



**Town of Surfside  
Town Commission Meeting  
AGENDA**

**November 9, 2016**

**7 p.m.**

**Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> 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**

**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**

***Deferred to December 13, 2016 Regular Town Commission Meeting***

**B. Budget to Actual Summary as of August 31, 2016 – Guillermo Olmedillo, Town Manager Page 1-3**

**\*C. Town Manager’s Report – Guillermo Olmedillo, Town Manager Page 4 - 10**

- 1. See Click Fix
- 2. Development Applications
- 3. Code Compliance Cases
- 4. October 2016 Significant Incidents/Arrests
- 5. High Holiday Detail
- 6. New CSA Position
- 7. Run with the Police-5K Run/Walk
- 8. Police Events
- 9. Information Technology and TV Broadcasts

**\*D. Town Attorney’s Report – Linda Miller, Town Attorney Page 11 - 14**

**E. Committee Reports – Guillermo Olmedillo, Town Manager Page 15 - 31**

- August 25, 2016 Pension Board Meeting Minutes
- September 29, 2016 Planning and Zoning Board Meeting Minutes
- September 29, 2016 Sustainability Subcommittee Meeting Minutes

**F. Expenditure of Forfeiture Funds for Fiscal Year 2016-2017 – Guillermo Olmedillo, Town Manager Page 32 - 36**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2016/2017 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$50,592 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

**4. Ordinances**

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

**A. Second Reading Ordinances**

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

**B. First Reading Ordinances**

**1. Architectural Significance – Commissioner Daniel Gielchinsky Page 37 - 43**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-2 “DEFINITIONS” AND 90-33 “ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES” TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.**

**2. Amendment to Chapter 54, Division 2 “Noise” – Guillermo Olmedillo, Town Manager Page 44 - 49**

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “OFFENSES AND MISCELLANEOUS PROVISIONS” DIVISION 2 “NOISE”; SPECIFICALLY AMENDING SECTION 54-78 “PROHIBITED NOISES”, SPECIFICALLY AMENDING SECTION 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; CREATING SECTION 54-80 “ENFORCEMENT BY CODE COMPLIANCE OFFICER; NOTICE OF VIOLATION; WARNINGS; RESPONSIBILITY TO PROVIDE CURRENT ADDRESS”; CREATING SECTION 54-81 “RESPONSIBILITY FOR COMPLIANCE”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**3. Amendment to Sec. 14-29 of the Code of the Town of Surfside – Guillermo Olmedillo, Town Manager Page 50 - 53**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS”; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” TO PROVIDE FOR A CONSISTENT CALCULATION FOR THE COST OF CONSTRUCTION FOR PERMIT FEES AND FOR THE RIGHT OF THE TOWN OF SURFSIDE TO CONDUCT AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**4. Amending Article VI. – “Rules of Procedure For Town Meetings”  
Specifically Amending Sections 2-201, 2-202, 2-203,2-204, 2-205, 2-206, 2-207, 2-208 and 2-209 – Linda Miller, Town Attorney Page 54 - 93**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - “RULES OF PROCEDURE FOR TOWN MEETINGS”; SPECIFICALLY AMENDING SECTIONS 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 AND 2-209; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS 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. Human Health Based Water Quality Criteria – Commissioner Tina Paul Page  
94 - 97**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO ADHERE TO STRICTER STANDARDS AND TO CONTINUE TO MAXIMIZE OPPORTUNITIES FOR THE PROTECTION OF PUBLIC HEALTH AND THE ENVIRONMENT IN THEIR CONSIDERATION OF FLORIDA'S PROPOSED HUMAN HEALTH-BASED WATER QUALITY CRITERIA; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA GOVERNOR, FLORIDA SENATE PRESIDENT, HOUSE SPEAKER, CHAIR AND MEMBERS OF THE MIAMI-DADE COUNTY STATE LEGISLATIVE DELEGATION, ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE DIRECTOR OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**B. Upgrade/Replacement of the Town of Surfside Parking Pay Stations –  
Guillermo Olmedillo, Town Manager Page 98 - 104**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH HARRINGTON RESOURCES INC., DBA PARKER SYSTEMS FOR THE UPGRADE AND REPLACEMENT OF PARKING PAY STATIONS AND PAY-BY-PLATE FUNCTIONALITY; PIGGYBACKING OFF THE TERMS OF THE COMPETITIVELY AWARDED CONTRACT BY LEE COUNTY, FLORIDA; AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$324,373.00 FROM THE MUNICIPAL PARKING FUND, MACHINERY AND EQUIPMENT FROM ACCOUNT NUMBER 402-9500-545-6410; AUTHORIZING AND APPROVING THE TOWN MANAGER TO ENTER INTO A CONTRACT; PROVIDING FOR IMPLEMENTATION; 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. Meeting Dates and Deadlines for 2017 – Sandra Novoa, MMC, Town Clerk Page 105**
- B. Ad Hoc Traffic Advisory Committee Recommendation(s) – Guillermo Olmedillo, Town Manager Page 106 - 110**
- C. Bal Harbour Shoppes Expansion – Mayor Daniel Dietch Page 111**

**10. Adjournment**

Respectfully submitted,



Guillermo Olmedillo  
Town Manager

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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](http://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, FLORIDA**  
**MONTHLY BUDGET TO ACTUAL SUMMARY**  
**FISCAL YEAR 2015/2016**

AS OF

August 31, 2016

92% OF YEAR EXPIRED (BENCHMARK)

Agenda Item #

Page

1 of 3

Agenda Date:

November 9, 2016

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGETED	% BUDGET
<b>GENERAL FUND</b>			
REVENUE	\$12,603,657	\$12,781,002	99%
EXPENDITURES	10,931,169	\$12,781,002	86%
Net Change in Fund Balance	1,672,488		
Fund Balance-September 30, 2015 (Audited)	5,905,726 <sup>A</sup>		
Fund Balance-August 31, 2016 (Reserves)	<u>\$ 7,578,214</u>		
<b>RESORT TAX (TEDAC SHARE)</b>			
REVENUE	\$ 548,964 <sup>B</sup>	\$661,870	83%
EXPENDITURES	468,711	\$661,870	71%
Net Change in Fund Balance	80,253		
Fund Balance-September 30, 2015 (Audited)	339,396		
Fund Balance-August 31, 2016 (Reserves)	<u>\$ 419,649</u>		
<b>POLICE FORFEITURE/CONFISCATION</b>			
REVENUE	\$ 62,761	\$80,000	78%
EXPENDITURES	39,117	\$80,000	49%
Net Change in Fund Balance	\$ 23,644		
Fund Balance-September 30, 2015 (Audited)	113,431		
Fund Balance-August 31, 2016 (Reserves)	<u>\$ 137,075</u>		
<b>TRANSPORTATION SURTAX</b>			
REVENUE	\$ 205,327	\$366,769	56%
EXPENDITURES	287,951	\$366,769	79%
Net Change in Fund Balance	(82,624)		
Fund Balance-September 30, 2015 (Audited)	440,662		
Fund Balance-August 31, 2016 (Reserves)	<u>\$ 358,038</u>		
<b>CAPITAL PROJECTS</b>			
REVENUE	\$ 1,097,009	\$1,174,842	93%
EXPENDITURES	228,392	\$1,174,842	19%
Net Change in Fund Balance	868,617		
Fund Balance-September 30, 2015 (Audited)	182,903		
Fund Balance-August 31, 2016 (Reserves)	<u>\$ 1,051,520</u>		

**NOTES:**

\* Many revenues for August 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 August 2016 is \$1,583,511 (\$548,964 is the TEDAC and \$1,034,547 is the General Fund).



**ENTERPRISE FUNDS**

**ACTUAL**

<b>ANNUAL BUDGETED</b>	<b>% BUDGET</b>
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**WATER & SEWER**

REVENUE	\$ 2,722,096	\$3,098,177	88%
EXPENDITURES	2,172,591	\$3,098,177	70%
Change in Net Position	549,505		
Unrestricted Net Position-September 30, 2015 (Audited)	(2,705,871)		
Restricted Net Position	1,765,319 C1		
Unrestricted Net Position-August 31, 2016 (Reserves)	\$ (391,047) C2		

**MUNICIPAL PARKING**

REVENUE	\$ 1,106,253	\$1,083,476	102%
EXPENDITURES	899,067	\$1,083,476	83%
Change in Net Position	207,186		
Unrestricted Net Position-September 30, 2015 (Audited)	1,089,165		
Unrestricted Net Position-August 31, 2016 (Reserves)	\$ 1,296,351		

**SOLID WASTE**

REVENUE	\$ 1,588,427	\$1,882,434	84%
EXPENDITURES	1,513,865	\$1,882,434	80%
Change in Net Position	74,562		
Unrestricted Net Position-September 30, 2015 (Audited)	340,391		
Unrestricted Net Position-August 31, 2016 (Reserves)	\$ 414,953		

**STORMWATER**

REVENUE	\$ 463,449 C3	\$1,120,856	41%
EXPENDITURES	804,283	\$1,120,856	72%
Change in Net Position	(340,834)		
Unrestricted Net Position-September 30, 2015 (Audited)	4,051,768		
Restricted Net Position	347,140 C4		
Unrestricted Net Position-August 31, 2016 (Reserves)	\$ 4,058,074		

**NOTES:(con't)**

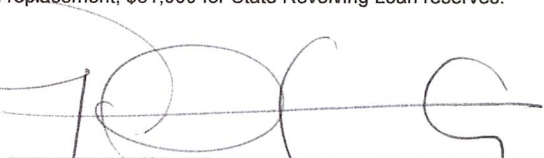
C1. The Restricted Net Position of \$1,765,319 includes \$1,522,319 for renewal and replacement, and \$243,000 for State Revolving Loan reserves.

C2. The reserves balance of (\$391,047) is the result of a change in current net position as of August 2016 of \$549,505 net position as of September 30, 2015 of (\$2,705,871) includes Restricted Net Position of \$1,765,319.

C3. The Stormwater Fund used \$615,856 from reserves to fund the Seawall Project Phase II of \$442,008 and operating costs/debt service of \$173,848.

C4. 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)**  
**8/31/2016**

FUND	9/30/2013	9/30/2014	9/30/2015	8/31/2016
General	\$ 5,304,042	\$ 6,366,391	\$ 5,905,726	\$ 7,578,214
Resort Tax	94,497	180,297	339,396	419,649
Police Forfeiture	138,143	159,626	113,431	137,075
Transportation Surtax	131,475	396,740	440,662	358,038
Capital	255,263	849,445	182,903	1,051,520
Water & Sewer	(5,261,333)	(3,501,884)	(2,705,871)	(391,047)
Parking	1,066,574	1,000,355	1,089,165	1,296,351
Solid Waste	227,274	116,662	340,391	414,953
Stormwater	2,520,512	3,838,412	4,051,768	4,058,074
<b>Total</b>	<b>\$ 4,476,447</b>	<b>\$ 9,406,044</b>	<b>\$ 9,757,571</b>	<b>\$ 14,922,827</b>



## TOWN MANAGER'S REPORT NOVEMBER 2016

### COMMUNITY PROGRAMS / INITIATIVES / ENHANCEMENTS

1. See Click Fix -- Report attached.

### PLANNING, ZONING AND DEVELOPMENT

#### 2. Development Application Status

- A. 8926 and 8955 Collins – A site plan application for a 16 unit, 12 story condominium has been received. A Development Review meeting was held on June 20, 2016. A second Development Review meeting was held on July 27, 2016. A DIC meeting was held September 1, 2016. The Planning and Zoning Board met October 27, 2016. A Quasi-Judicial Hearing is set for November 10, 2016.
- B. 9116 Harding – A site plan application for a 4 unit townhouse development has been received. A Development Review meeting was held November 2, 2016.
- C. 9300 – 9380 Collins – A site plan application for a 68 unit townhouse development has been received. The Planning and Zoning Board hearing was held on July 18, 2016. A Quasi-Judicial Hearing is set for November 10, 2016.

### TOWN DEPARTMENTS

#### Code Compliance

#### 3. Code Compliance Cases

- A. Code Violation Cases – As of October 27, 2016, the total number of active, open cases being managed is 147; of these cases, 91 cases are still under investigation and are working towards compliance; 36 are in the Special Master hearing queue; 3 cases are in post-Special Magistrate action status, and 17 cases have been liened and remain unpaid. Properties with unpaid liens are sent letters on a quarterly basis.
- B. Harding Avenue Commercial Property Maintenance Cases – between March 22 and April 4, 2016, the Code Compliance Division opened thirty (30) commercial property maintenance violations relating to the Harding Avenue businesses. All of these cases have come into compliance. This initiative will be continued and monitored by the Code Compliance staff on an ongoing basis.
- 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 16/17: 5 cases have paid/settled through October 27, 2016 for a total of \$1,591

FY 15/16: 152 cases paid/settled for a total of \$137,282

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

## **Police Department**

### **4. October 2016 Significant Incidents/Arrests**

- Fraud Arrest - 10/12/2016: 9599 Harding Avenue (Sabadell Bank). The subject was arrested.
- Unlawful Possession of a Firearm Arrest - 10/14/2016: 9300 block of Harding Avenue. The subject was arrested.
- Attempted Armed Robbery - 10/16/2016: 9400 block of Harding Avenue. Detectives are actively working this case.

### **5. High Holidays Detail**

The Surfside Police Department increased police presence with assigned details for high visibility during the High Holidays in the areas of The Shul 9540 Collins Avenue, Young Israel 9592 Harding Avenue, Hechal Shalom Sephardic Congregation 310 95th Street and Magen David Sephardic Congregation 9348 Harding Avenue. The enhanced patrols concentrated before and after services when congregants from the surrounding area and neighboring communities are walking to and from these locations. In addition, Bal Harbour and Bay Harbor Islands Police Departments assigned officers to the same areas.

### **6. New CSA Position**

Jose Duran has been offered the new CSA position from the Fiscal Year 16/17 budget, dependent upon successfully passing the background check. Jose was next in line on the active CSA candidate list. He is currently employed by the Town's Parks and Recreation Department as a counselor and was highly recommended by their staff. He is also a U.S. Marine Corps Reserve and hopes to become a police officer in the future.

### **7. Run with the Police- 5K Run/Walk**

Dwayne Have a Heart Foundation sponsored a 5K Run/Walk to benefit Bal Harbour Police Chief Mark Overton and his family. The event occurred on November 5, 2016. The race took place in Miami Beach.

### **8. Police Events**

- The 15<sup>th</sup> Citizens Police Academy class began on September 8, 2016 and will conclude on November 17, 2016 with a graduation ceremony at the Community Center. The November classes include Marine Patrol, K-9, and the Miami Beach Gun Range.

- Chief David Allen is hosting a Safety/Security meeting for the Surfside business owners on November 15, 2016 at 11:00 a.m. in the Police Training Room.
- The British Consulate is hosting Shine a Light on Mental Health for law enforcement personnel on November 16, 2016. It is a workshop on mental health and partnership priorities.
- Coffee with the Cops is November 18, 2016 at Starbucks at 10:00 a.m.
- The monthly Bike with the Chief is November 30, 2016 at Town Hall at 5:00 p.m.

## **PROJECTS PROGRESS UPDATES**

### **9. Information Technology and TV Broadcasts**

- IT is working with TEDACS to provide public Wi-Fi to the Downtown area.
- IT is obtaining pricing for conference call equipment to improve the quality of service for when a Board member is not able to attend a meeting in person and would be able to dial in remotely.
- IT ordered, setup and provided one Surface Pro 4 to the Tourist Board in October.
- IT will complete the Microsoft Exchange Service license upgrade in the first week of November.

Respectfully submitted:



Guillermo Olmedillo, Town Manager

# Town of Surfside, FL

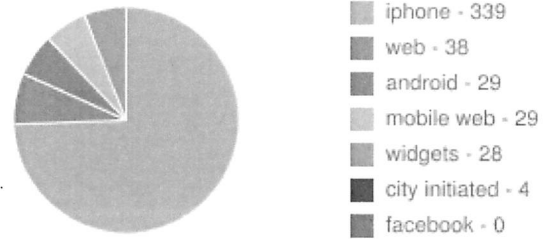
## Between Feb 01, 2014 and Oct 24, 2016

467 issues were opened

457 issues were closed

The average time to close was 30.8 days.

Issues by Source



SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Other	126	123	18.2
Beach Issue	59	59	13.0
Police (Safety Concern)	60	60	8.8
Parking Issue	39	38	1.5
Code Compliance (Violation)	39	37	61.0
Street lights (PW)	28	26	217.8
Code Compliance (Safety Concern)	26	26	68.2
Drainage/Flooding (PW)	12	12	23.4
Construction Issues	12	11	5.9
Surfside Dog Park (P & R)	8	8	1.1
Barking Dog	10	10	19.7
96 Street Park (P & R)	8	8	4.0
Utilities (Water/Sewer) (PW)	9	9	0.8
Dog Stations (P & R)	8	8	8.3
Pothole (PW)	5	4	5.6
Hawthorne Tot-Lot (P & R)	4	4	5.2
Community Center (P & R)	3	3	0.1
Graffiti (PW)	3	3	25.2
Solid Waste (Residential) (PW)	3	3	4.3

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

# Town of Surfside, FL

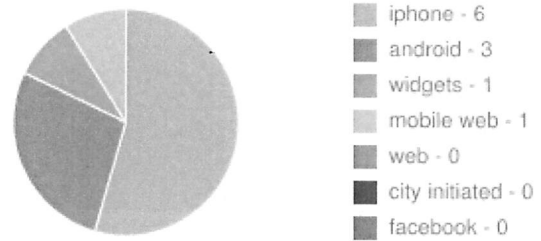
## Between Oct 01, 2016 and Oct 24, 2016

11 issues were opened

8 issues were closed

The average time to close was 5.8 days.

Issues by Source



SERVICE REQUEST TYPE	OPENED	CLOSED	DAYS TO CLOSE
Other	4	4	6.9
Beach Issue	2	2	9.1
Parking Issue	1	1	0.5
Street lights (PW)	2	0	0.0
Dog Stations (P & R)	1	1	0.0
Pothole (PW)	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
Code Compliance (Violation)	0	0	0.0
Community Center (P & R)	0	0	0.0
Construction Issues	0	0	0.0
Dead Animal	0	0	0.0
Drainage/Flooding (PW)	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
Police (Safety Concern)	0	0	0.0
Solid Waste (Commercial) (PW)	0	0	0.0
Solid Waste (Residential)	0	0	0.0

Oct 01, 2016 to Oct 24, 2016

1 of 2




(PW)			
Surfside Dog Park (P & R)	0	0	0.0
Utilities (Water/Sewer)	0	0	0.0
(PW)			
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:** November 9, 2016

**SUBJECT:** Office of the Town Attorney Report for November 9, 2016

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

October 19, 2016 – Special Master Hearing

October 27, 2016 – Sustainability Subcommittee of the Planning and Zoning Board Meeting

October 27, 2016 – Design Review Board and Planning and Zoning Board Meeting  
 Quasi-Judicial Hearing – ASRR Suzer 8955, LLC (“Applicant”) Owners  
 of the properties located at 8955 Collins Avenue, 8926 Collins Avenue and  
 8943 Harding Avenue

November 2, 2016 – Parks and Recreation Committee Meeting

November 9, 2016 – Town Commission Meeting

**Ordinances for First Reading:**

- Rules of Procedure for Town Meetings
- Building permit fees
- Noise
- Architecturally Significant Buildings in H120 Zoned Lots

**Resolutions prepared and reviewed:**

- Support Crime Prevention Initiatives, Community-Based Programs and Law Enforcement Equipment
- Human Health Based Water Quality Criteria

- Parking Pay Stations

**Town Commission/Town Manager:**

- Review and preparation of Resolutions for Town Commission quasi-judicial hearings scheduled for November 10, 2016 for 5:00 p.m. or as soon thereafter for two site plan Applications:
  1. 8955 Collins Avenue, and 8926 Collins Avenue and 8943 Harding Avenue
  2. 9300-9380 Collins Avenue Townhomes
- Review and counsel on Executive Order 16-230 declaring a State of Emergency in advance of Hurricane Matthew in the context of Section 252.363, Fla. Stat.
- Follow-up with County Attorney's Office for two ordinances passed on November 1, 2016 on second reading by the Miami-Dade County Board of County Commissioners for historic preservation (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 of County historic preservation ordinance and providing for minimum standards, criteria related to economic hardship and ad valorem taxation.
- Research law and follow-up with Miami-Dade County Commissioner Levine Cava's staff, City of Miami Beach, Broward County, Miami Dade County, Martin County on Florida Department of Environmental Protection Human Health-Based Water Quality Criteria.

**Town Clerk:**

- Review Code for preparation of ordinance amending Rules of Procedure for Town meetings.

**October 27, 2016 Planning and Zoning and Design Review Board Meeting**

**Design Review Board Applications:**

- A. Request of the Owner of Property located at 9348 Abbott Avenue to enclose an existing screened in patio.
- B. Request of the Owner of Property located at 9257 Dickens Avenue to construct a new two story single-family residence.
- C. Request of the Owner of Property located at 9528 Bay Drive to construct an additional garage and a gate in the front of their single-family residence.

**Discussion Item:**

- A. Architectural Significant Buildings on H120 Zoned Lots

**Quasi-judicial Application:** ASRR Suzer 8955, LLC ("Applicant"), Owners of the properties located at 8955 Collins Avenue, 8926 Collins Avenue and 8943 Harding Avenue

**Building Department/Code Enforcement:**

- Review of Code Procedures and preparation for Special Master hearing
- Finalize Host Compliance Agreement for monitoring short-term rentals
- Prepare draft agreement with Airbnb to voluntarily submit resort tax on short-term rentals
- Reviewed noise ordinance and construction hours
- Reviewed building permit fee ordinance

**Tourist Bureau/Downtown Vision Advisory Board/Tourist Board:**

- Reviewed E-City Services website agreement
- Reviewed agreement for social media and public records
- Review Resort Tax uses

**Finance Department:**

- Audit letter

**Public Works:**

- Conference with Bigbelly to discuss terms of agreement.

**Police Department:**

- Prepare documents for Parking Pay Station agreement
- Counsel on service animals and construction noise enforcement

**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 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 stayed the case during the pendency of an appeal and heard oral argument on June 14, 2016. The Eleventh Circuit dismissed the appeal for lack of jurisdiction on August 31, 2016. Defendants filed a motion for rehearing and motion for rehearing en banc in the Eleventh Circuit which is pending.
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  
PENSION BOARD MEETING**

**Thursday, August 25, 2016 – 2:00 p.m.**

9293 Harding Avenue - Town Hall – Conference Room

**MINUTES**

**Pension Board Members**

Guillermo Olmedillo  
Sgt. Julio E. Torres  
N. Abraham Issa  
Yamileth “Yami” Slate-McCloud  
Staci K. Shanahan

**Town of Surfside Consultants**

Burgess Chambers, Burgess Chambers & Associates  
Grant McMurry, Highland Capital Management  
Larry Wilson, Gabriel, Roeder, Smith & Company  
Robert Klausner, Esq, Klausner & Kaufman  
Donald Nelson, Finance Director  
Mayte Gamiotea, Third Party Administrator  
Frantza Duval, Recording Clerk

**1. Call to Order and Roll Call**

The meeting was called to order by Chair, Abraham Issa at 2:11pm

All of the above noted Pension Board members were present.

\*Guillermo Olmedillo entered the meeting at 2:13pm.

Also in attendance were Frank Wan on behalf of Burgess Chambers, Tod Wishnia, and Grant McMurry from Highland Capital Management, Donald Nelson, Finance Director for the Town of Surfside and Mayte Gamiotea, Third Party Administrator, Michael Futterman, Marcum, LLP, Larry Wilson.

**2. Approval of Minutes**

a. Regular Pension Board Meeting – *May 19, 2016*

**MOTION:**

The Town of Surfside Pension Board recommended approval of the May 19, 2016 minutes of the Regular Board meeting as amended. Yamileth Slate-McCloud moved; Guillermo Olmedillo seconded. The motion passed unanimously.

### 3. Agenda Additions and Deletions

Yamileth Slate-McCloud requested to add, for discussion purpose, the general employee retirement plan.

### 4. Public Participation

### 5. Reports and Updates

#### a. Marcum, LLP (Michael Futterman)

- Financial Statements

Michael Futterman, Audit Partner presented the financial statements to the Board.

The Plan's fiduciary net position restricted for pension benefits held in trust increased by \$235,459 from \$16,258,030 for the fiscal year ended September 30, 2015, to \$16,493,489 for the fiscal year ended September 30, 2014, (an increase of 1.4% over the prior year) as a result of the current year's activities.

The required contribution from the Town for the fiscal year ended September 30, 2015, increase by \$94,438 to \$727,022, an increase of approximately 15.1% based on the annual required contribution delineation in the October 1, 2013 valuation.

The Plan's investment had net investment losses for the fiscal year ended September 30, 2015, of \$ (132,329) compared with the net investment income of \$1,396,431 for the fiscal year ended September 30, 2014, a decrease of \$1,528,760 due to less than positive market conditions in 2015 over 2014.

Benefit payments for the fiscal year ended September 30, 2015, were \$577,500, an increase of \$72,593 or 14.5% from the fiscal year ended September 30, 2014.

The total fund investment performance for the investments under management for the fiscal years ended September 30, 2015 and September 30, 2014 were -0.30% and 9.8%, respectively, due to poor market performance for fiscal year 2015 over fiscal year 2014. The actuarial assumption rate of return is 7.5%.

Yamileth-Slate McCloud inquired if there's a way to highlight that net pension liability reflects a non-smoothing percentage. Michael Futterman advised that he could add a footnote going forward.

#### **MOTION:**

The Town of Surfside Pension Board recommended approval of the Financial Statements. Guillermo Olmedillo moved; Staci Shanahan seconded. The motion passed unanimously.

- Engagement Letter

Michael Futterman presented the Engagement Letter for two years with a minimal increase in the fee.

The cost for the two years would be \$15,965 for the fiscal years ending September 30, 2016 and September 30, 2017, respectively.

**MOTION:**

The Town of Surfside Pension Board recommended approval of the Marcum, LLP Engagement Letter. Guillermo Olmedillo moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

b. Gabriel Roeder Smith & Company

- Actuarial Valuation as of October 1, 2015

Larry Wilson presented the Actuarial Valuation as of October 1, 2015.

The minimum payment for the Plan year ending September 30, 2017 is \$1,173,338 or 21.4% as a percentage over covered annual payroll of \$5,484,903 as of October 1, 2015.

The total cost is to be met by Members and Town contributions. Members anticipated contributions will be \$375,979 (6.9%). The resulting minimum required Town contribution to be made in the fiscal year ending September 30, 2017 is \$797,359 (14.5%). The Actuarial Valuation assumes Town contributions will be made on the first day of the Plan Year.

The Plan experienced an actuarial gain of \$4,017 (0.1%) under the prior assumptions.

As of October 1, 2014, the DROP Account Balance is \$100,974, the benefits payments in DROP accounting during 2014 is \$108,742, with investments gains / (losses) during 2014 is (\$3,856), and distributions from DROP Accounts during 2014 (\$38,975). The DROP Accounts Balance as of September 30, 2015 was \$167,155.

**MOTION:**

The Town of Surfside Pension Board recommended approval of the Actuarial Valuation as of October 1, 2015. Yamileth Slate-McCloud moved; Guillermo Olmedillo seconded. The motion passed unanimously.

- 2015 Actuarial Confirmation

The 2015 Actuarial Confirmation was included in the agenda packet for review.

- DROP Plan Balance Rollforward

The DROP Plan Balance Rollforward was included in the agenda packet for review.



- **GASB Statement Nos. 67 and 68 Year End (True-Up)**

The GASB Statements Nos. 67 and 68 Year End (True-Up) was included in the agenda packet for review.

- **Management Employees' Actuarial Study**

Yamileth Slate-McCloud advised that a request was made by department heads for the option of having a managerial level of benefits that would include more contribution from department heads in exchange for a higher cap and multiplier.

This would exclude the Police Chief, David Allen, Town Manager, Guillermo Olmedillo, and the Town Attorney, Linda Miller.

Larry Wilson presented the three options available:

**Scenario 1:**

Increase the General Employee contribution rate to 8.0% of pensionable pay for management employees.

Increase the benefit accrual rate (multiplier) to 3.0% for future service for management employees.

Increase the maximum benefit cap to 80.0% of average final compensation for management employees.

**Scenario 2:**

The General Employee contribution rate is increased to 9.0% of pensionable pay for management employees to result in a cost neutral change in net Town contributions.

Increase the benefit accrual rate (multiplier) to 3.0% for future service for management employees.

Increase the maximum benefit cap to 80.0% of average final compensation for management employees.

**Scenario 3:**

Increase the General Employee contribution rate to 8.0% of pensionable pay for management employees.

Increase the benefit accrual rate (multiplier) to 2.8% for future service for management employees to result in a cost neutral change in net Town contributions.

Increase the maximum benefit cap to 80.0% of average final compensation for management employees.

Yamileth Slate-McCloud advised that after having discussion with Town Department Heads (not including Guillermo Olmedillo) the department heads would opt to have Scenario 1.

Guillermo Olmedillo advised that he is also in favor of presenting this option to the Town Commission.

The proposed Plan will affect the specified active General Employees identified as management employees: Mr. Alan Graham, Mr. Joseph Kroll, Mr. Timothy Milian, Mr. Donald Nelson, Ms. Sandra Novoa, Mr. Rosendo Prieto, Ms. Yamileth Slate-McCloud, and Mr. Duncan Tavares.

Mr. Alan Graham, Mr. Joseph Kroll, Mr. Timothy Milian, Mr. Duncan Tavares were present for the meeting to show support in favor of Scenario 1.

Tim Milian advised that approving this would provide a stability for the management employees. Duncan Tavares and Alan Graham thanked the Board for their diligent work with the Plan and support on this agenda item.

**MOTION:**

The Town of Surfside Pension Board recommended approval to Town Commission to create a management class on the employee retirement plan to include an 8% employee contribution rate and a 3% multiplier and a cap of 80%. Yamileth Slate-McCloud moved; Staci Shanahan seconded. The motion passed unanimously.

Yamileth Slate-McCloud requested that the names be changed to titles as opposed to names in the final report.

\*Yamileth Slate-McCloud advised that in the ordinance Charter officers can opt out of the Plan. Linda Miller, Town Attorney and Charter Officer, who opted to be part of the Plan, requested to receive the same benefits as the Town Manager.

Yamileth Slate-McCloud advised that Ms. Miller is requesting the same contribution as the Department Head, but with a vesting schedule of 7 years at 100%.

**MOTION:**

The Town of Surfside Pension Board recommended approval to have the Town Attorney, a Charter Officer, to receive the same vesting schedule as the Town Manager, at the higher multiplier of 3% and a cap of 80% as being proposed for the managerial class. Yamileth Slate-McCloud moved; Julio Torres seconded. The motion passed unanimously.

Larry Wilson advised that the Board needed to adopt the assumed rate of return.

Adam Levison advised that as per legislative the Board needed to declare to the state the Board's assumed rate, which is 7.25%.

Abraham was concerned that the investment company didn't have enough room to make quick investment decisions without the approval of the Board.

Frank Wan stated that since the Board meets on a quarterly basis this suggestion wouldn't be needed as the current meeting timeframe is enough time to seek the Board's approval on any new investment.

Abraham Issa wanted add to the agenda, for discussion purposes, how the investment return assumption rate impact the Town's contribution.

c. Burgess Chambers & Associates

- Investment Performance Quarter Ending June 30, 2016

Frank Wan presented the Investment Quarter ending June 30, 2016

During the quarter, the Retirement Plan earned \$557K or +3.2 % (+3.1% net), in line with the strategic model (+3.1%) and ranked in the top 4<sup>th</sup> percentile. Fiscal year to date, the Plan earned \$1.4 million or +8.4 % (+8.1% net), ahead of the strategic model (+7.7%) and ranked in the top 5<sup>th</sup> percentile.

For the 12-month period, the Plan earned \$508K or 2.9% (+2.6% net), slightly ahead of the strategic model (+2.5%).

For the rolling three and five-year periods, the Plan earned +7.3% and +6.7% and ranked in the top 27<sup>th</sup> and 45<sup>th</sup> percentile, respectively.

Abraham Issa would like to see absolute return options (with regards to hedge funds or private equity), which isn't currently available on the investment policy.

- 60T Disclosure  
Included in the agenda packet for review is the 60T Disclosure
- Westwood Portfolio Positions  
Included in the agenda packet or review is the Westwood Portfolio Positions
- Westwood SEC Letter  
Included in the agenda packet for review is the Westwood SEC Letter
- FORM ADV Part 2  
Included in the agenda packet for review is the FORM ADV Part 2

d. New Tower

- MEPT Summary Ending June 30, 2016  
Rob Gronda provided an overview of MEPT Summary for the Quarter Ending June 30, 2016.

Rob Gronda introduced himself and his company Bentall Kennedy, which manages the MEPT an open-ended core real-estate fund. As a core fund they aim to invest in apartment buildings, office buildings, retail centers, and industrial warehouse space.

They are known for being the greenest portfolio.

MEPT closed the second quarter of 2016 with a unit value of \$9,832.13, up 1.73% (net of fees) from the previous quarter. With the year-to-date performance 4.98%, gross of fees (4.53% net of fees) the Fund is on track to achieve the 2016 total return target (gross of fees) of 8.0% to 10.0%.

- MEPT: The Quarterly Trust Report (2<sup>nd</sup> Quarter Results)

e. Highland Capital Management

- Investment Review Ending June 30, 2016  
Todd Wishnia/Grant McMurry provided an overview of the investment Review for Quarter Ending June 30, 2016.
- Portfolio Appraisal as of July 31, 2016  
Todd Wishnia/Grant McMurry provided an overview of the Portfolio Appraisal as of July 31, 2016.

f. Klausner & Kaufman

- Upcoming Issues  
Adam Levinson advised that due to time he will present these items at the next meeting.
- Mutual Consent under SB172  
The Mutual Consent under SB172 was included in the agenda packet for review.
- Required Posting Updated Fact Sheets  
The Required Posting Updated Fact Sheets was included in the agenda packet for review.
- Attorney's Report  
Adam Levinson reminded the members that the form one disclosure forms are due by September 1, 2016.

Yamileth Slate-McCloud reminded Adam Levinson that the Commission meeting is on September 13 and the agenda items would need to be in by September 7, 2016.

**6. Administrator**

- a. Mayte Gamiotea's Certificate of Completion  
Mayte Gamiotea attended FPPTA Conference in which she received her certificate of completion.



g. Klausner & Kaufman		
• Invoice #18380	5/31/2016	\$ 370.50
• Invoice #18664	7/31/2016	\$ 855.00
		<b>Total</b>
		<b>\$ 1,225.50</b>
h. Mayte Gamiotea		
• Invoice #16-04	8/19/2016	\$ 4,140.00
i. SunTrust Bank		
• Invoice # 6895223	7/29/2016	\$ 5,007.04
j. Town of Surfside		
• Invoice #846145216001	6/27/2016	\$ 83.28
• Invoice #839544628001	5/13/2016	\$ 70.55
• Invoice #847870685001	6/28/2016	\$ 131.78
• Invoice #20590	6/1/2016	\$ 600.00
• Invoice #08192016	8/19/2016	\$ 1,570.27
		<b>Total</b>
		<b>\$2,455.88</b>

**MOTION:**

The Town of Surfside Pension Board recommended approval of all the aforementioned invoices to include the amendment of Abraham Issa's invoice for additional mileage in the amount of \$869.15. Guillermo Olmedillo moved; Yamileth Slate-McCloud seconded. The motion passed unanimously.

**8. New Business**

**FPPTA Newsletter (August 2016)**

**9. Trustees' Comments/Concerns**

**10. Next Regular Scheduled Meeting Date**

**FY 2017 Quarterly Pension Meeting Dates: For Discussion Purposes**

- November 1, 2016 (Tuesday) 2:00pm
- February 2, 2017 (Thursday) 2:00pm
- May 2, 2017 (Tuesday) 2:00pm
- August 3, 2017 (Thursday) 2:00pm
- November 16, 2017 (Thursday) 2:00pm

Mayte Gamiotea presented the tentative quarterly meeting dates for 2017.

**11. Adjournment**

There being no further business to come before the Board, the meeting unanimously adjourned at 5:40pm with the motion made by Guillermo Olmedillo; receiving a second from Yamileth Slate-McCloud

Accepted this 1 day of November, 2016

N. Abraham Issa  
Member (Print)

[Signature]  
Signature

Attest:  
[Signature]  
Frantza Duval  
Recording Clerk



**TOWN OF SURFSIDE  
DESIGN REVIEW BOARD  
AND  
PLANNING AND ZONING BOARD**

**MINUTES  
SEPTEMBER 29, 2016  
7:00 PM**

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

**DESIGN REVIEW BOARD**

**1. CALL TO ORDER**

Vice Chair Judith Frankel called the meeting to order at 7:03 p.m. and introduced new DRB member Gregg Covin.

**2. ROLL CALL**

Recording Clerk Melissa Richards called the roll with the following members present: Vice Chair Judith Frankel, Board Member Brian Roller, Board Member Richard Iacobacci, Board Member Jorge Gutierrez, Board Member Peter Glynn, and Board Member Gregg Covin. Chair Lindsay Lecour was absent. Commissioner Daniel Gielchinsky attended as liaison.

**3. APPROVAL OF MINUTES: AUGUST 25, 2016**

Board Member Iacobacci made a motion to approve. The motion received a second from Board Member Gutierrez and all voted in favor. Liaison Gielchinsky gave an update on the Commission level.

**4. DESIGN REVIEW BOARD APPLICATIONS:**

**A. Request of the Owner of Property located at 9532 Carlyle Avenue**

The applicant is proposing the construction of a second story addition to the existing Single-family residence. This application was deferred from the August Design Review Board meeting due to concerns with the roof top deck. The applicant has decided to remove the roof top deck.

Town Planner Sarah Sinatra presented the item. Member Roller spoke about consistent material being used.



Board Member Gutierrez made a motion to approve with the following condition:

1. The rear setback shall be no less than 20 feet measured from the closet point of the home to the rear of the property line.

The motion received a second from Board Member Glynn and all voted in favor with Chair Lecour absent.

**B. Request of the Owner of Property located at 9000 Bay Drive.**

The applicant is requesting a four-foot high picket style fence along the east portion of their property to enclose the portion of their lot that they utilize as their side yard. The fence will be concealed with existing landscaping.

Town Planner Sarah Sinatra presented the item.

Board Member Roller made a motion to approve. The motion received a second from Board Member Gutierrez and all voted in favor with Chair Lecour absent.

**C. Request of the Owner of Property located at 9454 Harding Avenue.**

The applicant is requesting an illuminated channel lettering sign for a new retail shop, Levinsky Roasting, Nuts & Dried Fruits. The proposed signage includes red and white lettering and a channel letter logo.

Town Planner Sarah Sinatra presented the item. There was discussion regarding re-patching vs. restoring a façade.

Board Member Roller made a motion to approve with the following conditions:

1. No electrical equipment shall be visible.
2. The existing electrical equipment shall be removed and concealed.
3. The façade shall be restored and repainted.

The motion received a second from Board Member Gutierrez and all voted in favor with Chair Lecour absent.

**5. DISCUSSION ITEMS:**

**A. Architectural Significant Buildings on H120 Zoned Lots**

Commissioner Gielchinsky presented the item. He gave an overview of the item and what was deliberated at the September 13, 2016 Commission Meeting and read comments from Members of the Commission. Attorney Graham Penn spoke about the ordinance and gave a detailed visual presentation. Mr. Halpern gave information on the item. Assistant Town Attorney Jane Graham gave information about opting out of the Miami-Dade County Historic Preservation Authority.

The Board discussed the item and expressed their views. Architect Kobi Karp answered questions from the Board and Town Manager Olmedillo gave some insight on the item.

After a lengthy discussion, Member Glynn summarized that the DRB should have complete rights and final say on what is architecturally significant and requests the applicant to bring back a copy of a study for the DRB review.

Vice Chair Frankel opened the public hearing.

- George Kousoulas a resident and architect spoke in favor of the ordinance and thought it was very good.

- Mayor Daniel Dietch speaking as a resident spoke about the ordinance and why he is in favor of the ordinance. The Mayor gave further details and answered questions from the Board.

No one else wishing to speak, Vice Chair Frankel closed the public hearing.

The Board is not in favor of moving forward at this time but would like to review this further and requests copies of the study. They also suggested some new language in the ordinance as per their discussion.

Board Member Roller left at approximately 8:40 p.m.

Liaison Gielchinsky left at 9:15 p.m.

## 5. ADJOURNMENT.

There being no further business to come before the Design Review Board the meeting adjourned at 9.44 p.m.

Accepted this 27 day of October, 2016

Attest:

  
\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk

  
\_\_\_\_\_  
Chair Lindsay Lecour

# PLANNING AND ZONING BOARD

**MINUTES**  
**SEPTEMBER 29, 2016**  
**7:00 PM**

**1. CALL TO ORDER**

Vice Chair Judith Frankel called the meeting to order at 9:45 p.m.

**2. ROLL CALL**

Recording Clerk Melissa Richards called the roll with the following members present: Vice Chair Judith Frankel, Board Member Richard Iacobacci and Board Member Peter Glynn. Board Member Brian Roller and Chair Lindsay Lecour were absent.

**3. APPROVAL OF MINUTES: August 25, 2016**

Board Member Glynn made a motion to approve. The motion received a second from Board Member Iacobacci and all voted in favor with Chair Lecour and Board Member Roller absent.

**4. ORDINANCE: MONUMENT SIGN**

**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.**

Recording Clerk Melissa Richards read the title of the ordinance.  
Town Planner Sarah Sinatra presented the item.

Vice Chair Frankel opened the public hearing. No one wishing to speak Vice Chair Frankel closed the public hearing.

There was no discussion by the Board.

Board Member Glynn made a motion to recommend approval to the Commission. The motion received a second from Board Member Iacobacci and all voted in favor with Chair Lecour and Board Member Roller absent.

**4. DISCUSSION ITEMS:**

Town Planner Sinatra gave a brief update on the items below.

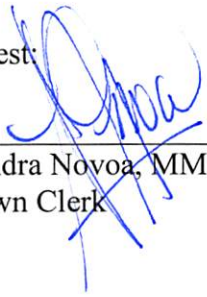
- 1. Carport Canopy**
- 2. Requiring Notice of Demolition of Houses**
- 3. Workforce housing update**
- 4. Construction hours update**
- 5. Roof Pitch & Height**
- 6. Future Agenda Items**

**6. ADJOURNMENT.**

There being no further business to come before the Planning and Zoning Board the meeting adjourned at 9.57 p.m.

Accepted this 27 day of October, 2016

Attest:

  
\_\_\_\_\_  
Sandra Novoa, MMC  
Town Clerk

  
\_\_\_\_\_  
Chair Lindsay Lecour

**Town of Surfside  
Sustainability Subcommittee  
MINUTES  
September 29, 2016**

**1. CALL TO ORDER**

The meeting was called to order by Town Manager Guillermo Olmedillo at 5:31 P.M.

**2. ROLL CALL**

All subcommittee members were present at the time of roll call with the exception of Reed Kandalajt. A quorum was established.

**3. INTRODUCTION OF SUBCOMMITTEE MEMBERS**

Each of the attending members gave brief introductory statement. Mayor Dietch spoke of his vision and goals for the committee.

**4. ELECTION OF OFFICERS**

**CHAIR:** George Kousoulas made a motion to nominate himself for Chair. Larisa Alonso seconded the motion. The motion passed 3 to 1. Lou Cohen voted NO.

**VICE CHAIR:** Bertha Goldenberg made a motion to nominate herself for Vice Chair. Larisa Alonso seconded the motion. The motion passed unanimously.

**SECRETARY:** George Kousoulas made a motion to nominate Reed Kandalajt for Secretary. Larisa Alonso seconded the motion. The motion passed unanimously. In lieu of Reed Kandalajt not present, Chair George Kousoulas will report the minutes for this meeting.

**5. ORIENTATION**

Jane Graham, the Assistant Town Attorney, presented an overview of Sunshine law, use of Surfside logo, Public Records, etc.

**6. DISCUSSION ITEMS:**

**A) OVERVIEW OF TOWN OF SURFSIDE IMPLEMENTED SUSTAINABILITY INITIATIVES.**

- a. Guillermo Olmedillo, George Kousoulas, Bertha Goldenberg and Mayor Dietch each discussed available resources and information.
- b. Town Manager Guillermo Olmedillo discussed inventory of tree accounting by number of species. He requested more shade trees.

- c. George Kousoulas asked about fast tracking the height adjustment in the single family zone. Sarah Sinatra indicated that this was not a simple change because of language constraints and definitions.
- d. Town Planner Sarah Sinatra (Giordano Associates) discussed changes to Comprehensive Plan.

B) BILL 1094

- a. Town Planner Sarah Sinatra (Giordano Associates) discussed changes to Comprehensive Plan.

C) SOUTHEAST FLORIDA REGIONAL CLIMATE CHANGE COMPACT:  
[HTTP://WWW.SOUTHEASTFLORIDA CLIMATE CHANGE COMPACT.ORG/COMPACT-DOCUMENTS/](http://www.southeastfloridaclimatechangecompact.org/compact-documents/)

7. PUBLIC COMMENT:

- a. There was none.

8. NEXT MEETING DATE: October 27, 2016

- a. Lou Cohen made a motion to change time to 5:00 P.M. Larisa Alonso seconded the motion. Motion passed unanimously.

9. ADJOURNMENT:

- a. Lou Cohen made a motion to adjourn. Larisa Alonso seconded the motion. The motion passed unanimously. The meeting ended at 6:41 P.M.

Accepted this 27 day of OCTOBER, 2016

  
Committee Chair

George Kousoulas

Attest:

George Kousoulas.  
Committee Secretary



# Town of Surfside Commission Communication

**Agenda Item #** 3F

**Agenda Date:** November 8, 2016

**Subject:** Expenditure of Forfeiture Funds for Fiscal Year 2016-2017

**Objective:** To utilize forfeiture funds to support crime prevention initiatives, community-based programs, and law enforcement equipment for use by law enforcement personnel that supports law enforcement activities.

**Background:** Forfeiture funds may be used for law enforcement purposes only including supporting community policing activities, law enforcement training, law enforcement operations, law enforcement equipment, crime awareness programs, and community-based initiatives. Although the expenditures have been authorized in the budget, the Town Commission must also approve a specific resolution.

## **Analysis:**

1. The Police Department conducts promotional activities, crime prevention initiatives, programs, and training and distributes crime prevention material and miscellaneous supplies for children, residents and businesses throughout the year. The training and programs and materials include the Citizens Police Academy, monthly crime prevention workshops, school career days, Teen Summer Camp, Holiday Toy Drive, residential and commercial security surveys, victim awareness seminars, Bike with the Chief, Halloween Safety Night, self-defense classes, Do The Right Thing of Miami youth program, crime mapping and alerting system. Also included is the expense for the annual mandated federal audit. Projected cost \$10,000.
2. The patrol mobile laptop program allows officers to electronically complete their reports and conduct criminal and driver license checks on the road. The project includes the cost for the lease of the laptops, the software, and the air cards. Projected cost \$20,592.
3. The Police Department also purchases special police equipment throughout the fiscal year. This equipment may include weapons, weapon accessories, field force equipment, electronic control weapons, ammunition, simunition, leased vehicles, body armor, telecommunication undercover cellular phones, electronic surveillance,

office supplies, fitness and training and the Power DMS Electronic Data Storage System for law enforcement accreditation standards. Projected cost \$20,000.

**Budget Impact:**

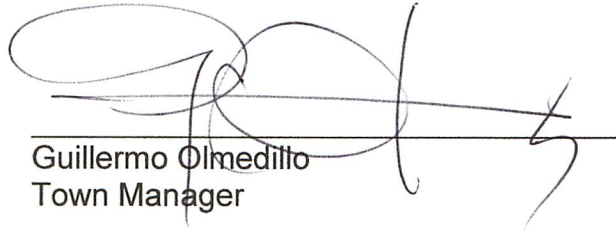
The total projected expenditure from forfeiture fund is \$50,592. The forfeiture fund balance from the accounts of Department of Justice, Department of Treasury and the State of Florida funds is \$135,091.56 as of September 30, 2016.

**Staff Impact:** N/A

**Recommendation:** It is recommended that the Surfside Town Commission approve the resolution to utilize \$50,592 from forfeiture funds to support crime prevention initiatives and materials, community-based programs and events, the patrol mobile laptop project, law enforcement special equipment, and preparation for annual Department of Justice audit.



David Allen  
Chief of Police



Guillermo Olmedillo  
Town Manager



Donald Nelson  
Finance Director



**RESOLUTION NO. 16 – \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, PROVIDING FOR THE FISCAL YEAR 2016/2017 POLICE CONFISCATION FUND EXPENDITURE IN THE AMOUNT OF \$50,592 FROM THE FORFEITURE FUND TO SUPPORT CRIME PREVENTION INITIATIVES, COMMUNITY-BASED PROGRAMS AND LAW ENFORCEMENT EQUIPMENT; PROVIDING FOR AUTHORIZATION AND APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 881(e)(3) of Title 21, United States Code and §932.7055, Fla. Stat. define the purpose and procedures for the appropriation and expenditure of funds from the Police Confiscation Fund; and

**WHEREAS**, the Chief of Police of the Town of Surfside has determined that the appropriation and expenditure of funds is necessary to support crime prevention initiatives, community-based programs, and law enforcement equipment for use by law enforcement personnel that supports law enforcement activities; and

**WHEREAS**, the total expenditure from forfeiture funds is \$50,592 for the following items: (1) \$10,000 for promotional activities, crime prevention initiatives, programs, and training and distributes crime prevention material and miscellaneous supplies for children, residents and businesses throughout the year. The training and programs and materials include the Citizens Police Academy, monthly crime prevention workshops, school career days, Teen Summer Police Camp, Holiday Toy Drive, residential and commercial security surveys, victim awareness seminars, Bike with the Chief, Halloween Safety Night, self-defense classes, Do The Right Thing of Miami youth program, crime mapping and alerting system. Also included is the expense for the annual mandated federal audit; (2) \$20,592 for patrol mobile program that includes laptop program lease, software and the air cards; (3) \$20,000 for law enforcement equipment (weapons, weapon accessories, field force equipment, electronic control weapons, ammunition, simunition, leased vehicles, body armor, telecommunication undercover cellular phones, electronic surveillance, office supplies, fitness, training and the Power DMS Electronic Data Storage System for law enforcement accreditation standards).

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

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

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

**Section 2. Confiscation Fund Expenditures and Authorization and Approval.**

Based on the attached Certificate of the Police Chief, the Town Commission hereby authorizes and approves the Police Confiscation Fund expenditures for the Fiscal Year 2016/2017 in the amount of \$50,592 to support crime prevention initiatives, community-based programs, and law enforcement equipment for use by law enforcement personnel that supports law enforcement activities as set forth in Attachment "A."

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

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ November 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:**

  
\_\_\_\_\_  
Linda Miller, Town Attorney

**ATTACHMENT "A"**  
**CERTIFICATE OF CHIEF OF POLICE**

**I, DAVID E. ALLEN, Chief of Police of the Town of Surfside**, do hereby certify the expenditures for \$50, 592 from the Town of Surfside Confiscation Fund for the 2016/2017 Fiscal Year budget complies with provisions Section 881(e)(3) of Title 21, United States Code and §932.7055, Fla. Stat.

(1) \$10,000.00 for promotional activities, crime prevention initiatives, programs, and training and distributes crime prevention material and miscellaneous supplies for children, residents and businesses throughout the year. The training and programs and materials include the Citizens Police Academy, monthly crime prevention workshops, school career days, Teen Summer Police Camp, Holiday Toy Drive, residential and commercial security surveys, victim awareness seminars, Bike with the Chief, Halloween Safety Night, self-defense classes, Do The Right Thing of Miami youth program, crime mapping and alerting system. Also included is the expense for the annual mandated federal audit;

(2) \$20,592.00 for patrol mobile program that includes laptop program lease, software and the air cards;

(3) \$20,000.00 for law enforcement equipment (weapons, weapon accessories, field force equipment, electronic control weapons, ammunition, simunition, leased vehicles, body armor, telecommunication undercover cellular phones, electronic surveillance, office supplies, fitness, training and the Power DMS Electronic Data Storage System for law enforcement accreditation standards).

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
**David E. Allen**  
**Chief of Police**



**Town of Surfside  
Commission Communication**

**Agenda # :** 4B1  
**Agenda Date:** November 9, 2016  
**Subject:** Architecturally Significant Buildings on H120 Zoned Lots  
**From:** Commissioner Daniel Gielchinsky

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**Discussion:** At the September 13, 2016 meeting, the Town Commission discussed amending the Zoning Code to provide for regulations for architecturally significant buildings on H120 Zoned Lots and voted to recommend that the Design Review Board review, discuss and make further recommendations as needed. Following the comments from the Town Commission and comments from the Design Review Board meeting held on October 27, 2016 the attached ordinance has been amended as follows:

1. Redevelopment of architecturally significant buildings will be required to be developed in accordance with Leadership in Energy & Environmental Design (LEED) or Florida Green Building Coalition (FGBC) building design and construction standards.
2. Heights of redevelopment projects will be limited as follows:
  - a. Lots 100' or greater in width may increase the number of stories on the site by a ratio of 4 total floors for every existing floor, up to a maximum of 120'.
  - b. Lots less than 100' in width may increase the number of stories on the site by a ratio of 3 total floors for every existing floor, up to a maximum of 120'.
3. A building may be deemed to be a "representative example of its architectural style" either by meeting three of the typical characteristics of the design or, alternatively, being designed by an architect well-known for the particular style in South Florida.
4. The characteristics of Miami Modern style have been modified to make them more specific to typical construction.

A copy of the revised ordinance for first reading is attached.

**ORDINANCE NO. 16-\_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-2 "DEFINITIONS" AND 90-33 "ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES" TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to address expansions to existing nonconforming architecturally significant structures in the H120 zoning district; and

**WHEREAS**, the current regulations discourage the renovation and expansion of existing buildings on H120 lots, which may lead to the deterioration of structures; and

**WHEREAS**, the Town desires to incentivize the preservation, renovation and enhancement of architecturally significant buildings on H120 zoned lots by amending the provisions governing nonconforming structures; and

**WHEREAS**, the Town proposes to provide an alternative development option for owners of buildings deemed architecturally significant; and

**WHEREAS**, the Town Commission held its first public hearing on November 9, 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 amendment on November 17, 2016 with due public notice and input; and

**WHEREAS**, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on December 13, 2016; and

**WHEREAS**, the Town Commission hereby finds and declares that adoption of this Ordinance is in the best interest of the Town.

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

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

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

**Sec. 90-2. - Definitions.**

\* \* \*

Architecturally Significant Building: A building constructed prior to 1970 that has been determined by the Town, at the request of a property owner, to possess characteristics of a specific architectural style constructed in the Town pursuant to Section 90-33(3) of the Town Code. The exterior of the structure must be recognizable as an example of its style and/or period, and its architectural design integrity must not have been modified in a manner that cannot be reversed without unreasonable expense. The three recognized significant architectural styles in the Town are Mediterranean Revival, Streamline Modern, and Miami Modern.

\* \* \*

**Section 3. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 90-33. - Alterations or enlargement of nonconforming structures.**

Except as provided in this section a nonconforming structure shall not be enlarged in any manner or undergo any structural alteration unless to make it a conforming structure. Such alteration or enlargement may be permitted provide that:

- (1) Enlargement or alteration itself conforms to the requirement of these regulations;
- (2) Building non-conformity only as to height area or floor area requirements may be altered or extended; enlarged so long as it does not increase the degree of non-conformity for the applicable district.
- (3) Alterations or additions to architecturally significant buildings on H120 zoned lots that are nonconforming as to setbacks may follow existing building lines as long as the alteration or addition maintains the architectural integrity of the existing building. The lesser of the current code-required setback or the existing building line shall be deemed to be the required setback line.

Any redevelopment project undertaken under this subsection must comply with the Town's minimum finished floor elevation requirements for all portions of the building and further must be designed and developed in accordance with Leadership in Energy & Environmental Design (LEED) or Florida Green Building Coalition (FGBC) building design and construction standards.

Redevelopment projects seeking to utilize the setback exception of this subsection shall be limited as follows:

Lots 100' or greater in width may increase the number of stories on the site by a ratio of 4 total floors for every existing floor, up to a maximum of 120'.

Lots less than 100' in width may increase the number of stories on the site by a ratio of 3 total floors for every existing floor, up to a maximum of 120'.

(a) Determinations of Architectural Significance. Determinations of architectural significance will be made as follows:

(1) All requests for a determination of architectural significance must be made by a property owner in writing on the forms promulgated by the Town. As part of the determination application, a property owner will submit an analysis of the architectural qualities of the existing structure prepared by a licensed architect, at the property owner's expense, demonstrating why the building is consistent with the Code's definition of an architecturally significant building. This analysis shall be accompanied with other materials deemed necessary by the Town Manager or designee to accommodate the review, including, but not limited to, all available data and documentation regarding the building, site, or features.

(2) The Town Manager or designee will review the analysis prepared by the property owner and issue a recommendation as to whether the building meets the Town's standards of architectural significance. The property owner shall be responsible for the Town's costs associated with this review, including the fees charged by any necessary consultants.

(3) Determinations of architectural significance will be made by the Design Review Board, after public hearing, based on the following requirements.

(a) The building must be deemed to be a representative example of its architectural style. In order to qualify as a representative example, a building must incorporate at least three of the typical characteristics of its architectural style to be deemed to be architecturally significant or, alternatively, must have been designed by an architect well-known for the style in South Florida. Elements of the relevant styles are as follows:

i. Miami Modern.

(A) Use of concrete block or exposed concrete.

(B) Use of asymmetry, acute angles, boomerang shapes, cutouts, pylons, arches, geometric shapes, repetitive motifs or hyperparaboloids.

(C) Use of plate-glass, ribbon, clerestory and canted windows.

- (D) The mixture of two or more textured surfaces.
- (E) Use of brise-soleils and architectural screen block.
- (F) Overhanging roof plates and projecting floor slabs.
- (G) Exemplifies a regional style of architecture constructed in the post-war period.

ii. Streamline Modern.

- (A) Building forms that evoke automobiles, trains, ocean liners, and airplanes.
- (B) Massing that reflects abstract, simplified forms with rounded corners devoid of much applied decoration.
- (C) Horizontal compositions, bands of windows, racing stripes, and flat roofs.
- (D) Use of vitrolite, glass block, chrome, stainless steel, and terrazzo.
- (E) "Eyebrow" ledges over the windows, front porches.
- (F) Use of nautical motifs like porthole windows, and bas-relief panels depicting tropical scenes.

iii. Mediterranean Revival.

- (A) Use of bell towers, awnings, porches, balconies, carved stonework.
- (B) Style reflects the architectural influences of the Mediterranean coast: Italian, Byzantine, French, and Moorish themes from southern Spain.
- (C) Application of Spanish baroque decoration to openings, balconies, and cornices.
- (D) Use of arches, parapets, twisted columns, pediments, and other classical details.
- (E) Use of stucco walls, red tile roofs, wrought iron grilles and railings, wood brackets and balconies.
- (F) Use of casement windows.



(b) The building must have not been altered in a manner in that substantially impacts the original building design or obscures the significant architectural elements in a manner that cannot be reversed without unreasonable expense.

(c) Significant exterior architectural characteristics, features, or details of the building remain intact.

(d) The building embodies the scale, character and massing of the built context of its immediate area.

(b) Alterations to Architecturally Significant Buildings. Any alteration proposed for a building on H120 zoned lots determined by the Design Review Board to be architecturally significant will be reviewed by the Town Manager or his designee and the Design Review Board to determine whether:

- i. The proposed alteration or addition does not require demolition or alteration in a manner that would render the building no longer architecturally significant;
- ii. The proposed alteration or addition is designed in a manner that is compatible with the existing building; and
- iii. The proposed alteration or addition is compatible with the as-built scale and character of the surrounding neighborhood.

(c) Site Plan review for Architecturally Significant Buildings. Any addition requiring a site plan that is proposed for a building determined by the Design Review Board to be architecturally significant will be reviewed by the Town Manager or designee, the Design Review Board, the Planning and Zoning Board, and the Town Commission to determine whether:

- i. The proposed alteration or addition does not require demolition or alteration in a manner that would render the building no longer architecturally significant;
- ii. The proposed alteration or addition is designed in a manner that is compatible with the existing building; and
- iii. The proposed alteration or addition is compatible with the as-built scale and character of the surrounding neighborhood.

**Section 4. 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 5. 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 6. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

**Section 7. Effective Date.** This ordinance shall become effective upon adoption.

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:**

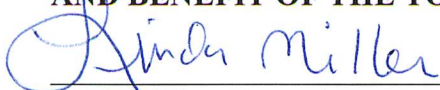
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
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 #** 4B2

**Agenda Date:** November 9, 2016

**From:** Guillermo Olmedillo, Town Manager

**Subject:** Amendment to Chapter 54, Division 2 "Noise"

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**Background:** At the September 13, 2016 Town Commission meeting, the Town Commission approved Section 14-32 "Construction schedule and notice" limiting the hours of construction activities which require building permits to the hours between 8:00 am and 6:00 pm Monday through Friday, and prohibiting these activities on Saturdays and Sundays and all federal holidays, subject to a few enumerated exceptions. At the October 13, 2016 Town Commission meeting, the Commission directed the Town Administration to draft an ordinance to make the Town's Noise ordinance sections on construction consistent with the hours in the "Construction schedule and notice" ordinance. The Commission also directed the Town Administration to clarify the process of enforcement, violations, and warnings for noise violations after reviewing a sample ordinance from the City of Miami Beach. This ordinance is not retroactive.

**Fiscal Impact-** \$30,000 for Code Compliance staffing for enforcement on Saturdays, Sundays and legal holidays

**Recommendation:** For the Town Commission to pass on first reading amendments to Chapter 54, Division 2 "Noise" to correct inconsistencies and aid enforcement of the Noise ordinance.

ORDINANCE NO. 16 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 54 “OFFENSES AND MISCELLANEOUS PROVISIONS” DIVISION 2 “NOISE”; SPECIFICALLY AMENDING SECTION 54-78 “PROHIBITED NOISES”, SPECIFICALLY AMENDING SECTION 54-79 “RESTRICTED NOISES—CLASSIFIED; ENUMERATED”; CREATING SECTION 54-80 “ENFORCEMENT BY CODE COMPLIANCE OFFICER; NOTICE OF VIOLATION; WARNINGS; RESPONSIBILITY TO PROVIDE CURRENT ADDRESS”; CREATING SECTION 54-81 “RESPONSIBILITY FOR COMPLIANCE”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, at the September 13, 2016 Town Commission meeting, the Town Commission approved Section 14-32 “Construction schedule and notice” limiting the hours of construction activities which require building permits to the hours between 8:00 am and 6:00 pm Monday through Friday, and prohibiting these activities on Saturdays and Sundays and all federal holidays, subject to a few enumerated exceptions; and

**WHEREAS**, for consistency with the “Construction schedule and notice” ordinance, Section 54-78 “Prohibited Noises” and Section 54-79 Restricted Noises-Classified-enumerated” must be amended to reflect the prohibition of these construction activities as listed in Section 14-32; and

**WHEREAS**, Town Administration finds it in the best interest to amend the Town of Surfside Code of Ordinances to clarify the process of enforcement, violations, and warnings for noise violations; and

**WHEREAS**, the Town Commission held its first public hearing on November 9, 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 December 13, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community; and

**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, Section 54-78 is hereby amended as follows:

**Sec. 54-78. Prohibited noises.**

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

\* \* \*

(9) *Loading, unloading and opening boxes, etc.* The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates and containers on Saturdays, Sundays, and all Federal Holidays and before 8:00 a.m. and after 6:00 p.m. Monday through Friday;—provided, however, that under emergency conditions the town manager may, in his discretion, grant exceptions thereto.

\* \* \*

(14) *Transport of construction worker personnel.* Shall not cause any excessive, unnecessary and avoidable noise and shall be permitted during the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday Saturday and prohibited on Saturdays, Sundays and all Federal Holidays.

\* \* \*

(18) Noises associated with cargo vehicles used for transporting construction materials and supplies shall not cause any excessive, unnecessary and avoidable noise and shall be permitted during the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and prohibited on Saturdays, Sundays and all Federal Holidays.

**Section 3. Code Amendment.** The Code of Ordinances of the Town of Surfside, Section 54-79 is hereby amended as follows:

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

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

**Section 4. Code Amendment.** Section 54-80 “Enforcement by code compliance officer; notice of violation; warnings; responsibility to provide current address.” of the Surfside Town Code of Ordinances is hereby created and shall read as follows:

**Sec. 54-80. - Enforcement by code compliance officer; notice of violation; warnings; responsibility to provide current address.**

(a) Warnings.

(1) Oral warnings. If a code compliance officer observes a violation of this article without a complaint having been made, the officer may first issue one oral courtesy warning per day and inform the violator that the violator will be subject to penalties if the violation continues.

(2) Written warnings. A code compliance officer shall first issue a written warning to immediately cease the violation prior to issuing a notice of violation unless one written warning has been issued in the 12 months preceding the date of violation.

The written warning shall be substantially in the same form as the notice of violation as stated in Subsection 54-80(a) herein. Failure to correct the violation within 15 minutes following the issuance of a written or oral warning shall result in the issuance of a notice of violation pursuant to this article.

A code compliance officer shall not issue a written warning, and instead shall issue a notice of violation, to any person, entity or establishment who:

- a. In any one day has already been issued a written warning as specified in Section 54-80; or
- b. In any 12-month period has exceeded the warning limits specified in Subsection 54-80; or
- c. Is also being cited for an illegal commercial or nonpermitted nonresidential use in a residential zoning district.

(b) Notice of violation. When the code compliance officer observes a violation of this section, the code compliance officer shall issue a notice of violation to each person and entity identified in Section 54-81. A courtesy copy of the violation shall be provided to an employee or other representative of the business tax receipt holder who is on the premises. The code compliance officer shall inform the violators that they must immediately cease the violation. The notice shall include the following information:

- (1) Name of the violator.
- (2) Date and time of violation.
- (3) Nature of the violation.
- (4) Amount of fine or other penalty for which the violator may be liable pursuant to the Town Code or as otherwise provided by law.
- (5) Instructions and due date for paying the fine.
- (6) Notice that the violation may be appealed by filing a written request for an administrative hearing with the clerk of the special master within ten days after service of the notice of violation, that failure to do so shall constitute an

admission of the violation and waiver of the right to a hearing, and that unpaid fines will result in the imposition of liens which may be foreclosed by the city.

(7) The notice shall also inform the violator that repeat violations of this article will result in the imposition of larger fines and may also result in revocation, suspension, or the imposition of restrictions on the business tax receipt, and/or certificate of use, or accessory use, and/or injunctive proceedings as provided by law. The notice shall be signed by the code inspector who witnessed the violation.

(c) Responsibility to provide current address. The holder of the business tax receipt for the premises where a violation or warning is issued shall have the responsibility to keep the city advised of its current address and of the current address of the owner of the premises.

**Section 3. Code Amendment.** Section 54-81 “Responsibility for compliance” of the Surfside Town Code of Ordinances is hereby created and shall read as follows:

**Sec. 54-81 - Responsibility for compliance.**

For purposes of this article, any person owning or having responsibility for management of a premises, however temporarily, any performer or disc jockey producing sound upon any premises, any person playing music, any person having control of volume knobs or levels or amplification devices, and the business as named on the occupational license, if applicable, shall be jointly and severally liable for compliance with this article and shall be responsible for any violations of this article.

**Section 4. 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 5. 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 6. 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 7. Effective Date.** This ordinance shall become effective upon adoption.

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:**

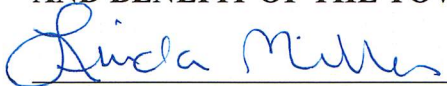
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
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:** November 9, 2016

**Subject:** Amendment to Sec. 14-29 of the Code of the Town of Surfside

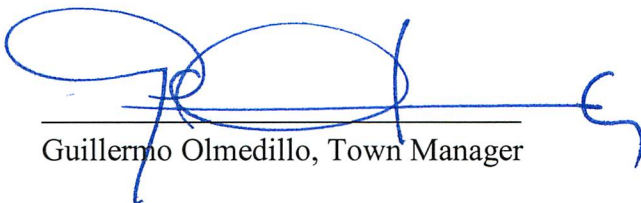
**Background:** Section 14-29 establishes the amount of fees to be paid by the applicant when filing an application for a building permit.

**Analysis:** Presently the developer's representative fills out an application indicating an estimated cost of construction. Leaving that estimate to the applicant without a standard causes a wide variation in that calculation. It is necessary to establish a base amount that will allow both the Town and the applicant to have a degree of certainty in the amount of fees. Also, with the provision of auditing final costs after the conclusion of the construction activity, the exact cost of construction can be determined.

**Budget Impact:** This amendment will result in an increase to the fees collected from building permit fees. The impact depends on the building permit activity for each year.

**Staff Impact:** No additional impact on staff.

**Recommendation:** Approval of the amendment by the Town Commission.

  
\_\_\_\_\_  
Guillermo Olmedillo, Town Manager

ORDINANCE NO. 16 – \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS”; SPECIFICALLY AMENDING SECTION 14-29. “PERMIT FEES” TO PROVIDE FOR A CONSISTENT CALCULATION FOR THE COST OF CONSTRUCTION FOR PERMIT FEES AND FOR THE RIGHT OF THE TOWN OF SURFSIDE TO CONDUCT AN AUDIT OF THE CONSTRUCTION COSTS AT THE CONCLUSION OF CONSTRUCTION; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission finds it is in the best interest of the Town to promote clarification and consistency by calculating the cost of construction using set values per square foot for building permit fees in the Town of Surfside; and

**WHEREAS**, the Town Administration has determined based on research that the amount of \$250 per square foot is considered an average cost of construction for multi-family and commercial developments; and

**WHEREAS**, the Town Administration has determined based on research that the amount of \$150 per square foot is considered an average cost of construction for single family homes; and

**WHEREAS**, the Town Commission held its first public hearing on November 9, 2016 having complied with the notice requirements required by Florida Statutes; and

**WHEREAS**, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on December 13, 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 AS FOLLOWS:**

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

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

**Sec. 14-29. - Permit fees.**

For all buildings, structures, additions and alterations requiring a building permit as called for in Section 105 of the Florida Building Code, a fee for each building permit shall be paid as required, in accordance with the following fee schedule:

- (1) The minimum fee for any one permit shall be \$80.00.
- (2) For all construction activity where the construction costs are greater than \$1,000.00 but less than \$1,250,000.00, the fee shall be \$80.00 plus 2.3 percent of the cost of construction.
- (3) For all construction activity where the construction costs are \$1,250,000.00 or more, but less than \$3,000,000, the fee shall be calculated as in (1) + (2) plus 1.6 percent of the cost of construction from \$1,250,000.00 up to \$3,000,000.00.
- (4) For all construction activity where the construction costs are \$3,000,000.00 or greater, the fee shall be calculated as in (1) + (2) + (3) plus 1.3 percent of the cost of construction greater than \$3,000,000.00.
- (5) Electrical, mechanical and plumbing permit fees shall be calculated in accordance with (1) through (4) above, except that when such electrical, mechanical or plumbing permit is a sub-permit to a master permit, the fee for the sub-permit shall be \$80.00 provided the cost of the electrical, mechanical or plumbing work is included in the overall cost of construction included in the master permit.
- (6) For purposes of this Section, the cost of construction is calculated as \$250 per gross square foot for multi-family and commercial developments and \$150 per gross square foot for single family homes for new construction or substantial improvements as defined in the Florida Building Code.
- (7) The Town reserves the right to conduct an audit of the construction costs at the conclusion of the construction, based on a determination by the Building Official that the valuation is underestimated on the application. If a discrepancy is found, the applicant shall pay the difference in the building permit fee, if any, prior to issuance of the Temporary Certificate of Occupancy. Applicant may provide evidence of final cost of construction and the Town will adjust the fee accordingly.

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**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: # 4B4**

**Date: November 9, 2016**

**From: Guillermo Olmedillo, Town Manager**  
**Linda Miller, Town Attorney**  
**Sandra Novoa, MMC, Town Clerk**

**Subject: Amending Article VI. - "Rules Of Procedure For Town Meetings" Specifically Amending Sections 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 and 2-209**

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**Background:** On April 14, 2009, the Town Commission adopted Ordinance No. 09-1517 amending the Town's Rules of Procedures for Town meetings which included creating Section 2-204 – Committees. However, in 2009, the Commission at the time did not repeal Resolution No. 07-1792 adopted on November 13, 2007 (Attachment "A"), which approved rules and procedure for committees created by the Town Commission. The attached ordinance provides for consistency and clarity for rules of procedure for all Town Meetings. Upon approval at second reading, the Town Administration will include on the Agenda a resolution repealing Resolution No. 07-1792.

At the May 10, 2016 Town Commission meeting, the Commission recommended clarification of the definition of liaison.

At the July 12, 2016 Town Commission meeting, the Commission recommended amending the Rules of Procedure to establish guidelines for the submittal of electronic files to the Town Clerk prior to public meetings.

At the August 9, 2016 Town Commission meeting, the Commission recommended several amendments to the Rules of Procedure for Town Meetings and directed the Town Administration to bring an ordinance back which included a memo with a matrix to illustrate the current code and the proposed amendments. (See Attachment "B")

At the October 13, 2016 Town Commission meeting, the Commission directed the Administration to include rules for telephonic participation.

The attached ordinance amends Section 2-201. - Rules of procedure for the Town Commission to include rules of procedure for Town Boards and Committees. The proposed amendments to the ordinance do not conflict with the provisions in Section 2-15 Personnel Appeals Board, Section 2-185. Pension Board, Section 70-124. Resort Tax Board or Sections 90-15, 90-16, 90-17, 90-18 of the Zoning Code for Planning and Zoning and Design Review Board members.

The attached ordinance amends Section 2-204 to distinguish continuing committees, sub-committees and ad-hoc committees and includes specific procedures for committees. The proposed amendments provide for rules for submission of electronic files and rules for a physically absent member of the Commission, Board or Committee, a definition of liaison and correction of a few minor scrivener's errors.

**Budget Impact:** n/a

**Staff Impact:** n/a

**Recommendation:** For the Town Commission to approve the attached ordinance amending the Rules of Procedure for Town meetings on first reading.

RESOLUTION NO. 2007-1792

**A RESOLUTION OF THE TOWN  
COMMISSION OF THE TOWN OF  
SURFSIDE, FLORIDA, APPROVING AND  
ADOPTING RULES AND PROCEDURES FOR  
COMMITTEES CREATED BY THE TOWN  
COMMISSION; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, as of the date of the adoption of this resolution, the Town Commission has created the following committees: audit committee, Charette Committee, community center committee, education committee, green committee, parks and recreation committee, welcoming committee, and may continue to create additional committees all of which are designed to provide recommendations and advice to the Commission in their respective areas of interest; and

**WHEREAS**, the Town Commission finds that it is appropriate to set forth uniform rules and procedures for all committees created by Town Commission whether such committees currently exist or are created in the future by the Commission.

**NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA HEREBY RESOLVES AS FOLLOWS:**

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

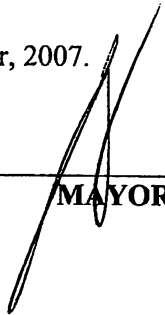
**Section 2. Approval and Adoption of Committee Rules and Procedures.** The Town Commission hereby approves and adopts the Committee Rules and Procedures attached as Exhibit "A" to this Resolution. The Committee Rules and Procedures shall apply to all committees created by the Town Commission whether such committees currently exist or are created in the future by the Town Commission. The Committee Rules and Procedures shall not


apply to the Town's Personnel Appeals Board, Pension Board, Planning and Zoning Board, Tourist Bureau or any committee established by the Town Manager. Questions regarding the applicability of these Committee Rules to any committee or board shall be decided by the Town Attorney.

**Section 3. Re-authorization of existing committees.** All committees currently in existence are hereby formally re-authorized by resolution of the Town Commission. Notwithstanding this reauthorization, all committees shall comply with Section 1 "Sunset Provisions" of the Committee Rules and Procedures.

**Section 4. Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 13<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
MAYOR

Attest:  
  
\_\_\_\_\_  
TOWN CLERK

Approved as to form and legal  
sufficiency:

  
\_\_\_\_\_  
TOWN ATTORNEY



## **Town of Surfside**

### **Committee Rules and Procedures**

These Committee Rules and Procedures shall apply to all committees created by the Town Commission whether such committees currently exist or are created in the future by the Town Commission. The Committee Rules and Procedures are intended to supplement matters not covered in any resolution creating a Town committee but to the extent of a conflict, these rules shall hereafter apply. The Town's Personnel Appeals Board, Pension Board, Planning and Zoning Board, Tourist Bureau and any committee established by the Town Manager are specifically excluded. The Town Attorney shall decide any questions regarding the applicability of these Committee Rules and Procedures.

#### **Section 1. Establishment of Committees.**

Committees shall have been and shall be created by resolution of the Town Commission. All Committees shall be identified as either "Continuing" or "Ad-hoc" when they are established. Ad-hoc Committees may request to become Continuing Committees. All such requests shall be accompanied by a new proposed mission statement justifying the change.

#### **Section 2. Term of Committees.**

- (1) Continuing Committees. Continuing Committees shall exist until abolished by the Commission.
- (2) Ad-hoc Committees. The expiration date for each Ad-hoc Committee shall be designated at the time of formation. Alternatively, Ad-hoc Committees shall expire when the Ad-hoc Committee reports to the Commission that its designated goal or goals have been accomplished. All Committees shall have a mission statement developed by the Town Commission.

#### **Section 3. Commission Liaison.**

The Mayor shall designate one Commissioner as the liaison between each Committee and the Commission.

#### **Section 4. Mission Statement.**

- (1) All existing Committees shall express a statement of their purpose and goals. This expression of purpose shall be consistent with the intent of the resolution creating or re-authorizing the Committee and mission statement and shall be approved by the Town Commission.

- (2) When a particular Commissioner suggests the formation of a new Committee, that Commissioner shall also propose a mission statement for the new Committee.
- (3) It is understood that the powers and duties of each Committee are of an advisory nature to the Town Commission and/or Town Manager. It is also understood that no committee shall have jurisdiction over or related to any matter concerning Town employees or Town operated facilities and should seek the permission of the Manager if staff is necessary for any given task or any facility is needed for any given meeting or task.

**Section 5. Committee Evaluations.**

At the conclusion of each particular Committee's term, the Town Commission will review that Committee's performance and evaluate the need to retain the Committee. If the Town Commission elects to retain the Committee, then the Committee shall be re-authorized by subsequent resolution of the Town Commission. The resolution shall provide that the Committee shall have a sunset review every two (2) years but in no event shall a Committee extend past March 18, 2008. Thereafter, all Committees shall be re-constituted and the term of a Committee member shall be co-terminus with the term of the appointing Commissioner or the Mayor. If under this provision, the Town Commission elects not to retain the Committee, then the Committee shall automatically be abolished. Nothing contained in these Committee Rules and Procedures shall prohibit the Town Commission from abolishing a Committee at any time.

**Section 6. Public Meetings.**

All meetings and business of any Committee shall comply with the requirements of Chapter 119 and Chapter 286, Florida Statutes including that all Committee meetings shall be open to the public at all times, noticed, and minutes of the meetings shall be taken and retained in the Office of the Town Clerk as set forth in Section 18 below. Minutes shall be submitted no later than thirty (30) days after a meeting. All meetings shall be conducted in accordance with Mason's Rules of Procedure.

**Section 7. Regular Meetings.**

Committees shall hold at least one regular meeting each quarter at a location within the Town selected by the Committee Chairperson. If a Committee fails to hold a meeting for two consecutive quarters, it shall be considered disbanded.

**Section 8. Special Meetings.**

Special meetings may be called by either the Committee Chairperson, a majority of the Committee Members, or the Town Commission. Reasonable notice of a special meeting shall be sent to each Committee Member. Special meetings shall be publicly noticed and held at a location within the Town selected by the Committee Chairperson.

**Section 9. Subcommittees.**

Subcommittees may be created by the Committee Chairperson. These Committee Rules and Procedures shall apply to any subcommittees.

**Section 10. Agenda.**

The Committee Chairperson shall prepare the agenda for the Committee meeting. In the Chairperson's absence, the Vice Chairperson shall prepare the agenda. Any Committee Member may propose additional agenda items at any time. Items proposed after the agenda is distributed may only be heard under "New Business" and upon an affirmative vote of the majority of the Committee. Each agenda shall also include a section for public comment.

**Section 11. Public Appearances and Requests.**

Any person may appear before any Committee during the public comment portion of the meeting. Requests to appear shall be made to the Committee Chairperson at any time prior to the public comment portion of the meeting. Members of the Town Commission are permitted to attend Committee meetings but shall not vote or participate in discussion, other than during public comment.

**Section 12. Quorum.**

A quorum shall be fifty percent (50%) plus one of the Committee Members. Provided there is a quorum, a majority of those present and voting shall be required to adopt any motion or take any action.

**Section 13. Voting.**

Each Committee Member shall be entitled to one (1) vote. The committee shall act as a body in making its decisions. No Committee Member present at a meeting may abstain from voting unless the Committee Member possesses a conflict of interest, as provided in either the Florida Statutes or the Miami-Dade County Code of Ethics. A member must be present at the meeting to vote. Proxy votes shall not be permitted.

**Section 14. Attendance.**

In the event that a Committee Member fails to attend three (3) regularly scheduled meetings in any one calendar year, the Committee Member will automatically be removed from the Committee and the Town Commission will be notified of the vacancy in the manner described in Section 11(f) below.

**Section 15. Appointments, Vacancies and Resignations.**

Each person appointed to a Committee shall be appointed by the Town Commission in the

following manner:

- (a) The Mayor and each Commissioner shall appoint one (1) member to each Committee.
- (b) The Mayor and each Commissioner may appoint any individual to one Continuing Committee and one Ad-hoc Committee. Individuals may serve on multiple Committees if appointed by multiple Commissioners in the manner stated above.
- (c) If a Committee Member is appointed to both an Ad-hoc and a Continuing Committee by the same member of the Commission, then, in the event the Ad-hoc Committee becomes designated a Continuing Committee, that Committee Member shall resign from one of the two Committees.
- (d) Should any appointee resign during the term of the Committee, the appointing Commissioner may select another appointee in accordance with the procedure outlined in subsection (e) below.
- (e) Members of Committees shall be appointed to serve for one year terms, or until the end of the appointing Commissioner's term, whichever is less. If a Committee is created within 18 months of the end of a Commissioner's term, the appointee may serve until the end of the term. A Committee Member can be reappointed at the end of their term. All appointments are at the will of the appointing Commissioner and can be removed at any time. Once a Committee Member is removed, his or her replacement should serve out the term of the appointee replaced.
- (f) At least one month in advance of any vacancy on any Committee or as soon as practicable after the vacancy occurs, the Town Clerk shall notify the Town Commission, in writing, of the vacancy. The Town Commission shall establish a deadline for the submission of letters of interest to serve on the Committee at a Commission meeting.
  - (i) Any person who wishes to serve on a Committee and who meets the qualifications of office as set forth in the resolution creating or re-authorizing the Committee, shall submit his or her name together with a letter of interest to the Town Clerk by the deadline established by the Town Commission. Thereafter, the Town Clerk shall provide the Town Commission with the names and letters of interest.
  - (ii) Nominations and appointments to fill the vacancy shall be made at a Town Commission meeting. Appointments to fill a mid-term vacancy shall only be made for the remainder of the term of the Committee Member being replaced.

**Section 16. Residency Requirement.**

Committees Members shall reside in the Town. Non-resident property owners may be appointed to Committees as determined by the Town Commission. Any member who ceases to reside within the Town limits during his or her term shall be deemed to have resigned as of the date of change of address.

**Section 17. Compensation.**

All Committee Members shall serve without compensation and shall not otherwise obtain direct or indirect financial gain from their service on a committee.

**Section 18. Applicability and Explanation of Laws.**

All Committee Members shall be subject to the State of Florida, Miami-Dade County and Town of Surfside Code of Ethics. Upon appointment, the Town Clerk shall provide each Committee Member with a copy of both the State of Florida and Miami-Dade County ethics and conflict of interest laws. Committee Members will also receive a copy and explanation of the State of Florida's sunshine law and public records law.

**Section 19. Financial Disclosure Requirement/Standards of Conduct.**

If required by law, Committee Members shall file appropriate financial disclosure forms. All Committee members shall be subject to the Standards of Conduct for Public Officers and Employees set by federal, state, county or other applicable ethics or conflicts of interest laws.

**Section 20. Officers and Elections.**

Except as provided otherwise in the resolution creating or re-authorizing a Committee, each Committee shall elect a Chairperson, Vice-Chairperson, and Secretary annually, or as vacancies occur, at the first Committee meeting held on or after the third Tuesday of March of each election year. Each officer shall serve for a term of one (1) year or for the remaining term of the Committee Member being replaced.

**Section 21. Records.**

Minutes of all Committee meetings shall be kept by the Secretary and shall be available for public inspection. The minutes shall be forwarded to each Committee Member for review and shall be approved by the committee at a meeting. Once approved, the meeting minutes shall be forwarded to the Town Clerk for filing.

During meetings, a standard sign-in register must be completed by the Committee Members and maintained by the Secretary. Attendance and absences must be recorded and submitted to the Town Clerk along with the minutes, even if there is not a quorum.

Each Committee Secretary shall be responsible for providing a current membership roster of all Committee Members to the Town Clerk.

**Section 22. Committee Reports.**

- (1) Monthly Reports. Monthly reports should be made to the Town Commission by the Commission Liaison or the Committee chairperson.
- (2) Annual Reports. At the end of each calendar year, each Committee shall prepare an Annual Report summarizing the activities and accomplishments of each Committee and including recommendations for the following year.
- (3) Concluding Reports. Each Ad-hoc Committee should deliver a report at the conclusion of its term, unless the Committee transitions into a Continuing Committee.

Current Sections	Proposed Amendments	Proposed Language
<p>Sec. 2-201. - Rules of procedure for the town commission.</p>	<ul style="list-style-type: none"> <li>• Amending the title of Section 2-201.</li> <li>• Including town boards and committees</li> <li>• Clarification by adding the word 'town' before 'commission'</li> <li>• Updating Mason's Manual of legislative procedure edition</li> </ul>	<p>Sec. 2-201. - Rules of procedure for the town commission and town boards and committees.</p> <p><i>Rule 2.01 Governing rules; amendment.</i> Except as may be provided in the Chapter, the Town of Surfside Code, Florida laws or by these rules as set forth in this ordinance, questions of order, the methods of organization and the conduct of business of the <u>town commission and town boards and committees</u> and to the extent there is no conflict, the <u>town commission, and town boards and committees</u> shall be governed by Mason's Manual of Legislative Procedure (2010 <del>1953</del> Edition). Once enacted, and except as already amended by the provisions contained herein, these rules may be amended by two-thirds vote of the entire <u>town</u> commission.</p>
<p>Sec. 2-202. - Officers. Rule 3.01 Presiding officer.</p>	<ul style="list-style-type: none"> <li>• Rule 3.01 is updated to be consistent with the Town Charter</li> <li>• Clarification by adding the word 'town' before 'commission'</li> <li>• The town manager will also be able to give instructions to the sergeant-at-arms for the purpose of maintaining order and decorum at the meetings</li> </ul>	<p><i>Rule 3.01 Presiding officer.</i> The <del>mayor, or a member of the commission designated by the mayor,</del> shall preside at all meetings of the town commission at which he or she is present. In the absence of the <del>presiding officer</del> <u>mayor, the vice mayor shall act as mayor. In the absence of both the mayor and vice mayor,</u> the <u>town</u> commission shall select one of its members as a temporary presiding officer. *** <i>Rule 3.04 Sergeant-at-arms.</i> The town police chief, or such other town official or employee as the chief may designate, shall be the sergeant-at-arms of the <u>town</u> commission meeting, at the request of the presiding officer or the town manager. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer or <u>the town manager</u> for the purpose of maintaining order and decorum at the meetings.</p>
<p>Sec. 2-203. - Meetings. Rule 4.01 Regular Meetings.</p>	<p>Scrivener's error</p>	<p>(3) No meeting shall continue beyond 11:00 p.m. unless by a vote <u>of</u> the majority of the members of the commission present, the commission agrees to extend the meeting beyond this time.</p>
	<p>Clarification by adding the word 'town' before 'commission'</p>	<p>(b) Zoning matters shall be scheduled as part of regular <u>town</u> commission meetings unless otherwise decided by the commission.</p>
	<p>Adding the word 'resolution'</p>	<p>(c) The second reading (public hearing) of the annual budget ordinance or <u>resolution</u> shall be considered at a meeting at which the said budget ordinance or <u>resolution</u> and the levy of the millage are the only items on the agenda.</p>

Current Sections	Proposed Amendments	Proposed Language
<p>Rule 4.02 Special meetings emergency meetings.</p>	<ul style="list-style-type: none"> <li>The town manager can call a special meeting</li> <li>Deleting 'Whenever a special meeting is called, a notice in writing signed by such majority shall be served upon the clerk.'</li> </ul>	<p>(a) A special meeting of the commission may be called by a majority of the members of the town commission or the town manager. <del>Whenever a special meeting is called, a notice in writing signed by such majority shall be served upon the clerk.</del> The clerk shall forthwith serve either verbal or written notice upon each member of the commission stating the date, hour and place of the meeting and the purpose for which such meeting is called; and no other business shall be transacted at that meeting. At least twenty-four (24) hours notice must elapse between the time the clerk receives notice in writing and the time the meeting is to be held.</p>
<p>Sec. 2-204. - Committees. --            Rule 5.01 Continuing Committees.</p>	<p>Creating Rule 4.03 which addresses electronic files</p> <ul style="list-style-type: none"> <li>Amending the title</li> <li>Creating new rules and procedures</li> <li>Scrivener's error</li> </ul>	<p><u>Rule 4.03 Electronic Files presented at Public Meetings.</u> Electronic files to be presented at public meetings in the Town of Surfside must be provided to the town clerk by noon on the business day prior to the scheduled meeting.</p> <p>Sec. 2-204. - Committees, <u>Sub-committees and Ad Hoc Committees.</u>  <u>Rule 5.01 Continuing Committees, Sub-committees and Ad Hoc Committees.</u>            There may be <u>such standing continuing committees, sub-committees and ad hoc committees of the town commission created by resolution as the town commission deems necessary to conduct the business of the town appropriately and in accordance with the town charter.</u> Such committees shall be governed by these rules of procedure and <del>if advisory,</del> shall be subject to the Florida sunshine and public records laws. <u>Each member of the town commission shall appoint one (1) member to each committee. Members of committees shall be appointed to serve until the expiration of the committee or to the end of the appointing commissioner's term.</u>            (1) <u>Continuing Committees and Sub-committee Committees.</u> Continuing committees and sub-committees shall exist until abolished by the town commission or shall have a sunset provision.            (2) <u>Ad Hoc Committees.</u> The expiration date for each ad hoc committee shall be designated at the time of formation, or the ad hoc committee shall expire when the ad hoc committee reports to the commission that its designated goal or goals have been accomplished.            (3) All continuing committees, sub-committees and ad hoc committees shall abide by the following procedures:                <u>a. Mission Statement.</u> A mission statement shall be developed by the town commission.</p>



Current Sections	Proposed Amendments	Proposed Language
		<p>b. <u>Public Meetings.</u> All meetings and business of any committee, sub-committee or ad hoc committee shall comply with the Florida Statutes including that all committee meetings shall be open to the public at all times, noticed, and minutes of the meetings shall be taken and retained in the office of the town clerk. All committee members shall be subject to the State of Florida, Miami-Dade County and Town of Surfside Conflict of Interest and Code of Ethics Ordinance.</p> <p>c. <u>Agenda.</u> The Committee chairperson shall prepare the agenda for the committee meeting. In the chairperson's absence, the vice chairperson shall prepare the agenda. Any committee member may propose additional agenda items at any time. Items proposed after the agenda is distributed may only be heard under "New Business" and upon an affirmative vote of the majority of the committee. Each agenda shall also include a section for public comment.</p> <p>d. <u>Public Appearances and Requests.</u> Any person may appear before any committee during the public comment portion of the meeting.</p> <p>e. <u>Quorum.</u> A quorum shall be fifty percent (50%) plus one of the committee members. Provided there is a quorum, a majority of those present and voting shall be required to adopt any motion or take any action.</p> <p>f. <u>Voting.</u> Each committee member shall be entitled to one (1) vote. The committee shall act as a body in making its decisions. No committee member present at a meeting may abstain from voting unless the committee member possesses a conflict of interest, as provided in either the Florida Statutes or the Miami-Dade County Code of Ethics.</p> <p>g. <u>Attendance.</u> In the event that a committee member fails to attend three (3) regularly scheduled meetings in any one calendar year, the committee member will automatically be removed from the committee and the town commission will be notified of the vacancy.</p> <p>h. <u>Appointments, Vacancies and Resignations.</u> Each person appointed to a committee, sub-committee or ad hoc committee shall be appointed by the town commission in the following manner:  (1) The mayor and each member of the town commission shall appoint one member to each committee.  (2) Should any appointee resign during the term of the committee, sub-committee or ad hoc committee, the appointing commissioner may select another appointee in accordance with the procedure outlined in subsection (3) hereinbelow.</p>

Current Sections	Proposed Amendments	Proposed Language
		<p>(3) <u>Upon notification of the vacancy, the town clerk shall notify the town commission, in writing. The town commission shall establish a deadline for the submission of letters of interest to serve on the committee at a Commission meeting.</u></p> <p>(i) <u>Any person who wishes to serve on a committee and who meets the qualifications of office as set forth in the resolution creating or re-authorizing the committee, shall submit his or her name together with a letter of interest to the town clerk by the deadline established by the town commission. Thereafter, the town clerk shall provide the town commission with the names and letters of interest.</u></p> <p>(ii) <u>Nominations and appointments to fill the vacancy shall be made at a town commission meeting. Appointments to fill a mid-term vacancy shall only be made for the remainder of the term of the committee member being replaced.</u></p> <p>i. <u>Reappointment. Committee, sub-committee or ad hoc committee members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.</u></p> <p>j. <u>Residency Requirement. Committee, sub-committee or ad hoc committee members shall be registered qualified electors of Miami-Dade County, Florida, whose legal residence is in the Town of Surfside.</u></p> <p>k. <u>Compensation. All committee members shall serve without compensation and shall not otherwise obtain direct or indirect financial gain from their service on a committee.</u></p> <p>l. <u>Oath Requirement. All committee members shall be required to subscribe to an oath or affirmation to be administered by and filed with the town clerk, swearing to support, protect and defend the Constitution and laws of the United States and of the State of Florida, the Charter and all ordinances of the Town of Surfside and Miami-Dade County, and in all respects to faithfully discharge their duties.</u></p> <p>m. <u>Financial Disclosure Requirement/Standards of Conduct. If required by law, committee members shall file appropriate annual financial disclosure forms. All committee members shall be subject to the Standards of Conduct for Public Officers and Employees set by federal, state, county or other applicable ethics or conflicts of interest laws.</u></p>

Current Sections	Proposed Amendments	Proposed Language
		<p>n. <u>Officers and Elections.</u> Except as provided otherwise in the resolution creating or re-authorizing a committee, each committee shall elect a chairperson, vice-chairperson and secretary at the first committee meeting.</p> <p>o. <u>Records.</u> Minutes of all committee meetings shall be kept by the secretary and shall be available for public inspection. The minutes shall be forwarded to each committee member for review and shall be approved by the committee at a meeting. Once approved, the meeting minutes shall be forwarded to the town clerk for filing. Attendance and absences must be recorded and submitted to the town clerk along with the minutes.</p>
	<p>Creating Rule 5.02 which provides with a definition of town commission liaison; appointment and definition.</p>	<p><u>Rule 5.02 Town Commission Liaison; Appointment and Definition.</u></p> <p>(1) <u>Appointment:</u> The mayor shall designate and appoint one member of the town commission as the liaison to each board, committee and subcommittee of the town commission.</p> <p>(2) <u>Definition:</u> The town commission liaison is defined as a nonvoting member of a board, committee or subcommittee who communicates the activities of the board, committee or subcommittee to the town commission.</p>
<p>Sec. 2-205. - Conduct of meetings; agenda. Rule 6.01 Call to order.</p>	<p>Clarification by including the mayor</p>	<p><u>Rule 6.01 Call to order.</u> Promptly at the hour set for each meeting, the mayor and the members of the town commission, the town attorney, the town manager and the town clerk shall take their regular stations in the commission chambers. The presiding officer shall take the chair and shall call the town commission to order immediately. In the absence of the presiding officer, the town clerk shall then determine whether a quorum is present and in that event shall call for the election of a temporary presiding officer. Upon the arrival of the presiding officer, the temporary presiding officer shall relinquish the chair upon the conclusion of the business immediately before the Commission.</p>

Current Sections	Proposed Amendments	Proposed Language
<p>Rule 6.02 Roll call.</p>	<ul style="list-style-type: none"> <li>• Clarification by adding the word 'town' before 'commission'</li> <li>• Clarification by adding the word 'town' before 'clerk'</li> <li>• Deleting the expression 'of the board'</li> </ul> <p>Creating Rule 6.03 which provides for the participation by physically absent member of the town commission, town board or committee.</p>	<p><u>Rule 6.02 Roll call.</u> The <u>town clerk</u> shall call the roll of the members, and the names of those present shall be entered in the minutes. In the event the roll call reflects the absence of any member on official town business that fact shall be noted in the minutes. Any town commissioner who intends to be absent from <del>any</del> <u>town</u> commission meeting shall notify the <u>town clerk of the board</u> of the intended absence as soon as convenient.</p> <p><u>Rule 6.03 Participation by Physically Absent Member of the Town Commission, Town Board or Committee.</u> A Member of the Town Commission, Town Board or Committee is permitted to participate and to vote telephonically and/or by interactive video provided that:</p> <ol style="list-style-type: none"> <li>1. <u>There are extraordinary circumstances preventing attendance in person at the meeting, including serious medical conditions, health problems precluding attendance at a publically designated meeting space and medical treatment; and</u></li> <li>2. <u>There is a quorum of the members of the town commission, town board or committee physically present at the meeting; and</u></li> <li>3. <u>The majority of the quorum present votes to allow the absent member of the town commission to participate telephonically and/or by interactive video.</u></li> </ol> <p><u>Telephonic and interactive video participation is not permitted for quasi-judicial hearings.</u></p> <p><u>Rule 6.034 Quorum.</u> A majority of the <u>members of the town commissioners</u> then in office shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the <u>town</u> commission without the affirmative vote of the majority of all the members present.</p> <p><u>Rule 6.045 Failure to attain a quorum.</u> Should no quorum attend within <del>30</del> <u>15</u> minutes after the hour appointed for the meeting of the commission, the presiding officer or the <u>town clerk</u> may adjourn the meeting <del>until another hour of day unless by unanimous agreement, these members present select another time.</del> The names of the members present and their action at such meeting shall be recorded in the minutes by the <u>town clerk</u>.</p>
<p>Rule 6.03 Quorum.</p> <p>Rule 6.04 Failure to attain a quorum.</p>	<ul style="list-style-type: none"> <li>• Renumbering the Rule</li> <li>• Including all of the members of the town commission</li> <li>• Renumbering the Rule</li> <li>• Changing the time required to attend a quorum</li> <li>• The town clerk adjourns the meeting if no quorum is attained.</li> </ul>	<p><u>Rule 6.034 Quorum.</u> A majority of the <u>members of the town commissioners</u> then in office shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the <u>town</u> commission without the affirmative vote of the majority of all the members present.</p> <p><u>Rule 6.045 Failure to attain a quorum.</u> Should no quorum attend within <del>30</del> <u>15</u> minutes after the hour appointed for the meeting of the commission, the presiding officer or the <u>town clerk</u> may adjourn the meeting <del>until another hour of day unless by unanimous agreement, these members present select another time.</del> The names of the members present and their action at such meeting shall be recorded in the minutes by the <u>town clerk</u>.</p>

Current Sections	Proposed Amendments	Proposed Language
<p>Rule 6.05 Agenda.</p>	<ul style="list-style-type: none"> <li>• Renumbering the Rule</li> <li>• Updating the order of the agenda and the approval of minutes</li> </ul>	<p><u>Rule 6.056 Agenda.</u></p> <p>(a) <i>Order of business.</i> There shall be an official agenda for every meeting of the commission which shall determine the order of business conducted at the meeting. The order of business shall be as follows: (1) call to order/roll call of members, pledge of allegiance, <del>approval of minutes</del>, agenda/order of business (additions/deletions), special presentations, (2) quasi-judicial hearings (3) consent agenda at the pleasure of the commission, <u>approval of minutes</u>, <u>town manager</u>, <u>town attorney reports</u> (4) ordinances and <del>public hearings, which shall be held at a specially-scheduled time, if the notice so states</del>, (5) resolutions (6) good and welfare shall be heard at a time certain: <del>at 8:15 p.m. — 9:15 p.m.</del> (7) <del>town manager and town attorney reports, if any (§7)</del> unfinished business and new business (98) <u>mayor</u>, <del>and</del> <u>town commission communications</u> and staff communications.</p> <p>(1) Items shall be considered in the order in which they are placed on the agenda unless a majority of the commissioners determines to deviate from the printed agenda.</p> <p>(2) 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. <del>For discussion and debate.</del> 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, <u>members of the town commission</u> shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence. The rules of section 2-207(e) as set forth hereinbelow shall be observed during this portion of the Agenda.</p> <p>(3) The <u>town commission</u> shall not take action upon any matter, proposal, or item of business which is not listed upon the official agenda, unless it is approved at the meeting by a majority of the entire commission, which shall have first consented to the matter for consideration. No ordinance, resolution or other matter listed on the agenda for public hearing or the vote thereon may be deferred until a later time unless a majority of the entire <u>town commission</u> shall vote in favor of such deferral.</p> <p>(b) <i>Authority to place items on agenda.</i> Matters may be placed on the agenda by any <u>member of the town commissioner</u>, the <u>town manager</u>, the town attorney and the <u>town clerk of the commission</u>.</p>

Current Sections	Proposed Amendments	Proposed Language
<p>Rule 6.06 Ordinances, resolutions, motions, contracts.</p>	<ul style="list-style-type: none"> <li>• Renumbering the Rule</li> <li>• Clarification by adding the word 'town' before 'commission'</li> <li>• Deleting language referring to documents which may be referred, prior to the presentation, to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve.</li> <li>• Deleting subsection (c)</li> <li>No commission jurisdiction</li> </ul>	<p><i>Rule 6.06Z Ordinances, resolutions, motions, contracts.</i></p> <p>(a) <i>Preparation and enactment of ordinances.</i> The town attorney shall prepare ordinances and resolutions. Ordinances may be introduced, listed by title and shall be read by title only before consideration by the town commission on first reading. At public hearing, each ordinance shall be voted on individually by a call of the roll. Only resolutions and motions may be enacted by voice vote calling for "ayes" or "no" on the question.</p> <p>(b) <i>Approval by town attorney.</i> All ordinances, resolutions and contract documents, before presentation to the town commission, shall have been reduced to writing and shall have been approved to form and legality by the town attorney. <del>Prior to presentation all such documents may be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve.</del></p> <p>(c) <i>Introduction and sponsorship.</i> Ordinances, resolutions and other matters and subjects requiring action by the town commission may be introduced and sponsored by the mayor or any a member of the town commission, except that either the town manager, <del>or</del> the town attorney or town clerk may present ordinances, resolutions and other matters or subjects to the town commission for consideration, and any commissioner may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered.</p> <p>(d) <i>Sunset.</i> There is no requirement for any ordinance to contain a sunset provision.</p> <p>(e) <i>Zoning exception.</i> The provisions of this Rule 6.06Z shall not be applicable to zoning resolutions which shall be governed exclusively by the Zoning Code <del>and applicable easelaw interpreting same.</del></p>
<p>Rule 6.07 Statement of fiscal impact required for ordinances; exceptions.</p>	<ul style="list-style-type: none"> <li>• Renumbering the Rule</li> <li>• Adding the word 'resolution'</li> </ul>	<p><i>Rule 6.07Z Statement of fiscal impact required for ordinances; exceptions.</i> Prior to the second reading of any ordinance, the town manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No ordinance shall be considered on second reading if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provisions of this rule shall not apply to any emergency ordinance or any budget ordinance or resolution.</p>

Current Sections	Proposed Amendments	Proposed Language
Rule 6.08 Limitation on agenda items.	Renumbering the Rule	<p><u>Rule 6.089</u> <i>Limitation on agenda items.</i> No commissioner shall sponsor or cosponsor a total of more than three ordinances for first reading and three resolutions at any commission meeting. This provision shall not be applied to ordinances of resolutions which are intended to correct scrivener's errors.</p>
Sec. 2-206. - Public participation.	Clarification by adding the word 'town' before 'commission'	<p>Sec. 2-206. - Public participation.</p> <p><i>Rule 7.01 Persons authorized on the dais.</i> No person, except town officers or their representatives, shall be permitted on the dais unless authorized by the presiding officer or a majority of the <u>town</u> commission.</p>
Rule 7.02. Citizens presentations; public hearings.	<ul style="list-style-type: none"> <li>• Clarification by adding the word 'town' before 'commission'</li> <li>• Including all of the members of the town commission</li> <li>• Changing public discussion time from 5 to 3 minutes</li> <li>• Providing for an opportunity to extend the time for public discussion on agenda items</li> </ul>	<p><i>Rule 7.02. Citizens presentations; public hearings.</i></p> <p>(a) <i>Citizens' presentations.</i> Any citizen shall be entitled to be placed on the official agenda of a regular meeting of the <u>town</u> commission and be heard concerning any matter within the scope of the jurisdiction of the <u>town</u> commission. Only <u>members</u> of the <u>town</u> commissioners and the town manager may place a citizen on the official agenda.</p> <p>(b) <i>Public hearings.</i> Any citizen shall be entitled to speak on any matter appearing on the official agenda under the section "public hearings."</p> <p>(c) <i>Public discussion on agenda items.</i> No citizen shall be entitled <del>as a matter of right</del> to address the <u>town</u> commission on any matter listed on or added to the official agenda which is not scheduled for public hearing, discussion or debate. When the <u>town</u> commission considers an agenda item that is not a public hearing and on which the public comment is either unanimously in favor or unanimously against the item's passage, input from members of the public shall be limited to no more than <u>three</u> <del>five</del> minutes on any given item; <u>unless an extension is granted by a majority of the members of the town commission.</u></p>

Current Sections	Proposed Amendments	Proposed Language
<p>Rule 7.03 Registration of speakers.</p>	<p>Updating the registration of speakers Rule</p>	<p><i>Rule 7.03 Registration of speakers</i> <del>may</del> shall be required. <del>if requested by the clerk and provided the town clerk shall prepare appropriate registration cards. The cards shall require the speaker to provide his/her name, address, and the agenda item on which he or she is speaking if registration is required on a particular agenda item, failure to comply with the registration provisions of this paragraph shall prohibit a person from speaking.</del></p> <p>(b) For any single (1) agenda item, and except for zoning, no more than one-half hour per side shall be allocated to speakers from the public. The presiding officer shall limit the time of each individual speaker in order to insure compliance with this rule.</p>
<p>Rule 7.04 Addressing commission, manner, time.</p>	<ul style="list-style-type: none"> <li>• Clarification by adding the word 'town' before 'commission'</li> <li>• Clarification by including all members of the town commission</li> </ul>	<p><i>Rule 7.04 Addressing commission, manner, time.</i> Each person, other than salaried members of the town staff, who addresses the <u>town</u> commission shall step up to a podium and shall give the following information in an audible tone of voice for the minutes:</p> <p>(a) Name;</p> <p>(b) Address;</p> <p>(c) Whether the person speaks on his or her own behalf, a group of persons, or a third party; if the person represents an organization, the person shall also indicate the number of members in the organization, the annual dues paid by the members, the date of the most recent meeting of the organization's board or governing council, and whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council, if requested; if the person is speaking on behalf of a group, s/he shall be required to register as a lobbyist if required by that ordinance and shall state for the record: (i) Compensation, if any, (ii) whether the person or any immediate family member has a personal financial interest in the pending matter, other than as set forth in (i) if requested.</p> <p>Unless further time is granted by the <u>town</u> commission and with the sole exception of zoning items which shall not have a prescribed time limit unless imposed by the chair in accordance with the advice of the town attorney, the statement shall be limited to the times prescribed herein. All remarks shall be addressed to the <u>town</u> commission as a body and not to any member thereof. No person, other than the <u>mayor</u>, <del>and</del> <u>members of the town</u> commissioners and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the commission, without the permission of the presiding officer. No question shall be asked of <u>any member of the</u> <del>town</del> <u>commissioner</u> except through the presiding officer.</p>



Current Sections	Proposed Amendments	Proposed Language
<p><i>Rule 7.05 Decorum.</i></p>	<p>Clarification by adding the word 'town' before 'commission'</p>	<p><i>Rule 7.05 Decorum.</i> Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the <u>town</u> commission shall be barred from further appearance before the <u>town</u> commission by the presiding officer, unless permission to continue or again address the <u>town</u> commission is granted by the majority vote of the <u>town</u> 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 <u>town</u> commission chambers by the presiding officer. Persons exiting the <u>town</u> commission chambers shall do so quietly.</p>
<p>Sec. 2-207. - Rules of debate</p>	<p>Updating the Rules of debate</p>	<p>Sec. 2-207. - Rules of debate</p> <p><i>Rule 8.01 Rules of debate.</i></p> <p>(a) <i>Questions under consideration.</i> <u>When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two (2) shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present. On any agenda item, in order for debate to ensue, the presiding officer shall call for a motion to accept the matter at hand, whether it is an ordinance, resolution, motion, etc., for "discussion purposes only" and upon receipt of a second to that motion, debate may begin. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, (to lay the pending question aside temporarily when something else of immediate urgency has arisen), to postpone, or to amend the motion until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present. If, after debate, the motion requires amendment, then the commissioner making a motion shall state as follows: "I move we adopt Ordinance (resolution) as read" ["as amended" by Commissioner _____]. The town attorney or the town clerk may request and/or assist with a restatement of the motion for the record. The commissioner seconding said motion shall say "I second the motion ["as amended"]."</u></p>

Current Sections	Proposed Amendments	Proposed Language
		<p>(b) <i>As to the presiding officer.</i> The mayor, as presiding officer, shall not move or second an item of debate. The presiding officer, however, upon relinquishing the chair, may move or second an item, vote, subject only to such limitations as are by these rules imposed upon all members.</p> <p>(c) <i>Getting the floor, improper references to be avoided.</i> Every member desiring to speak for any purpose shall address the presiding officer, and upon recognition, shall be confined to the question under debate avoiding all personalities and indecorous language.</p> <p>(d) <i>Interruption; call to order; appeal a ruling of the chair.</i> A member once recognized shall not be interrupted when speaking unless it is a call to order or as herein otherwise provided. If a member be called to order, the member shall cease speaking until the question of order is determined by the presiding officer, and if in order, the member shall be permitted to proceed. Any member may appeal to the town commission from the decision of the presiding officer upon a question of order when, without debate, the presiding officer shall submit to the town commission the question, "Shall the decision of the chair be sustained?" and the town commission shall decide by a majority vote.</p> <p>(e) <i>Time limit for debate.</i> Debate on any motion pertaining to an item on the consent agenda shall be limited to three minutes. After three minutes of debate the item shall be removed from the consent agenda, if any, and placed on the regular town commission agenda. The discussion by the town commissioners on any one item shall not exceed one-half hour or unless an extension is granted by a majority of votes of the town commission.</p> <p>(f) <i>Privilege of closing debate.</i> Any town commission member (including the presiding officer) shall have the privilege of closing the debate by making a motion to that effect and provided it is affirmed by vote of a majority of the town commissioners present.</p> <p>(g) <i>Method of voting.</i> After the debate is closed, and/or the motion is restated if necessary, the presiding officer shall call for a vote on the motion. Voting shall be by roll call or voice vote, or paper ballot (at the decision of the majority of the commission in certain circumstances) depending on whether the ballot is on an ordinance or resolution or motion. Ordinances require a roll call vote by calling the names of the members of the town commissioners alphabetically by surname, except that the names shall be rotated after each roll call vote, if requested, so that the commissioner who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however, that the presiding officer, if a member of the town commission, shall always cast the last vote.</p>

Current Sections	Proposed Amendments	Proposed Language
		<p>The <u>Town</u> clerk shall call the roll, tabulate the votes, and announce the results. The vote upon any resolution, motion or other matter may be by voice vote as previously noted, provided that the presiding officer or any commissioner may require a roll call to be taken upon any resolution or motion.</p> <p>(h) <i>Explanation of vote; conflicts of interest.</i> There shall be no discussion by any <u>town</u> commissioner voting, and the <u>town</u> commissioner shall vote yes or no. Any <u>town</u> commissioner, upon voting, may give a brief statement to explain his or her vote. A <u>town</u> commissioner shall have the privilege of filing with the clerk a written explanation of his or her vote. Any <u>town</u> commissioner with a conflict of interest on a particular matter shall refrain from voting or otherwise participating in the proceedings related to that matter and <u>must</u> <del>may</del> leave the commission chambers until the consideration of that matter is concluded. <del>Any such commissioner who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.</del></p> <p>(i) <i>Tie votes.</i> Whenever action cannot be taken because the vote of the <u>town</u> commissioners has resulted in a tie, the status quo shall continue in effect and the proposed ordinance, resolution or motion that produced the tie vote shall be removed from the agenda without prejudice to its reintroduction on a de novo basis at a later time; provided that in zoning and other quasi-judicial matters when action on a resolution results in a tie vote, such resolution shall be carried over to the next regularly scheduled meeting for the consideration of such quasi-judicial matters unless the <u>town</u> Commission designates a different time for such reconsideration.</p> <p>(j) <i>Vote change.</i> Any <u>town</u> commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter. In this case, the <u>town</u> clerk shall call back the vote and verify the outcome for the presiding officer.</p> <p>(k) <i>No motion or second.</i> If an agenda item fails to receive a motion or second, it shall be removed from the agenda and shall be reintroduced only in accordance with the renewal provisions of Rule 8.01(m).</p> <p>(l) <i>Reconsideration.</i> An action of the <u>town</u> Commission may be reconsidered only at the same meeting at which the action was taken, or, if not, at the next meeting thereafter a motion to reconsider may be made only by a <u>town</u> Commissioner who</p>

Current Sections	Proposed Amendments	Proposed Language
		<p>voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A motion to reconsider shall not be considered unless at least the same number of <u>town</u> Commissioners is present as participated in the original vote, or upon affirmative vote of two-thirds of those commissioners present. Adoption of a motion to reconsider shall rescind the action reconsidered.</p> <p>(m) <i>Renewal.</i> Once action is taken on a proposed ordinance or resolution neither the same matter nor its repeal or rescission may be brought before the <u>Town</u> Commissioner again for a three-month period following the said action unless application for renewal by three commissioners is first submitted to the presiding officer. Should an ordinance or resolution be proposed that raises the same previously resolved matter, or its repeal or rescission, in <u>different</u> or modified form during the three-month period, the presiding officer may declare the proposal out of order.</p> <p>(n) <i>Adjournment.</i> A motion to adjourn shall always be in order and decided without debate.</p> <p>(o) <i>Suspension of the rules.</i> No rule of procedure adopted by <u>the town commission</u> <del>the</del> <u>board</u> shall be suspended except by an affirmative vote of two-thirds of the <u>members of the town commissioners</u> present.</p>
<p>Sec. 2-208. - Additional ordinances proscribing town commission procedure.  <i>Rule 9.01 Representation of Town of Surfside.</i></p>	<ul style="list-style-type: none"> <li>• Scrivener's error</li> <li>• Clarification by adding the word 'town' before 'commission'</li> <li>• Including all members of the town commission</li> </ul>	<p>Sec. 2-208. - Additional ordinances <del>prescribing</del> <u>prescribing</u> town commission procedure.  <i>Rule 9.01 Representation of Town of Surfside.</i> Whenever the <u>town</u> commission deems it necessary or desirable that the <u>town</u> commission shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, or departments, agencies or officials of the town government, the presiding officer may designate members of the <u>town</u> commission to represent the Town commission at such meetings, conferences or other occasions, with the consent of the designee. A majority of the <u>members of the town</u> commissioners then present may disapprove any such appointment. Such representatives shall have no power to act for or on behalf of the <u>town</u> commission, or to make any commitment or binding obligation on behalf of the <u>town</u> commission or the town. Such representatives shall report to the <u>town</u> commission with regard to such meeting, conference or other occasion.</p>

Current Sections	Proposed Amendments	Proposed Language
<p>Rule 9.02 Noncomplaine.</p>	<ul style="list-style-type: none"> <li>• Scrivener’s error</li> <li>• Updating the Rule</li> </ul>	<p><i>Rule 9.02 <del>Noncomplaine</del> <u>Noncomplaine with procedural rules.</u> If a procedural rule pursuant to this Article VI. – “Rules of Procedure for Town Meetings” of this board is not complied with as a result of either mistake, inadvertence or excusable neglect, as those terms are defined by law, by either the presiding officer or the parliamentarian, then the validity of the underlying substantive ordinance resolution, motion or other action shall in no way be affected thereby, and the failure of compliance with said procedural rule shall not be the basis for any person or party to challenge any ordinance, resolution or other action of this board.</i></p>
<p>Sec. 2-209. - Amendment to rules</p>	<p>Amending the title</p>	<p>Sec. 2-209. - <u>Amendment to rules of procedure for town meetings.</u> Once adopted, changes to these rules may be made as changes to any other ordinance are made by a majority vote and after two readings of the amendatory ordinance.</p>

**ORDINANCE NO. 16 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING ARTICLE VI. - "RULES OF PROCEDURE FOR TOWN MEETINGS"; SPECIFICALLY AMENDING SECTIONS 2-201, 2-202, 2-203, 2-204, 2-205, 2-206, 2-207, 2-208 AND 2-209; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 20 of the Town of Surfside Charter provides that the Town Commission of the Town of Surfside shall fix its rules of procedure; and

**WHEREAS**, the Town desires to amend Article VI. – “Rules of Procedure for Town Meetings;” and

**WHEREAS**, the ordinance amends Section 2-201. - Rules of procedure for the Town Commission to include rules of procedure for Town boards and committees; and

**WHEREAS**, the amendments to the ordinance do not conflict with the provisions in Section 2-151 Personnel Appeals Board Section, 2-185 Pension Board, Section 70-124 Resort Tax Board or Sections 90-15, 90-16, 90-17, 90-18 of the Zoning Code for Planning and Zoning and Design Review Board members; and

**WHEREAS**, the ordinance amends Section 2-204 to distinguish continuing committees, sub-committees and ad-hoc committees and includes specific procedures for committees; and

**WHEREAS**, the ordinance provides for rules for submission of electronic files; and

**WHEREAS**, the ordinance provides for rules for a physically absent member of the Commission, Board or Committee; and

**WHEREAS**, the ordinance provides for a definition of liaison; and

**WHEREAS**, the ordinance provides for correction of a few minor scrivener’s errors; and

**WHEREAS**, the Town Commission held its first public reading on November 9, 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 December 13, 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 above Recitals are true and correct and are incorporated herein by this reference:

**Section 2. Town Code Amended.** Article VI. – “Rules of Procedure for Town Meetings” of the Surfside Town Code of Ordinances are hereby amended and shall read as follows:

**ARTICLE VI. - RULES OF PROCEDURE FOR TOWN MEETINGS**

Sec. 2-201. - Rules of procedure for the town commission and town boards and committees.

*Rule 2.01 Governing rules; amendment.* Except as may be provided in the Chapter, the Town of Surfside Code, Florida laws or by these rules as set forth in this ordinance, questions of order, the methods of organization and the conduct of business of the town ~~Commission~~ and town boards and committees and to the extent there is no conflict, the town ~~Commission, and town boards and committees~~ shall be governed by Mason’s Manual of Legislative Procedure (2010 ~~1953~~ Edition). Once enacted, and except as already amended by the provisions contained herein, these rules may be amended by two-thirds vote of the entire town commission.

Sec. 2-202. - Officers.

*Rule 3.01 Presiding officer.* The mayor, ~~or a member of the commission designated by the mayor,~~ shall preside at all meetings of the town commission at which he or she is present. In the absence of the ~~presiding officer~~ mayor, the vice mayor shall act as mayor. In the absence of both the mayor and vice mayor, the town commission shall select one of its members as a temporary presiding officer. The presiding officer shall preserve strict order and decorum at all meetings of the commission. A majority vote of the members present shall govern and conclusively determine all questions of order not otherwise covered. The presiding officer has the power, among other things, to recognize a speaker, secure and retain the floor for the speaker and keep order during the time the floor is taken subject to Mason’s Rules and to the rules contained in this article.

*Rule 3.02 Clerk.* The town clerk shall act as clerk of the commission. The clerk of the commission shall call the roll, prepare the minutes and shall be custodian of the records and shall certify all ordinances and resolutions adopted by the commission, and perform such other duties as required by the Town Charter.

*Rule 3.03 Town attorney.* The town attorney, or such member of the office of the town attorney as may be designated, shall be available to the commission at all meetings: the town attorney shall act as parliamentarian, and shall advise and assist the presiding officer in matters of parliamentary law.

*Rule 3.04 Sergeant-at-arms.* The town police chief, or such other town official or employee as the chief may designate, shall be the sergeant-at-arms of the town commission meeting, at the request of the presiding officer or the town manager. The sergeant-at-arms shall

carry out all orders and instructions given by the presiding officer or the town manager for the purpose of maintaining order and decorum at the meetings.

Sec. 2-203. - Meetings.

*Rule 4.01 Regular Meetings.*

- (a) The commission shall hold regular meetings in accordance with its Charter or, if the Charter provision is amended, in accordance with an ordinance duly adopted by the commission, as may be amended from time to time.
  - (1) All regular and zoning meetings shall be held irrespective of whether or not any particular commission member (including the Mayor) may be able to attend unless otherwise agreed by a majority of the commission. Such meetings shall be held in the commission chambers at 9293 Harding Avenue, Surfside, Florida 33154, or such location as may be approved by a majority of the commission members present and shall be open to the public and all news media.
  - (2) Regular meetings may be otherwise postponed or canceled by resolution or motion adopted at a regular meeting by a majority of the commission members present.
  - (3) No meeting shall continue beyond 11:00 p.m. unless by a vote of the majority of the members of the commission present, the commission agrees to extend the meeting beyond this time.
  - (4) Workshops may be scheduled at the request of the town manager, the town attorney or a majority of the commission at any time, provided appropriate notice is given.
- (b) Zoning matters shall be scheduled as part of regular town commission meetings unless otherwise decided by the commission.
- (c) The second reading (public hearing) of the annual budget ordinance or resolution shall be considered at a meeting at which the said budget ordinance or resolution and the levy of the millage are the only items on the agenda.

*Rule 4.02 Special meetings; emergency meetings.*

- (a) Special meetings. A special meeting of the commission may be called by a majority of the members of the town commission or the town manager. ~~Whenever a special meeting is called, a notice in writing signed by such majority shall be served upon the clerk.~~ The clerk shall forthwith serve either verbal or written notice upon each member of the commission stating the date, hour and place of the meeting and the purpose for which such meeting is called; and no other business shall be transacted at that meeting. At least twenty-four (24) hours notice must elapse between the time the clerk receives notice in writing and the time the meeting is to be held.
- (b) Emergency meetings. An emergency meeting of the town commission may be called by the mayor in accordance with prescriptions of the town charter whenever in his or her opinion an emergency exists that requires immediate action by the commission. Whenever such emergency meeting is called, the mayor shall notify the clerk who shall forthwith serve either verbal or written notice upon each member of the commission,



stating the date, hour and place of the meeting and the purpose for which it is called, and no other business shall be transacted at that meeting. At least 24 hours shall elapse between the time the clerk receives notice of the meeting and the time the meeting is to be held.

- (c) If after reasonable diligence, it is impossible to give notice to each commissioner, such failure shall not affect the legality of the meeting if a quorum is present. The minutes of each special or emergency meeting shall show the manner and method by which notice of such special or emergency meeting was given to each member of the commission, or shall show a waiver of notice. All special or emergency meetings shall be open to the public and shall be held and conducted in the Commission Chambers, Town Hall, 9293 Harding Avenue, Surfside, Florida 33154, or other suitable location within the Town of Surfside, Florida. Minutes thereof shall be kept by the clerk.
- (d) No special or emergency meeting shall be held unless notice thereof is given in compliance with the provisions of this rule, or notice thereof is waived by a majority of the entire membership of the commission and in accordance with the town charter.

Rule 4.03 Electronic Files presented at Public Meetings. Electronic files to be presented at public meetings in the Town of Surfside must be provided to the town clerk by noon on the business day prior to the scheduled meeting.

Sec. 2-204. - Committees-, *Sub-committees and Ad Hoc Committees.*

Rule 5.01 Continuing Committees, Sub-committees and Ad Hoc Committees.

There may be such—standing continuing committees, sub-committees and ad hoc committees of the town commission created by resolution as the town commission deems necessary to conduct the business of the town appropriately and in accordance with the town charter. Such committees shall be governed by these rules of procedure and if advisory, shall be subject to the Florida sunshine and public records laws. Each member of the town commission shall appoint one (1) member to each committee. Members of committees shall be appointed to serve until the expiration of the committee or to the end of the appointing commissioner’s term.

- (1) Continuing Committees and Sub-committee Committees. Continuing committees and sub-committees shall exist until abolished by the town commission or shall have a sunset provision.
- (2) Ad Hoc Committees. The expiration date for each ad hoc committee shall be designated at the time of formation, or the ad hoc committee shall expire when the ad hoc committee reports to the commission that its designated goal or goals have been accomplished.
- (3) All continuing committees, sub-committees and ad hoc committees shall abide by the following procedures:
  - a. Mission Statement. A mission statement shall be developed by the town commission.

- b. Public Meetings. All meetings and business of any committee, sub-committee or ad hoc committee shall comply with the Florida Statutes including that all committee meetings shall be open to the public at all times, noticed, and minutes of the meetings shall be taken and retained in the office of the town clerk. All committee members shall be subject to the State of Florida, Miami-Dade County and Town of Surfside Conflict of Interest and Code of Ethics Ordinance.
- c. Agenda. The Committee chairperson shall prepare the agenda for the committee meeting. In the chairperson's absence, the vice chairperson shall prepare the agenda. Any committee member may propose additional agenda items at any time. Items proposed after the agenda is distributed may only be heard under "New Business" and upon an affirmative vote of the majority of the committee. Each agenda shall also include a section for public comment.
- d. Public Appearances and Requests. Any person may appear before any committee during the public comment portion of the meeting.
- e. Quorum. A quorum shall be fifty percent (50%) plus one of the committee members. Provided there is a quorum, a majority of those present and voting shall be required to adopt any motion or take any action.
- f. Voting. Each committee member shall be entitled to one (1) vote. The committee shall act as a body in making its decisions. No committee member present at a meeting may abstain from voting unless the committee member possesses a conflict of interest, as provided in either the Florida Statutes or the Miami-Dade County Code of Ethics.
- g. Attendance. In the event that a committee member fails to attend three (3) regularly scheduled meetings in any one calendar year, the committee member will automatically be removed from the committee and the town commission will be notified of the vacancy.
- h. Appointments, Vacancies and Resignations. Each person appointed to a committee, sub-committee or ad hoc committee shall be appointed by the town commission in the following manner:
  - (1) The mayor and each member of the town commission shall appoint one member to each committee.
  - (2) Should any appointee resign during the term of the committee, sub-committee or ad hoc committee, the appointing commissioner may select another appointee in accordance with the procedure outlined in subsection (3) hereinbelow.
  - (3) Upon notification of the vacancy, the town clerk shall notify the town commission, in writing. The town commission shall establish a deadline

for the submission of letters of interest to serve on the committee at a Commission meeting.

(i) Any person who wishes to serve on a committee and who meets the qualifications of office as set forth in the resolution creating or re-authorizing the committee, shall submit his or her name together with a letter of interest to the town clerk by the deadline established by the town commission. Thereafter, the town clerk shall provide the town commission with the names and letters of interest.

(ii) Nominations and appointments to fill the vacancy shall be made at a town commission meeting. Appointments to fill a mid-term vacancy shall only be made for the remainder of the term of the committee member being replaced.

- i. Reappointment. Committee, sub-committee or ad hoc committee members shall be eligible for reappointment and shall hold office until their successors have been duly appointed and qualified.
- j. Residency Requirement. Committee, sub-committee or ad hoc committee members shall be registered qualified electors of Miami-Dade County, Florida, whose legal residence is in the Town of Surfside.
- k. Compensation. All committee members shall serve without compensation and shall not otherwise obtain direct or indirect financial gain from their service on a committee.
- l. Oath Requirement. All committee members shall be required to subscribe to an oath or affirmation to be administered by and filed with the town clerk, swearing to support, protect and defend the Constitution and laws of the United States and of the State of Florida, the Charter and all ordinances of the Town of Surfside and Miami-Dade County, and in all respects to faithfully discharge their duties.
- m. Financial Disclosure Requirement/Standards of Conduct. If required by law, committee members shall file appropriate annual financial disclosure forms. All committee members shall be subject to the Standards of Conduct for Public Officers and Employees set by federal, state, county or other applicable ethics or conflicts of interest laws.
- n. Officers and Elections. Except as provided otherwise in the resolution creating or re-authorizing a committee, each committee shall elect a chairperson, vice-chairperson and secretary at the first committee meeting.
- o. Records. Minutes of all committee meetings shall be kept by the secretary and shall be available for public inspection. The minutes shall be forwarded to each committee member for review and shall be approved by the committee at a

meeting. Once approved, the meeting minutes shall be forwarded to the town clerk for filing. Attendance and absences must be recorded and submitted to the town clerk along with the minutes.

*Rule 5.02 Town Commission Liaison; Appointment and Definition.*

- (1) *Appointment:* The mayor shall designate and appoint one member of the town commission as the liaison to each board, committee and subcommittee of the town commission.
- (2) *Definition:* The town commission liaison is defined as a nonvoting member of a board, committee or subcommittee who communicates the activities of the board, committee or subcommittee to the town commission.

Sec. 2-205. - Conduct of meetings; agenda.

*Rule 6.01 Call to order.* Promptly at the hour set for each meeting, the mayor and the members of the town commission, the town attorney, the town manager and the town clerk shall take their regular stations in the commission chambers. The presiding officer shall take the chair and shall call the town commission to order immediately. In the absence of the presiding officer, the town clerk shall then determine whether a quorum is present and in that event shall call for the election of a temporary presiding officer. Upon the arrival of the presiding officer, the temporary presiding officer shall relinquish the chair upon the conclusion of the business immediately before the Commission.

*Rule 6.02 Roll call.* The town clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. In the event the roll call reflects the absence of any member on official town business that fact shall be noted in the minutes. Any town commissioner who intends to be absent from any town commission meeting shall notify the town clerk of the board of the intended absence as soon as convenient.

*Rule 6.03 Participation by Physically Absent Member of the Town Commission, Town Board or Committee.* A Member of the Town Commission, Town Board or Committee is permitted to participate and to vote telephonically and/or by interactive video provided that:

1. There are extraordinary circumstances preventing attendance in person at the meeting, including serious medical conditions, health problems precluding attendance at a publically designated meeting space and medical treatment; and
2. There is a quorum of the members of the Town Commission, Town Board or Committee physically present at the meeting; and
3. The majority of the quorum present votes to allow the absent member of the town commission to participate telephonically and/or by interactive video.

Telephonic and interactive video participation is not permitted for quasi-judicial hearings.

*Rule 6.034 Quorum.* A majority of the members of the town commissioners then in office shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the town commission without the affirmative vote of the majority of all the members present.

*Rule 6.045 Failure to attain a quorum.* Should no quorum attend within ~~30~~ 15 minutes after the hour appointed for the meeting of the commission, the presiding officer or the town clerk may adjourn the meeting ~~until another hour or day unless by unanimous agreement, those members present select another time.~~ The names of the members present and their action at such meeting shall be recorded in the minutes by the town clerk.

*Rule 6.056 Agenda.*

- (a) *Order of business.* There shall be an official agenda for every meeting of the commission which shall determine the order of business conducted at the meeting. The order of business shall be as follows: (1) call to order/roll call of members, pledge of allegiance, ~~approval of minutes,~~ agenda/order of business (additions/deletions), special presentations, (2) quasi-judicial hearings (3) consent agenda at the pleasure of the commission, approval of minutes, town manager, town attorney reports (4) ordinances ~~and public hearings, which shall be held at a specially scheduled time, if the notice so states,~~ (5) resolutions (6) good and welfare shall be heard at a time certain: at 8:15 p.m. —9:15 p.m. (7) town manager and town attorney reports, if any (8) unfinished business and new business (9) mayor, and town commission ~~communications~~ and staff communications.
- (1) Items shall be considered in the order in which they are placed on the agenda unless a majority of the commissioners determines to deviate from the printed agenda.
  - (2) 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, members of the town 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. The rules of section 2-207(e) as set forth hereinbelow shall be observed during this portion of the Agenda.
  - (3) The town commission shall not take action upon any matter, proposal, or item of business which is not listed upon the official agenda, unless it is approved at the meeting by a majority of the entire commission, which shall have first consented to the matter for consideration. No ordinance, resolution or other matter listed on the agenda for public hearing or the vote thereon may be deferred until a later time unless a majority of the entire town commission shall vote in favor of such deferral.
- (b) *Authority to place items on agenda.* Matters may be placed on the agenda by any member of the town commissioner, the town manager, the town attorney and the town clerk ~~of the commission.~~

- (c) *Approval of minutes.* All minutes shall be summary in nature ~~and verbatim.~~ A copy of such completed minutes shall, ~~upon completion by the clerk,~~ be delivered to the ~~town manager placed on a regular agenda and town attorney.~~ the minutes of prior meetings may only be approved by a majority of the members of the town commissioners ~~present at a meeting of the commission,~~ and upon such approval shall become the official minutes.

*Rule 6.067 Ordinances, resolutions, motions, contracts.*

- (a) *Preparation and enactment of ordinances.* The town attorney shall prepare ordinances and resolutions. Ordinances may be introduced, listed by title and shall be read by title only before consideration by the town commission on first reading. At public hearing, each ordinance shall be voted on individually by a call of the roll. Only resolutions and motions may be enacted by voice vote calling for “ayes” or “no” on the question.
- (b) *Approval by town attorney.* All ordinances, resolutions and contract documents, before presentation to the town commission, shall have been reduced to writing and shall have been approved to form and legality by the town attorney. ~~Prior to presentation all such documents may be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve.~~
- (c) *Introduction and sponsorship.* Ordinances, resolutions and other matters and subjects requiring action by the town commission may be introduced and sponsored by the mayor or any a member of the town commission, except that either the town manager, ~~or~~ the town attorney or town clerk may present ordinances, resolutions and other matters or subjects to the town commission for consideration, and any commissioner may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted in accordance with law; otherwise they shall not be considered.
- (d) *Sunset.* There is no requirement for any ordinance to contain a sunset provision.
- (e) *Zoning exception.* The provisions of this Rule 6.067 shall not be applicable to zoning resolutions which shall be governed exclusively by the Zoning Code ~~and applicable easelaw interpreting same.~~
- (f) *No commission jurisdiction.* Prior to the commission's considering any resolution over which the commission does not have substantive jurisdiction, including resolutions expressing the commission's intent or opinion, a preliminary vote shall be taken to determine whether it is appropriate for the commission to consider such resolution. Unless the commission, by a two-thirds vote of the members present, agrees to consider the resolution, the resolution shall be deemed to have failed. If the commission agrees to consider the resolution, the resolution shall be heard after all other resolutions sponsored by commissioners have been addressed by the commission. If the commission decides to discuss such resolution, the resolution shall require a two-thirds affirmative vote of the commissioners present in order to be passed. The provisions of this ordinance shall not apply to resolutions relating to state or federal legislative priorities.

*Rule 6.078 Statement of fiscal impact required for ordinances; exceptions.* Prior to the second reading of any ordinance, the town manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No ordinance shall be considered on second reading if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provisions of this rule shall not apply to any emergency ordinance or any budget ordinance or resolution.

*Rule 6.089 Limitation on agenda items.* No commissioner shall sponsor or cosponsor a total of more than three ordinances for first reading and three resolutions at any commission meeting. This provision shall not be applied to ordinances of resolutions which are intended to correct scrivener's errors.

Sec. 2-206. - Public participation.

*Rule 7.01 Persons authorized on the dais.* No person, except town officers or their representatives, shall be permitted on the dais unless authorized by the presiding officer or a majority of the town commission.

*Rule 7.02. Citizens presentations; public hearings.*

- (a) *Citizens' presentations.* Any citizen shall be entitled to be placed on the official agenda of a regular meeting of the town commission and be heard concerning any matter within the scope of the jurisdiction of the town commission. Only members of the town commissioners and the town manager may place a citizen on the official agenda.
- (b) *Public hearings.* Any citizen shall be entitled to speak on any matter appearing on the official agenda under the section "public hearings."
- (c) *Public discussion on agenda items.* No citizen shall be entitled ~~as a matter of right~~ to address the town commission on any matter listed on or added to the official agenda which is not scheduled for public hearing, discussion or debate. When the town commission considers an agenda item that is not a public hearing and on which the public comment is either unanimously in favor or unanimously against the item's passage, input from members of the public shall be limited to no more than three five minutes on any given item, unless an extension is granted by a majority of the members of the town commission.

*Rule 7.03 Registration of speakers.*

- (a) Registration of speakers ~~may shall~~ be required. ~~if requested by the clerk and provided~~ The town clerk shall prepare appropriate registration cards. The cards shall require the speaker to provide his/her name, address, and the agenda item on which he or she is speaking if registration is required on a particular agenda item, ~~failure to comply with the registration provisions of this paragraph shall prohibit a person from speaking.~~
- (b) For any single (1) agenda item, and except for zoning, no more than one-half hour per side shall be allocated to speakers from the public. The presiding officer shall limit the time of each individual speaker in order to insure compliance with this rule.

*Rule 7.04 Addressing commission, manner, time.* Each person, other than salaried members of the town staff, who addresses the town commission shall step up to a podium and shall give the following information in an audible tone of voice for the minutes:

- (a) Name;
- (b) Address;
- (c) Whether the person speaks on his or her own behalf, a group of persons, or a third party; if the person represents an organization, the person shall also indicate the number of members in the organization, the annual dues paid by the members, the date of the most recent meeting of the organization's board or governing council, and whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council, if requested; if the person is speaking on behalf of a group, s/he shall be required to register as a lobbyist if required by that ordinance and shall state for the record: (i) Compensation, if any, (ii) whether the person or any immediate family member has a personal financial interest in the pending matter, other than as set forth in (i) if requested.

Unless further time is granted by the town commission and with the sole exception of zoning items which shall not have a prescribed time limit unless imposed by the chair in accordance with the advice of the town attorney, the statement shall be limited to the times prescribed herein. All remarks shall be addressed to the town commission as a body and not to any member thereof. No person, other than the mayor, and members of the town commissioners and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the commission, without the permission of the presiding officer. No question shall be asked of any member of the -a town commissioner except through the presiding officer.

*Rule 7.05 Decorum.* Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the town commission shall be barred from further appearance before the town commission by the presiding officer, unless permission to continue or again address the town commission is granted by the majority vote of the town 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 town commission chambers by the presiding officer. Persons exiting the town commission chambers shall do so quietly.

Sec. 2-207. - Rules of debate

*Rule 8.01 Rules of debate.*

- (a) Questions under consideration. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two (2) shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present. On any agenda item, in order for debate to ensue, the presiding officer shall call for a motion to accept the matter at hand, whether it is an ordinance, resolution, motion, etc., for "discussion purposes only" and



~~upon receipt of a second to that motion, debate may begin. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, (to lay the pending question aside temporarily when something else of immediate urgency has arisen), to postpone, or to amend the motion until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present. If, after debate, the motion requires amendment, then the commissioner making a motion shall state as follows: "I move we adopt Ordinance (resolution) as read" ["as amended" by Commissioner \_\_\_\_\_]. The town attorney or the town clerk may request and/or assist with a restatement of the motion for the record. The commissioner seconding said motion shall say "I second the motion ["as amended"]."~~

- (b) *As to the presiding officer.* The mayor, as presiding officer, shall not move or second an item of debate. The presiding officer, however, upon relinquishing the chair, may move or second an item, vote, subject only to such limitations as are by these rules imposed upon all members.
- (c) *Getting the floor, improper references to be avoided.* Every member desiring to speak for any purpose shall address the presiding officer, and upon recognition, shall be confined to the question under debate avoiding all personalities and indecorous language.
- (d) *Interruption; call to order; appeal a ruling of the chair.* A member once recognized shall not be interrupted when speaking unless it is a call to order or as herein otherwise provided. If a member be called to order, the member shall cease speaking until the question of order is determined by the presiding officer, and if in order, the member shall be permitted to proceed. Any member may appeal to the town commission from the decision of the presiding officer upon a question of order when, without debate, the presiding officer shall submit to the town commission the question, "Shall the decision of the chair be sustained?" and the town commission shall decide by a majority vote.
- (e) *Time limit for debate.* Debate on any motion pertaining to an item on the consent agenda shall be limited to three minutes. After three minutes of debate the item shall be removed from the consent agenda, if any, and placed on the regular town commission agenda. The discussion by the town commissioners on any one item shall not exceed one-half hour or unless an extension is granted by a majority of votes of the town commission.
- (f) *Privilege of closing debate.* Any town commission member (including the presiding officer) shall have the privilege of closing the debate by making a motion to that effect and provided it is affirmed by vote of a majority of the town commissioners present.
- (g) *Method of voting.* After the debate is closed, and/or the motion is restated if necessary, the presiding officer shall call for a vote on the motion. Voting shall be by roll call or voice vote, or paper ballot (at the decision of the majority of the commission in certain circumstances) depending on whether the ballot is on an ordinance or resolution or motion. Ordinances require a roll call vote by calling the names of the members of the town commissioners alphabetically by surname, except that the names shall be rotated after each roll call vote, if requested, so that the commissioner who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however,

that the presiding officer, if a member of the town commission, shall always cast the last vote.

The Town clerk shall call the roll, tabulate the votes, and announce the results. The vote upon any resolution, motion or other matter may be by voice vote as previously noted, provided that the presiding officer or any commissioner may require a roll call to be taken upon any resolution or motion.

- (h) *Explanation of vote; conflicts of interest.* There shall be no discussion by any town commissioner voting, and the town commissioner shall vote yes or no. Any town commissioner, upon voting, may give a brief statement to explain his or her vote. A town commissioner shall have the privilege of filing with the clerk a written explanation of his or her vote. Any town commissioner with a conflict of interest on a particular matter shall refrain from voting or otherwise participating in the proceedings related to that matter and must ~~may~~ leave the commission chambers until the consideration of that matter is concluded. ~~Any such commissioner who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.~~
- (i) *Tie votes.* Whenever action cannot be taken because the vote of the town commissioners has resulted in a tie, the status quo shall continue in effect and the proposed ordinance, resolution or motion that produced the tie vote shall be removed from the agenda without prejudice to its reintroduction on a de novo basis at a later time; provided that in zoning and other quasi-judicial matters when action on a resolution results in a tie vote, such resolution shall be carried over to the next regularly scheduled meeting for the consideration of such quasi-judicial matters unless the town Commission designates a different time for such reconsideration.
- (j) *Vote change.* Any town commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter. In this case, the town clerk shall call back the vote and verify the outcome for the presiding officer.
- (k) *No motion or second.* If an agenda item fails to receive a motion or second, it shall be removed from the agenda and shall be reintroduced only in accordance with the renewal provisions of Rule 8.01(m).
- (l) *Reconsideration.* An action of the town Commission may be reconsidered only at the same meeting at which the action was taken, or, if not, at the next meeting thereafter a motion to reconsider may be made only by a town Commissioner who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A motion to reconsider shall not be considered unless at least the same number of town Commissioners is present as participated in the original vote, or upon affirmative vote of two-thirds of those commissioners present. Adoption of a motion to reconsider shall rescind the action reconsidered.
- (m) *Renewal.* Once action is taken on a proposed ordinance or resolution neither the same matter nor its repeal or rescission may be brought before the town Commissioner again for a three-month period following the said action unless application for renewal by three commissioners is first submitted to the presiding officer. Should an ordinance or

resolution be proposed that raises the same previously resolved matter, or its repeal or rescission, in different or modified form during the three-month period, the presiding officer may declare the proposal out of order.

- (n) *Adjournment.* A motion to adjourn shall always be in order and decided without debate.
- (o) *Suspension of the rules.* No rule of procedure adopted by the town commission ~~this board~~ shall be suspended except by an affirmative vote of two-thirds of the members of the town commissioners present.

Sec. 2-208. - Additional ordinances ~~proscribing~~ prescribing town commission procedure.

*Rule 9.01 Representation of Town of Surfside.* Whenever the town commission deems it necessary or desirable that the town commission shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups, or non-governmental organizations, or departments, agencies or officials of the town government, the presiding officer may designate members of the town commission to represent the Town commission at such meetings, conferences or other occasions, with the consent of the designee. A majority of the members of the town commissioners then present may disapprove any such appointment. Such representatives shall have no power to act for or on behalf of the town commission, or to make any commitment or binding obligation on behalf of the town commission or the town. Such representatives shall report to the town commission with regard to such meeting, conference or other occasion.

*Rule 9.02 ~~Noncompliance~~ Noncompliance with procedural rules.* If a procedural rule pursuant to this Article VI. – “Rules of Procedure for Town Meetings” ~~of this board~~ is not complied with as a result of either mistake, inadvertence or excusable neglect, as those terms are defined by law, by either the presiding officer or the parliamentarian, then the validity of the underlying substantive ordinance resolution, motion or other action shall in no way be affected thereby, and the failure of compliance with said procedural rule shall not be the basis for any person or party to challenge any ordinance, resolution or other action of this board.

Sec. 2-209. - Amendment to rules of procedure for town meetings.

Once adopted, changes to these rules may be made as changes to any other ordinance are made by a majority vote and after two readings of the amendatory ordinance.

**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. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption.

**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  
Discussion Item**

**Agenda Item #** 5A

**Agenda Date:** November 9, 2016

**From:** Commissioner Tina Paul

**Subject:** Human Health-Based Water Quality Criteria

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**Background:** The Town of Surfside strives to provide its citizens and visitors with clean water for all uses and activities. Clean water is vital to the health of Florida's environment, citizens, and economy. On July 26, 2016, the Florida Environmental Regulation Commission approved the Human Health Based Water Quality Criteria (HHWQC) rule. While the rule lowers the acceptable level of pollution for many of the previously-regulated chemicals, it weakens criteria for numerous chemicals, including four known carcinogens. The United States Environmental Protection Agency (EPA) will be evaluating the rule to consider whether it meets federal standards under §303(c)(3) of the Clean Water Act when the Florida Department of Environmental Protection formally submits the rule to the EPA for review. Several municipalities and counties have expressed concern and opposition to the HHWQC rule, including Miami-Dade County, the City of Miami, Broward County, and Martin County over its weakening of standards for water quality.

**Recommendation:** The Surfside Town Commission pass the resolution urging the U.S. Environmental Protection Agency to adhere to stricter standards and to continue to maximize opportunities for the protection of public health and the environment in their consideration of Florida's proposed human health-based water quality criteria.

**RESOLUTION NO. 16 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA URGING THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO ADHERE TO STRICTER STANDARDS AND TO CONTINUE TO MAXIMIZE OPPORTUNITIES FOR THE PROTECTION OF PUBLIC HEALTH AND THE ENVIRONMENT IN THEIR CONSIDERATION OF FLORIDA'S PROPOSED HUMAN HEALTH-BASED WATER QUALITY CRITERIA; DIRECTING THE TOWN CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA GOVERNOR, FLORIDA SENATE PRESIDENT, HOUSE SPEAKER, CHAIR AND MEMBERS OF THE MIAMI-DADE COUNTY STATE LEGISLATIVE DELEGATION, ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE DIRECTOR OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR APPROVAL AND AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside strives to provide its citizens and visitors with clean water for all uses and activities, as clean water is vital to the health of Florida's environment, citizens, and economy; and

**WHEREAS**, on July 26, 2016, the Florida Environmental Regulation Commission approved proposed Human Health-Based Water Quality Criteria (HHWQC) by a 3 to 2 vote; and

**WHEREAS**, the Town supports the Florida Department of Environmental Protection (FDEP) lowering the acceptable level of pollution for many of the previously regulated chemicals, and the use of an external Human Health Peer Review Committee to examine much of FDEP's technical approach; and

**WHEREAS**, HHWQC weakens criteria for 15 toxic chemicals, including four known carcinogens; and

**WHEREAS**, HHWQC does not set standards for 20 pollutants that the U.S Environmental Protection Agency (EPA) had provided proposed criteria to regulate; and

**WHEREAS**, the rule has relaxed standards for toxins such as benzene which may not offer an adequate level of protection for human health; and

**WHEREAS**, new, higher allowable levels mean that more of those chemicals will flow into the state's seafood and potable surface waters thus increasing the potential

for human and environmental exposure to these chemicals Florida waters that are used for sources of drinking water, shellfish harvesting, fishing and swimming; and

**WHEREAS,** the State of Florida, Miami-Dade County, and many other local governments including the Town of Surfside have organized extensive efforts to protect water resources in many other ways, including Everglades restoration, measures to prevent saltwater intrusion, and the establishment of water quality programs to reduce nutrient pollution and contamination from human and animal waste products; and

**WHEREAS,** the weakening of Florida's water quality criteria may encourage more industrial discharge including new highly polluting industrial activities such as oil and gas drilling (including fracking operations), to locate in Florida to the detriment of the safety of our State waters and the public; and

**WHEREAS,** the Town Commission of Surfside finds that Florida Department of Environmental Protection's weakening of water quality standards for toxic chemicals and thereby allowing an increase in the potential of discharge of these toxic chemicals into Florida waters is not in the best interest of the health, safety and welfare of the residents of Surfside.

**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. Urging by the Town of Surfside Commission to the U.S. Environmental Protection Agency to strengthen water quality standards in Florida's Human Health-Based Water Quality Criteria.** Town Commission of Surfside urges the U.S. Environmental Protection Agency to adhere to stricter standards and continue to maximize opportunities for the protection of public health and the environment in their consideration of Florida's Human Health-Based Water Quality Criteria and to meet federal standards under §303(c)(3) of the Clean Water Act when the rule is formally submitted to the EPA.

**Section 3. Urging by the Town of Surfside Commission to the U.S. Environmental Protection Agency for Public Participation on Florida's Human Health-Based Water Quality Criteria.** The Town of Surfside urges the U.S. Environmental Protection Agency to hold more public meetings and to accept public comment on the proposed rule.

**Section 4. Authorization and Implementation.** That the Town Manager and his designee are hereby authorized and directed to take any and all action necessary to effectuate the intent of this Resolution.

**Section 5. Direction to the Town Clerk.** That the Town Clerk is hereby directed to transmit a copy of this Resolution to the Florida Governor, Florida Senate President, House Speaker, Chair and Members of the Miami-Dade County State Legislative

Delegation, Administrator of the United States Environmental Protection Agency and the Director of the Florida Department of Environmental Protection.

**Section 6. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Motion by \_\_\_\_\_,

Second by \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

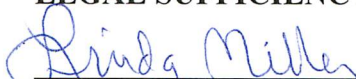
Commissioner Daniel Gielchinsky	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Barry Cohen	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
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 #** 5B

**Agenda Date:** November 09, 2016

**Subject:** Upgrade/Replacement of the Town of Surfside Parking Pay Stations

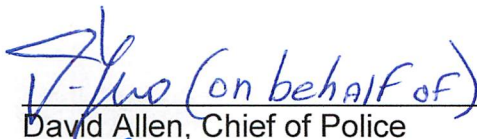
**Background:** The current twenty-nine (29) Parking Pay Stations in the Town were installed and became operational in October of 2010. The technology supporting the Pay Stations was state of the art at the time but has since become obsolete and the data transmission technology will no longer be supported during calendar year 2017. The current Pay Stations have experienced operational outages, and time delays in processing credit card transactions which resulted in decreased revenue and decreased customer satisfaction levels. Due to increased operation and maintenance costs incurred, the Parking Department is seeking approval to upgrade/replace all Parking Pay Stations within the Town with T2 Systems model Luke II Pay Stations procured through Harrington Resources Inc., dba Parker Systems. The Pay Stations will be procured under the piggy-back terms of Lee County, Florida Contract #IFB130392.

**Analysis:** The upgrade/replacement of the Parking Pay Stations will provide the latest technology to allow for prompt payment methods, Pay-by-Plate functionality, and reduction in operating costs associated with paper receipts and maintenance costs. The new Pay Stations will provide for enhanced efficiency of personnel resources via a digital patrol application which monitors parking expiration times and notifies Parking Enforcement Officers as well as the consumers. The new system will also provide enhanced reporting features for managerial purposes. The cost of \$324,373 for the Pay Stations includes the buy-back of the old units by the company, a two year full warranty, and installation of the units.

**Budget Impact:** The replacement of 29 Parking Pay Stations is appropriated in the 2016-17 Annual Budget in the Municipal Parking Fund, Machinery and Equipment, Account number 402-9500-545-6410 in the net amount of \$324,373 after credit for the buyback of the current pay stations and the cost of warranty for two years.

**Staff Impact:** N/A

**Recommendation:** Staff recommends a motion to approve a resolution to authorize the procurement of the 29 Luke II Parking Pay Stations.

  
David Allen, Chief of Police

  
Guillermo Olmedillo, Town Manager

  
Donald Nelson, Finance Director

**RESOLUTION NO. 16 - \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH HARRINGTON RESOURCES INC., DBA PARKER SYSTEMS FOR THE UPGRADE AND REPLACEMENT OF PARKING PAY STATIONS AND PAY-BY-PLATE FUNCTIONALITY; PIGGYBACKING OFF THE TERMS OF THE COMPETITIVELY AWARDED CONTRACT BY LEE COUNTY, FLORIDA; AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$324,373.00 FROM THE MUNICIPAL PARKING FUND, MACHINERY AND EQUIPMENT FROM ACCOUNT NUMBER 402-9500-545-6410; AUTHORIZING AND APPROVING THE TOWN MANAGER TO ENTER INTO A CONTRACT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, due to increased operation and maintenance costs, the Parking Department is seeking approval to upgrade/replace all Parking Pay Stations within the Town with T2 Systems model Luke II Pay Stations to provide the latest technology to allow for prompt payment methods; and

**WHEREAS**, Harrington Resources Inc., d/b/a Parker Systems has provided the Town of Surfside with a proposal to upgrade/replace all Parking Pay Stations within the Town with T2 Systems model Luke II Pay Stations to provide the latest technology to allow for prompt payment methods; and

**WHEREAS**, the proposal is based on a 20% discount from list price on competitively awarded contract #IFB130392 by Lee County, Florida (Attachment "A") in accordance with the Surfside procurement process pursuant to Section 3-13(3) of the Code of Ordinances whereby the Town may enter into contracts entered into by another governmental agency through a competitive bid process; and

**WHEREAS**, the Town Commission of the Town of Surfside, Florida finds it is in the best interest of the Town to enter into the Agreement with Harrington Resources Inc., dba Parker Systems for the upgrade and replacement the Parking Pay Stations, Pay-by-Plate functionality, and reduction in operating costs associated with paper receipts and maintenance costs; and

**WHEREAS**, the replacement of 29 parking Pay Stations is appropriated in the 2016/2017 Annual Budget in the Municipal Parking Fund, Machinery and Equipment from Account number 402-9500-545-6410 in the amount of \$324,373.00 after credit from the fiscal year 2016-17 for the buy-back of the old units by the company, a full

warranty for year two, and installation of the units buyback of the current pay stations. (Attachment "B")

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

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

**Section 2. Authorization to enter into an Agreement and Implementation.** The Town Commission hereby authorizes the Town Manager to enter into the Agreement by and between Harrington Resources Inc., dba Parker Systems and the Town of Surfside, and to provide for implementation of the Agreement.

**Section 3. Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Town Manager pursuant to the Town's Purchasing Procedures Ordinance, the Town Manager is authorized to expend \$324,373.00 Municipal Parking Fund, Machinery and Equipment from Account Number 402-9500-545-6410 to implement the terms and conditions of the Agreement.

**Section 4. Authorization.** The Town Manager is hereby authorized to enter into an Agreement on behalf of the Town provided it is based upon the pricing structure in the Lee County Annual Contract #IFB130392 (Attachment "A") and approved for legal sufficiency by the Town Attorney.

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

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 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

**Harrington Resources Inc., dba Parker Systems**

1115 Bridgeway Blvd.  
 Orlando, FL 32828 US  
 (407) 482-8006  
 lynda@parkersystemsplace.com  
 http://parkersystemsplace.com

## QUOTE

<b>ADDRESS</b>	<b>SHIP TO</b>	<b>QUOTE # 2016-0935</b>
Town of Surfside	Town of Surfside	<b>DATE 10/11/2016</b>
Town of Surfside	Town of Surfside	
9293 Harding Avenue	9293 Harding Avenue	
Surfside, FL 33154	Surfside, FL 33154	

ACTIVITY	QTY	RATE	AMOUNT
<b>900.0031</b>	29	14,200.00	411,800.00
Luke II 500B, Bill and Credit Car, Solar - Lee County Annual Contract #IFB130392 (contract period 8/1/16 - 7/31/17)			
<b>886.0028</b>	29	1,216.00	35,264.00
OPTIONAL - Add Coin Upgrade (no escrow) - L2			
<b>880.4077</b>	29	890.00	25,810.00
Modem Kit - GSM-C HSPA Multitech V2-V4			
<b>460.0023</b>	29	30.00	870.00
Digital Direct Wireless Data Sim Card			
<b>100.0102</b>	29	30.00	870.00
Digital Connect Wireless Data Activation Fee			
<b>450.0006</b>	3	10.00	30.00
Key Access, Canister Lid			
<b>450.0033</b>	3	25.00	75.00
Key, Bill Stacker Access - L2			
<b>115.0132</b>	29	485.00	14,065.00
Bill Stacker - 1000 Note, with lock			
<b>115.0108</b>	29	600.00	17,400.00
Coin Canister Box Assembly - L2			
<b>DISCOUNT</b>	-1	202,473.60	-202,473.60
DISCOUNT ON EQUIPMENT - 40% Discount applied per Lee County Annual Contract #IFB130392 (contract period 8/1/16 - 7/31/17).			
<b>Installation</b>	29	300.00	8,700.00
Installation, Set up, Testing (on existing pads)			
<b>NOTE</b>	1	0.00	0.00
Proposal includes freight for new units and return of old units. Units must be packed and palletized for pick up.			

TOTAL

**\$312,410.40**

Accepted By

Accepted Date

## Funded

## FY 16/17 New Capital Outlay Request

Pay Station System Replacement				
Department	Division	Funding Source	Dept. Priority	Net Fiscal Impact
Public Safety	Municipal Parking	Municipal Parking Fund	1	\$324,373
<b>Justification and Description</b>				
The current pay station system will be phased out and not be supported by the end of 2016 or beginning of 2017. The cost to purchase and install the latest model pay stations (LUKE II) is \$514,884 with a buyback credit program of \$202,473. This option will eliminate the need to upgrade current modems and increase functionality by adding Pay by Plate. Pay by Plate allows customers to enter vehicle tag information for digital monitoring and eliminates printed paper dashboard display receipts. The LUKE II Pay Stations include a digital patrol application which monitors parking expiration times and provides a way to better manage enforcement resources.				
<b>Alternative/Adverse Impacts if not funded:</b>				
The new system will generate more accurate reports and transactions. Paper dashboard receipts are eliminated. Digital patrolling generates efficiencies in time management of parking enforcement officers and is expected to increase citation revenues.				
<b>Required Resources</b>				
Account Number	Title or Description of Request		Net Cost	
402-95100-545-6410	Machinery & Equipment		\$514,884	
	Less: Credit for buyback of current system		(\$202,473)	
<b>Other Recurring Operating Costs</b>				
Account Number	Description		Cost	
402-95100-545-4601	Annual Warranty - Year Two		\$11,962	
	Annual Warranty - Year Three		\$35,162	

MONTH	Deadline - Items To Town Attorney	Agenda Deadline - All Completed Items To Town Clerk	Agenda Distribution Date	Commission Meeting Date
January 2017	12/16/2016	12/30/2017	1/4/2017	1/10/2017
February 2017	2/20/2017	2/3/2017	2/8/2017	2/14/2017
March 2017	2/17/2017	3/3/2017	3/8/2017	3/14/2017
April 2017	3/17/2017	3/31/2017	4/5/2017	4/11/2017
May 2017	4/14/2017	4/28/2017	5/3/2017	5/9/2017
June 2017	5/19/2017	6/2/2017	6/7/2017	6/13/2017
July 2017	6/16/2017	6/30/2017	7/5/2017	7/11/2017
August 2017	7/14/2017	7/28/2017	8/2/2017	8/8/2017
September 2017	8/19/2017	9/1/2017	9/6/2017	9/12/2017
October 2017	9/15/2017	9/29/2017	10/4/2017	10/10/2017
November 2017	10/20/2017	11/3/2017	11/8/2017	11/14/2017
December 2017	11/17/2017	12/1/2017	12/7/2017	12/12/2017
January 2018	12/15/2016	12/29/2017	1/3/2018	1/9/2018

9/23/2016





# Town of Surfside Commission Communication

**Agenda Item #** 9B

**Agenda Date:** November 9, 2016

**Subject:** Ad Hoc Traffic Advisory Committee Recommendation(s)

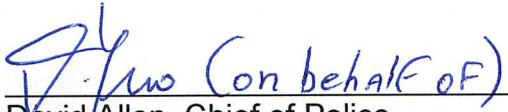
**Background:** On June 14th, 2016 the Town Commission established by Resolution 2379, the Town of Surfside Ad hoc Citizen Traffic Advisory Committee (Committee). The Committee was to exist for a duration of three months and hold three meetings during that period. The Committee, as required consisted of five members and held meetings on July 26, August 23 and September 20, 2016.

The purpose of this Committee was to study, review and provide recommendations to the Commission of traffic issues throughout the Town of Surfside for the Commission to consider implementing.

**Analysis:** The Ad hoc Traffic Advisory Committee by motion, made fifteen recommendations for the Commission to consider (See attachment A). A second spreadsheet listing initiatives previously submitted to the Town Commission (Attachment B) has been included to assist in the consideration process. Additionally, the following items reflect other ideas discussed previously:

- a. Use reflective tape on all stop sign posts
- b. Contact mapping companies to request not including cut-through options for Surfside neighborhood
- c. Advocate with Bal Harbour and FDOT to re-align right turn lane on Harding avenue and north of 96<sup>th</sup> street
- d. Advocate with FDOT to implement flashing lights for non-signalized crossings on Collins and Harding Avenues
- e. Close Byron Avenue at 88st Street to all northbound vehicular movement
- f. Utilize one-way streets between Collins and Harding Avenues
- g. Create vehicular circulation plan for all commercial construction projects along Collins and Harding Avenues
- h. Traffic light at Abbott Avenue at 96<sup>th</sup> Street

**Recommendation:** Staff recommends a motion to approve or deny specific recommendations / ideas submitted in order to provide a clear direction for traffic mitigation actions.

  
\_\_\_\_\_  
David Allen, Chief of Police

  
\_\_\_\_\_  
Guillermo Olmedillo, Town Manager

TRAFFIC COMMITTEE **ATTACHMENT "A"**

Traffic Committee Recommendation	Cost Estimate	Status	Approval(s)
The Committee motioned to recommend to the Commission that they add stop bar reflectors at 90 <sup>th</sup> Street and Froude Avenue. <b>Motion Passed 4-0</b>	\$2,000.00		
The Committee motioned to recommend to the Commission that they open 94 <sup>th</sup> Street and Abbott Avenue to west bound traffic. <b>Motion Passed 3-1</b>	\$5,000.00		
The Committee motioned to recommend to the Commission that they consider leaving the streets between Collins and Harding Avenue open to east and west bound traffic as they currently exist. <b>Motion Passed 3-1</b>	N/A		
The Committee motioned to recommend to the Commission that they request FDOT to investigate creating a crosswalk across Harding Avenue on the north side of 90th Street, with traffic beacons on Harding Avenue. <b>Motion Passed 4-0</b>	\$4,500.00		FDOT
The Committee motioned not to discuss city-wide sidewalk issues since it is not a part of this Committee's scope. <b>Motion Passed 5-0</b>	N/A		
The Committee motioned to recommend to the Commission that they perform a simulation of the "hot spots" in the Town and their effect on the residential areas west of Harding Avenue with the cooperation of FDOT. <b>Motion Passed 5-0</b>	Pending		
The Committee motioned to recommend that the Commission require developers/contractors to stage construction on property, and when needed borrow portions of side streets as a second option before the developers/contractors are allowed to close lanes on Collins, Harding or other major roads for staging. <b>Motion Passed 5-0</b>	N/A		
The Committee motioned to recommend that the Commission put the gating of the town on the back burner, and not to make it a priority. <b>Motion Passed 4-1</b>	N/A		
The Committee motioned to recommend to the Commission that they consider leaving the			

## TRAFFIC COMMITTEE

installation of new stop signs throughout the Town up to the police department on an as needed basis, with emphasis on intersections with line of sight issues. <b>Motion Passed 5-0</b>	N/A			
The Committee motioned to recommend to the Commission that they consider adding a centerline curb diverter on 95th Street between Abbott and Byron Avenues. <b>Motion Passed 4-1</b>	\$4,000.00			
The Committee motioned to recommend to the Commission that they consider that any traffic mitigation plan include streetscape improvements in the built environment where applicable. <b>Motion Passed 4-1</b>	N/A			
The Committee motioned to recommend to the Commission that they consider removing the “No Turn on Red” sign on the west side of 93 <sup>rd</sup> Street and Harding Avenue. <b>Motion Passed 5-0</b>	N/A		FDOT	
The Committee motioned to recommend to the Commission that they consider adding a speed bump on Abbott Avenue between 91 <sup>st</sup> Street and 92 <sup>nd</sup> Street. <b>Motion Passed 5-0</b>	\$,4000.00			
The Committee motioned to recommend to the Commission that they consider requesting FDOT to remove the “No U-Turn” sign on the 96 <sup>th</sup> Street east-bound lane at the traffic light for the entrance to the Bal Harbor Shops parking lot. <b>Motion Passed 4-1</b>	N/A		FDOT	
The Committee motioned to recommend to the Commission that they consider requesting to FDOT that all pedestrian crossings across Harding and Collins Avenues (for both intersections with and without traffic lights) be striped as follows: a. Collins pedestrian street crossings be striped on south-side of road only. b. Harding pedestrian street crossings be striped on north-side of road only. <b>Motion Passed 5-0</b>	N/A		FDOT	

# ATTACHMENT "B"

Initiatives	STATUS		Require
	Underway	Completed	Approval
<b>Short Term (0 – 6 months)</b>			
New Stop Signs <ul style="list-style-type: none"> <li>○ 91<sup>st</sup> Street &amp; Abbott Avenue (E/W)</li> <li>○ 91<sup>st</sup> Street &amp; Carlyle Avenue (E/W)</li> <li>○ 91<sup>st</sup> Street &amp; Emerson Avenue (E/W)</li> <li>○ 89<sup>th</sup> Street &amp; Abbott Avenue (N/S)</li> </ul>		X	
New Stop Bar Reflectors <ul style="list-style-type: none"> <li>○ 91<sup>st</sup> Street</li> </ul>		X	
New Speed Bumps <ul style="list-style-type: none"> <li>○ 88<sup>th</sup> Street between Garland &amp; Hawthorne</li> <li>○ 88<sup>th</sup> Street between Dickens &amp; Emerson</li> <li>○ 1272 Biscaya Drive</li> </ul>		X	
Revisit Street Closures <ul style="list-style-type: none"> <li>○ 94<sup>th</sup> Street &amp; Abbott Avenue</li> <li>○ 96 Street &amp; Byron Avenue</li> <li>○ + Residential Streets</li> </ul>			FDOT Miami Dade County
Loop Detector Design	X		FDOT
Relocate Crosswalks on Collins & Harding			FDOT
Create Vehicular Circulation Plans for New Construction Projects			
Develop Town-Wide Traffic Model			
Evaluate Sidewalk Options			
<b>Intermediate Term (7 – 18 months)</b>			
Loop Detector Construction <ul style="list-style-type: none"> <li>○ 95 St &amp; Harding (Eastbound)</li> <li>○ 94 St &amp; Harding (East &amp; West)</li> <li>○ 93 St &amp; Harding (East &amp; West)</li> </ul>			FDOT
Install Traffic Light <ul style="list-style-type: none"> <li>○ 96<sup>th</sup> Street &amp; Abbott Avenue</li> </ul>			FDOT
Create 1-Way Streets <ul style="list-style-type: none"> <li>○ 88<sup>th</sup> Street between Collins &amp; Harding Avenues</li> <li>○ 89<sup>th</sup> Street between Collins &amp; Harding Avenues</li> <li>○ 90<sup>th</sup> Street between Collins &amp; Harding Avenues</li> <li>○ 91<sup>st</sup> Street between Collins &amp; Harding Avenues</li> </ul>			Miami Dade County
Design 91 <sup>st</sup> Street Improvements			
<b>Long Term (19+ months)</b>			
Gate West of Harding Avenue			Special Taxing District



**Town of Surfside  
Town Commission Meeting  
November 9, 2016  
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9C  
**Date:** November 9, 2016  
**From:** Daniel Dietch, Mayor  
**Subject:** Bal Harbour Shoppes Expansion

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**Objective:** To direct the Town Manager to represent the Surfside Town Commission in discussions with the Village Manager and before the Village Council related to future development of the Bal Harbour Shoppes.

**Consideration:** Various development schemes have been presented to the Village Council. No doubt, any changes to the Bal Harbour Shoppes will have impacts to Surfside. It is our responsibility to provide clear direction to our Town Manager so that he can represent Surfside's interests by raising quality of life concerns and suggestions while advocating for our community. I have previously shared some ideas with the Town Manager, which include, but are not limited to the following:

- Realigning the dedicated southbound turn lane on Harding Avenue at 96<sup>th</sup> Street to avoid drivers merging into the right-hand southbound lane on Harding Avenue south of 96<sup>th</sup> Street.
- Requiring that any landscaping proposed for the northern side of 96<sup>th</sup> Street be replicated/mirrored on the southern side of 96<sup>th</sup> Street.
- Eliminating service vehicle queuing along 96<sup>th</sup> Street.
- Advocating for the placement of a new traffic signal at 96<sup>th</sup> Street and Abbott Avenue.
- Restricting construction workers and employees from parking in Surfside.

**Recommendation:** Direct the Town Manager to represent the Surfside Town Commission in discussions with the Village Manager and before the Village Council related to future development of the Bal Harbour Shoppes.