is granted the property:

- (1) Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or
- (2) Is a contributing property to a national-register-listed district; or
- (3) Is designated as a historic property, or as a contributing property to a historic district, under the terms of a local preservation ordinance; and

(>>ii<<[[B]]) The [[Metropolitan]] Miami-Dade County Historic Preservation Board has certified to the Board of County Commissioners that the property for which an exemption is requested satisfies paragraph (>>i<<[[A]]).

(>>b<<[[2]]) In order for an improvement to a historic property to qualify the property for an exemption >>pursuant to section 196.1997, Florida Statutes<<, the improvement must:

(>>i<<[[A]]) Be consistent with the United States Secretary of Interior's Standards for >>the Treatment of Historic Properties, as may be amended from time to time<< [[Rehabilitation]]; and

(>>ii<<[[B]]) Be determined by the [[Metropolitan]] Miami-Dade County Historic Preservation Board to meet criteria established in rules adopted by the Department of State.

>>(c) Property is qualified for an exemption pursuant to Section 196.1998, Florida Statutes, if it meets the following statutory criteria, as may be amended from time to time:

- (i) The property qualifies for an exemption under section 196.1997, Florida Statutes;
- (ii) The property is used for nonprofit or governmental purposes;
- (iii) The property is regularly and frequently open for the public's visitation, use, and benefit; and
- (iv) The property meets all criteria pertaining to this exemption set forth in rules adopted by the Department of State, as may be amended from time to time.

(d) In order for an improvement to a historic property to qualify the property for an exemption pursuant to section 196.1998, Florida Statutes, the improvement must:

- (i) Have an assessed value that is equal to at least 50 percent of the total assessed value of the property as improved;
- (ii) Be made by, or for the use of, the existing owner; and
- (iii) Be made on or after the day the adoption of Ordinance No. [Insert Number] authorizing this exemption.

(>>4<<[[é]]) *Applications.* Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, prior to construction, file with the Office of Historic Preservation a written application on an approved form. The application must include the following information:

(>>a<<[[1]]) The name of the property owner and the location of the historic property;

(>>b<<[[2]]) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;

- (>>c<<[[3]]) Proof, to the satisfaction of the Miami-Dade County Historic Preservation Board, that the property this is to be rehabilitated or renovated is a historic property under this section;
 - (>>d<<[[4]]) Proof, to the satisfaction of the Miami-Dade County Historic Preservation Board, that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for >>the Treatment of Historic Properties, as may be amended from time to time,<< [[Rehabilitation]] and will be made in accordance with guidelines developed by the Department of State;
 - (>>e<<[[5]]) Other information identified in appropriate Department of State regulations; or requested by the Miami-Dade County Historic Preservation Board; and
 - (>>f<<[[6]]) If the property is within the jurisdiction of the Miami-Dade County Historic Preservation Board, a completed application for a Certificate of Appropriateness for the qualifying restoration, renovation, or rehabilitation.
- (>>5<<[[e]]) *Required covenant.* To qualify for an exemption, the property owner must enter into a covenant or agreement with the Board of County Commissioners for the term for which the exemption is granted. The form of the covenant or agreement must be established by the Department of State and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in >>section<< [[Section]] 212.12(3), Florida Statutes. >>The Office of Historic Preservation shall provide the covenant to the Clerk of the Courts for the purpose of recording, and a copy of the recorded covenant shall be given to the property owner.<<

(>>6<<[[f]]) *Review By Historic Preservation Board.* The [[Metropolitan]] Miami-Dade County Historic Preservation Board, or its successor, is designated to review applications for exemptions. The Miami-Dade County Historic Preservation Board must recommend that the Board of County Commissioners grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Department of State. The recommendation, and the reasons therefor, must be provided to the applicant and to the Board of County Commissioners before consideration of the application at an official meeting of the Board of County Commissioners.

(>>7<<[[g]]) *Approval By Board of County Commissioners.* A majority vote of the Board of County Commissioners shall be required to approve a written application for exemption. Such exemption shall take effect as provided in the resolution. The Board of County Commissioners shall include the following in the resolution approving the written application for exemption:

(>>a<<[[1]]) The name of the owner and the address of the historic property for which the exemption is granted.

(>>b<<[[2]]) The period of time for which the exemption will remain in effect and the expiration date of the exemption.

(>>c<<[[3]]) A finding that the historic property meets the requirements of this section.

Sec. 16A-19. Classification and assessment of historic property used for commercial or certain nonprofit purposes.

Miami-Dade County hereby elects to adopt the classification and assessment method provide>>d<< in >>section<< [[Section]] 193.503>>, << [[of]] Florida Statutes (1997). Accordingly, subject to the definitions, conditions, and procedures established by that >>section<< [[Section]], [[H]]>>h<<istoric [[P]]>>p<<roperty qualifying under that >>section<< [[Section]] shall be assessed based upon actual use. Any such classification shall terminate upon repeal of >>section<< [[Section]] 193.503 Florida Statutes or the repeal or sunset of this provision.

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~~[[Sec. 16A-20. Settlement Authority.~~

~~The Director of the Office of Historic Preservation has authority to settle any SCC tickets issued to enforce this chapter. In making such a decision the Director shall consider the likelihood of prevailing and whether compliance was obtained.]]~~

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James Eddie Kirtley
Dennis A. Kerbel

Co-Primes: Chairman Jean Monestime
Commissioner Sally A. Heyman





**Town of Surfside
DISCUSSION ITEM**

Agenda Item # 9C
Agenda Date: July 12, 2016
From: Guillermo Olmedillo, Town Manager
Subject: Procedures to Regulate the Submittal of Electronic Presentations to the Town Clerk Prior to a Public Meeting

Background: Oftentimes during public meetings, members of the public either approach the podium or the Town Clerk with a USB drive to present audio-visual information during their public comment. Electronic presentations may pose logistic audio-visual challenges which may lead to delays and glitches during the public meeting. Establishing guidelines for the submittal of electronic presentations to the Town Clerk prior to the public meeting is a possible solution to help improve the efficiency and ease of public meetings.

Budget Impact: n/a

Staff Impact: n/a

Recommendation: For the Town Commission to provide direction on guidelines to regulate the submittal of electronic presentations to the Town Clerk prior to a public meeting.