Town of Surfside
Regular Town Commission Meeting
AGENDA
Tuesday, September 13, 2022
7:00 PM
Commission Chambers - 9293 Harding Avenue
Surfside, FL 33154

Rule 6.06 (a)3 Agenda. The good and welfare portion of the agenda is set for 8:15 p.m.

****The above Rule only applies to Regular Town Commission Meetings.***

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 community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.

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

1. **Opening**

1A. Call to Order

1B. Roll Call of Members

1C. Pledge of Allegiance

1D. Mayor and Commission Remarks - Mayor Shlomo Danzinger

1E. Agenda and Order of Business Additions, deletions and linkages

1F. Community Notes - Mayor Shlomo Danzinger

1G. Board and Committee Appointments - Town Clerk Sandra N. McCready, MMC

- **Planning and Zoning Board -** *Commission Marianne Meischeid*
- **Personnel Appeals Board -** *Mayor Danzinger, Vice Mayor Rose, Commissioner Meischeid and Commissioner Velasquez*

1H. CTS Update - Andrew Hyatt, Town Manager

1I. Downtown Walkability and Design Study Update - Andrew Hyatt, Town Manager

2. **Quasi-Judicial Hearings**

3. **Consent Agenda**

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. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting by completing a speaker card. They will be recognized to speak prior to the approval of the consent agenda.

3A. Approval of Minutes - Sandra McCready, MMC., Town Clerk
08-09-2022 Special Town Commission Meeting Minutes.pdf
08-09-2022 Regular Town Commission Meeting Minutes.pdf

3B. Town of Surfside Roadway Designation and Renaming of 98 Points of Light Way - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING THE DESIGNATION AND RENAMING OF STATE ROAD A1A/COLLINS AVENUE BETWEEN 87TH TERRACE AND 88TH STREET AS "98 POINTS OF LIGHT WAY" TO HONOR AND IN REMEMBRANCE OF THE VICTIMS OF THE CHAMPLAIN TOWERS SOUTH BUILDING COLLAPSE; PROVIDING FOR IMPLEMENTATION; AND

PROVIDING FOR AN EFFECTIVE DATE.
Resolution In Support of Designating and Renaming 98 Points of Light Road.doc
Town of Surfside Roadway Designation 98 points of light way_8.10.2022.doc.pdf
House Bill 1469.pdf

3C. FY 2022 Budget Amendment Resolution No. 9 - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 9 FOR THE FISCAL YEAR 2022 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.
Resolution Approving Budget Amendment No. 9 for FY 2022.DOCX
Attachment A - FY2022 Budget Amendment No. 9.pdf

3D. Town of Surfside Fiscal Year 2023 Grants - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND SUPPORTING THE SUBMISSION OF GRANT APPLICATIONS FOR TOWN'S PRIORITY PROJECTS BETWEEN OCTOBER 1, 2022, AND SEPTEMBER 30, 2023, SUBJECT TO AND PENDING FINAL ACCEPTANCE OF AWARDED FUNDS AND APPROVAL OF GRANT AGREEMENTS BY THE TOWN COMMISSION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.
Resolution Approving and Supporting FY 2023 Grant Applications For Various Town Projects.DOCX

3E. Resolution Supporting the Town's Florida Department of Environmental Protection (FDEP) Grant Application for the Dune Restoration Project
- Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING THE TOWN'S FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) GRANT APPLICATION FOR THE DUNE RESTORATION PROJECT; CONFIRMING THE TOWN'S ABILITY TO FUND AND SUPPORT THE PERMITTING, DESIGN, CONSTRUCTION, AND MONITORING OF THE TOWN'S DUNE RESTORATION PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

Resolution Supporting the Town's FDEP Grant Application For the Dune Restoration Project.DOCX

3F. New Visit Surfside Tourism Website - Town Manager, Andrew Hyatt

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH SIMPLEVIEW, LLC FOR WEBSITE CONSULTING, DEVELOPMENT, AND HOSTING SERVICES FOR THE REDESIGN AND RELAUNCH OF THE TOWN'S "VISIT SURFSIDE" VISITOR WEBSITE; FINDING THAT THE PURCHASE OF SERVICES IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(2) OF the TOWN CODE; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution Approving Purchase of Services from SimpleView for Visit Surfside Website.DOCX
Town of Surfside Simpleview Proposal.pdf

4. Ordinances

Second Reading

4A1. Beach Furniture Ordinance - Vice Mayor Jeff Rose

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING ARTICLE II, "PUBLIC BEACHES," OF CHAPTER 86, "WATERWAYS" OF THE TOWN'S CODE OF ORDINANCES RELATING TO BEACH FURNITURE AND PUBLIC BEACHES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Beach Furniture Ordinance 2nd Reading.docx
Exhibit A - Beach Chair Allocation Area Diagram.pdf

4A2. 50% Lot Coverage for 1-Story Homes. - Mayor Shlomo Danzinger

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-2. - "DEFINITIONS" TO REVISE THE DEFINITION FOR "LOT COVERAGE," AND SECTION 90-49. – "LOT STANDARDS" TO INCREASE THE MAXIMUM LOT COVERAGE ALLOWED FOR SINGLE-STORY HOMES THAT DO NOT EXCEED 22 FEET IN HEIGHT TO 50%; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
Ordinance Amending Lot Coverage for Single Story.doc

4A3. Ordinance to Increase the Minimum Percentage of Florida Friendly Landscaping Required to 40% - Fred Landsman, Commissioner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTIONS 90-90 AND 90-95 OF ARTICLE VIII, "LANDSCAPE REQUIREMENTS," OF CHAPTER 90 OF THE TOWN CODE OF ORDINANCES, TO INCREASE FLORIDA-FRIENDLY LANDSCAPING IN THE PERVIOUS AREAS OF SINGLE FAMILY AND DUPLEX DWELLINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
Ordinance Amending FL Friendly Landscape Ordinance.doc

4A4. Amending the Town Code Relating to the Location and Requirements for Ground-Level and Rooftop Mechanical Equipment. - Fred Landsman, Commissioner

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING

SECTION 90-47.3 RELATING TO THE LOCATION AND REQUIREMENTS FOR GROUND-LEVEL MECHANICAL EQUIPMENT AND CREATING SECTION 90-67.3 RELATING TO THE LOCATION AND REQUIREMENTS FOR ROOFTOP MECHANICAL EQUIPMENT, ON PROPERTIES IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
Ordinance Re Ground and Rooftop Mechanical Equipment - H30A and H30B.doc

First Reading

4B1 Amending Town Code Section 90-67. - Emergency Power Generators - Lillian Arango, Town Attorney

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 90-67 – "EMERGENCY POWER GENERATORS" TO PERMIT THE INSTALLATION OF EMERGENCY POWER GENERATORS ON THE ROOFTOP OF RESIDENTIAL STRUCTURES IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
Amending Town Code Section 90-67. - Emergency Power Generators.docx

5. Resolutions and Proclamations

If the public wishes to speak on a matter on this section of the agenda, they must inform the Town Clerk by completing a speaker card and they will be recognized to speak prior to the approval of any resolution..

5A. Water and Sewer Rate Adjustment - Town Manager, Andrew Hyatt

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING MULTI-YEAR WATER AND SEWER RATES AND SERVICE CHARGES EFFECTIVE OCTOBER 1, 2022 FOR FISCAL YEARS 2023 TO 2026; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution - Multi-Year Water and Sewer Rate Adjustments FY 2023 through FY 2026.DOCX
Attachment A - FY 23-26 Water & Sewer Rate Adjustments.pdf
Water & Sewer Rates 2023 example.pdf

5B. Solid Waste Services Special Assessment Final Rate Resolution - Andrew Hyatt, Town Manager

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF RESIDENTIAL

SOLID WASTE IN THE TOWN OF SURFSIDE, FLORIDA; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED RESIDENTIAL PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.
Annual Rate Resolution Solid Waste 2022.DOC
Miami Herald Ad.pdf
DBR Ad.pdf

5C. Approving Agreement with Beach Raker, LLC for Beach Cleaning and Maintenance Services Utilizing Terms and Conditions of Village of Key Biscayne Contract No. 2021-11-29
- Andrew Hyatt

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH BEACH RAKER, LLC FOR BEACH CLEANING AND MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED $171,000 ANNUALLY UTILIZING THE TERMS AND CONDITIONS OF VILLAGE OF KEY BISCAYNE CONTRACT NO.2021-11-29; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution Approving Beach Raker for Beach Cleaning And Maintenance Utilizing KB Contract.DOCX
Exhibit A to Resolution - Cooperative Agreement Between Town and Beach Raker LLC.pdf
Attachment 1 - Beach Raker LLC Rates Schedule
Attachment 2 - Surfside Monthly Rate Table

5D. National Childhood Cancer Awareness Month - Mayor Shlomo Danzinger
National Childhood Cancer Awareness Month - Sept 2022 .pdf
Proclamation Certificate Coins and Key to the Town Request - National Childhood Cancer Month.doc

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

Public comments for subjects or items not on the agenda.

7. Town Manager and Town Attorney Reports

7A. Town Manager's Report - Andrew Hyatt, Town Manager
2022-09 September Town Manager's Report.pdf

7B. Town Attorney Report - Lillian Arango, Town Attorney
Town Attorney's Report.DOCX

8. Unfinished Business and New Business

9. Mayor, Commission and Staff Communications

9A. Charter Review Board - Lillian Arango, Town Attorney
Exhibit A.docx

9B. Town Manager's Performance Evaluation - Andrew Hyatt, Town Manager

9C. Beautification of Residential Area Street Signage - Andrew Hyatt, Town Manager
Exhibit A - Surfside Street Name Sign Technical Memorandum
Exhibit B - Decorative Sign Visual Options

9D. Update on Improving Walkability and Pedestrian Safety within Residential Area - Andrew Hyatt, Town Manager
Exhibit A - "One Way Pilot Technical Memorandum"
Exhibit B - "Estimate of Probable Cost for One-Way Trial Implementation"

9E. Hedges in the Right of Way (H30A/H30B) - Shlomo Danzinger, Mayor

9F. Pelican Harbor Seabird Station Donation Request - Commissioner Marianne Meischeid
Application for Assistance from the Town of Surfside.pdf
Request Letter of CB.pdf
2021 990 Pelican Harbor Seabird Station Inc.pdf
PHSS Consumers Certificate of Exemption 2022-2027.pdf
2021 PHSS Audited FInancials.pdf
PHSS - IRS Letter of determination.docx

10. Adjournment

Respectfully submitted,

Mark Blumstein,
Town Manager

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

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

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

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

TWO OR MORE MEMBERS OF THE TOWN COMMISSION AND/OR 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
Special Town Commission Meeting
MINUTES
August 9, 2022
5:30 PM
Commission Chambers

1. Opening

1.A Call to Order

Mayor Danzinger called the meeting to order at 5:33 p.m.

1.B Roll Call of Members

Town Clerk McCready called the roll with the following members present:

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Nelly Velasquez, Commissioner Marianne Meischeid and Commissioner Fred Landsman.

Also present were Town Manager Andrew Hyatt, Assistant Town Manager Jason Greene, Town Attorney Lillian Arango and Town Attorney Tony Recio.

1.C Pledge of Allegiance

Chief Torres provided the pledge of allegiance.

2. Mayor, Commission and Staff Communication

Mayor Danzinger advised the public that they will have public comment at the beginning for all items.

The following individuals from the public spoke:
Gerardo Vildostegui spoke regarding the first meeting in April with proposals for the corner of 94th Street and possible design flaws where Publix supermarket is located. He spoke regarding a road diet for space on Bay Drive and traffic calming device suggestions.

A motion was made by Vice Chair Rose to provide Mr. Vildostegui an additional 3 minutes to speak, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Mr. Vildostegui spoke regarding the pride flag and why it has to fly on a flag pole and the Town has to do it as government speech. He provided a history of LGBTQ. He stated that

the proposal is incorrect the way it is being presented.
Bryan Bay spoke regarding the pride flag and that Eliana Salzhauer was voted by the Miami New Times as activist of the year. He spoke regarding being a bad idea for the PR firm.
Joel Timmey spoke regarding the pride flag and he stated he did not feel welcomed. He stated that he would be in favor of flying the Israeli Rescue Team flag and they should be celebrated.
Jeffrey Platt stated that he is against the 5:30 p.m. meetings. He suggested to paint one of the turtles in the pride colors and it could possibly make everyone happy. He spoke regarding the seaweed on the beach. He spoke regarding the PR firm and is against the idea. He spoke regarding the Gazette format, and not knowing what the public forum is about.
Eliana Salzhauer stated that she objects to the 5:30 p.m. meetings and it does not allow the public to come and speak. She stated that she does not agree with the flag proposal that is being presented.
Julio Raumbaurt spoke regarding flying the Pride flag and is not in support of the PR firm proposal.
Ben Jacobson spoke regarding path lights on the beach. He spoke regarding the flag policy and is in favor of the PR firm item.
George Kousoulas spoke regarding the traffic study and the condominium and HOA item.

Mayor Danzinger closed public comments.

2.A Update on Improving Walkability and Pedestrian Safety within Residential Area - Andrew Hyatt, Town Manager

Town Manager Hyatt introduced the item and recapped what was discussed at the last meeting.

Public Works Director Gomez provided an overview and update of the item. He went over some of the items they are working on and will continue providing an update on a monthly basis. He spoke regarding the Corradino Traffic Study that was approved at the last meeting and they have a meeting with them on August 26, 2022. At this meeting they will develop a schedule. He also spoke regarding the possibility of using a shared lane in the residential areas.

Mayor Danzinger spoke regarding updated A frame signs that were placed on the road and when they will receive them.

Public Works Director Gomez addressed the comment made by the Mayor and he suggested obtaining some that are more durable and they can work on that.

Mayor Danzinger asked regarding the traffic mitigation.

Public Works Director Gomez addressed the comment made by the Mayor and the idea is replacing the asphalt with some green space.

Mayor Danzinger asked what is the hold up on the walkability study and the possibility of a bike lane.

Public Works Director Gomez addressed the comment made by the Mayor and stated that they would like to know, through the traffic study, how it will affect the pedestrian traffic.

Mayor Danzinger thanked his department for addressing the other issues.

Public Works Director Gomez addressed the comment made by the Mayor and spoke regarding the round about on 95th and Abbott.

Commissioner Velasquez asked regarding the walkability and wouldn't they have to do the undergrounding first in order not to harm the sidewalk.

Public Works Director Gomez addressed the comment made by Commissioner Velasquez and stated that if you do something immediately you create the pattern of pedestrian safety and it would be restored at its initial condition. He recommended doing some things now.

Commissioner Velasquez asked regarding the stop signs on 88th Street that the County does not want to keep there and the smaller round about. She spoke regarding creating more green space and can it be done now or do they have to wait until the traffic study is done.

Public Works Director Gomez addressed the comment made by Commissioner Velasquez and stated that the end game is that the stop signs will be replaced with something else. He stated that he suggested waiting on the infrastructure until the traffic study is completed.

Commissioner Velasquez asked how long the traffic study would take before coming back to the Commission.

Public Works Director Gomez addressed the comment made by Commissioner Velasquez and stated it would take about 10 months and by October or November of 2023 they will have a study to look at.

Commissioner Velasquez asked if they have to wait for the entire study to be completed before they can take action.

Public Works Director Gomez stated that he would wait until they have something more concrete to follow.

Vice Mayor Rose thanked Public Works and spoke about implementing some of the ideas. He asked if the study would create some dead end streets or creating gates along the Town.

Public Works Director Gomez will not recommend gates. It will look at all the entries to the neighborhoods and advise which are the hot spots and how to address them.

Commissioner Landsman asked if any owner's property will be taken from them.

Public Works Director Gomez stated that they will not be taking property but there are areas that are the right of way that the Town will use.

Commissioner Landsman asked regarding the time frame. He stated that undergrounding will not take place for a couple of years and suggested getting things done now and not worry about tomorrow.

Commissioner Meischeid thanked Public Works Director Gomez for the work done.

Mayor Danzinger spoke regarding this being something that the residents need and asked what is holding them up.

Public Works Director Gomez stated that they will have to sacrifice parallel parking and possibly a one way study and making a decision as to what they want to sacrifice.

Public Works Director Gomez stated that they do need County approval once they do the one way study and to do it as a pilot program and he will gather how much this will cost and bring it back to the Commission for their approval.

A motion was made by Vice Mayor Rose to paint the streets white and making the one way streets throughout the residential neighborhoods as a pilot program and based on County approval, seconded by Commissioner Meischeid.

Commissioner Velasquez asked if they will reach out to the residents to see what they want and do some form of survey. She stated that most homes have 2 or 3 cars and do not have anywhere to park their vehicles. She stated that then they will take parking for the walkability. She suggested doing the study first before taking away the parking spots. She stated that they need to listen to the residents.

Mayor Danzinger stated that the residents did speak on this item.

Commissioner Landsman asked for clarification of the motion and asked for it to come back next month with recommendations.

Town Clerk McCready read the motion into the record.

The motion carried with a 4-1 vote with Commissioner Velasquez in opposition.

2.B Turtle Friendly Lighting on the Beach Walking Path within Dune Limits and Reviewed Options for Implementation - Andrew Hyatt, Town Manager

Town administration is seeking Town commission discussion regarding the current pilot program implementation and for Town commission to provide recommendation on how to proceed.

Town Manager Hyatt introduced the item and stated they are seeking guidance with

turtle lighting and they have a pilot section that is helping a bit but for it to be permanent will take conduits and other challenges.

Public Works Director Gomez presented the item and spoke regarding the possible challenges. He reiterated that the walking path does not belong to the Town and anything that will be installed that will be permanent would require State approval.

Mayor Danzinger gave an explanation of the item and stated that it does not light up the beach path and the issue is to do something more permanent is a project that the Town will be renourishing the entire area. He stated to put all the money in would be a waste since it will have to be taken out. He suggested to use the funding in placing lighting on the hardpack and there is precedence in using the property and using more extravagant lights similar to the sample downstairs. He suggested having the Public Works Director come back with some pricing on putting the lights on the hardpack.

A motion was made by Vice Mayor Rose to direct the Town Manager to have the Public Works Director come back with prices and options of lighting on the hardpack, seconded by Commissioner Meischeid.

Commissioner Meischeid stated that these lights are great and it is a great idea and asked if they are solar. She asked if these same lights will work on the hardpack.

Public Works Director Gomez stated that he will look at options that other municipalities have used and what type of permitting will be needed. He stated that they will be doing an engineering study as well. He stated that the ones on the hardpack will need to be bigger and it will be similar to the sample that is in the lobby.

Commissioner Velasquez asked that the numbers shown is for the walking path. She asked what is being asked of him with this motion.

Public Works Director Gomez stated that the numbers are what is out there but what is being requested is in a bigger scale. He stated that it is coming back with the pricing.

Commissioner Landsman asked if that is budgeted.

Assistant Town Manager Greene stated that this was one of the items that was discussed in April but did not make it but there is a larger project that is improvements of the dunes and the hard pack is a separate cost and could be done through a budget amendment.

Mayor Danzinger stated that they voted on this in the budget workshop to put the lights on that portion but what is on there now is not doing what is needed. He stated that they would like to improve safety on the hard pack.

The motion carried with a 5-0 vote.
Turtle Friendly Lighting on Walking Path Pictures

2.C Upgrade to Surfside Street Signs - Shlomo Danzinger, Mayor

To direct the town manager to report back at the August meeting with options and costs for upgrading the street signs throughout Surfside.

Mayor Danzinger introduced the item and the idea was to put money to beautify the Town which will help with the visibility of the Town and have the Public Works Director come with a cost estimate for the signs.

A motion was made by Vice Mayor Rose directing the Town Manager to have the Public Works Director come back with some pricing and options, seconded by Commissioner Meischeid.

Public Works Director Gomez addressed the comment made by the Mayor and asked if they are looking at stop signs and street name signs only in the residential area.

Mayor Danzinger stated yes. He stated that the pictures are only examples not actual signs.

Commissioner Velasquez asked if these signs will be able to be seen at night time and will they be reflective.

Public Works Director Gomez stated that they will be visible at night and they have to abide by required standards. He also stated that he could bring back some rendering as well.

Commissioner Landsman thanked him for all he does.

Public Works Director Gomez stated that it is a team effort.

The motion carried with a 5-0 vote.
Surfside Street Sign Upgrade.pdf

2.D Discussion to Hold a Public Forum Regarding the New Laws Affecting Condominiums and HOA's. - Commissioner Marianne Meischeid

Direct Town Administration to coordinate and host a Town Hall discussion forum to educate and discuss the new laws pertaining to Condominium and HOA's.

This forum will be for the members of the community, elected officials, and legislators.

Commissioner Meischeid introduced the item and stated that as of July 1st they have new condominium laws and it is important to have a public forum to educate the condominium owners and HOA board. She asked to have a forum and have Senator Pizzo at the forum to educate everyone. She would like to direct the Town administration to hold a forum to address this item.

A motion was made by Commissioner Meischeid to move forward with scheduling a

public forum, seconded by Commissioner Velasquez.

Town Manager Hyatt stated that they have spoken with Senator Pizzo and he will be available.

Commissioner Velasquez thanked Commissioner Meischeid for bringing this and it is very much needed. She stated that the condominiums need to take seriously what happened at the Champlain Towers and that cannot happen again.

Vice Mayor Rose thanked Commissioner Meischeid.

Mayor Danzinger thanked Commissioner Meischeid.

The motion carried with a 5-0 vote.
City of Aventura.PNG

2.E Creating a Limited Public Forum for Flag/banner Display on Town Property. - Mayor Shlomo Danzinger

1. For the Commission to create a policy, with specific procedures and parameters, in which residents can request the Town to temporarily display flags/banners on the turtle walk poles or elsewhere on Town property in support of an organization or message.
2. For the Town to establish a scope or criteria for the messages expressed in the limited public forum.
3. For all residents to have the same opportunity to have their messages displayed on flags/banners in a limited public forum, providing they follow the procedures and meet the requirements and criteria.
4. If the Commission reaches a consensus on this proposal, to direct the Town Administration and Attorney to bring back a resolution to implement this program.

Mayor Danzinger introduced the item and stated that this item has nothing to do with the pride flag but creating a policy and making sure they are not putting anything up that will be offensive. He stated that this Town had a gay vice mayor and mayor and he is bringing this up because when this Commission had gay members this was never brought up as a priority. He stated that this is a controversial item and he is fine with displaying certain messages but it is important to take everyone's opinion and feelings at once. He stated that they are trying to come up with a solution by creating a process which will not allow hateful groups to force the Town to fly an offensive flag.

A motion was made by Commissioner Landsman to recognize the gay pride event for June of next year and fly the flag next year, seconded by Commissioner Velasquez.

Mayor Danzinger stated that the item is to create a policy.

Town Attorney Arango stated that Commissioner Landsman can make that motion.

Vice Mayor Rose asked Town Attorney Arango if they should have a policy in place before or will they be opening themselves up.

Town Attorney Arango stated that they laid out the option last month and explained the options that was mentioned last month. She stated that her recommendation is to make a conscious decision to have a policy and they can decide whichever flag they decide to fly.

Vice Mayor Rose asked if any policy would work here.

Commissioner Landsman stated that his motion specifically addresses next June for flying the pride flag and then the next motion could be for a policy.

The motion carried with a 3-2 vote with Commissioner Meischeid and Mayor Danzinger voting in opposition.

A motion was made by Commissioner Velasquez to move the remaining discussion items to the next meeting. The motion died for lack of second.

A motion was made by Vice Mayor Rose to move the remaining items to the end of the regular meeting, seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Commissioner Velasquez in opposition.

2.F Obtaining a Public Relations Firm for Surfside to Combat Negative Media. - Mayor Shlomo Danzinger

For the Town Manager to present options to the Mayor for approval for the engagement or retention of a public relations firm to help the town navigate and alleviate negative public relations through strategy and drafting of meaningful responses.

The item was moved to the end of the regular August 9, 2022 Commission meeting under discussion items.

2.G Future Format of Town Gazette. - Town Manager Andrew Hyatt

The Town Administration seeks direction from the Town Commission on whether to move forward or keep exploring this more timely, environmentally-friendly and cost effective way of delivering the Town Gazette.

The item was moved to the end of the regular August 9, 2022 Commission meeting under discussion items.

2.H Seaweed Cleanup on the Beach - Vice-Mayor Jeff Rose

Clean up the seaweed on the beach.

The item was moved to the end of the regular August 9, 2022 Commission meeting under discussion items.

3. Adjournment

A motion was made by Vice Mayor Rose to adjourn the meeting at 6:59 p.m. The motion carried with a 5-0 vote.

Accepted this _____ day of _____, _____.

_____
Shlomo Danzinger, Mayor

Attest:

_____
Sandra N. McCready, MPA, MMC
Town Clerk

Town of Surfside
Regular Town Commission Meeting
MINUTES
August 9, 2022
7:00 PM
Commission Chambers - 9293 Harding Avenue
Surfside, FL 33154

1. Opening

1A. Call to Order

Mayor Danzinger called the meeting to order at 7:20 p.m.

1B. Roll Call of Members

Town Clerk McCready called the roll with the following members present:

Present: Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Nelly Velasquez, Commissioner Marianne Meischeid and Commissioner Fred Landsman.

Also present were Town Manager Andrew Hyatt, Assistant Town Manager Jason Greene, Town Attorney Lillian Arango and Town Attorney Tony Recio.

1C. Pledge of Allegiance

Chief Torres provided the pledge of allegiance.

1D. Mayor and Commission Remarks - Mayor Shlomo Danzinger

Mayor Danzinger spoke regarding decorum and stated that the same rules apply for the public and the Commission.

Commissioner Landsman is interested in hearing what everyone has to say.

Commissioner Meischeid spoke regarding the event that took place at the street naming ceremony.

Commissioner Velasquez stated that she is hoping to have a good meeting and they are there to do what is right for the community and all the residents and she is definitely listening.

1E. Agenda and Order of Business Additions, deletions and linkages

Town Clerk McCready requested a motion to add the items from the special commission meeting to this meeting under item 9.

A motion was made by Commissioner Meischeid to add the discussion items from the previous August 9, 2022 Special Town Commission Meeting to this agenda as item 9A (Obtaining a Public Relations Firm for Surfside to Combat Negative Media), item 9B (Future Format of Town Gazette) and item 9C (Seaweed Cleanup on the Beach), seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

1F. Community Notes - Mayor Shlomo Danzinger

Mayor Danzinger stated that they have a Surfside hero and American hero and thanked him for his service to the Community. He gave a synopsis of the actions taken in protecting the turtles and their nest. He presented him with the Surfside Citizen of the Year Certificate, with a Town challenge coin and a turtle.

1G. Presentation of the Police Department Civilian of the Year 2021 - Andrew Hyatt, Town Manager

Chief Torres presented the Police Department Civilian of the Year 2021 award to Dina Goldstein.

1G. CTS Update - Town Manager, Andrew Hyatt

Allyn Kilsheimer provided an update on the CTS investigation. He thanked Town Attorneys Arango, Town Attorney Recio and Assistant Town Attorney Greene for their help and what they are doing is for the people of Surfside and everyone that lives up and down the coast. He thanked them for approving the additional funds.

Commissioner Velasquez asked if he has a ballpark of when they would get answers and the whole point of hiring a private engineer was to get the process to get this done quicker and not wait on NIST.

Mr. Kilsheimer stated that they eliminated a lot of things and they are down to the point of understanding certain things on the ground at the site. He stated that approximately 300 pieces were not tested and they were not available to them but Town Attorney Recio is helping them to get access to those pieces. He stated that if he can get the things done in the next two weeks and Town Attorney Recio is successful in getting certain things, and if he would have it all today, he could have it done in 6 months, but he does not have everything today. His hope is that by the next meeting he will be successful with what George Kousoulas and Town Attorney Recio are doing.

2. Quasi-Judicial Hearings

Town Clerk McCready read the title of the resolution into the record.

Mayor Danzinger read the quasi-judicial statement into the record.

Town Attorney Recio asked Town Clerk McCready to confirm noticing requirement.

Town Clerk McCready confirmed notice requirement.

Town Attorney Recio polled the Commission for any ex-parte communication with the applicant or anyone from the public.

Vice Mayor Rose spoke with the applicant to see why there was a need for the variance and information regarding the project.

Commissioner Meischeid spoke to someone regarding the project.

Mayor Danzinger stated that he did not speak to anyone but did attend the Planning and Zoning Board meeting where this item was discussed.

2A. 8705 Carlyle Avenue Variance - Andrew Hyatt, Town Manager

Recommend approval of the Variance requests for 8705 Carlyle Drive.

Town Planner Keller provided a summary of the item.

George Kousoulas, representing applicant provided a summary of the project and went through the PowerPoint presentation.

Commissioner Landsman asked regarding the side setbacks and wanted clarification. He confirmed that the pool is elevated.

Mr. Kousoulas addressed the comments and questions from Commissioner Landsman. He stated that the pool is elevated and the seawall as well and conforms with the first floor.

Commissioner Landsman asked if the Building Official is in agreement with the seawall.

Building Official McGuinness stated that he is in agreement.

Vice Mayor Rose reiterated that this item passed with a 5-0 vote at the Planning and Zoning Board meeting and asked for clarification from Town Attorney Recio as to this variance.

Town Attorney Recio stated that this is a text book variance since without a variance, nothing could be built on this lot.

Town Clerk McCready swore in the public that would be speaking.

The following individuals from the public spoke:

Jeffrey Platt stated that if Vice Mayor Rose will not build directly or indirectly on this property and that Commissioner Meischeid not vote on this item since Mr. Kousoulas is on this project. He stated that the owner knew this was an unbuildable lot and should not have purchased the lot. He stated that it is still a 3 story house and it is a deliberate attempt from the applicant to profit.
Eliana Salzhauer agrees with Mr. Platt as to why someone would purchase a property that is unbuildable. She spoke against the project.

Mayor Danzinger reminded the public of proper decorum and not clapping.

Mr. Kousoulas rebutted the comments made by the public. He stated this house is an understory and the variance has nothing to do with the understory. He stated that there are hardship definitions under the zoning code. He addressed the other comment made regarding Vice Mayor Rose and other Commissioners which are incorrect comments.

Commissioner Velasquez asked if this house has a rooftop deck and what is the setback on that.

Mr. Kousoulas addressed the comments made by Commissioner Velasquez and stated it does. He stated the setbacks are on the east 10 feet, west 10 feet, north there is a stair that comes up and on the waterfront is 2 feet. He stated that this house is on a weird lot and spoke regarding the waterfront side of the lot.

Commissioner Velasquez stated that the setback is to be 10 feet and it does not have that setback.

Mr. Kousoulas read the paragraph in the zoning code as it pertains to the roof top deck setback.

Mayor Danzinger put the item on hold to hear Good and Welfare.

Commissioner Meischeid restated that Town Planner Keller stated that this meets the criteria for approval of the variance.

Town Planner Keller stated this variance does meet this criteria. He stated there was an existing house on the lot and it is zoned H30A and stated this lot is an H30B size and this does qualify.

Commissioner Meischeid asked if he can reiterate that variances are difficult to get and must meet strict criteria.

Town Planner Keller stated yes.

Commissioner Meischeid asked Town Attorney Recio if he concurs with the Planning and Zoning Board that the entire Board agreed that it met the criteria.

Town Attorney Recio stated that what is before them is their recommendation for approval.

Commissioner Landsman asked if the roof top deck fits Code.

Town Planner Keller stated that the roof top deck does not meet code the way it is currently. He stated that it needs a 10 foot setback on the side and the applicant must come back for that separate variance.

Commissioner Landsman asked if it can be added as a condition.

Town Attorney Recio stated you can add it as a condition to this variance that it would be altered to meet code.

Commissioner Landsman stated that his assumption is that a family wants to build a home to live in the home and that needs to be taken into consideration.

Vice Mayor Rose stated that they are going through the zoning code to fix it and if they want a roof deck do they have to come back once they change the zoning code for another variance.

Town Attorney Recio stated the roof deck is allowed but requires setback requirements, which is set back 10 feet. He stated they do not need a variance if they revise it meet code.

Commissioner Velasquez stated that either they put it back 10 feet or come back for another variance.

Town Attorney Recio stated if they want to pull it back they do not have to come back.

Commissioner Velasquez asked regarding the second floor and where it is pushed in. She stated that the area is not pushed in and that there is an existing home and it could be improved and there would be no hardship. She asked regarding the 80%.

Mr. Kousoulas addressed the comments made by Commissioner Velasquez and stated it is on A101. He stated that the first floor is 33% of the lot but it is allowed to be 40% and is undersized and that creates a second story very similar to the first story. He addressed the comment regarding the existing house which is considered a nonconforming structure so you could not do anything to the house.

Commissioner Velasquez asked for clarification on the site plans and that it does not give you a right not to do the 80% on first floor.

Vice Mayor Rose clarified what the code states as it pertains to the 80% rule.

Commissioner Velasquez asked for the Town Planner to respond regarding what percentage is allowed on the first and second floor.

Town Attorney Recio addressed the comments and read section 90.45 Setbacks as it pertains to the zoning code and the ZIP. He stated the zoning code rewrite is made to clarify it.

Town Attorney Recio stated that the language in the code is up for interpretation and without the zip you are left with what is stated in the language which is still vague.

Mayor Danzinger reiterated what the Town Attorney stated.

Mr. Kousoulas stated that the house is still smaller.

After a lengthy discussion among the Commission and Town staff regarding the legality of the variance and what it states in the zoning code, the following vote on motion was called.

A motion was made by Vice Mayor Rose to approve the variance, seconded by Commissioner Meischeid. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.
Variance Request for 8705 Carlyle.pdf
5B_8705 Carlyle Ave _2 Sty SF wUndrsty & Variance-R.pdf
Variance_Resolution_-_8705_Carlyle_Avenue_TA_v2.docx

3. Consent Agenda

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. If the public wishes to speak on a matter on the consent agenda they must inform the Town Clerk prior to the start of the meeting by completing a speaker card. They will be recognized to speak prior to the approval of the consent agenda.

A motion was made by Vice Mayor Rose to approve the consent agenda, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

3A. Commission Meeting Minutes - Sandra McCready, MMC, Town Clerk

Approved on consent.
07-12-2022 Special Town Commission Meeting Minutes.pdf
07-12-2022 Town Commission Meeting Minutes.pdf

3B. Committee and Boards Minutes - Sandra McCready, MMC, Town Clerk

Approved on consent.
05-02-2022 Tourist Board Meeting Minutes.pdf
05-16-2022 Parks and Recreation Committee Meeting Minutes.pdf

3C. Approving a Project Agreement with Nova Consulting, Inc. to Provide Professional Design Services for the Collins Avenue Water Main Replacement Design Project. Authorizing the Expenditure of Funds in the Fiscal Year 2023 Budget - Andrew Hyatt, Town Manager

Town administration is seeking authorization to expend funding in Fiscal Year 2023, contingent upon budget approval for Nova Consulting to provide design and permitting services for the proposed partially grant funded Collins Avenue Water Main Design Phase project

Approved on consent.
Reso Approving a Project Agreement Nova Consulting for Design Services Collins Avenue Water Main Replacement Design Project.docx
CSA Project Agreement Nova Consulting Collins Water Main Design.DOCX
Nova Consulting Scope of Services Proposal Dated June 22 2022

3D. FY 2022 Budget Amendment Resolution No. 8 - Andrew Hyatt, Town Manager

Town Administration recommends approval of the budget amendment.

Approved on consent.
Resolution Approving Budget Amendment No. 8 for FY 2022.DOCX
FY2022 Budget Amendment No. 8.pdf

3E. Disaster Cost Recovery Services Contract - Andrew Hyatt, Town Manager

Town Administration recommends approval to execute a Disaster Cost Recovery Services contract with Hagerty Consulting via a "piggy-back" contract via Miami-Dade County.

Approved on consent.
Resolution Hagerty Agreement - Disaster Cost Recovery Services.docx
Exhibit A - Agreement with Hagerty - Disaster Cost Recovery Services.pdf

3F. Employee Health Benefits Contract Renewal for FY 2023 - Andrew Hyatt, Town Manager

Town Administration recommends that the Town Commission adopt the attached resolution approving the group health, dental and vision with Cigna, term life and AD&D insurance, short-term disability and long-term disability with Mutual of Omaha, and the flexible spending, HRA administration, and COBRA with Ameriflex.

Approved on consent.
Resolution Approving Employee Health Benefit Contracts and Other Insurance Benefits FY 22 23.DOC
Attachment A - renewal-town of surfside.pdf

3G. School Resource Officer for School Year 2022/2023 - Andrew Hyatt, Town Manager

Town Administration recommends approval of the attached resolution which amends Resolution 2022-2896 adopted on July 12, 2022, and authorizing the execution of the revised Memorandum of Understanding funding and supplementing the School Board's SRO with a second SRO for school year 2022/2023 in the amount of

$21,007.33.

Approved on consent.
Reso Approving MOU for School Resource Officer TAv2.DOCX
2022 School Resource Officer SRO MOU Bay Harbor Bal Harbour Surfside -7-29-22.docx

4. Ordinances

Second Reading

4A1. Amendments to the Town Code to Allow Operation of Landscaping Equipment and Other Noise-Producing Mechanical Devices (such as Leaf Blowers) During Permitted Hours - Mayor Shlomo Danzinger

Town Clerk McCready read the title of the ordinance into the record.

Mayor Danzinger opened public comment.

The following individuals from the public spoke:
Eliana Salzhauer spoke against gas leaf blowers.
Gerardo Vildostegui agrees on the sunset portion but the gas leaf blowers are very bad.
Marcio Luchese spoke against the item.
George Kousoulas agrees with Mr. Vildostegui and stated the Commission is looking at sunset this and the question is how soon.
Ben Jacobson stated that nobody likes noise and clean energy but then they kill trees for straws because they do not like plastic. The idea is to phase this out and the sunset operation is good because it gives people time.

Mayor Danzinger closed public comment.

Mayor Danzinger introduced the item and explained why it is being brought forward. He stated that leaf blowers are needed to reach certain areas. He stated that they are trying to give them an option and this is a required tool for landscaping. This will give homeowners an opportunity to phase out and purchase the electric or battery operated one.

A motion was made by Commissioner Velasquez to move forward the leaf blower but not gas operated one, seconded by Commissioner Meischeid.

Commissioner Velasquez agrees that the leaf blower is important and she has a battery one. She feels that the gas ones pollute the environment.

Commissioner Landsman stated that the prior commission passed it and stated that he does hear gas leaf blowers. He stated that it is against code and believes that they are still being utilized and the ordinance that passed several years ago is not being enforced. He stated that all landscaping equipment makes noise and they are gas powered as well. He agrees with the sunset idea and still believes it will be

difficult.

Commissioner Meischeid is in favor of electric or battery operated leaf blowers.

Vice Mayor Rose stated that his biggest issue is that they are not enforcing it. He stated that the other landscape equipment is still gas powered. He spoke regarding the grace period.

Commissioner Velasquez stated why they need to wait and they must be environmentally friendly. She asked for the commission to consider their neighbors.

Mayor Danzinger responded to the comments made by Commissioner Velasquez.

The motion died with a 2-3 vote with Mayor Danzinger, Vice Mayor Rose and Commissioner Landsman voting in opposition.

Vice Mayor Rose asked for clarification on the time frame for sun setting.

Commissioner Landsman stated the importance of being able to enforcing the ordinance.

Mayor Danzinger passed the gavel.

A motion was made by Mayor Danzinger to approve the ordinance on second reading as written with the sunset of 18 months, seconded by Commissioner Landsman. The motion carried with a 3-2 vote with Commissioner Velasquez and Commissioner Meischeid voting in opposition.
Ordinance Amending Sections 54-78(15) and 66-7 - Use of Landscape Equipment 2nd Reading

First Reading

4B1 Beach Furniture Ordinance - Vice Mayor Jeff Rose

Approval of the ordinance on first reading

Town Clerk McCready read the title of the ordinance into the record.

Vice Mayor Rose briefly introduced the item and stated that there has been a lot of misinformation out there and asked for the public to listen to the details on the matter and read what was actually written not what has been written online.

A motion was made by Commissioner Meischeid for purposes of discussion, seconded by Vice Mayor Rose.

Mayor Danzinger opened public comment:

The following individuals from the public spoke:
Madelyn Noble spoke against the item.
Max Nieto spoke against the item.

Joanne Nieto spoke against the item.
Liv Benitah spoke against the item.
Eliana Salzhauer spoke against the item.
Julio Rumbaut spoke against the item.
Rue Nunez thanked the Commission and spoke in favor of the item.
Gerardo Vildostegui spoke against the item.
Juan Valdez spoke against the item.
Aurora De La Rosa spoke in favor the item.
Clara Diaz Leal spoke against the the full box and stated they need to monitor it.
Retta Logan spoke against the preset of the chairs and does not agree with any speed vehicle on the beach.
Joel Thieme spoke against the item and would like the Commission to address the issue of the lawsuit with the Grand Beach Hotel.
Jeffrey Platt spoke against the item.
Marcio Luchese spoke against the item.
Randee Kessler spoke against the curfew portion of the ordinance
Maria Pinzon spoke against the item and regarding the petition collected.
George Kousoulas spoke regarding the item and offered options.
Ben Jacobson spoke regarding the pending litigation and what the condominiums are requesting.

Mayor Danzinger called for a recess at 10:25 p.m.

Mayor Danzinger resumed the meeting at 10:45 p.m.

Town Clerk McCready called the roll with the following members present: Mayor Danzinger, Vice Mayor Rose, Commissioner Velasquez, Commissioner Meischeid and Commissioner Landsman.

A motion was made by Commissioner Meischeid to approve the ordinance on second reading with the following revisions: staging station limited to 1 8 x 8 foot box up to 200 feet; 1 12 x 12 box up to 200 feet; operation to be from 8 a.m. to sunset and prohibit people West of Collins Avenue to enter into negotiations with beach furniture operators, seconded by Vice Mayor Rose adding on line 161 should say beach chairs and umbrellas.

Commissioner Meischeid introduced the item.

Commissioner Landsman stated to look at something incremental and is not in support unless they can make a change to the preset. He is in favor to go in the middle for more availability with the preset. He spoke regarding comments made regarding the litigation and whatever they do with the ordinance will affect all the properties in the beachfront.

Commissioner Velasquez asked why on line 87 opens up people coming in from other areas to rent beach chairs. The beach chairs should be exclusively for guests of the hotels and residents and guests from the condominiums. She does not understand why they are taking the 15 feet away from the dunes in line 94. She spoke regarding having a larger footprint on the beach. She believes there should be a limit and should not be open. She suggested presetting 10 per 100 linear feet per

property. She stated that it should not be unlimited. She is fine with 8 am to sunset. She has a problem with food on the beach.

Vice Mayor Rose clarified the misinformation and asked who owns the beach and who owns the hard pack and explain the difference between the hard pack and jogging path.

Town Attorney Recio stated that the State owns the beach and the hard pack is private property. He explained how far the private property extends and they are restricted to certain easements and it is still private property.

Vice Mayor Rose asked if there was any ordinance prohibiting motorized vehicle on private property on the hard pack.

Town Attorney Recio stated that it does not specify that restriction to the hard pack.

Vice Mayor Rose asked if this ordinance was created and commercialized by this Commission. He asked regarding the staging area, height limitation, usage study was done.

Town Attorney Recio stated that they are amending an existing ordinance. No usage study was done.

Vice Mayor Rose thanked everyone for coming and stated that they are not doing overnight storage and storage. He appreciates what the hotels do but he is not doing this for the hotels but for condominium residents and other residents. He asked if there is no ordinance what would happen with the beach chair operators.

Town Attorney Recio stated there would be no regulation on beach chairs.

Vice Mayor Rose stated he is comfortable with food and beverage because if a condominium owner can bring their own food and drinks and that is not regulated, then why can they not offer the same thing to others.

A motion was made by Vice Mayor Rose to extend the meeting for one hour at 11:06 p.m., seconded by Commissioner Meischeid. The motion carried with a 4-1 vote with Commissioner Velasquez in opposition.

Vice Mayor Rose asked if Bal Harbor allows food and beverage to the beach.

Town Attorney Arango stated that they can.

Vice Mayor Rose stated that he would like to see what the other cities have and consider it on second reading.

Mayor Danzinger addressed a few concerns regarding complaints on messes on the beach and there are strict regulations in place. He provided a picture to show the commission and public and stated that picture is from the Grand Beach. He stated that they will not be presetting 90 chairs. They will only preset the amount they believe they will be using. He commented that the legislation passed before was

incorrect because they do not have authority to regulate private property. He stated that he is happy with removing the west side of Collins. He asked for modification to the ordinance and stated that if there is a mess they will loose the ability to put out the chairs.

Code Compliance Manager Sanchez-Alborna stated that the license is issued to the hotel not to the vendor.

Mayor Danzinger asked if the vendor has to come with insurance requirements.

Code Compliance Manager Sanchez-Alborna stated that the insurance is from the condominium and they do know who the vendors are and they at times require their proof of insurance.

Mayor Danzinger stated his concern with the vendors and holding them accountable.

Commissioner Meischeid spoke regarding them being fined and who is responsible.

Mayor Danzinger asked to add the companion fine to the vendor in addition to the beach front operator.

Commissioner Meischeid agreed to that addition.

Mayor Danzinger spoke regarding the licensing requirements and the three years does not lock them in but allows them to look for better pricing.

A motion was made by Vice Mayor Rose for a 3 minute recess at 11:21 p.m., seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

Mayor Danzinger resumed the meeting at 11:25 p.m.

Town Clerk McCready called the roll and the following members were present: Commissioner Velasquez absent from the dais.

Commissioner Meischeid is still comfortable with one year.

The motion carried with a 3-2 vote with Commissioner Velasquez and Commissioner Landsman in opposition.
Beach_Furniture_Ordinance_1st_reading_August_9__2022.docx
Beach_Chair_Operation_Allocation_Area_Diagram_-_revised_following_2nd_reading_-_Exhibit_A.pdf
Maximum_Beach_Furniture_Allocation_Chart_-_Revised_2nd_Reading_9-11-2020_-_Ehibit_B.pdf

5. Resolutions and Proclamations

If the public wishes to speak on a matter on this section of the agenda, they must inform the Town Clerk by completing a speaker card and they will be recognized to

speak prior to the approval of any resolution..

6. Good and Welfare

The following individuals from the public spoke:
Bob Fisher spoke regarding infrastructure and the flag poles and the flags that should fly on those poles.
Jeffrey Platt spoke regarding the Public Works Department redoing the 92nd Street and the rocks being removed. He spoke regarding the project on the dunes.
Eliana Salzhauer spoke regarding being against the 5:30 p.m. meeting and regarding the one way street and painting a bike lane on the street which means 50% of residents will not be able to park in front of their homes. She encouraged the Commission not to allow food service on the beach.

Mayor Danzinger reminded Commissioner Velasquez on the rules of decorum and to please stop speaking while the public is speaking.

Gerardo Vildostegui spoke regarding not having 5:30 p.m. and understands it is to avoid the very late meetings. He spoke regarding the idling trucks on Indian Creek and the harm of pollution.
Marcio Luchese spoke regarding corruption and for the residents to think better and most of the residents are against most of the proposals in Town.
Clara Diaz Leal spoke regarding making important decisions that need to be made and provide clarity.
Joanna Katz commended the Commission for passing the pride flag for next year. She also spoke regarding the decorum.
Hanna Danzinger spoke regarding the street lights in Surfside are bad and are dark. She spoke regarding flying a flag for IDF for Israel and to support them. She spoke regarding inclusivity, love and respect and the way everyone talks is disgusting and there is a way of talking to an elected official in a respectful manner.

Mayor Danzinger closed public comment.

Commissioner Velasquez addressed the comment made by Ms. Diaz-Leal and they do want a one way street and disregarding the residents that live on those streets. She suggested roundabouts and trees to slow traffic but putting white lines on the streets is not the way to go. She agrees with more street lights and some regarding the streets being very dark. She agrees that there should be a no smoking policy on the beach.

Commissioner Meischeid addressed the comments made regarding the 5:30 p.m. meetings which was done as a possible solution on not going over midnight. She stated it is more reasonable to do the meetings at 5:30 p.m. and make decisions at that time and not at midnight.

Commissioner Landsman addressed the comments made by the public and how to propose enforcement of no smoking on the beach and he will not be hiring more police and code enforcement to enforce no smoking. He stated that the 5:30 p.m. meeting is a catch 22 and one of the failings of the last commission is that they spent 4 hours on one item and they did not take action. He stated this is not to hide anything and the meetings are recorded. He clarified the one way streets was not decided to do it on all streets and all that was asked was to come with ideas and possibilities.

Vice Mayor Rose agreed with Commissioner Landsman and what they decided was to get a cost to see one way streets on streets not avenues. He addressed the comments made about the 5:30 p.m. meeting and regardless what they decide the same individuals will be against it. He addressed the comment made by Mr. Vildostegui regarding the trucks. He agrees with the no smoking on the beach. He agrees with Ms. Danzinger with the fact that the public made smirks and comments because of who she is and this Commission is here to listen to her and all residents. He stated that he cares about voting residents.

Mayor Danzinger addressed the comments made regarding the 5:30 p.m. meeting and it is difficult to make decisions at 1:00 a.m. and complaints were made that they would sneak items in so late. He stated the concept is to have discussion items and if an ordinance is to come up from the discussion item it is placed on the regular agendas. He stated that he has been printing the decorum statement on the front of the agenda and there are rules in place. He stated there is a concern with the street lights. He addressed the comment made by his daughter and the anti-Semitic statements made here and he does not say anything.

7. Town Manager and Town Attorney Reports

7A. August Town Manager's Report - Andrew Hyatt

Town Manager Hyatt provided a summary of his Town Manager's report. He appreciates the staff for being here and for the comments made that were inappropriate. He stated that the 96th Street Park construction bid will be put out again due to not receiving any bids the first time it was out.
2022-09 August Town Manager's Report.pdf

7B. August Town Attorney's Report - Lillian Arango, Town Attorney

Town Attorney Arango provided a summary of her Town Attorney's report. She brought to their attention the other matters they work on which are on consent and explained which agreements those are and they are very important ones. She went over the pending litigation cases as well and there are no changes or status updates on the cases. She stated that they still have not received an update on the FAA lawsuit.
Town Attorney Report.DOCX

8. Unfinished Business and New Business

Mayor Danzinger stated that there is a vacancy on the Police Officers Trust and he passed the gavel.

A motion was made by Mayor Danzinger to appoint William Blumenkranz to the Board, seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

9. Mayor, Commission and Staff Communications

Mayor Danzinger opened the floor to public comment.

The following members of the public spoke:
Gerardo Vildostegui would like to keep the paper form of the gazette and the comment made about residents undermining the Town and is against the public relations item.
Julio Rumbaut agrees with Mr. Vildostegui and is against the public relations item.
Eliana Salzhauer spoke against the public relations item.

Mayor Danzinger closed public comment.

9C. Seaweed Cleanup on the Beach

Item was deferred from the August 9, 2022 Special Town Commission Meeting.

Vice Mayor Rose introduced the item and stated that the cleanup of the seaweed was cut in the budget. He stated that it cannot be removed from the beach.

A motion was made by Vice Mayor Rose to put this item back in the budget, seconded by Commissioner Velasquez.

Commissioner Velasquez agrees to clean up the seaweed.

Mayor Danzinger thanked the Vice Mayor for bringing this forward.

The motion carried with a 5-0 vote.

9A. Obtaining a Public Relations Firm for Surfside to Combat Negative Media

Item was deferred from the August 9, 2022 Special Town Commission Meeting.

Mayor Danzinger introduced the item and provided an overview. He explained the request for a crisis manager and gave an example of what took place which was with the Police Department and it was not handled properly. He stated the accusations were unfounded and directed to the Town. He stated that if you do not respond properly in the media it will not attract employees or tourists to the Town. He explained why he brought this forward. He would like to look into hiring a firm that will fit the Town better to respond.

A motion was made by Vice Mayor Rose to look into a crisis manager, seconded by Commissioner Meischeid for discussion purposes.

Mayor Danzinger stated they are not hiring anyone but they would like to have someone on a rolodex in the event they need someone.

Commissioner Velasquez asked Town Manager Hyatt how fast was he able to obtain a public relations firm when the collapse took place. She asked why they need to have a public relations firm on hand. She stated that they do not need this.

Town Manager Hyatt stated it was immediate.

Vice Mayor Rose stated that he is fine with having it on the rolodex in the event it is needed. He stated that Frank Trigueros has done a great job.

Mayor Danzinger asked who did they call when these two stories broke and if they had anyone on the rolodex to call.

Town Manager Hyatt stated it was handled inhouse and the only ones he used, which was only needed when the collapse took place, was News Director and Pinzur.

Mayor Danzinger stated that is all they want is to have someone on the rolodex.

Commissioner Landsman stated he does not believe this is necessary and possibly put as part of the job description and experience for the Communications Manager position opening. He stated that the Town Manager has discretion to obtain services under $25,000 and he will find someone to help with the situation.

Mayor Danzinger stated that they do not have that position currently and reiterated the issues at hand and if they fill the position full time that is great but it was not handled properly. This will allow the Town Manager to have the resources.

Commissioner Meischeid stated that she would prefer to be proactive instead of reactive and have someone in the rolodex.

The motion carried with 3-2 vote with Commissioner Velasquez and Commissioner Landsman voting in opposition.

A motion was made by Vice Mayor Rose to extend the meeting for 5 minutes, seconded by Commissioner Landsman. The motion carried with 5-0 vote.

9B. Future Format of Town Gazette

Item was deferred from the August 9, 2022 Special Town Commission Meeting.

Town Manager Hyatt stated that they have dealt with issues with USPS. He stated that they are not going to stop printing the gazette but sending it electronically. He provided a summary of the problems they have encountered with the post office and the distribution date. He would like guidance to see if they can try this for a while. He stated that they will have a list of seniors and those that are not tech savvy and they will still be able to print and have some delivered.

Mayor Danzinger suggested to put it on the table.

A motion was made by Vice Mayor Rose to extend the meeting 5 meeting, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Commissioner Landsman agrees to look at alternatives due to the issues encountered with distribution.

Commissioner Meischeid would like to know how the distribution would be with those that would like to receive them in the mail.

Communications and Tourism Director Trigueros addressed the question from Commissioner Meischeid. He stated their priority is focused on the seniors and they have a list identified and those will have the gazette delivered.

Commissioner Velasquez does not believe they should stop mailing out the gazette and the problem might be at the condominiums.

Vice Mayor Rose suggested having it in the lobbies of all the condominiums or in their mail rooms as well as in Town Hall lobby.

A motion was made by Vice Mayor Rose to extend the meeting 3 minutes, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Mayor Danzinger spoke regarding still having the printed form and to distribute. He agreed with putting the copies in the mail room or lobby.

Communications and Tourism Director Trigueros stated that they changed the vendor and spoke regarding the fact that they have to close the publication early in order to meet distribution deadlines.

Mayor Danzinger appreciates the work being done.

10. Adjournment

A motion was made by Vice Mayor Rose to adjourn the meeting at 12:13 a.m. (August 10, 2022), seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Accepted this _____ day of _____, _____.

_____
Shlomo Danzinger, Mayor

Attest:

_____
Sandra N. McCready, MPA, MMC
Town Clerk

MEMORANDUM

ITEM NO. 3B.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Andrew Hyatt, Town Manager

Date: September 13, 2022

Subject: **Town of Surfside Roadway Designation and Renaming of 98 Points of Light Way**

Town Administration recommends approval of the resolution.

On June 24, 2022, Governor Ron DeSantis approved House Bill No. 1496 designating that portion of State Road A1A/Collins Avenue between 87th Terrace and 88th Street in the Town as “98 Points of Light Way” and directed the Department of Transportation (“FDOT”) to erect markers designating “98 Points of Light Way."

On August 10, 2022, the Town received a letter from FDOT with information on House Bill 1469 and requesting that the Town Commission adopt a resolution designating and renaming that portion of State Road A1A/Collins Avenue between 87th Terrace and 88th Street as "98 Points of Light Way." The attached Resolution would express the Town Commission's support for the designation of and renaming of “98 Points of Light Way” to honor and in remembrance of the 98 victims of the Champlain Towers South Building Collapse. A copy of House Bill No. 1496 and FDOT's letter request are attached for further information.

Resolution In Support of Designating and Renaming 98 Points of Light Road.doc

Town of Surfside Roadway Designation 98 points of light way_8.10.2022.doc.pdf

House Bill 1469.pdf

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING THE DESIGNATION AND RENAMING OF STATE ROAD A1A/COLLINS AVENUE BETWEEN 87TH TERRACE AND 88TH STREET AS "98 POINTS OF LIGHT WAY" TO HONOR AND IN REMEMBRANCE OF THE VICTIMS OF THE CHAMPLAIN TOWERS SOUTH BUILDING COLLAPSE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the early morning hours of June 24, 2021, the residential condominium Champlain Towers South Condominium located at 8777 Collins Avenue, Surfside, Florida 33154 ("Champlain Towers South"), experienced a major structural collapse of a substantial portion of the building ("Building Collapse"); and

WHEREAS, the Town's municipal and other first responders immediately mobilized to rescue as many Champlain Towers South residents as possible and to address the major threats posed by the Building Collapse to the health, safety, and welfare of the Town's residents; and

WHEREAS, on June 24, 2021, the Governor Ron DeSantis issued Executive Order Number 21-148 declaring a State of Emergency in Miami-Dade County due to the Building Collapse in order to assist in the response and recovery of the Building Collapse and the development of mitigation plans necessary to address hazards posed by the Building Collapse; and

WHEREAS, similarly, on June 24, 2021, the Mayor of Miami-Dade County ("County") issued a Declaration of Local State of Emergency in connection with the Building Collapse in order to assist in the search and rescue operation in the Town; and

WHEREAS, on June 25, 2021, the Town Commission adopted Resolution No. 2021-2802, declaring a Local State of Emergency due to the Building Collapse within the Town; and

WHEREAS, despite the courageous rescue efforts of the Town, County, State, and National first-responders, and other foreign search-and-rescue teams, the Building Collapse resulted in the deaths of 98 people and injuries to many others; and

WHEREAS, the Town of Surfside (the "Town") desires to honor and remember the 98 victims of the Champlain Towers South Building Collapse; and

WHEREAS, on June 24, 2022, Governor Ron DeSantis approved House Bill No. 1496, designating that portion of State Road A1A/Collins Avenue between 87th Terrace and 88th Street in the Town as "98 Points of Light Way" and directed the Department of Transportation ("FDOT") to erect markers designating "98 Points of Light Way;" and

WHEREAS, the Town Commission desires to support the designation of and renaming of "98 Points of Light Way" to honor and in remembrance of the 98 victims of the Champlain Towers South Building Collapse; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Supporting the Designation/Renaming of 98 Points of Light Way. The Town Commission supports the designation and renaming of that portion of State Road A1A/Collins Avenue between 87th Terrace and 88th Street in the Town as

"98 Points of Light Way" to honor and in remembrance of the 98 victims of the Champlain Towers South Building Collapse

Section 3. Implementation. That the Town Manager and Town Officials are hereby authorized to take any and all actions which are necessary to implement the purposes of this Resolution.

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

PASSED AND ADOPTED this 13th day of September, 2022.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:
Commissioner Fred Landsman _____
Commissioner Marianne Meischeid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

_____
Shlomo Danzinger, Mayor

ATTEST:

_____
Sandra McCready, MMC
Town Clerk

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

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

DocuSign Envelope ID: C41C5817-2AEC-496E-AC59-E01D50AD1A6D

Florida Department of Transportation

RON DESANTIS
GOVERNOR

1000 NW 111th Avenue
Miami, FL 33172-5800

JARED W. PERDUE, P.E.
SECRETARY

August 10, 2022

Mr. Andrew Hyatt
Town Manager
Town of Surfside
Town of Surfside Building Department
9293 Harding Avenue
Surfside, FL 33154

Subject: 2022 Roadway Designation: 98 Points of Light Way

Dear Mr. Hyatt:

The Florida Department of Transportation (FDOT) recently installed signs on S.R. A1A to rename part of the roadway as directed by House Bill 1469. While the normal process it to seek a resolution prior to the installation of the signs, this was not possible in this instance. The FDOT requests the Town of Surfside Commission adopt a resolution to designate/rename the roadway formally as shown below.

Designation	Limits	Jurisdiction
98 Points of Light Way	S.R. A1A/Collins Avenue between 87th Terrace and 88th Street	Town of Surfside

After the resolution has been adopted, the Town can mail or e-mail it to:

Florida Department of Transportation
District Six, Planning and Environmental Management Office
Attn: Daniel Lameck
1000 NW 111th Avenue
Miami, FL 33172
E-mail: Daniel.Lameck@dot.state.fl.us

Thank you for your assistance with coordinating this important effort. If you have any questions, please contact Mr. Lameck at 305-470-5227.

Sincerely,

DocuSigned by:
Stacy L. Miller
9A89F25A78144F3...

Stacy L. Miller, P.E.
District Six Secretary

DocuSign Envelope ID: C41C5817-2AEC-496E-AC59-E01D50AD1A6D

Enclosure

cc: Daniel Iglesias, P.E., Florida Department of Transportation
Tish Burgher, Florida Department of Transportation
Dat Huynh, P.E., Florida Department of Transportation
Ken Jeffries, Florida Department of Transportation
Ana Calleja, P.E., Florida Department of Transportation

CHAPTER 2022-225

House Bill No. 1469

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. 98 Points of Light Way designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.R. A1A/Collins Avenue between 87th Terrace and 88th Street in Miami-Dade County is designated as "98 Points of Light Way."

(2) The Department of Transportation is directed to erect suitable markers designating 98 Points of Light Way as described in subsection (1).

Section 2. This act shall take effect July 1, 2022.

Approved by the Governor June 24, 2022.

Filed in Office Secretary of State June 24, 2022.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

MEMORANDUM

ITEM NO. 3C.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Andrew Hyatt, Town Manager

Date: September 13, 2022

Subject: **FY 2022 Budget Amendment Resolution No. 9**

Town Administration recommends approval of the budget amendment.

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

The Town Commission monitors the budget to actual summary at the fund level monthly on each agenda. The Town Manager is authorized by the Charter to make adjustments within funds so long as the appropriation for each fund is not exceeded. The purpose of this budget amendment is for the Town Commission to amend the FY 2022 annual budget and to recognize changes in revenues and expenditures that differ from the adopted budget.

The attached document represents the amendment that ensures compliance with State law, Town Charter, and sound financial management practices.

Staff has reviewed FY 2022 actual revenues and expenditures and recommends a change to the FY 2022 Annual Budget is as follows:

GENERAL FUND (Attachment A)
The General Fund is being amended to:

1. Record the receipt of a $20,000 donation from The Miami Foundation for Champlain Towers South anniversary event support;
2. Record the receipt of $1,024,888 from FEMA for reimbursement of Champlain Towers South mutual aid costs;
3. Record the use of $15,000 from fund balance to fund additional needs for the Champlain Towers South anniversary event;
4. Appropriate $1,059,888 for the following expenditures:
    a. mutual aid costs for Champlain Towers South collapse ($1,024,888);
    b. additional needs for the Champlain Towers South anniversary event ($35,000).

MUNICIPAL PARKING FUND (Attachment A)
The Municipal Parking Fund is being amended to:

1. Appropriate $15,000 of current year reserves for pay-by-phone transaction fees and merchant fees additional needs.

SOLID WASTE FUND (Attachment A)
The Solid Waste Fund is being amended to:

1. Appropriate $31,782 of current year reserves for solid waste disposal cost additional needs.

FLEET MANAGEMENT FUND (Attachment A)

The Fleet Management Fund is being amended to:

1. Record the receipt of insurance proceeds of $1,618;
2. Appropriate $1,618 of those proceeds for vehicle repairs.

Resolution Approving Budget Amendment No. 9 for FY 2022.DOCX

Attachment A - FY2022 Budget Amendment No. 9.pdf

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING BUDGET AMENDMENT NO. 9 FOR THE FISCAL YEAR 2022 BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 30, 2021, the Town of Surfside (the "Town") Commission adopted Resolution No. 2021-2820 approving the budget for Fiscal Year 2022 and establishing revenues and appropriations for the Town; and

WHEREAS, the General Fund is being amended to (1) record the receipt of a $20,000 donation from The Miami Foundation, Inc. for the Champlain Towers South Anniversary event support; (2) record the receipt of $1,024,888 from the Federal Emergency Management Agency (FEMA) for reimbursement of Champlain Towers South mutual aid costs; and (3) record the use of $15,000 from fund balance to fund additional needs for the Champlain Towers South anniversary event; and

WHEREAS, the General Fund is being further amended to appropriate $1,059,888 for the following expenditures: (1) $1,024,888 towards mutual aid assistance costs incurred during the Champlain Towers South collapse emergency; and (2) $35,000 for the Champlain Towers South anniversary event.; and

WHEREAS, the Municipal Parking Fund is being amended to appropriate $15,000 of current year reserves for pay-by-phone transaction fees and merchant fees additional needs; and

WHEREAS, the Solid Waste Fund is being amended to appropriate $31,782 of current year reserves for solid waste disposal cost and additional needs; and

WHEREAS, the Fleet Management Fund is being amended to (1) record the receipt of insurance proceeds of $1,618; and (2) appropriate $1,618 of those proceeds for vehicle repairs; and

WHEREAS, the Town Commission desires to amend the Fiscal Year 2022 budget by amending the General Fund, the Municipal Parking Fund, the Solid Waste Fund, and the Fleet Management Fund, all as set forth in Attachment "A" attached hereto; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

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

Section 2. Approving Amended Budget; Budget Amendment No. 9. That the Town Commission approves the 2022 fiscal year budget amendments provided for in Attachment "A" attached hereto.

Section 3. Implementation. The Town Manager and/or his designee are directed to take any and all action necessary to accomplish the Budget amendments and the purposes of this Resolution.

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

PASSED AND ADOPTED on this 13th day of September, 2022.

Motion By: _____

Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman	____
Commissioner Marianne Meischeid	____
Commissioner Nelly Velasquez	____
Vice Mayor Jeff Rose	____
Mayor Shlomo Danzinger	____

_____
Shlomo Danzinger, Mayor

Attest:

_____
Sandra McCready, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

TOWN OF SURFSIDE
BUDGET AMENDMENT
ATTACHMENT A

Fiscal Year 2021/2022 9/13/2022
BA No. 9
Fund Nos. 001 General Fund
401 Municipal Parking Fund
403 Solid Waste Fund
501 Fleet Management Fund

Account Number		Account Description	Justification	Original/ Adjusted Budget	Increase	Decrease	Adjusted Budget
GENERAL FUND							
REVENUES							
001-511-392-00-00		Appropriated Fund Balance	Appropriate for Champlain Towers South (CTS) anniversary event	$7,165,680	$15,000		$7,180,680
001-511-366-10-10		Contributions & Donations	The Miami Foundation donation for CTS anniversay event support	$12,000	$20,000		$32,000
001-590-331-50-25		Federal Grant - FEMA (Champlain)	Reimbursement from FEMA for CTS mutual aid	$0	$1,024,888		$1,024,888
TOTAL		**GENERAL FUND REVENUES**			**$1,024,888**	**$0**	
EXPENDITURES							
001-6700-525-83-10		Mutual Aid - Local Govts	Champlain Towers South mutual aid	$0	$1,024,888		$1,024,888
001-7900-590-49-11		Miscellaneous Expense	Champlain Towers South anniversary event additional needs	$97,000	$35,000		$132,000
TOTAL		**GENERAL FUND EXPENDITURES**			**$1,059,888**	**$0**	

MUNICIPAL PARKING FUND							
EXPENDITURES							
402-9500-545-99-10		Return to Reserves	Additional needs - pay-by-phone transaction fees and merchant fees	$ 82,187		$ 15,000	$ 67,187
402-9500-545-52-25		Bank & Merchant fees		$ 189,000	$ 15,000		$ 204,000
TOTAL		**MUNICIPAL PARKING FUND EXPENDITURES**			**$ 15,000**	**$ 15,000**	

SOLID WASTE FUND							
EXPENDITURES							
403-4000-534-99-10		Return to Reserves		$ 31,782		$ 31,782	$ -
403-4000-534-34-10		Contractual Services	Additional needs - MDC disposal costs	$ 458,985	$ 31,782		$ 490,767
TOTAL		**SOLID WASTE FUND EXPENDITURES**			**$ 31,782**	**$ 31,782**	

FLEET MANAGEMENT FUND							
REVENUES							
501-539-369-10-00		Cost Recovery - Insurance Proceeds	Insurance proceeds for vehicle repair claims.	$ -	$ 1,618		$ 1,618
TOTAL		**FLEET MANAGEMENT FUND REVENUES**			**$ 1,618**	**$ -**	
EXPENDITURES							
501-5000-539-46-12		Repairs & Maint - Vehicles	Additional needs for vehicle repairs.	$ 179,056	$ 1,618		$ 180,674
TOTAL		**FLEET MANAGEMENT FUND EXPENDITURES**			**$ 1,618**	**$ -**	

MEMORANDUM

ITEM NO. 3D.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Andrew Hyatt, Town Manager

Date: September 13, 2022

Subject: **Town of Surfside Fiscal Year 2023 Grants**

Town Administration recommends approval of the attached resolution to allow the Town to submit for grants with some possible matching funds from the Town.

The Town of Surfside staff has been successful in the last fiscal year to secure grants for: Surfside Drainage Improvement & Flood Hazard Mitigation Plan (DEO); Abbot Avenue Drainage Improvements (FDEP), and Collins Avenue Water Main replacement design phase (FDEP). The Town staff would like to continue to search, prepare, and submit grant applications for the upcoming Fiscal Year 2023 to help advance the Town's priority projects and leverage external available funding that would benefit the Surfside community. Town staff has identified several areas in which funding might be available:

- Replacement of Existing Pipes along Collins Avenue construction
- Replacement of Existing Water Pipes along Bay Drive Design
- Various Drainage Improvements
- Undergrounding of Utilities
- Coastal Dune Restoration: Increase dune heights; removal of invasive species; planting of natives
- Town Cat. 5 Storm Hardening
- Town-wide Vulnerability Assessment
- Tree Canopy Improvements
- Security System Upgrades
- Public Safety vehicles
- Electric Charging Stations
- Police Professional Development, Training, and Equipment
- Downtown Streetscape Urban Walkability upgrades
- Harding and Collins Avenues - Crosswalks

If selected for an award by the grant funder, the Town at that time will seek Town Commission approval, as needed, through a resolution for the individual award acceptance prior to executing any related grant agreements, accepting any grant funds and/or committing any Town matching fund if the grant requires such a commitment.

Resolution Approving and Supporting FY 2023 Grant Applications For Various Town

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND SUPPORTING THE SUBMISSION OF GRANT APPLICATIONS FOR TOWN'S PRIORITY PROJECTS BETWEEN OCTOBER 1, 2022, AND SEPTEMBER 30, 2023, SUBJECT TO AND PENDING FINAL ACCEPTANCE OF AWARDED FUNDS AND APPROVAL OF GRANT AGREEMENTS BY THE TOWN COMMISSION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ('Town") is desires to implement various Town priority projects, a list of which is attached hereto as Exhibit "A" (the "Priority Projects") to better serve the needs of the Surfside community through prioritization of community services, public works, parks and recreation, police, utilities, and planning activities; and

WHEREAS, the Town is actively researching funding opportunities and has identified several viable grant options offered by agencies such as the Florida Department of Environmental Protection, Florida Department of Transportation, Florida Department of Economic Opportunity, and the Florida Inland Navigation District, among other entities that fund local governments including municipalities such as the Town; and

WHEREAS, the Town would like to seek, prepare, and submit grant applications for fiscal year 2022-23 to help advance the Town's Priority Projects and leverage external available funding that would benefit the community of Surfside; and

WHEREAS, the Town desires to submit such grant applications during the fiscal year beginning October 1, 2022, through September 30, 2023, and, if selected for an award by the grant funder, the Town at that time will seek Town Commission approval through a resolution for the individual award acceptance and prior to executing any

related grant agreement, accepting any grant funds and/or committing any Town matching funds if the grant requires such a commitment; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the Town and its residents.

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

Section 1. Recitals. Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Approval and Support of Grant Application Submissions. The Town Commission hereby approves and supports the Town Administration's and Staff's preparation and submittal of various grant applications in connection with various Town Priority Projects for the fiscal year commencing October 1, 2022, through September 30, 2023, subject to and pending final approval of all grant awards and grant agreements by the Town Commission.

Section 3. Authorization; Acceptance of Grant Awards. The Town will seek Commission approval prior to acceptance of any awarded grant and prior to executing any grant agreement for the Priority Projects, including any grants that would require the commitment of Town matching funds.

Section 4. Implementation. The Town Manager and Town Officials are authorized to take any and all necessary action to implement the grant seeking and application process for the Priority Projects, including researching viable grant opportunities, and preparing and submitting grant applications for consideration by a grant funding agency.

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

PASSED AND ADOPTED this 13th day of September, 2022.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:
Commissioner Fred Landsman _____
Commissioner Marianne Meischeid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

_____
Shlomo Danzinger, Mayor

ATTEST:

_____
Sandra McCready, MMC
Town Clerk

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

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

EXHIBIT "A"
PRIORITY PROJECTS FOR GRANT FUNDING

Town Staff is seeking to apply for grant funding for the Town's Fiscal Year 2022-23 Priority Projects to benefit the Surfside community. Fiscal Year 2022-23 Priority Projects identified by Town Staff, in no particular order, are as follows:

1. Replacement of Existing Pipes along Collins Avenue construction;
2. Replacement of Existing Water Pipes along Bay Drive Design;
3. Various Drainage Improvements;
4. Undergrounding of Utilities;
5. Coastal Dune Restoration: Increase dune heights; removal of invasive species; planting of natives;
6. Town Category 5 Storm Hardening;
7. Town-wide Vulnerability Assessment;
8. Tree Canopy Improvements;
9. Security System Upgrades;
10. Public Safety vehicles;
11. Electric Charging Stations;
12. Police Professional Development, Training, and Equipment;
13. Downtown Streetscape Urban Walkability upgrades; and
14. Harding and Collins Avenues – Crosswalks.

MEMORANDUM

ITEM NO. 3E.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Andrew Hyatt, Town Manager

Date: September 13, 2022

Subject: **Resolution Supporting the Town's Florida Department of Environmental Protection (FDEP) Grant Application for the Dune Restoration Project**

Town Administration recommends approval of the attached resolution.

The Town of Surfside staff submitted to the Florida Department of Environmental Protection (FDEP) a grant application for beach funding for dune restoration. The Town is seeking funds for design and construction in the amount of $470,800. The Town would match the projects costs in the amount of $473,300 to implement the project. The project would run from 10/1/2022 to 9/30/2024. The Town will work with the non-federal sponsor Miami-Dade County to ensure all federal, state and local related requirements including permits are complied with.

Design: The Town will select a consultant to prepare design documents and secure required permits for the work to be completed during the construction phase. The design phase is estimated to cost $72,000.

Construction: The Town will select contractors to support with the following tasks:
- Removing invasive plant species
- Installing a diverter dune at critical areas
- Reinforcing the eastern boundary of the system
- Increasing dune height at various areas, and
- Installing additional native plant species.

The construction phase is estimated to cost $869,600.

Monitoring: The Town will commit in-house experienced staff to comply with all post-construction monitoring requirements required by the FDEP and related regulatory agencies. The Town will absorb this cost through its local funds.

The Town will seek grant reimbursement in part for the design and construction phases of the project as allowable and eligible under the grant requirements.

Resolution Supporting the Town's FDEP Grant Application For the Dune Restoration Project.DOCX

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, SUPPORTING THE TOWN'S FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) GRANT APPLICATION FOR THE DUNE RESTORATION PROJECT; CONFIRMING THE TOWN'S ABILITY TO FUND AND SUPPORT THE PERMITTING, DESIGN, CONSTRUCTION, AND MONITORING OF THE TOWN'S DUNE RESTORATION PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") is the entity responsible for the maintenance and preservation of the beach adjacent to the Town that is the subject of the Town's Dune Restoration Project (the "Project"); and

WHEREAS, the Project consists of three phases: (1) the design phase, including design and permitting for the Project; (2) the construction phase, including removal of invasive plant species, installation of diverter dunes, reinforcement of the eastern boundary of the dune, and installation of native plant species; and (3) the monitoring phase, including post-construction monitoring as required by the Florida Department of Environmental Protection ("FDEP") and related regulatory agencies; and

WHEREAS, the Town has submitted a grant application (the "Grant") to the FDEP to assist in the funding of the Project; and

WHEREAS, the Town supports the permitting, design, construction, and monitoring of the Project; and

WHEREAS, the Town is willing to serve as the local sponsor for the Project and commits to appropriating full funding of the local share of a state approved project in its capital improvement budget for the design and permitting phase of the Project; and

WHEREAS, the Town Commission has determined that the Project, the Grant, and the adoption of this Resolution are in the best interest of the Town and its residents.

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

Section 1. Recitals. Each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Supporting the Project and the FDEP Grant. The Town Commission hereby confirms its support for the Grant and the Project.

Section 3. Funding of Project. The Town Commission hereby confirms that it shall provide the balance of any funding required for the permitting, design, construction, and monitoring of the Project that is not funded by Miami-Dade County, FEMA, the State of Florida, FDEP, or any other related regulatory governmental agency.

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

PASSED AND ADOPTED this 13th day of September, 2022.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:
Commissioner Fred Landsman _____
Commissioner Marianne Meischeid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

_____
Shlomo Danzinger, Mayor

ATTEST:

_____
Sandra McCready, MMC
Town Clerk

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

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

MEMORANDUM

ITEM NO. 3F.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Town Manager, Andrew Hyatt

Date: September 13, 2022

Subject: **New Visit Surfside Tourism Website**

Staff recommends authorizing $57,900 tourism Resort Tax expenditure for the redesign of the new VisitSurfsideFl.com website allowing the Town Manager and Town Attorney to negotiate and enter into agreement with Simpleview.

The Town's Tourist Bureau is planning to redesign and relaunch its visitor website, www.visitsurfsidefl.com. The current website is built within the Town's municipal website provider, Sitefinity; a platform that is not designed for dynamic, large-scale visuals which are standard on tourism websites. It is important for the Town to have a world-class website reflecting the standard of our community and destination.

The Tourist Bureau contacted and spoke to several additional website providers with previous experience in the tourism sector; however, this purchase is exempt from competitive procurement pursuant to section 3-13(2) of the Town Code as a Professional Service.

It is a top priority for Department staff to be able to manage all content on the site internally once built without engaging consultants or outside agencies; therefore, staff recommends engaging Simpleview for the website redesign. Additional website providers that were researched include WIX, Four Square, Purrweb and Clay Global. None of them offer the same value as Simpleview when you analyze features and cost, or have the same track record of success in the hospitality sector.

Simpleview is the industry leader in tourism websites working with dozens of major destinations, big and small alike. Their clients include VISIT FLORIDA, Greater Miami Convention & Visitors Bureau, Destination Toronto, Palm Coast and the Flagler Beaches, Tampa Bay, Daytona Beach, Punta Gorda and countless others.

The CMS platform, billed annually, includes the website hosting, all developer updates and upgrades, reduced website support, open source extensions, an extranet for partner listings (local businesses) and many other features. As an Add On Service, staff recommends including the SEO Lite package for Search Engine Optimization (SEO) services which are important when launching a website. More information can be found in the proposal. Simpleview uses a 12-step process to develop a custom-built website that is up to Surfside's standards as a five-star destination, is easily manageable by staff, and offers partner listings and extranet which is a direct benefit for Surfside businesses.

Fully funded by Tourism Resort Tax-Tourist Bureau in an amount totaling $57,900 - $25,500 for one-time redesign, $17,400 annually for the CMS platform, and $15,000 for Search Engine Optimization (SEO) services (first year).

This Resolution would approve the proposal and authorize the Town Manager and Town Attorney to negotiate and enter into agreement with Simpleview.

Resolution Approving Purchase of Services from SimpleView for Visit Surfside Website.DOCX

Town of Surfside Simpleview Proposal.pdf

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH SIMPLEVIEW, LLC FOR WEBSITE CONSULTING, DEVELOPMENT, AND HOSTING SERVICES FOR THE REDESIGN AND RELAUNCH OF THE TOWN'S "VISIT SURFSIDE" VISITOR WEBSITE; FINDING THAT THE PURCHASE OF SERVICES IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(2) OF THE TOWN CODE; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the "Town") is in need of certain consulting, development, and hosting services for the redesign and relaunch of the Town's "Visit Surfside" visitor website (the "Services"); and

WHEREAS, Simpleview, LLC (the "Contractor") has submitted a proposal for the Services, attached hereto as Exhibit "A," in the total not to exceed amount of $57,900: (i) $25,500 for one-time redesign; (ii) $17,400 annually for the Content Management System platform; and (iii) $15,000 for Search Engine Optimization (SEO) services due the first year (the "Proposal"); and

WHEREAS, the Tourist Bureau has researched website providers with previous experience in the tourism sector and found that Simpleview was most qualified;

WHEREAS, Section 3-13(2) of the Town Code of Ordinances ("Code") provides that contracts for professional services, except for those contracts governed by F.S. §287.055 (the Consultants Competitive Negotiations Act), are exempt from the competitive bidding procedures of Chapter 3 of the Town Code; and

WHEREAS, the Town Commission finds that waiver of competitive bidding for the Services pursuant to Section 3-13(2) of the Town Code and this Resolution are in the best interest and welfare of the Town.

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

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval and Authorization to Purchase Services; Exemption from Competitive Bidding. The Town Commission hereby approves the purchase of the Services from the Contractor in a total not to exceed amount of $57,900: (i) for a one-time cost of $25,500 for redesign; (ii) $17,400 annually for the Content Management System platform; and (iii) $15,000 for Search Engine Optimization (SEO) due for the first year. The Town Manager is authorized to negotiate and execute an agreement with the Contractor based on the Proposal attached hereto as Exhibit "A," subject to the approval as to form, content, and legal sufficiency by the Town Attorney and Town Manager. The Town Commission finds that pursuant to Sections 3-13(2) of the Town's Code, the purchase of the Services is exempt from competitive bidding.

Section 3. Implementation. The Town Manager and Town Officials are authorized to take any and all necessary or further action to implement the purchase of the Services and the purposes of this Resolution.

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

PASSED AND ADOPTED this 13th day of September, 2022.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman _____
Commissioner Marianne Meischeid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

_____
Shlomo Danzinger, Mayor

ATTEST:

_____
Sandra McCready, MMC
Town Clerk

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

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

Town of Surfside Tourist Bureau

website design proposal

Let's make something

INSPIRING

simpleview

Document Overview

3 Company Overview

10 Simpleview Solutions

11 Website Design & Development

20 Portfolio

27 Simpleview CMS

41 Investment Summary

47 Additional Services to Consider

Company Overview

SIMPLEVIEW AT A GLANCE

STRUCTURE

Founded in 2001

North Carolina
Limited Liability Company

400+ Employees

LEADERSHIP

Ryan George, CEO

Rich Reasons, President

Bill Simpson, CTO

Patrick Eichen, COO

OFFICE LOCATIONS

HEADQUARTERS

8950 N. Oracle Road
Tucson, AZ 85741
520 575 1151

PITTSBURGH OFFICE

7 Parkway Center Dr S #679,
Pittsburgh, PA 15220
412 254 9000

EUROPE OFFICE

1.02 South Harrington Building
182 Sefton Street
Brunswick Business Park
Liverpool L3 4BQ
United Kingdom

REMOTE OFFICES

Austin, TX
Ava, MO
Bend, OR
Canton, OH
Cardiff, Wales
Clermont, FL
Clovis, NM
Denver, CO
Fayetteville, NC
Flagstaff, AZ
Los Angeles, CA
Milwaukee, WI
Mexico City, Mexico
Nashville, TN
Oslo, Norway
Pereira, Colombia
Phoenix, AZ
San Diego, CA
San Francisco, CA
Santa Fe, NM
Vancouver, Canada
Wilmington, NC
Zurich, Switzerland

Experience

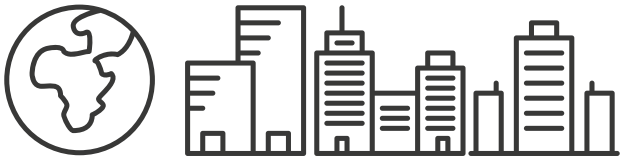
Simpleview has been serving DMOs since 2001. We have more experience and expertise in delivering E-Tourism solutions than any other agency. Period.

Expertise

Simpleview currently works with 900+ DMOs throughout the world. We have designed and developed more than 400 DMO websites, and our Destination Management System - Simpleview CRM - is used by more than 500 DMOs.

DMO Focus

Simpleview is dedicated to the destination marketing industry as 99% of our business is tourism related. We serve on the board for organizations such as Destinations International, US Travel, ICCA, MPI and others. We have a customer advisory board and several user groups continuously collaborating with our leadership and R&D teams to ensure Simpleview is addressing the ever-changing needs of DMOs.



OUR CORE **SOLUTIONS**

Website Design & Development

Award-winning and inspiring responsive website designs backed by research, analytics and user testing.

Content Management System (Simpleview CMS)

Powerful and easy-to-use CMS built specifically for DMOs, with a drag-and-drop interface and real-time responsive previews.

Destination Management System (Simpleview CRM)

Web-based CRM built for partner management, group sales, visitor inquiries, event management, media relations, email marketing, reporting and more.

Digital Marketing Services

Simpleview is a Google Premier Partner with a comprehensive Digital Marketing Team to help maximize your online marketing from SEO to paid media.

Strategic Planning & Consulting

From content audits to target audience profiles and campaigns, your dedicated Simpleview team will serve as a strategic advisor and extension of your staff.

Additional Services

- Web-Based Proposals
- Marketing Automation
- User-Generated Content
- Digital Accessibility
- Website Monetization
- Attractions Booking System
- Referral Engine
- Business Intelligence
- Destination Apps
- Stakeholder Engagement
- Digital Asset Management
- Destination Dashboards
- Conversion Rate Optimization
- Search Engine Optimization
- Paid Media
- Immersive Storytelling
- Content Creation

WHO'S WHO AT SIMPLEVIEW

Every DMO is unique, as is each client's relationship with Simpleview. You can expect expert, professional customer service and support through every step of our partnership. Below are a few of the folks that you will most likely interact with as we provide you solutions to make your team's day-to-day tasks more productive and efficient.

CUSTOMER EXPERIENCE

As a Simpleview client, you'll have a dedicated Customer Success Representative who will help ensure your projects are on schedule and meeting your requirements. They will make recommendations on what solutions will best support your current and future needs, help plan your digital marketing budget, coordinate calls, and offer insight into industry trends and best practices.

TERRY KIMBERLIN, OFFICE MANAGER

Terry is absolutely indispensable to us on many levels; she has a keen eye for detail and is a model of exceptional customer service. She'll direct you to the right person when you call, make sure you feel at home when you visit our offices, and if she can't answer your questions she'll find the right person to help you right away.

THE PRODUCT DEVELOPMENT TEAM

Our hard-working developers research all custom scope requests and are constantly updating our platforms to ensure our clients receive the most up-to-date core offerings. They also maintain the Knowledgebase so you can stay informed on how Simpleview's tools can best support your team.

THE IT EXPERTS

You can rest assured that our IT department works tirelessly to ensure your products are supported and performing to expectation. They realize the importance of prompt and open communication with clients regarding any potential service interruption due to updates or other system maintenance. They'll never leave you in the dark.

THE FINANCE FOLKS

Our number crunchers are meticulous about making sure all contracts are accurate, invoices are up-to-date, and services are billed at the appropriate time. No surprises here.

THE EXECUTIVE TEAM

Our CEO and founder, Ryan George, knows the travel industry inside and out. He also knows the importance of strong professional partnerships and business relationships. An active member of an executive team dedicated to developing new innovations and solutions, Ryan is absolutely someone you will encounter while working with Simpleview.

BIG-TIME CUSTOMER SERVICE

with a small town feel

Actions speak louder than words. And while many brands talk the talk about being customer-centric, our sales and account services teams here at Simpleview walks the walk each and ever day. You're more than just a client to us, you're a friend. And with nearly 90 years of combined experience, our teams are uniquely positioned to handle the ever-evolving landscape of travel and tourism and create exceptional outcomes for your destination marketing organization.

As we've grown, we've developed a scalable team structure that ensures our low client-to-staff ratio delivers the highest level of customer service for your DMO. The close relationships we enjoy with our clients – and hope to realize with you – are the byproduct of our customer-centric mindset.

NEW CLIENT ONBOARDING

At Simpleview, we are dedicated to providing clients with a variety of resources for ongoing education and best practices. Simpleview offers a myriad of live and on-demand resources both during initial on-boarding, and beyond, to ensure your team will become experts on our suite of products and services in no time!

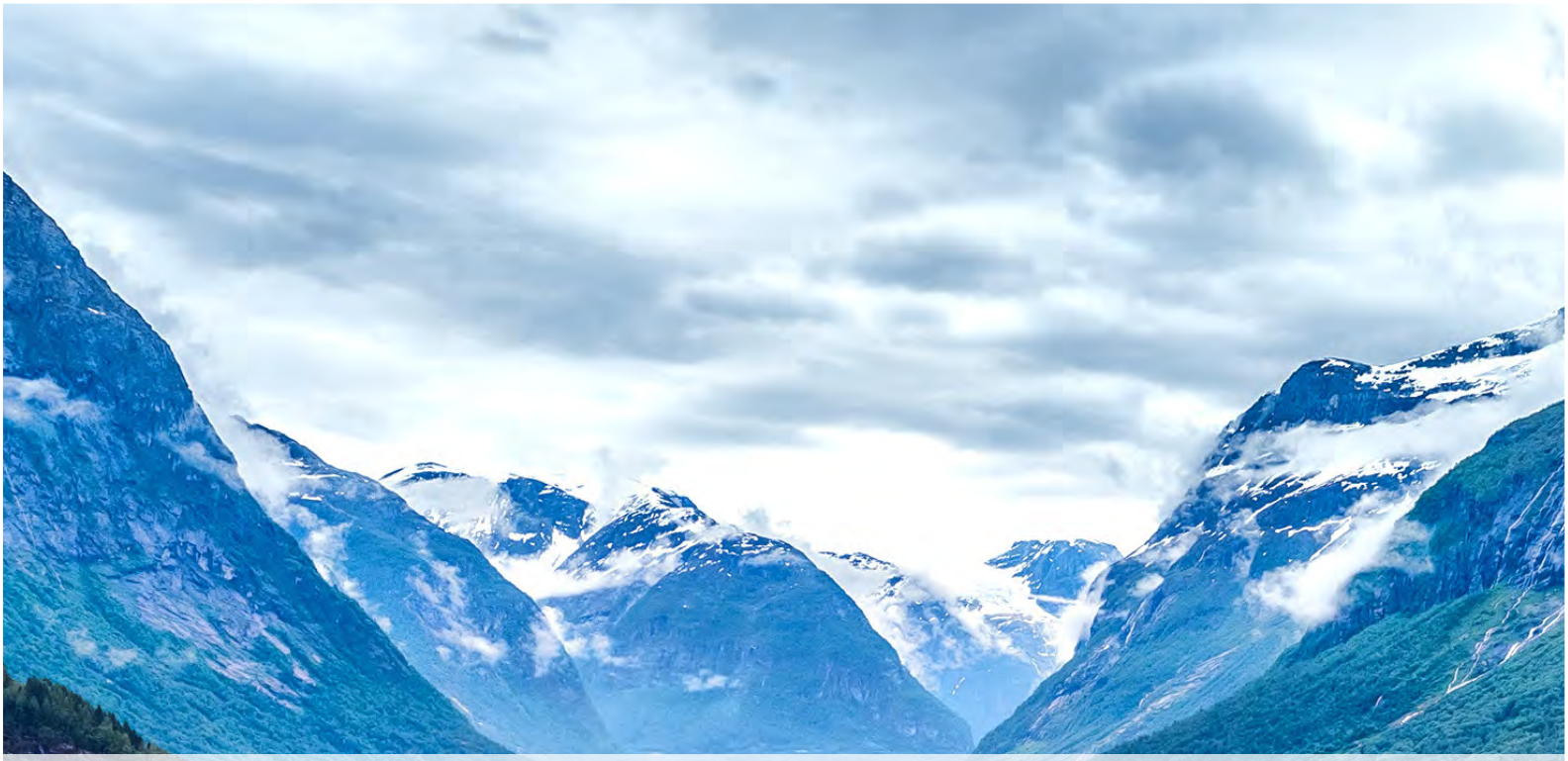
WEBINARS | PRODUCT TRAININGS | CLIENT FORUMS | TICKETING SYSTEM | BRAINERY

"We are not just the "sales" team. We care and nurture, and fight for our clients. It doesn't matter how big Simpleview gets or how many clients we have; the Customer Success team is always on and will always answer client questions and concerns on the weekends."

– Crystal Franke | Customer Success Director

Example Clients

Below is a small sampling of Simpleview clients. We invite you to view our full client list at https://www.simpleviewinc.com/client-success/clients.



Simpleview Solutions

Website Design & Development

Smart, proven, beautiful design. That's what you see, but Simpleview websites are more than meets the eye.

We've been building destination websites since 2001, and have continued to build more than 400 sites for places as far apart and different as the town of Mat-Su, Alaska, the State of New Mexico, and the country of Norway.

WHAT YOU'LL FIND IN THIS SECTION:

Design Overview

EXPERIENCE DESIGN (XD)

Smart, proven, beautiful.

Simpleview's Experience Design group creates each DMO's website from scratch, specific to the destination, and focuses on the quality of the user's overall experience. We work with you to bring your location to life in distinctive ways, creating a custom design meant to leave a lasting impression.

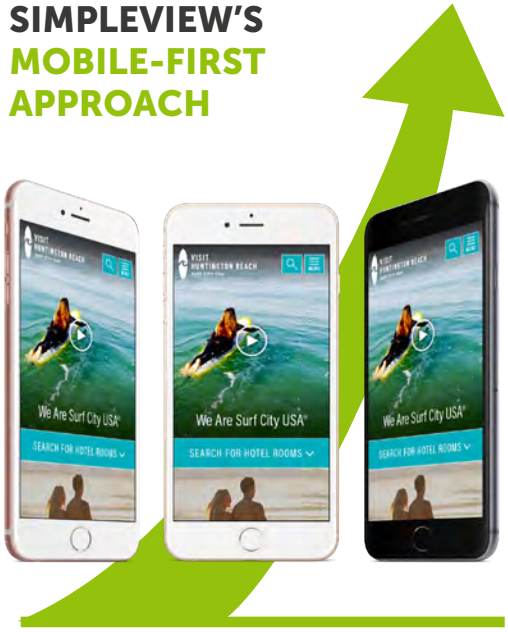
We collaborate closely with our talented CMS developers, who turn your individual design into an easily and efficiently managed content solution. All along the way, your dedicated Simpleview Project Manager, Experience Design Lead, Interactive Designer, Search Engine Optimization (SEO) Analyst, and CMS Developers communicate openly so there are no surprises.

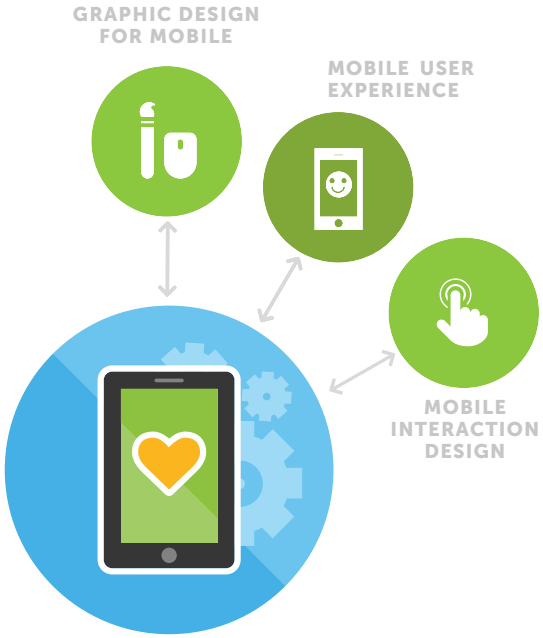
RESPONSIVE DESIGN

As smartphone and tablet use continues to proliferate, (not to mention smart TVs and wearable tech) it is critically important to make your content available to audiences when and where they want it. While there are certainly cases where a dedicated native app makes sense (Simpleview has an entire division – VisitApps– dedicated to mobile app development), Simpleview's go-to approach in recent years has been responsive design.

For the majority of our clients, traffic from mobile devices has surpassed desktop traffic. We therefore recommend a mobile-first approach, and we can collaborate with you to prioritize the most important requirements and elements for various screen sizes and use cases – we can hide elements to minimize the need to scroll. Additionally, we can continue to allow users to search "what's nearby" using geo-location.

SIMPLEVIEW'S MOBILE-FIRST APPROACH





Simpleview has designed and developed more responsive-design websites for destinations than any other firm. Through extensive analysis and usability testing, we have honed our mobile-first responsive design approach; a great deal of thought and planning goes into information architecture, wireframing, creative and UI design to ensure an optimal experience.

Whether it's a desktop PC, tablet, smartphone, kiosk or smart TV, Simpleview will help create the best possible experience for your audiences. As we will highlight later in our proposal, the Simpleview CMS itself is responsive, and allows real-time previews of pages in desktop, tablet and smartphone views.

WEBSITE BUILD PROCESS

Based on collaboration and technology expertise, and carefully reviewed-over time, our design and build process has evolved into a refined, 12-step method, meticulously designed to provide the best experience for our clients and streamline internal workflow. This proven design process reduced turnaround time from the project kick-off to design approval by more than 60%, and over 30% of the website designs presented were approved as is. Some recent design presentations even received client approval on the spot, an impressive accomplishment for all involved and a testament to prudent planning and communication.

WEBSITE DESIGN & BUILD PROCESS

1. Project Kick-Off

During kick-off, you will meet the Simpleview team that will work with you throughout the project. This team includes a Project Manager, Account Manager, Experience Design Lead, and Search Engine Optimization (SEO) Analyst. We also review the build process at a high level and identify key decision makers.

2. Orientation Meeting

After you meet your web team, your Project and Account Managers guide you through an orientation meeting. At this meeting, you can expect to review the details of your contract, discuss timelines, and get answers to any questions you may have.

3. Discovery Meeting

Your dedicated Experience Design Lead and Search Engine Marketing Analyst lead this portion of the process. They review your expectations for the new site, and discuss your brand, engagement, and content strategy.

4. Research & Planning

Throughout the research and planning phase, your SEO Analyst dives into the research and analytics for your current website audience and identifies their needs. During this period, the Experience Design group also studies your destination, often through a Destination Immersion. The team then has the background they need to create an informed strategy and well-planned solution for your new website.

DESTINATION IMMERSION

Should you opt for an immersion, your dedicated website design team will experience your destination first-hand, just as a visitor would. This unique opportunity allows us to pick up on subtle nuances that attract visitors to your destination and truly set it apart. This key element adds depth and richness to your website design. Relationships formed during the onsite helps create a synergy between other vendors, agencies, and in-house teams, and better communication helps reduce any revision cycles throughout the process.

5. Findings Presentation

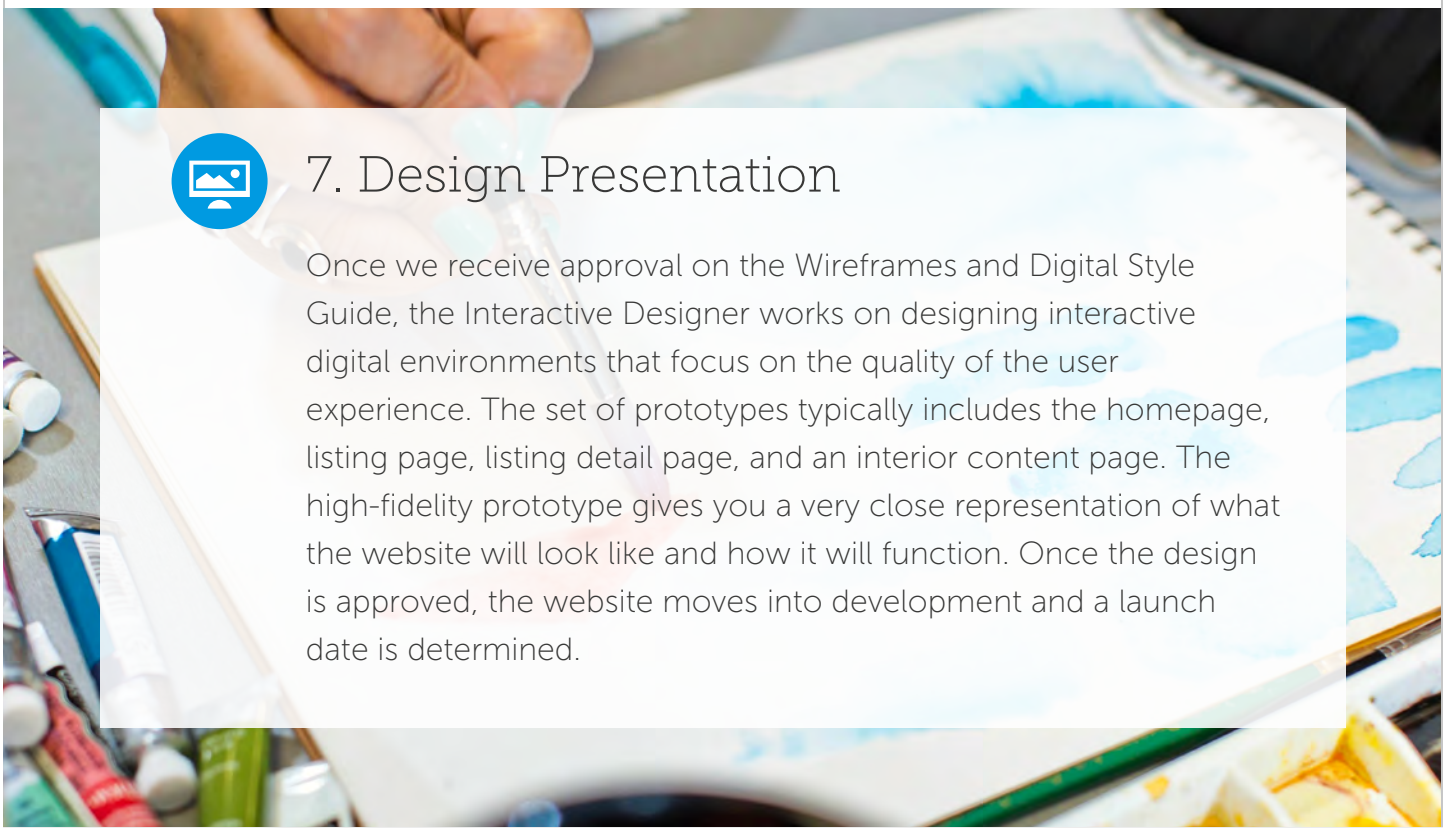
Your SEO Analyst begins the Findings Presentation by sharing analytic data that defines your website audience. We review data from multiple tracking sources and have an open discussion to review goals and key performance indicators (KPIs) for the new site. As we move into the next portion of the meeting, our Experience Design Lead reviews findings from the brand assessment and discusses how these will be integrated into your new website design. Finally, your Simpleview team presents the recommended new site structure, homepage elements, and wireframes.

6. Design Introduction & Advanced Sitemap

The Interactive Design team creates a Digital Style Guide that communicates the essence of your brand for the web. This guide is a compilation of a brand guideline, mood board, and web assets that will be used as the foundation for your new site design. It provides a catalyst for discussions around your preferences and goals.

SITEMAP

While the design phase is in progress, your Sitemap Analyst continues to work with you as they diagram a sitemap. The resulting document displays where each piece of content will reside relative to others, and what the corresponding URL (web address) will be. We adhere to best practices, which ensures our sitemaps produce sites that are optimized for search engine traffic and human usability.



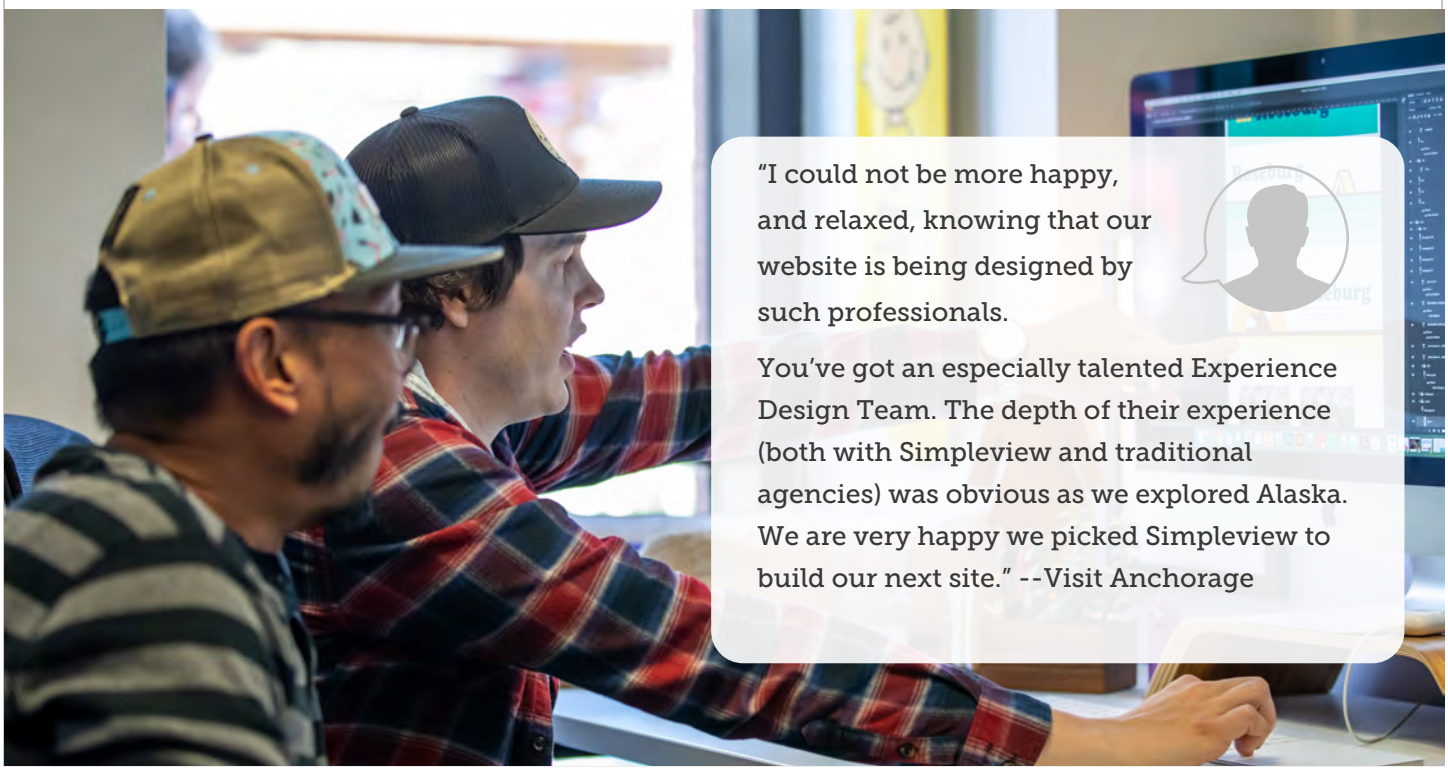
7. Design Presentation

Once we receive approval on the Wireframes and Digital Style Guide, the Interactive Designer works on designing interactive digital environments that focus on the quality of the user experience. The set of prototypes typically includes the homepage, listing page, listing detail page, and an interior content page. The high-fidelity prototype gives you a very close representation of what the website will look like and how it will function. Once the design is approved, the website moves into development and a launch date is determined.

8. Website Development

On the back-end, our sites are powered by Simpleview CMS, the industry's most advanced content management system for creating, revising, and managing website content. Our CMS uses open source solutions coupled with tried-and-true tested industry tools. It's built as a SaaS (Software as a Service) platform, which offers a scalable and modular solution for DMOs of every size and budget, the most up-to-date technology, incredibly fast service, lower support costs, and an affordable pricing structure without surprises.

Simpleview's industry expertise truly shines during the development phase. Because your Development team knows DMO's specific needs inside and out, and your Creative team understands the technology that meets those needs most effectively—your Simpleview CMS not only delivers an exhilarating design, but also intuitive functionality at its core.



"I could not be more happy, and relaxed, knowing that our website is being designed by such professionals.

You've got an especially talented Experience Design Team. The depth of their experience (both with Simpleview and traditional agencies) was obvious as we explored Alaska. We are very happy we picked Simpleview to build our next site." --Visit Anchorage

9. CMS Training

Before the site launches, we train your team on how to use the CMS. The initial training covers the basics of the CMS, such as editing menus and pages, and provides a fundamental understanding of the system so that you can begin working. Your Project Manager guides you through every section and module of your new CMS, and you will also have unlimited access to our online user forum, webinars, and document library.

10. Website Review

Our Quality Assurance team tests and reviews every piece of your site's contracted functionality. In addition, the Creative team also reviews the website to ensure it matches the design and intended performance, and your Project Manager completes a final inspection before the site is turned over to you for review.

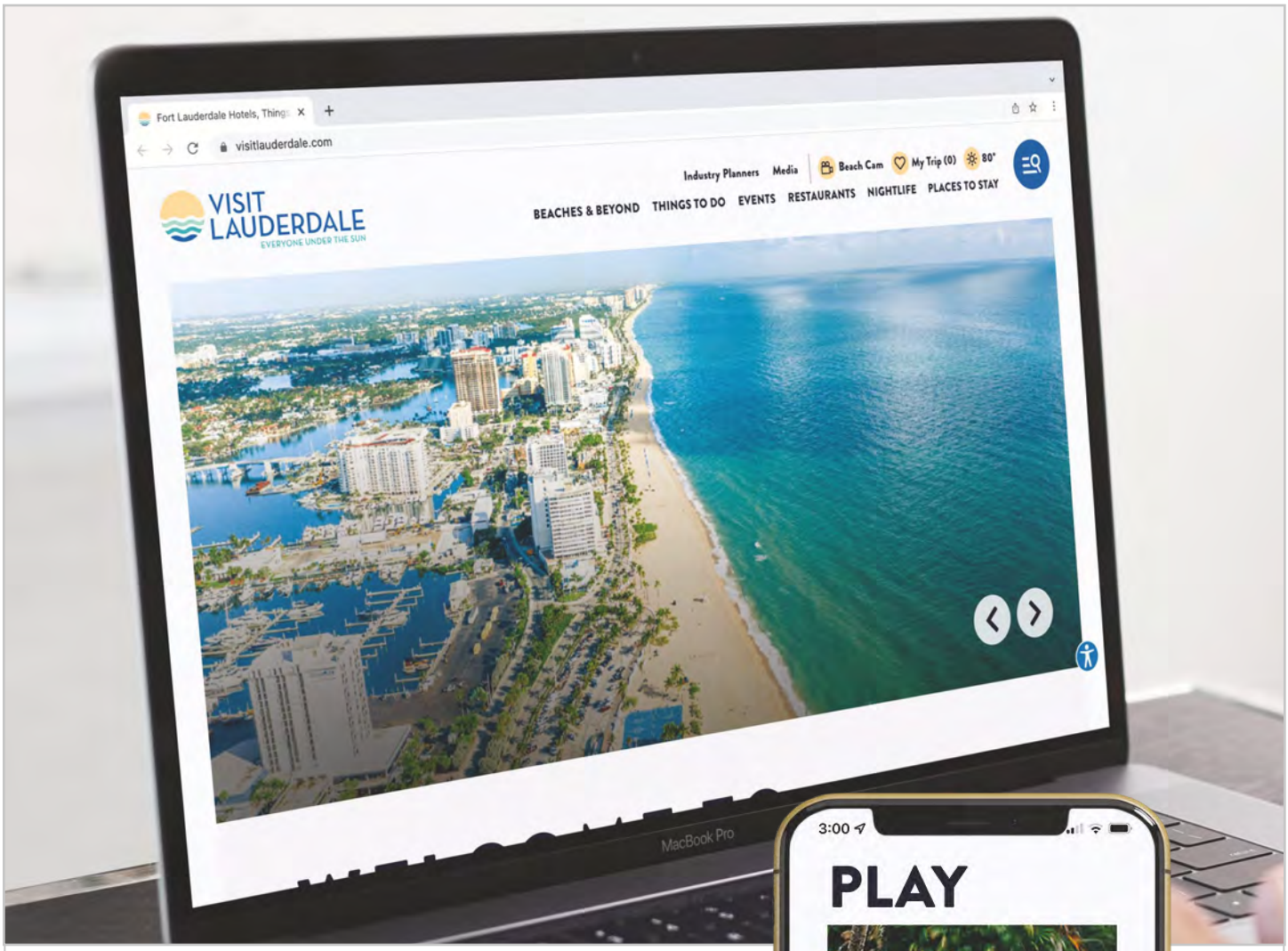
11. Website Launch

Launching your new website is an exciting, collaborative event that requires participation across multiple departments. It's time to celebrate a successful project!

12. 30-Day Punch List

In an effort to ensure the contracted functionality is delivered as promised, we provide a 30-day transition period, post-launch, so you can identify any site issues, adjustments, or abnormalities. Assigned Production teams work with your staff throughout this period to quickly resolve any concerns.

Portfolio



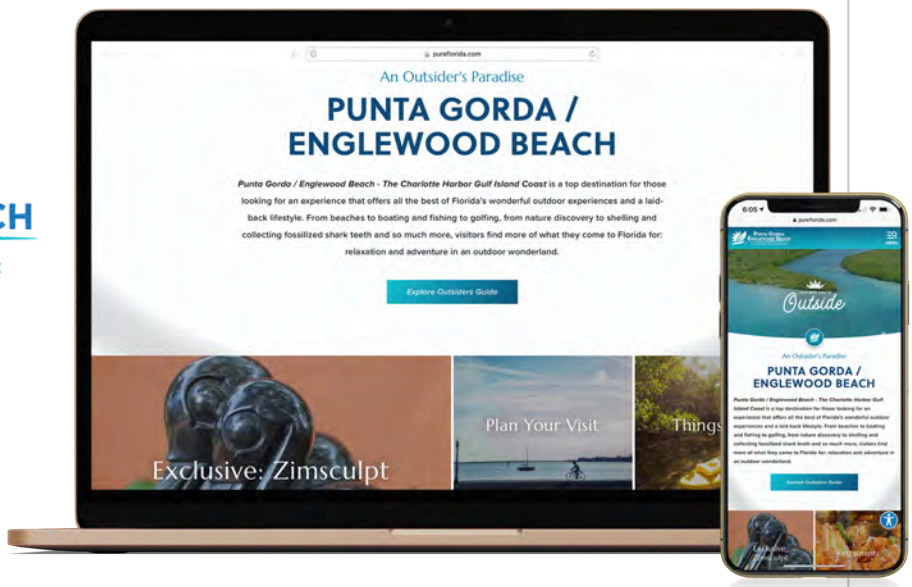
VISIT LAUDERDALE
EVERYONE UNDER THE SUN

Visit Lauderdale

VisitLauderdale.com

PUNTA GORDA ENGLEWOOD BEACH
SM
The Charlotte Harbor Gulf Island Coast

Punta Gorda/Englewood Beach
Visitor Convention Bureau
PureFlorida.com



Palm Coast AND THE FLAGLER BEACHES

Flagler County Board of County Commissioners

VisitFlagler.com

LIVCO

Livingston County Tourism

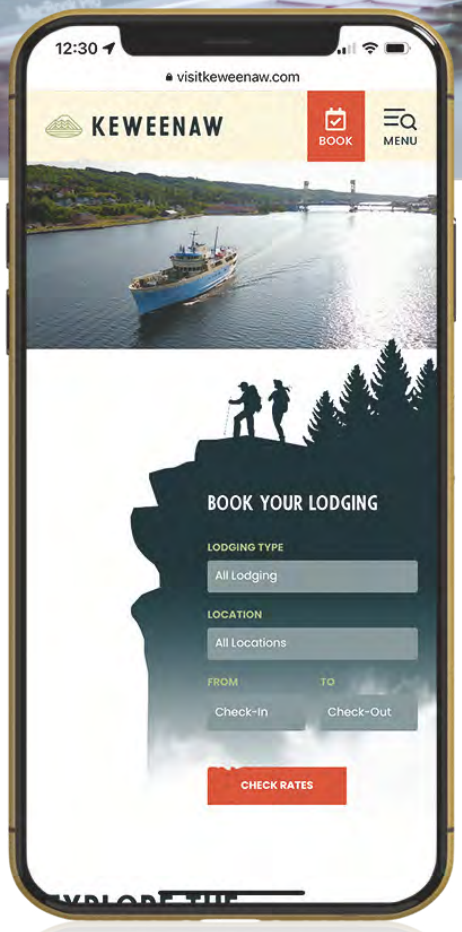
VisitLivCo.com

KEWEENAW

MICHIGAN, USA

Visit Keweenaw

VisitKeweenaw.com



FIRST DESTINATION WEBSITE EVER

experience Roseburg Oregon

Experience Roseburg

ExperienceRoseburg.com

Simpleview CMS

Simpleview CMS allows everyday users to accomplish anything they need to do, while empowering advanced users to do anything they want to do.

As industry leaders in destination marketing, we've once again pushed our platform further than ever before. Guided by client and user group feedback, Simpleview CMS is the most powerful and user- friendly content management system available for DMOs.

WHAT YOU'LL FIND IN THIS SECTION:

Simpleview CMS Overview

Module & Integration Examples

Simpleview CMS

Content Management Designed for Destination Marketing Organizations

Guided by years of client and user feedback, Simpleview CMS delivers DMOs a website management system flexible enough for both standard and advanced users, and incorporating features uniquely designed to bring the best information and services to visitors, planners, and partners. From web modules like itinerary builders to consolidated visual analytics, our CMS options are intended to address the day-to-day needs of DMOs, right out of the box. Because our CMS is built as a Software as a Service (SaaS) platform, users receive higher quality updates, faster. Plus, you benefit long-term from the scalability. Redesigning your site down the line to meet new goals is easier and more cost-efficient.

Open Source Solutions

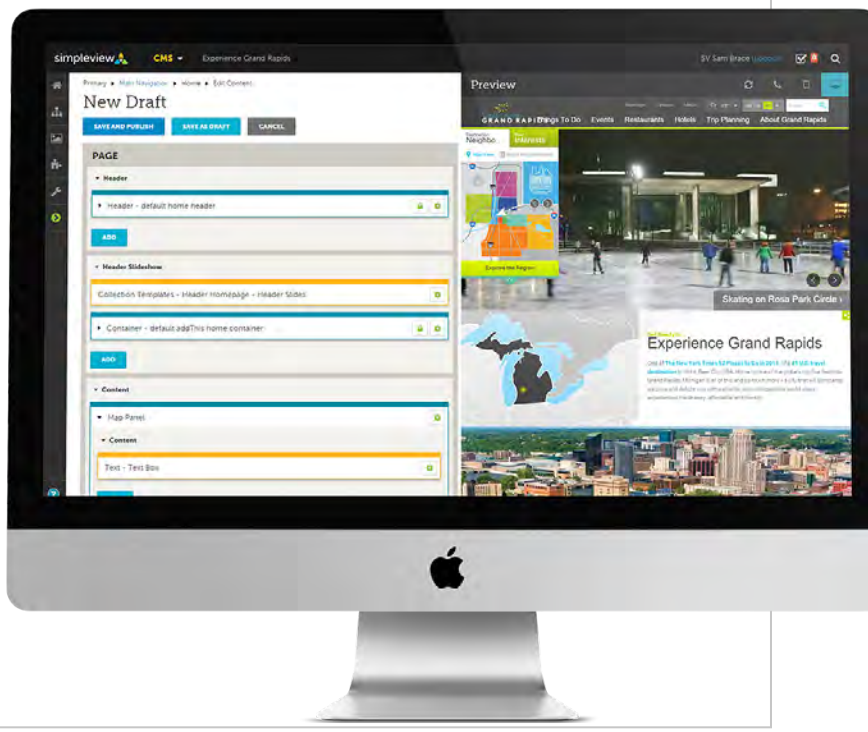
+

Industry-Tailored Tools

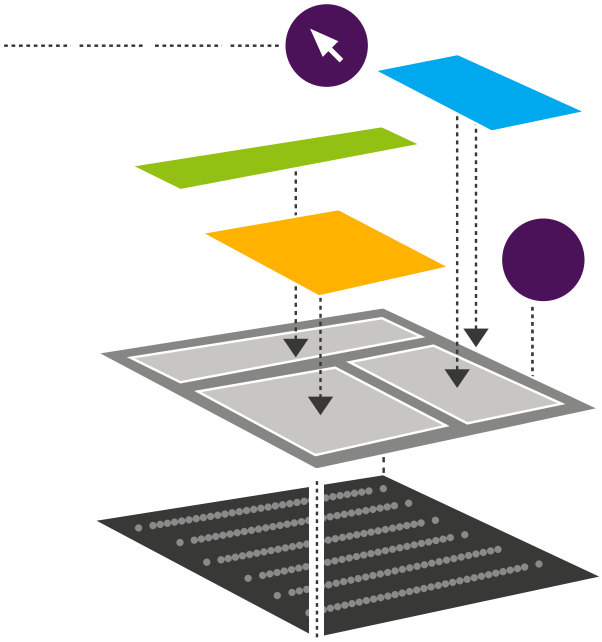
+

Years of Client/User Feedback

= a CMS for you & users of all levels



Simpleview CMS Delivers



- Exactly what your marketers need, plus everything an advanced users wants
- An industry-specific tool vetted by thousands of DMO users and leaders daily
- A scalable, modular solution for DMOs of every size and budget
- A SaaS platform, providing the most up-to-date technology and better support
- The most advanced, open source technologies
- Freedom of design, without technology limitations
- Simpleview CRM integration

**A short CMS overview demonstration can be viewed online at www.simpleviewinc.com/cms-demo*

Software as a Service (SaaS) Platform

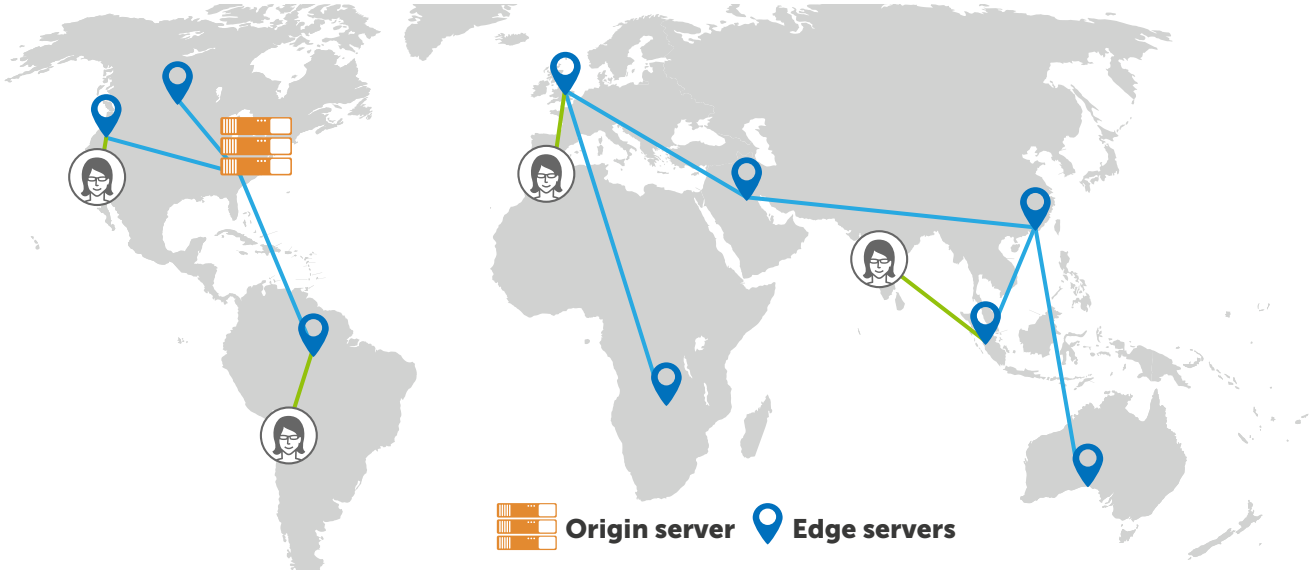
The industry standard, SaaS is web-based software that delivers:

- Faster access to high-quality technology and security updates
- A scalable, modular solution for DMOs of all sizes
- Quicker content delivery

Open Source Technologies

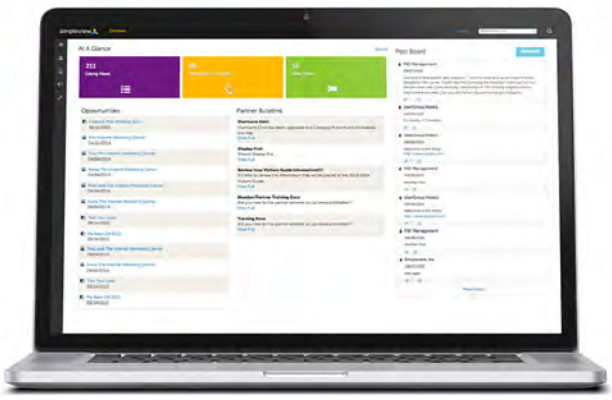
node.js is our primary development language. JavaScript is the language behind this cross-platform environment and a language that just about every programmer knows, making it easier for your programmers to work seamlessly with us, and for us to hire quality talent. It offers better scalability, a huge user community, with the #1 code repository on Github, and it's where companies like LinkedIn, PayPal, eBay, AirBnB and others have moved.

MongoDB is a document database that provides easy scalability, and high performance and availability. In MongoDB, objects map nicely to programming language data types, and embedded documents and arrays reduce need for joins. In addition, it is also faster, takes up less storage, and uses less processing power.

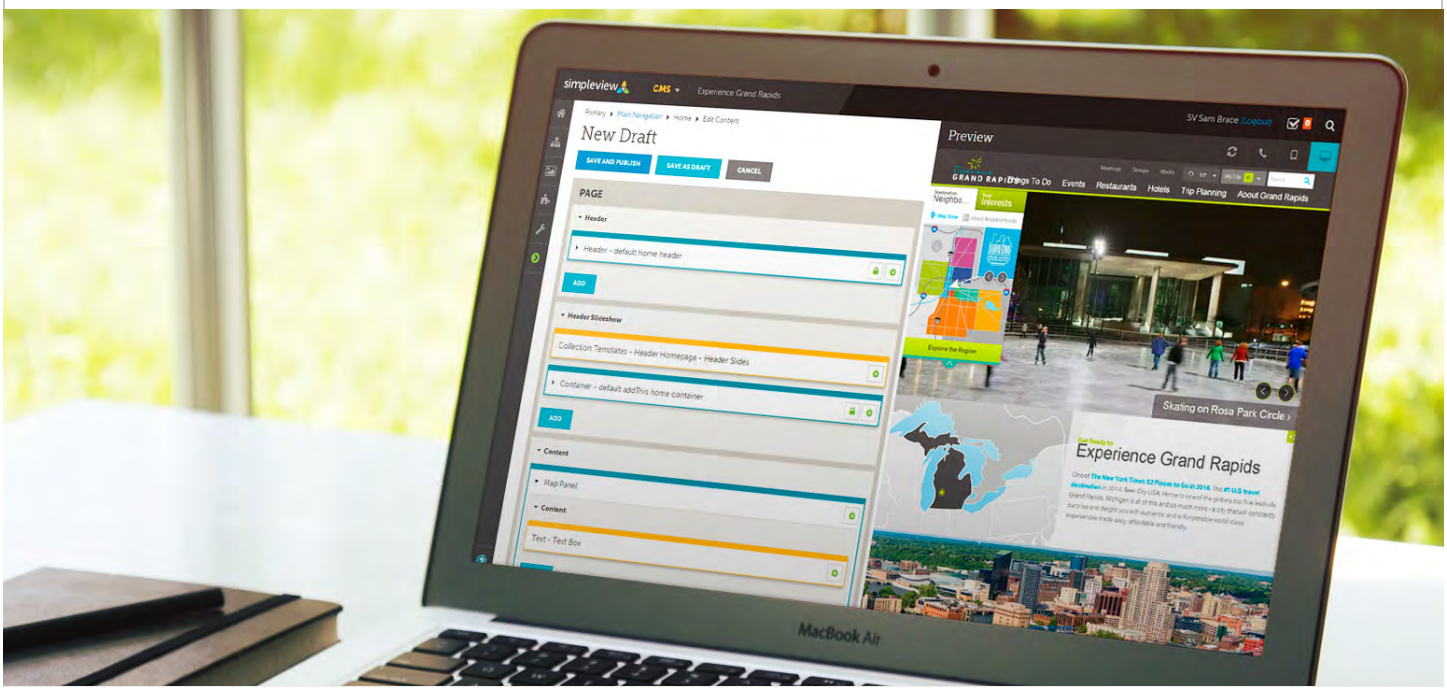


We use Edgecast to effectively replicate your site all over the world. Riding on the biggest Content Delivery Network (CDN) on the planet, we can connect users to a real-time copy of your site at a node that is closest to them. This not only means faster performance, which adds to the user experience, but also increases search rankings and improves reliability. Should something happen to a site at our datacenter, whether there's a bug, a denial of service attack, or any other issue, these nodes remain up while we address the problem. This is something that no other CMS natively offers as part of licensing.

With Simpleview CMS, DMOs Benefit From:



- Reimagined feedback and design
- Unrivaled industry tools
- Intuitive content creation
- Powerful updates and support



Unrivaled CMS Features

DASHBOARD ANALYTICS, TASKS, AND UPDATES:

Get a snapshot of key site statistics, tasks, and updates all in one, centralized location.

EASY-TO-USE NAVIGATION AND ICONOGRAPHY:

Finding information and completing tasks goes smoother than ever.

GREATER SCREEN REAL ESTATE:

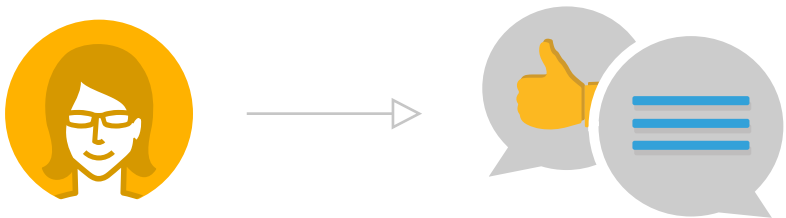
Display more information in one place.

ADVANCED USER ACCESS:

Ability to not only make cost-effective customizations to your site with CSS, HTML, and Javascript, but also edit stylesheets, upload templates, and more.

REAL-TIME FEEDBACK PAGE EDITING:

Don't waste time previewing each individual change; see them as they happen, without stepping out of the editor.



Unrivaled Industry Tools

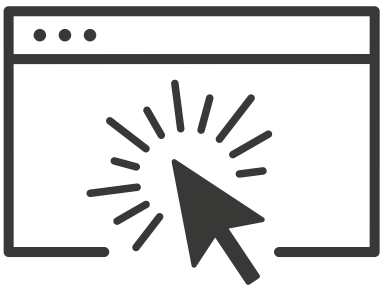
INDUSTRY-SPECIFIC WEB MODULES, FUNCTIONALITY AND INTEGRATIONS:
Battle-tested by DMOs for over a decade, our industry-leading modules include event calendars, partner listings, forums, itinerary builders, and more.

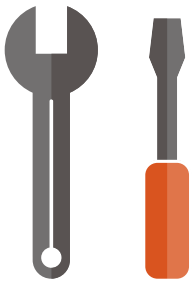
FULL PERMISSIONS AND TASK MANAGEMENT:
Encourage efficient workflows.

RESPONSIVE PAGE PREVIEW:
Test how your website appears across all devices, including mobile, tablet, and everything in between.

SIMPLEVIEW CRM INTEGRATION:
Seamless service both internally and externally. Simpleview CRM and CMS were designed to work together, allowing you do more in less time.

DESTINATION DASHBOARDS INTEGRATION:
Destination Dashboards allow you to view all your data in one centralized location, expanding your reporting capabilities and presenting key metrics in a visual way, proven to be more effective for communicating data to key stakeholders.





Intuitive Content Creation

Content control:
You have as much control as you want, not just for text and images, but also for special offers from partners, video galleries, social media, and more.

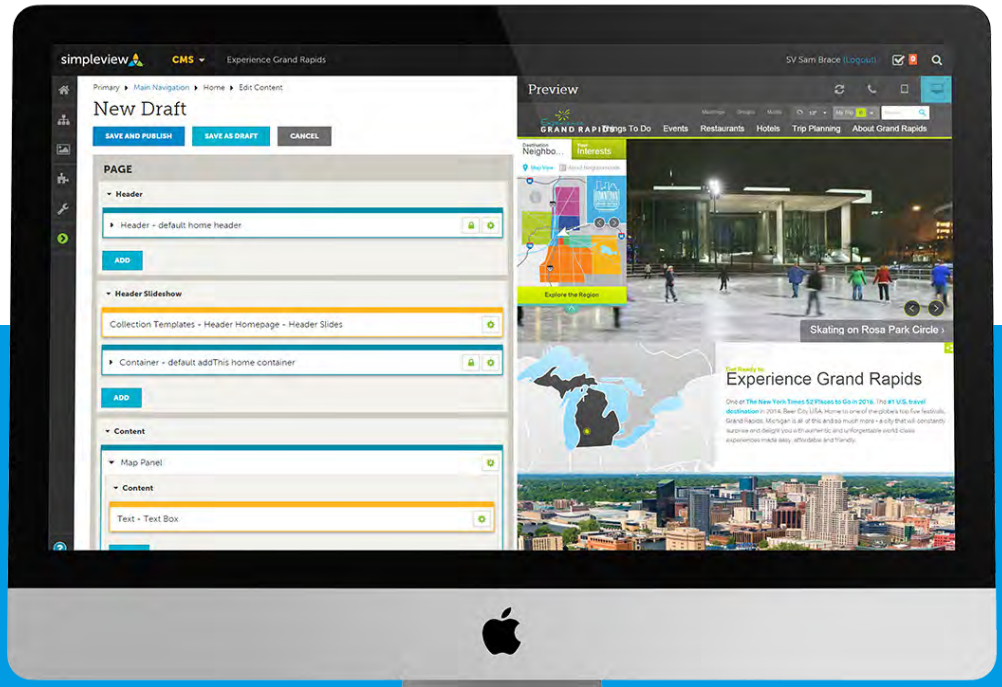
Top response times:
Our content delivery network (CDN) allows users worldwide to see your content faster and helps prevent site crashes.

Drag-and-drop functionality:
Drag widgets from one column or row to another, instantly changing the layout of your content.

Reusable Content Collections:
Save collections of code to reuse on similar pages, or combine to create entirely new ones.

User-friendly template building:
Use panels and widgets to organize specific content where you want it to reach the right audience.

Microsites:
Quickly create event-specific or campaign sites with specialized content.



Powerful Updates and Support

Single to multi-tenant platform:
Whether a small town or big city, one or multiple sites, Simpleview CMS is scalable to meet your needs.

Higher quality updates, faster:
The SaaS platform ensures core updates are rolled out to everyone at once —meaning developers don't need to update each individual product.

Enterprise level global content delivery network (CDN):
We've partnered with Cloudinary to provide faster turnaround for delivering your content.

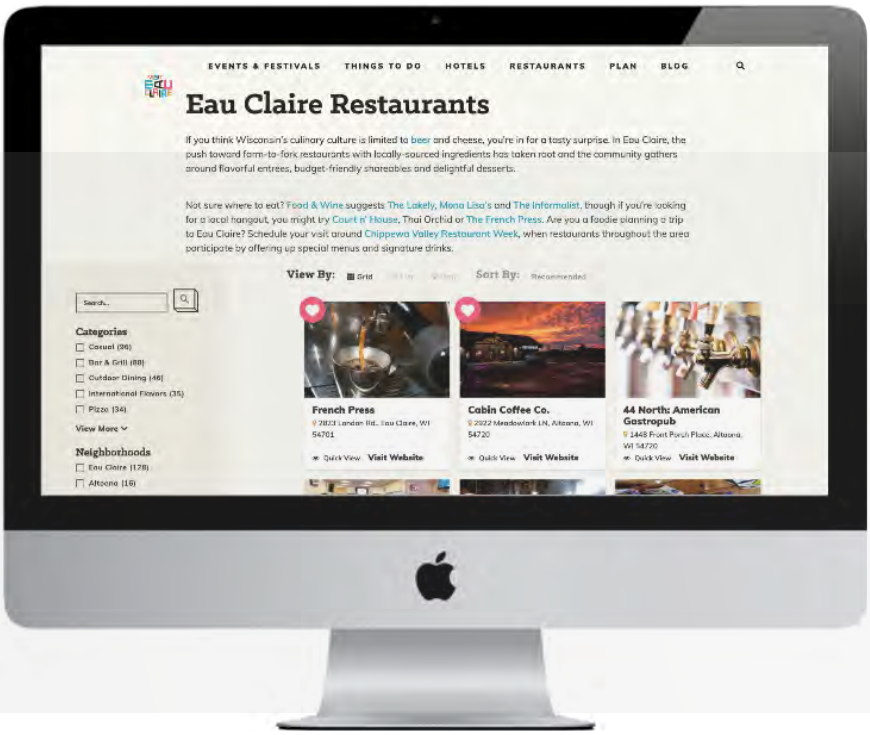
Safe and secure:
Spend less time on the technology, and more time marketing your destination. Coupled with hosting, you can minimize IT expenses.

Training and ongoing education:
We always offer training and ongoing education, no matter how you want to learn more about Simpleview CMS and it's capabilities. Get hands-on training for your staff from our experts or free online guidance through the CMS knowledge base and peer-to-peer forum.

Modules & Integrations

Partner Listings

- Dedicated landing page for every industry partner which can include images, text, amenities, Google map, website/social links, etc.
- Users may view listing results as a grid, list or on a map
- Partners can update their listings online via the Extranet portal and submit for approval

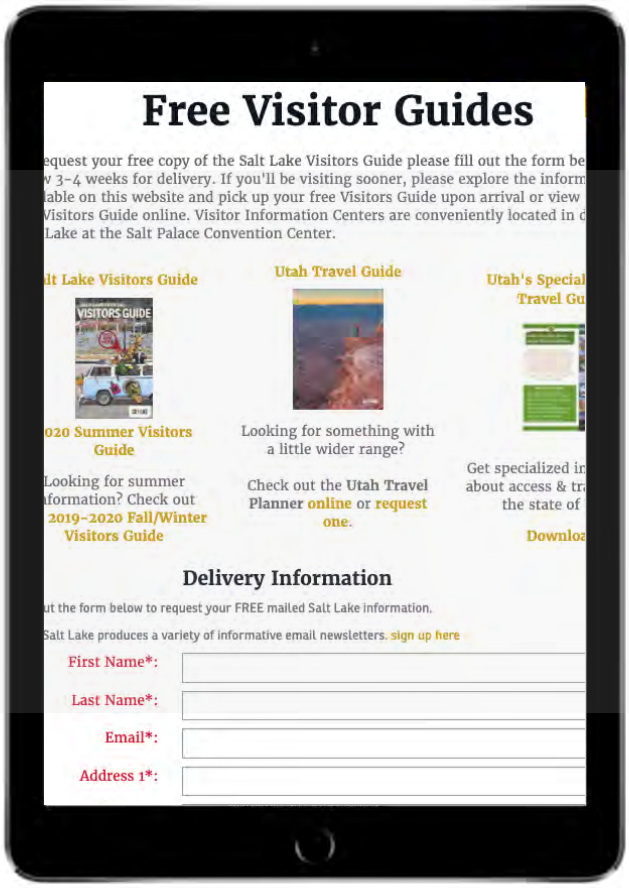


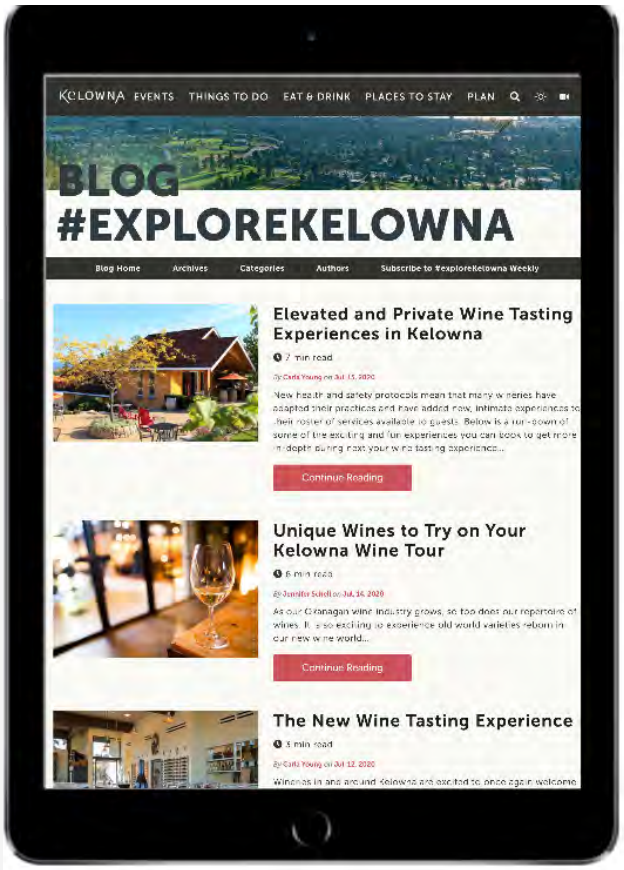
- Listings can be defined by any number of of primary and sub-categories, providing for multiple listings for any given partner on the website (e.g. meeting planner section listing, wedding section listing, leisure listing) and allow users to filter by sub cat, region and/or keyword

Modules & Integrations

Form Builder

- Ability to create and place various custom data collection forms (e.g. visitor guide request) on any page of the website
- Consumer form submissions submit directly into the Simpleview CRM website database
- Visitor inquiry/form submission data can be exported & leveraged for reports, including brochure fulfillment & creating mailing labels



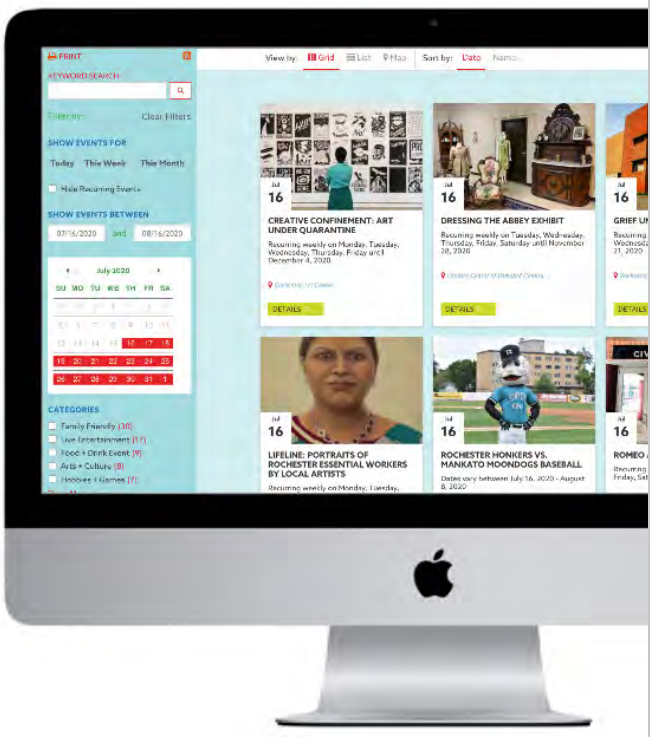


Blog Module

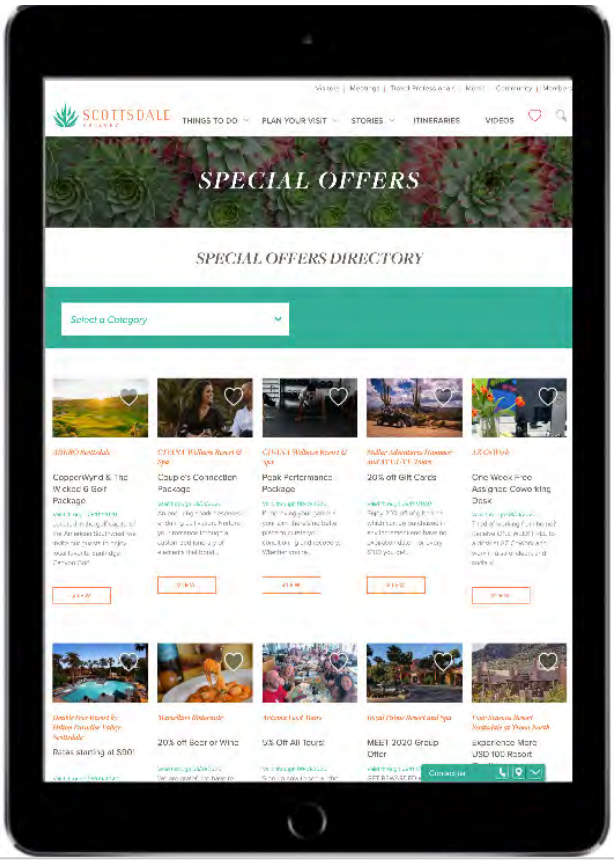
- Create blog posts for your site with full WYSIWYG editor, embed code support and access to HTML
- Associate meta data for SEO purposes
- Create categories, authors and tags to enhance organization
- Moderate all visitor comments via Disqus.com integration
- Provides for guest access/guest blogging with approval process before publishing

Modules & Integrations

Calendar of Events



- Display database-driven event listings submitted by the public, partners or DMO
- Visitors can sort events using category filters and various data parameters
- Events may be ranked or featured



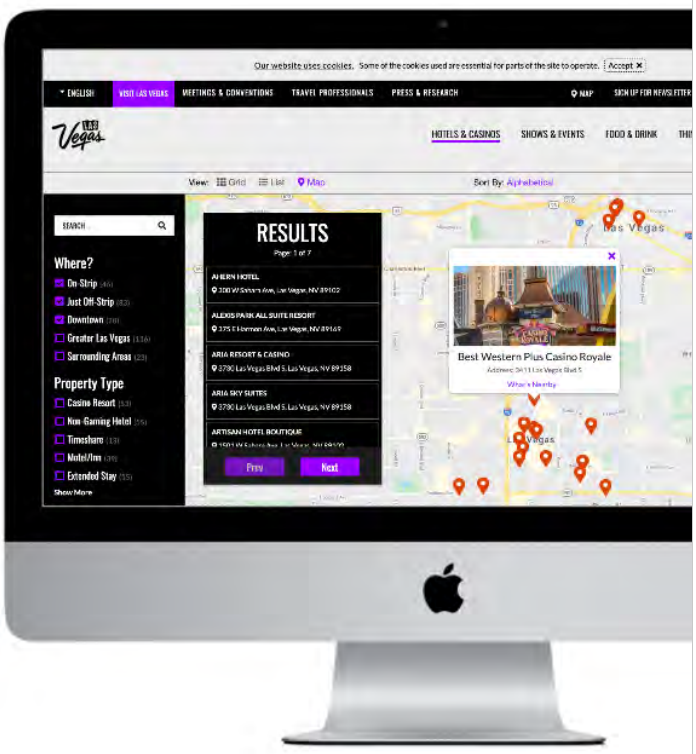
Special Offers & Coupons

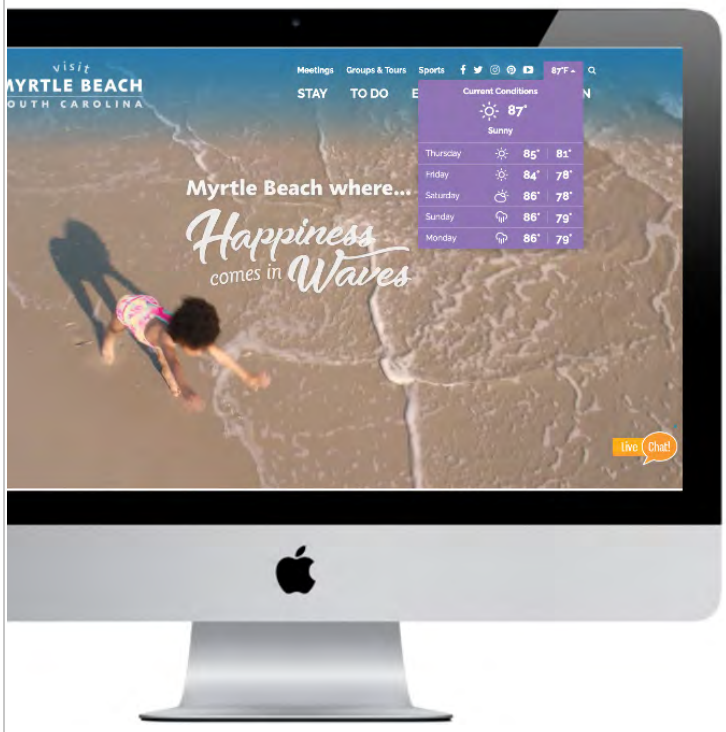
- Display coupons from your members/ partners on your website
- Users may display all available coupons in a list, grid or on a map, using variouscategorization filters
- Use the Coupons feed in other site features, such as your Collection Templates

Modules & Integrations

Google Maps

- All standard Google Map view capabilities are available on all listing and event landing detail pages (including satellite, terrain, street view, etc.)
- Users may filter listing or event search results so they can be viewed on a map
- GeoTriggers allow users to sort results by distance

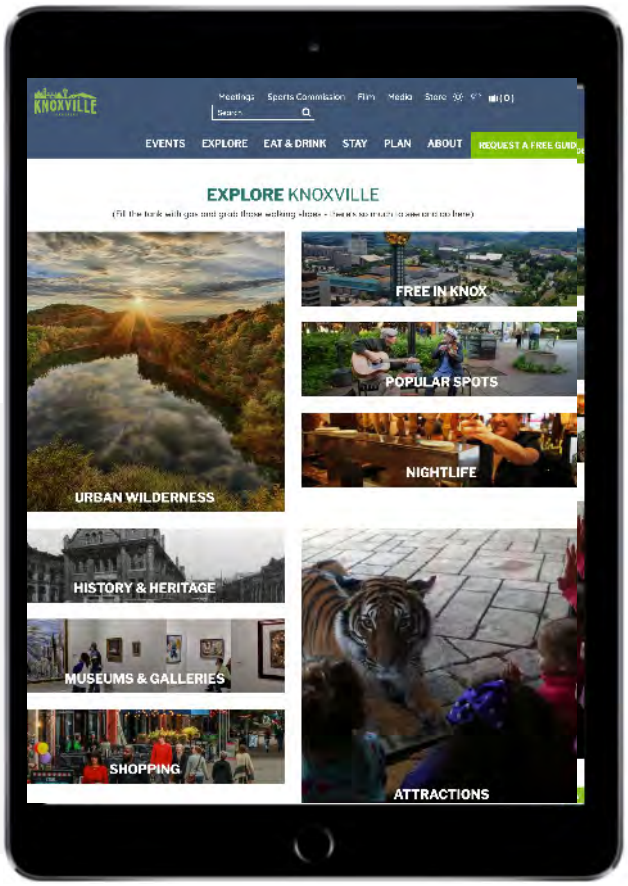




Weather Feed

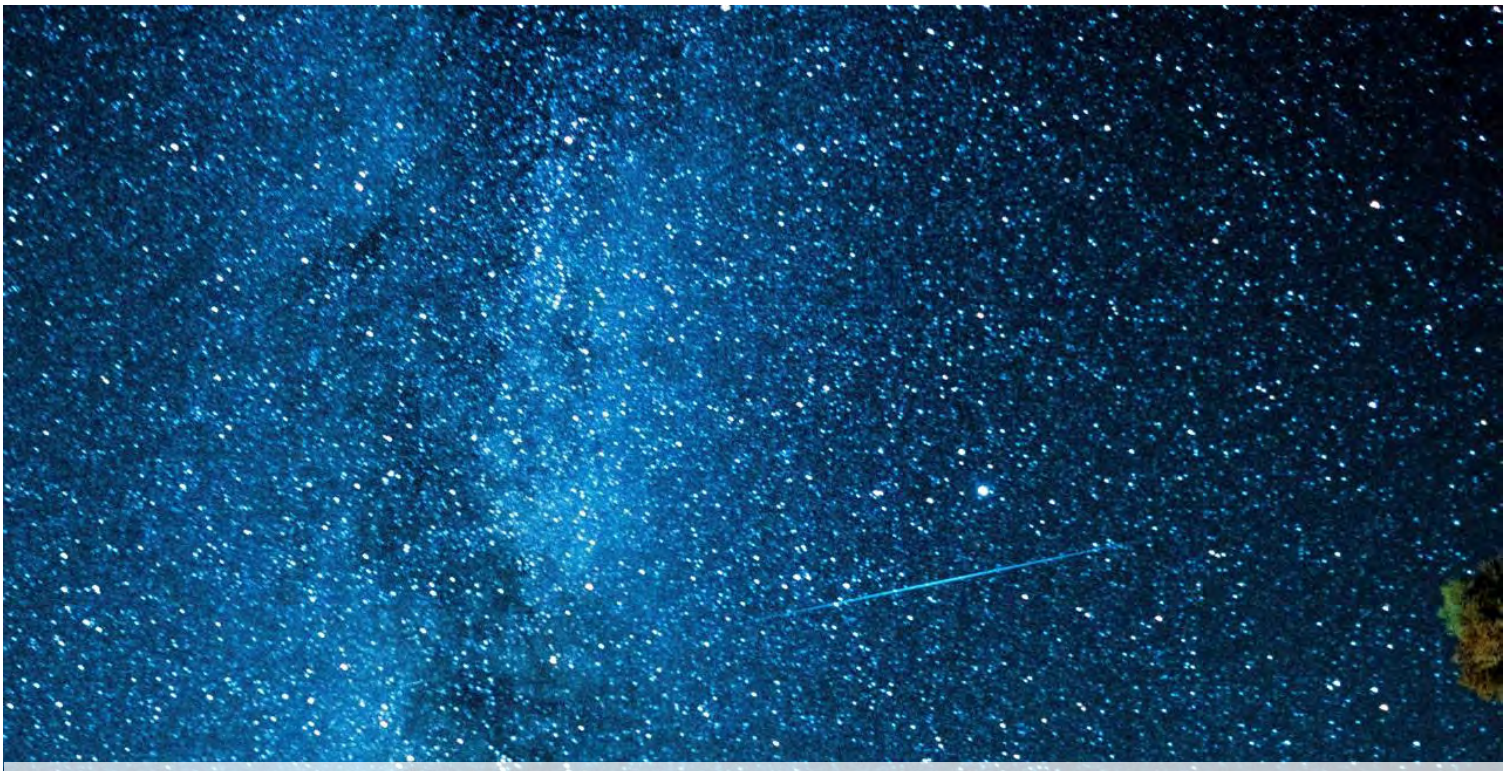
- Easily visible in the website's header and can be linked to a landing page with more weather info
- Dynamically updates weather conditions in real time with a graphic icon and the current temperature
- Users may click on the icon for a dropdown at-a-glance weather conditions for current day or multiple days

Modules & Integrations



Highlights

- Create rich Call to Action image collages on your site by applying images or videos from the asset library or feeding blog, article, events, offers, listings or nav items into the highlight collection
- Highlights include templated and interactive Image Boxes, Sliders and other templates to make your site as robust as possible



Investment Summary

THE POWER OF Software-as-a-Service (SaaS)

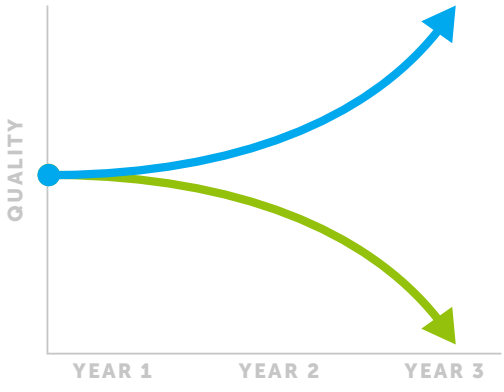
HOW THE COMPETITION DOES IT:

The "old school" approach to website development was a broken model: it requires a major up-front investment to develop a website on the current version of a CMS, using current approaches to UI/UX and the immediately starts to become outdated as soon as the site launches. This forces DMOs to get as much "mileage" as possible out of their investments, often using the same site for over five years – all the while technology is evolving. After enough time has passed, they have to do the whole process over again.

HOW SIMPLEVIEW DOES IT:

Simpleview has broken the cycle y creating a CMS that is a Software-as-a-Service (SaaS) platform. Customers now pay-as-they-go for a CMS license – this allows the CMS to update as needed, with no additional fees to the customers, ensuring that customers always have the best and latest technology available for DMOs.

QUALITY *over* **TIME**

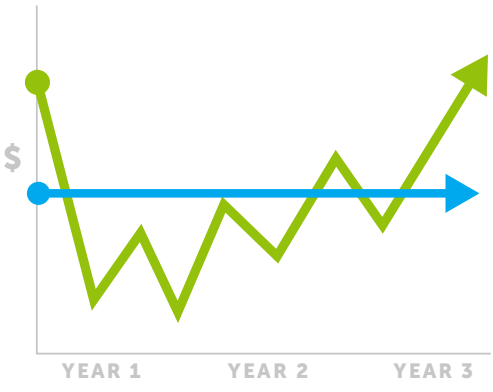


Never out of date, constantly improving

Simpleview CMS

Competitor *(old way)*

COST *over* **TIME**



Predictable pricing, easy to budget

ADVANTAGES OF SaaS –WHAT'S INCLUDED?

All Updates, Versions, and Upgrades Included

This model allows our developers to push core updates, enhancements, point upgrades, and full version upgrades to all clients simultaneously, in real time, ensuring that they are protected and will always have the latest and greatest technology available as the platform grows and evolves over time.

Website support Costs are Reduced

Browser updates, general code fixes, and third- party API updates will be included. This removes the "white noise" of web maintenance and insulates you when the Twitters and Googles of the world update their APIs.

Freedom of Design

You are no longer limited by development layers. Easily and inexpensively refresh the look of your site or take on a full redesign without having to rebuild the entire site on a new version of the CMS.

Open Source Community

Not only can a developer utilize open source extensions, but solutions developed by your team are yours to keep.

World-Class Hosting and Global Content Delivery Network

We've partnered with Edge Hosting to provide tier one hosting for our customers, and Verizon's EdgeCast global content delivery network (CDN) to serve your content faster to users around the world and eliminate downtime.

SaaS at a Glance:

- Incredibly fast service
- Nimble response to emerging technologies
- A new, affordable pricing structure with the ability to plan long term for budgets
- Significant extension of the life of customer websites and relationships

LEARN MORE ABOUT SAAS

Check out our blog: Lightning in a Bottle: The Benefits of Software as a Service

COST PROPOSAL: WEBSITE REDESIGN

Website Design Services	One-Time Fees	Annual Licensing Fee
Sitemap Research, Consultation, Findings Presentation, Content Roadmap & Needs Plan, Advanced Sitemap Preparation and Implementation	$4,000	-
Mobile First Design Strategy, Usability & Design Development	$15,000	-
Strategic Planning	Included	-
Discovery Session	Included	-
Digital Style Guide/Design Direction	Included	-
High-Fidelity Prototypes/Interactive Design Comps	Included	-
CMS Development Assets	Included	-
Existing Website Content Collection & Data Migration, and New Website Page Creation	$4,000	-
SEO Site Transition Program (e.g. 301 redirects, Google Analytics, Tag Manager and Search Console setup and configuration, XML Sitemap preparation and search engine submissions, etc.)	$2,500	-
Website Development Core Engagement	**One-Time Fees**	**Annual Licensing Fee**
Navigation & Content Management (Simpleview CMS)	-	Included
Homepage Slideshow & Interior Header Management (Image & Video)	-	Included
Metatag Management	-	Included
Redirect Module	-	Included
Articles Module (Includes One Feed; $500 One-Time/Additional Feed)	-	Included
Content Ownership	-	Included
RSS Feeds	-	Included
Template Generator	-	Included
Site Search	-	Included
Hosting and Sitewide SSL Certificate	-	Included
Code Editor (CSS, Template & Javascript Code Overwrite Capabilities)	-	Included
Responsive GEO Triggers (Listings, Coupons, Events)	-	Included
App Smart Banner	-	Included
Add This Social Sharing	-	Included
Schema.org and Open Graph Tagging Capabilities	-	Included
Hosting, Point Updates, Version Upgrades	-	Included
Quality Assurance Testing	-	Included
Staff Training	-	Included
Access to Client Portal (Ticketing System, Documentation, Webinars, User Forum)	-	Included

COST PROPOSAL: WEBSITE REDESIGN (Cont'd)

Additional CMS Modules & Integrations	One-Time Fees	Annual Licensing Fee
Form Builder	-	Included
Partner Listings	-	Included
Calendar of Events	-	Included
Special Offers/Coupons	-	Included
Blog Module	-	Included
Highlights Module	-	Included
Google Maps	-	Included
Weather Feed	-	Included
Website Database	**One-Time Fees**	**Annual Licensing Fee**
Simpleview CRM Base-Level Licensing	-	Included
Member/Partner/Local Business Database (accounts, contacts, listings, events, special offers)	-	Included
Member/Partner Extranet/Online Portal	-	Included
Consumer/Visitor Inquiries Database	-	Included
Subtotals	**$25,500**	**$17,400**

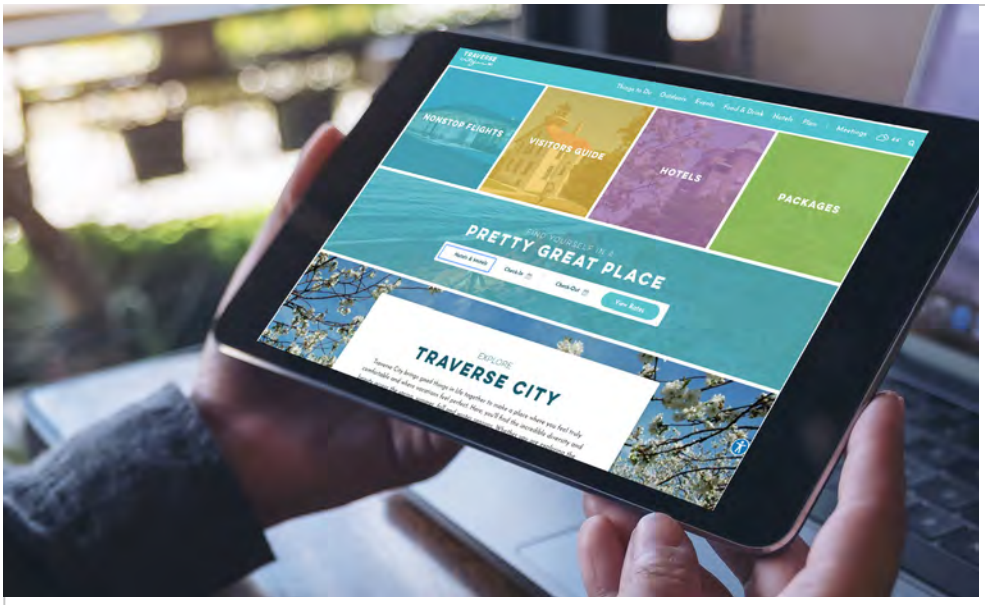
Payment Schedule

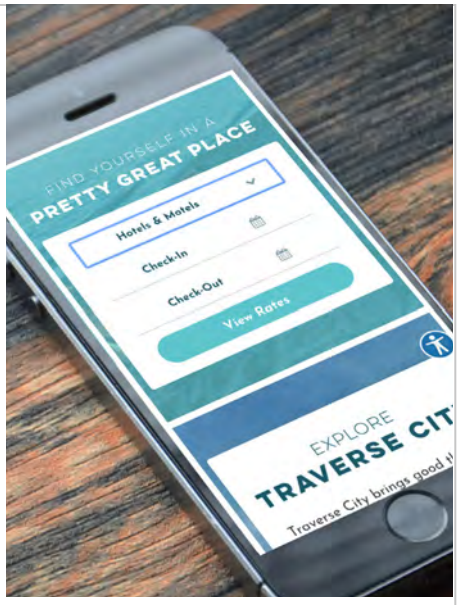
We have proposed our standard payment terms and schedule below. Other arrangements can be discussed.

One-time Cost Payment Schedule	Amount
Project Deposit Equal to 50% of the One-time Cost Due Upon Contract Execution	$12,750
Balance of One-time Cost Due 90 Days After Contract Execution	$12,750
Recurring Cost Payment Schedule	**Amount**
Quarterly Billing of the Annual Licensing Fee Commences 90-Days Following Contract Execution	$4,350/ quarter

Recommended Items	One-Time Fees	Annual Licensing Fee
Book › Direct Website Lodging & Vacation Rental Referral Engine Includes real-time rates & availability via over 200 supported RMS integrations (including Vrbo & AirBnB) plus integration to your Member/Partner Lodging Listings Directory Filters & Results	$1,500 + $15 / Lodging Listing	$6,000 or $9,000
AudioEye Enterprise with Visual Toolkit Website Accessibility Assisted Technology Plugin plus Ongoing Compliance Monitoring & Remediation Managed Service (ensures ongoing WCAG 2.1 AA & ADA 508 compliance)	-	$8,000
SimpleSupport 5 60 hours/year of post-launch website support for change requests and additional design/development work offered at $100/hour vs. standard hourly rate of $125/hour	-	$6,000
Ongoing Post-Launch Fully-Managed SEO	-	$15,000 - $36,000
Content Creation (up to 50 pages with 500 words each of optimized landing page & blog content)	-	$25,000

Additional Services to Consider





Book>Direct

powered by Simpleview

INTEGRATE LIVE RATES AND AVAILABILITY INTO YOUR DESTINATION'S WEBSITE.

BookDirect helps your destination marketing organization combine the stories, connections, and adventures your visitors crave with the availability and live rates they need to make a decision. This in-depth content engagement tool produces data-driven results that have the power to increase business in leisure, travel and event markets.

FULLY RESPONSIVE
Responsive and flexible, allowing visitors to easily search from any device.

CUSTOMIZATION
Completely customized to match your website, and a super-fast load time keeps visitors on your site.

BETTER EXPERIENCE
Provide users with real-time rate availability and seemless integrations with your website.

BOOKDIRECT RESULTS BY THE NUMBERS:

300
Booking engine direct connections

$705.09
Avg. booking amount

8,675,624
DMO searches

$163,951,499
Est. generated booking revenue for DMOs

4.54%
Global conversion rate

232,525
Estimated bookings

BOOK >> DIRECT
powered by simpleview

simpleguide | digital accessibility and

PERSONALIZATION WITH AUDIOEYE

ACCESSIBILITY SOLVED. USABILITY ENHANCED.

How is your website enabling users with specific digital needs? With more than one billion people living with some form of disability, your website's visitors include a diverse audience ranging from individuals who rely on assistive technology, to aging populations and people with varying levels of vision, mobility, and/or cognitive disabilities. Simply stated, if your website is not accessible, then nearly one in five of your site visitors could be missing out on the best possible user experience.

> As many as one in five users could benefit from assistive technology on the web.

As a result of strides made in digital accessibility in recent years, it's possible to rethink not only disability, but also website usability as a whole. While Simpleview CMS ensures the foundation of your site is built on accessible technology, AudioEye focuses 100% on modernizing and sustaining the accessibility of your content with a comprehensive set of tools and managed service on sustaining conformance with Web Content Accessibility Guidelines (WCAG) 2.1.

AudioEye knows the destination marketing audience because it already partners with hundreds of government organizations, enabling them to create experiences that are more accessible and more usable for more people. And now, as a strategic partner of Simpleview, AudioEye's digital accessibility solution is available to DMOs at a truly unbeatable rate.

how it WORKS

PHASE 1

- AudioEye engineers apply immediate remediations via JavaScript, with no impact on existing website infrastructure.
- The base toolbar is installed, displaying the universal accessibility icon and phase one certification: intent to become compliant.

PHASE 2

- As your team continues to add content to your website, AudioEye scans your site and makes automatic or manual fixes.
- Your site maintains compliance as guidelines and success criteria change over time.

PHASE 3

- Upon completion of manual remediations, the complete toolbar functionality is made available to visitors.
- Final certification that your website is accessible, usable, and dedicated to inclusion is displayed on your website.

ONGOING

- As your team continues to add content to your website, AudioEye scans your site and makes automatic or manual fixes.
- Your site maintains compliance as guidelines and success criteria change over time.

ADA Title III Lawsuits are up 63% from 2015.

Ensure your organization is on the right side of the new standard.

BECOME COMPLIANT AND NEVER LOOK BACK.

In January 2017, the United States Access Board issued the Information and Communication Technology (ICT) Standards and Guidelines, which served to update the existing Electronic and Information Technology Accessibility Standards under Section 508 of the Rehabilitation Act of 1973. As of January 2018, federal agencies are required to conform to the new standard.

This trend in legislature does not stop with the U.S., however. Canada, too, has a set of standards for its government websites, and the United Kingdom has standards for all "web products," which extends beyond government websites. Compliance is here to stay ... is your web content up to snuff?

SimpleSupport Plans

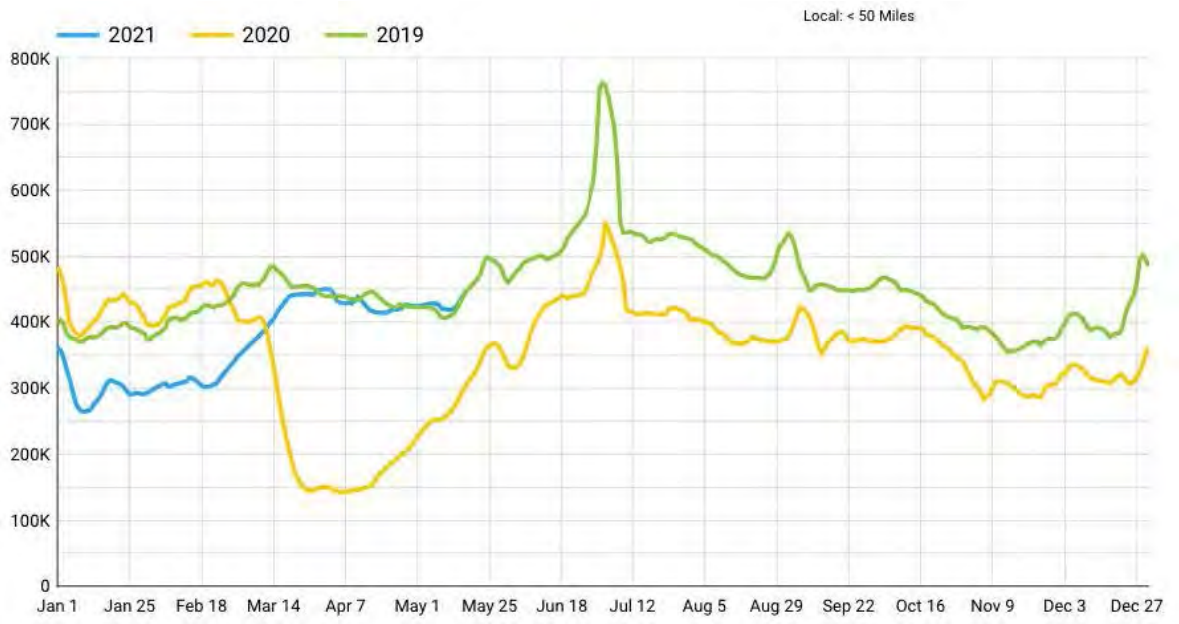
	SimpleSupport 5 $500/Month	SimpleSupport 10 $1,000/Month	SimpleSupport 15 $1,500/Month	SimpleSupport 20 $2,000/Month	SimpleSupport 30 $3,000/Month	SimpleSupport 40 $4,000/Month
Hours Included Per Month	5	10	15	20	30	40
Total Hours Per Year	**60 Hours**	**120 Hours**	**180 Hours**	**240 Hours**	**360 Hours**	**480 Hours**
Onsite Consulting Days	0	0	0	1 Day	2 Days	2 Days
Simpleview Office Consulting Days	0	1 Day	2 Days	0	0	0
Monthly Planning Call	Included	Included	Included	Included	Included	Included
Access to Ticketing System	Included	Included	Included	Included	Included	Included
Access to User Forum	Included	Included	Included	Included	Included	Included
Total Value	$7,500	$15,000	$22,500	$30,000	$45,000	$60,000
Savings	$1,500	$3,000	$4,500	$6,000	$9,000	$12,000
Total Cost	$6,000	$12,000	$18,000	$24,000	$36,000	$48,000

Note: SimpleSupport Plans are billed at the discount rate of $100/hour. All support outside of a SimpleSupport Plan will be billed at the rate of $125/hour.

Search Engine Optimization (SEO)

To achieve your goals, you'll need a strong SEO strategy to lift organic activity. It's a fact—people are actively using search engines like Google and Microsoft to plan their next vacation, event or destination tour. More than 1 billion global searches are done on Google alone each day and all trends indicate those statistics will only continue to increase, even with the recent changes happening in the world today. In fact, 1 in 10 of all searches on Google are travel-related. Ensuring your destination remains the authority on search should be top of mind for any destination marketer.

As we provide technology and SEM services for hundreds of DMOs globally, one of the key benefits of working with us is our ability to provide industry benchmarks across paid and organic traffic. On average, 53% of all traffic to a DMO website today comes from organic search, making it the number one traffic source for destination websites. To ensure those travelers use your site as a resource, it is important to boost your position in search engines. With the help of our certified search engine optimization (SEO) team, we can suggest best practices with keyword placements, back-link quality improvements and more to give your site optimal exposure.



Working with hundreds of destinations worldwide, Simpleview is the top provider of SEO in the tourism space. In fact, our average SEO client has been partnering with us for more than 5 years. For a website and its corresponding digital marketing strategy to reach its full potential, it's critical that your content is ranked properly and easily accessible to your prospective travelers. And because search engine technologies evolve quickly and often depend on a continuous feedback loop, there are no magic bullets for success.

Our team's primary focus will be to develop SEO strategies and suggestions based upon each of your objectives, as well as continue with the always-on SEO approach that has been a great success to date. Ongoing optimization activities include but are not limited to:

- Crawl error fixes
- Content optimization and keyword tracking
- Meta updates
- Alt tag updates
- Schema markup
- Monitoring of website indexation
- And much more

BREAKDOWN OF SERVICES PROVIDED

Google uses over 200 ranking factors in their search algorithm to determine where your website is ranked. Thus, it is critically important that your SEO provider implement a truly comprehensive optimization strategy. This is especially true with recent algorithm updates like the new Google Core Web Vitals update that began rolling out in May 2021. Simpleview defines our SEO offering in two main buckets: defense and offense as seen in the illustration below.

Defense consists of all of the technical tasks required to ensure that your website is fully indexable, has the proper schema, etc. Simpleview will collaborate with you to recommend and consult on said technical fixes for your website on a regular basis.

Offense consists of proactive strategies and this is where our expertise in the Tourism & Travel industry provides exceptional value to our SEO clients. With tens of thousands of hours exclusively spent optimizing DMO websites each year, no other vendor understands how potential visitors search for and navigate your website like we do. Using that expertise as a foundation, we then use data and testing to hone in on your destination's unique offerings to craft a winning SEO strategy.

ONBOARDING AND ONGOING OPTIMIZATION

Research forms the basis of all planning and tactics for our clients. More specifically, keyword research is the foundation of search engine optimization, as it allows the ability to connect your content to the greatest number of searchers by using relevant queries. Identifying, targeting and optimizing your site with the correct keywords can have a positive impact on search engine traffic. To conduct keyword research, our team uses the latest technologies such as Google Ads Keyword Planner, SEM Rush, Searchmetrics Essentials and more to assist in this process.

The quality of research depends greatly on two key factors: the quality of the data, and the people doing the research. The depth of the data being analyzed, as well as the data sources being used has a huge impact on the quality of the research. Additionally, the quality of the research is greatly dependent on the researcher's experience, knowledge and industry expertise. Our search engine marketing team has more than 100 years of combined experience in SEO, PPC and other forms of interactive marketing. This makes us the industry leaders in what we do. Every team member has years of travel, tourism and research experience, and is required to hold and maintain a Google Certification in Analytics and/or Google Ads. This allows us to stay at the forefront of new technology and ensures we stay ahead of the curve.

At the beginning of a new SEO engagement, Simpleview will gather members of the search engine marketing team, developers and your Customer Success team to review the project scope, goals and objectives in an internal strategy session. Once this has taken place, your CSR will schedule a kick-off meeting to introduce the team, review marketing strategies and key performance indicators that will be set up and tracked in Google Analytics.

After initial research is complete, your SEO analyst will send you a document, which lays out the specific SEO activities that will be done on your site throughout the coming quarter and year. This document, known as your Annual SEO Account Plan, can change or be added to at any time, based on your needs, opportunities or emergencies that arise.

Each month, we study the analytics data, search queries and websites that brought visitors to your site. We also review traffic patterns, bounce rates and other information, recommending site refinements, content updates and marketing initiatives to increase your website returns. The data is then compiled and shared in a customized monthly report. The team will also schedule a one-hour recurring monthly call with you to provide insights on traffic increases, areas needing refinement and other key metrics, as well as discuss the strategy and activities for the upcoming month.

We will also complete other tasks along the way including customizing meta data and HTML tags to ensure that the search engines are properly indexing pages on your website, which may increase search rankings and ensure that visitors are finding the information that they are looking for. Our SEM experts are vigilant in completing checks of your website, ranking analysis, Google Analytics and Search Console accounts to find and correct any crawl errors that occur on an ongoing basis.

Please review the following case studies for more on Simpleview's SEO expertise:

- Visit Napa Valley: bit.ly/2ThvPK4
- Palm Springs: bit.ly/2RIht50

For even more information, please review this sample SEO report:

- Sample SEO Report: bit.ly/2QO3dqR

SEO Engagement Options

	SEO Lite	SEO	Advanced SEO
Included Annual Tasks			
Audit & Correct Technical Barriers	✓	✓	✓
Redirects & Friendly URLS	✓	✓	✓
Keyword Research & Analysis	Quarterly	Monthly	Monthly
Constant Monitoring	Quarterly	Monthly	Monthly
Optimization of Robots.txt	✓	✓	✓
Custom 404 page setup	✓	✓	✓
Annual SEO Account Plan	✓	✓	✓
On-Page Optimization	Quarterly	Monthly	Monthly
Identify and Correct Crawl Errors	Quarterly	Monthly	Monthly
Spell-Check Scan & Correction	Quarterly	Quarterly	Quarterly
Broken Link Scan and Correction	Quarterly	Quarterly	Monthly
Google Analytics Implementation	Basic	Custom	Custom
Google Tag Manager Implementation & Setup	Basic	Custom	Custom
Content audit and consultation	Quarterly		Monthly
Meta Tag Creation & Implementation	Up to 10 pages Quarterly		Monthly
Website Reporting & Review Call	Quarterly	Monthly	Monthly
Link Analysis and Toxic backlink checks	Annually	Annually	Annually
Duplicate content analysis and canonical tag Implementation	Quarterly	Quarterly	Quarterly
SEO Developer work	Support	Included	Included
Voice Search / Featured Snippet Optimization		Quarterly	Monthly
Alt text for images	Quarterly	Monthly	Monthly
Tracking for Marketing Initiatives		✓	✓
Competitive Analysis Report		✓	✓
Link Building Strategy		Quarterly	Quarterly
Annual Summary Report		✓	✓
Schema and Open Graph Markup	Standard in SV CMS	Standard in SV CMS	Standard in SV CMS
Quarterly Heat Mapping & Report		Up to 1 page per quarter	Up to 3 site pages per quarter
Enhanced Monthly Analytics Reporting			Up to 5 custom report pages
TOTAL COST			
Total Annual Costs	**$15,000 ($1,250/month)**	**$24,000 ($2,000/month)**	**$36,000+ ($3,000/month)**

*Exact frequency and mix of advanced services to be determined according to engagement price and client priorities.

Content Creation

BOOST DESTINATION VISITS WITH CONTENT MARKETING

Over the last few years, consumer behavior has experienced huge shifts; this is triggered by a greater demand for personalization, and the growth of digital channels. Visitors are now overwhelmed by an abundance of information and options, magnified by shorter attention spans to navigate them. This means that online marketers need to adapt to a new landscape as the traditional purchase cycles we once knew are no longer in place. It is now the duty of today's modern destination marketers to educate and guide these consumers during their research and planning process with content that addresses their personal needs and engages them quickly for a mobile first world.

Whether you've been doing it for years or are just getting started, content creation is tough work. From conducting research all the way through to measuring success there is a lot to cover. In the end it comes down to understanding what great content can do for your destination, who your audience is (and isn't) and what needs to be done to achieve your business objectives and goals.

METHODOLOGY & APPROACH

At the beginning of a full content creation engagement our team has a kick-off call with you to discuss key business objectives. This begins the strategy and planning phase of the content creation process:

We'll ask your team questions such as "What are your goals? What content drives traffic to your site?" What are your current conversion rates? and what content marketing strategies are currently in place?" The primary objective for DMO websites typically falls into one or more of the four buckets below:

- Increase referrals to partners (CPR)
- Increase leads (CPL)
- Increase onsite engagement (CPE)
- Increase sales (CPS)

After your primary objective is determined our research experts take a deep dive into your site and conduct an audit where we execute a sitemap analysis, keyword analysis, competitive analysis, engagement analysis, and content distribution review. The findings of the report lead the way for the content team to create a content roadmap, which will define the types of content needed for future creation.

Once research is complete, and a content roadmap developed, content creation activities will begin. A quarterly phone call will be setup to discuss and review your content marketing report as well as to discuss upcoming content creation initiatives.

Content Creation Process:

STEP 1 – STRATEGY & PLANNING (4-6 WEEKS)

SITEMAP ANALYSIS

To know where you are going, we have to know where you have been. A review of the sitemap is an important step to the development of your content creation plan. This analysis combined with keyword research will make any holes in your current structure apparent. These content needs will be included in your final content roadmap. Your Strategist will analyze site structure to identify targets for content development and optimization. This can help to uncover any navigational issues impeding the site's usability and help our team gain a better understanding of your content needs.

KEYWORD ANALYSIS

Keyword research is the foundation of search engine optimization, as it allows you to connect your content to the greatest number of searchers by using relevant queries. Identifying, targeting and optimizing your site with the correct keywords can have a positive impact on search engine traffic. This is the first step to identifying the subjects most critical to your content creation plan. Your Simpleview content creation team will conduct an extensive review of your site's content and general search volume to deliver an analysis of top volume and top-converting keyword phrases.

ENGAGEMENT ANALYSIS

The definitive content performance metrics are: Pages per Session, Bounce Rate and Session Duration / Time on Page. Your content team will use this analysis to identify any content that does not engage your audience. Pages identified from this analysis will be included in your content roadmap.

COMPETITOR ANALYSIS

Your team will review and analyze competitors' search presence for targeted keyword phrases and other factors, such as domain age, backlinks and on-page optimization. This information will help to outline relevant content that should be included in your content roadmap.

PERSONA REVIEW (AS NEEDED)

Understanding your audience's personality will help our content creators tell a story the user will appreciate. In most cases, Simpleview can provide basic site visitor persona data. You can take this analysis to the next level by supplying any previous studies from your team or persona models that have been developed.

CONTENT DISTRIBUTION ANALYSIS

In this analysis your team will study how effective your content distribution efforts have been in the past. This will highlight your most successful marketing funnels as well as additional opportunities for paid content marketing.

3RD PARTY DATA ANALYSIS

Are you using other 3rd party tools and data such as Arrivalist, Adara, or nSight? Our content marketing team will thoroughly review and analyze the data from these other sources to provide a more holistic view of your conversion landscape.

CONTENT ROADMAP

Armed with the data from the analyses in this presentation, your content team will deliver a full content outline in the form of a spreadsheet of all of the pieces of content that need to be created to support your digital marketing objectives.

CONTENT CALENDAR

Our team will use the content roadmap document to create a content calendar, which is a shareable resource that will be used to plan all content creation activity. The benefit is that you'll be able to visualize what content will be created and how the creation will be distributed throughout the year.

Content Creation Process:

STEP 2 – CREATION & OPTIMIZATION

CONTENT CREATION

The content on your website tells readers who you are, encourages them to dig deeper and helps to establish your brand as an authority in the space. One of the top challenges for DMOs, however, is writing enough content to provide value to their readers and keep their audience interested and engaged. More importantly, to inspire and provide them the necessary information needed to get them to choose your destination for their next trip.

At Simpleview we recommend an overall content mix of the following:

- 80% created (original)
- 10% curated (social media, UGC, etc.)
- 10% sponsored (advertorials, syndicated content, etc.)

As part of this engagement, original content can include web pages, blogs, emails, listings, landing pages and more. Depending on the type of content, the Simpleview team may use in-house writers or outsource to in-market freelancers or networks for high quality, relevant content. Curated and sponsored content can be handled as part of a separate engagement.

SEARCH ENGINE OPTIMIZATION

Creating content is only half the battle. Our team of SEO experts spends nearly 30,000 hours a year optimization DMO content for search engines. Our SEO Analysts' will work with the content team to meticulously create meta titles, meta descriptions, internal links, schema implementation, and other on-page optimization activities to ensure your content is ready for the search engines.

Content Creation Process:

STEP 3 – MEASUREMENT & REPORTING

REPORTING & QUARTERLY CALL

As a destination marketer it is possible to measure a ton of things really well yet never measure what really matters for your DMO. At Simpleview we begin with the outcomes your DMO wants to achieve, then determine the best way to measure for those goals. Our Digital Marketing team will provide custom quarterly reporting that addresses important metrics as they relate to the five stages of travel – Dream, Plan, Book, Experience, and Share. In addition to an executive summary, content marketing reports include metrics such as: reach, impressions, pageviews, time on page, downloads, form completions, mobile visits, new vs. returning visits, social shares, content highlights and more. Each report is then reviewed with you on a quarterly call so you stay on top of everything that happens as it relates to your content marketing efforts.

Continual Optimization & Refinement

It doesn't end with reporting. Once the data has been analyzed and shared the strategy will be adjusted and the process begins all over again. Content marketing is an iterative process that takes ongoing refinement and optimization.

Required Administrative Access

Client agrees to provide Simpleview with administrative access to the website if Simpleview does not currently manage their website. Conversion optimization activities cannot commence until Simpleview has full Analytics access, FTP access to website and CMS (if applicable). If client has an existing Google Analytics account, Simpleview will need to be added to that account as an administrator.

NOTICE OF CONFIDENTIALITY

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MEMORANDUM

ITEM NO. 4A1.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Vice Mayor Jeff Rose

Date: September 13, 2022

Subject: **Beach Furniture Ordinance**

Approval of the ordinance as amended for second reading, with changes as directed by the Town Commission at first reading.

At the June 14, 2022 Commission meeting, two discussion items were brought forward regarding beach furniture: (1) Item 9C, Beach Chairs and Umbrellas at the Community Center, was discussed and approved by the Commission and approved to move forward with beach furniture services to residents; and (2) Item 9I, Beach Furniture Ordinance, which item was moved to a special meeting to be held on June 28, 2022 in order to adequately and specifically address the item. At the June 28, 2022 Special Town Commission meeting, after extensive public comment and discussion, the Town Commission directed the Town Attorney to prepare a beach furniture ordinance for first reading, and provided specific direction as to changes to the beach furniture regulations in Ordinance No. 2020-1714 (codified in Chapter 86 - "Waterways" of the Town Code). In sum, the Commission directed the following changes to the Ordinance:

1. No changes to the Beach Furniture Operation Allocation Area or "box" for the placement and location of beach furniture.
2. To allow one 8' by 8' staging area per 100 feet of lineal beach frontage, with a maximum chair height limitation of 4.5'.
3. To allow presetting or beach furniture setup of ,2 chairs and umbrellas per 100 feet of lineal beach frontage.
4. To allow limited and specified carts or vehicles on the hardpack, limited to 3 mph and not driven.
5. To limit beach furniture operations to the hours between sunrise and sunset.
6. To maintain the annual permit structure and not increase fines for penalties.
7. To allow or remove limitations on beachfront operators providing beach chairs for the public and west side properties.
8. To delete numerical or maximum limits on beach furniture within the allocation area or box.

The attached draft ordinance also includes any necessary changes to the current beach furniture regulations to permit the implementation of beach furniture service, and food and beverage service, for residents at the Community Center (per the Commission's direction at the June 14, 2022 meeting).

Beach Furniture Ordinance 2nd Reading.docx

Exhibit A - Beach Chair Allocation Area Diagram.pdf

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING ARTICLE II, "PUBLIC BEACHES," OF CHAPTER 86, "WATERWAYS" OF THE TOWN'S CODE OF ORDINANCES RELATING TO BEACH FURNITURE AND PUBLIC BEACHES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 13, 2016, the Town of Surfside ("Town") adopted Ordinance No. 16-1658 amending, among other things, Article II, "Public Beaches," of Chapter 86, "Waterways" of the Town Code of Ordinances (the "Code"), to regulate beach furniture on the public beach in order to protect public access to the beach, prohibit obstructions that impact reasonable access to the beach by the public and emergency vehicles, and diminish impacts to native vegetation, sea turtles, and other wildlife; and

WHEREAS, on June 13, 2017, the Town adopted Ordinance No. 17-1662 further amending the beach furniture regulations of the Code to clarify terms and conditions, including beach furniture permit application and operational requirements; and

WHEREAS, on September 10, 2020, the Town adopted Ordinance No. 2020-1714 further amending the beach furniture regulations of the Code to modify terms and conditions, including increased limitations on beach furniture permit applications, and operational requirements; and

WHEREAS, after having had the benefit of the beach furniture permit requirements and process as operational since the adoption of Ordinance Nos. 2016-1658, 2017-1662 and 2020-1714, and after numerous public hearings and input from the public and hotel and condominium operators on the placement and storage of beach furniture on the public beach, the Town wishes to further amend the Code as provided herein; and

WHEREAS, the Town Commission finds that beachfront condominium and hotel beach furniture operations have been impacted by the restrictions in Ordinance No. 2020-1714, which resulted in a lawsuit challenging the current beach furniture regulations; and

WHEREAS, the Town Commission finds that such restrictions have impacted hotel and condominium beach furniture operations and may have impacted the Town's ability to compete with other beachfront destinations for tourism; and

WHEREAS, the Town Commission finds that Ordinance No. 2020-1714 established appropriate areas or location for the placement of beach furniture by beach furniture operators, but imposed additional and restrictive limitations on the numbers, staging and presetting of beach furniture, and on the use of any form of vehicle to transport beach furniture, over and above the limitations on placement; and

WHEREAS, the Town Commission held a special meeting on June 28, 2022 to discuss the parameters of an amendment to the beach furniture regulations contained in Chapter 86 of the Code and instructed the Town Attorney to prepare an ordinance based on its direction; and

WHEREAS, the Town Commission desires to continue to allow the public, hotel guests, and condominium residents and guests to utilize beach furniture on the public beach for their use and enjoyment; and

WHEREAS, the Town Commission seeks to modify regulations relating to beach furniture on the public beach by hotel and condominium beach furniture operators, while balancing the public's use of the beach and preservation of the environment, marine life and vegetation; and

WHEREAS, the Town Commission's intent is for beachfront hotels and condominiums to provide beach furniture services on a defined portion of the public beach largely on an as-needed, on-demand basis; and

WHEREAS, the Town Commission's intent is that the defined portion of the public beach provide authorized areas where beach furniture may be placed, without obstructing or impeding lifeguard towers, safety corridors, street ends, adjacent properties, or public beach access areas; and

WHEREAS, Section 150 of the Charter approved by referendum on March 15, 2022 prohibits the overnight storage of privately-owned property on the beach; and

WHEREAS, the Town Commission seeks to continue to prohibit the overnight storage of beach furniture on the beach in accordance with the Charter and for the public health, safety, and welfare; and

WHEREAS, the Town Commission desires to maintain the prohibition on vehicular traffic and the operation of any vehicles on the public beach and dunes, with limited exceptions for Town operations, emergency vehicles, or for individuals with mobility impairments, but to allow limited use of low-speed carts (that are not designed to be ridden on) within the hardpack area only for assisting with the movement of beach furniture by beach furniture operators to and from the beach; and

WHEREAS, the Town Commission finds that this Ordinance balances the public's access to the use, and enjoyment of the beach, the preservation of the public beach, environment, and marine wildlife and vegetation, and the public health, safety and welfare of the Town's residents, property owners and visitors, with the rights and expectations of condominium residents and hotel operators, and their respective guests; and

WHEREAS, the Town Commission held its first public meeting on this Ordinance on August 9, 2022, and, having complied with applicable notice requirements, approved it on first reading with modifications; and

WHEREAS, the Town Commission has conducted a second duly noticed public meeting on this ordinance on _____, 2022 and further finds the proposed changes to the Code are in the best interests of the community and promote the public health, safety and welfare of Town residents and property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE TOWN OF SURFSIDE AS FOLLOWS:[1]

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

Section 2. Town Code Amended. That the Code of Ordinances of the Town of Surfside, Florida is hereby amended by amending Article II, "Public Beaches" of Chapter 86, "Waterways" as follows:

Chapter 86 – Waterways

* * *

Article II. – Public Beaches

Division 1. – Generally

Section 86-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Beach furniture operator is a hotel or condominium association located on the east side of Collins Avenue that provides beach furniture services to ~~its~~ its building residents and verified guests.

Beach furniture setup is the daily organized preplacement, presetting or ~~,~~ pre-positioning ~~or stacking~~ of beach furniture by a beach furniture operator or user on the beach in anticipation of use. Beach furniture setup shall not include beach furniture staging.

Beach furniture staging is the organized, daily and temporary placement or stacking of beach chairs by a beach furniture operator in preparation for as-needed, on-demand distribution to beach furniture users. Staging shall be limited to a designated staging area not to exceed one eight (8) foot by eight (8) foot portion of the public beach (located within the ~~b~~Beach ~~f~~Furniture ~~o~~Operation ~~a~~Allocation ~~a~~Area ~~15-feet seaward of the vegetation line of the dune as set forth in Section 86-30(g)(iii)),~~ as defined in section 86-31(2)c.) for beach furniture operators with properties with less than 200 feet of beach frontage, and

Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

one twelve (12) foot by twelve (12) foot portion of the public beach within the Beach Furniture Allocation Area for beach furniture operators with properties with 200 feet or more of beach frontage, subject to ~~per 100 feet of beach frontage of the beach furniture operator with~~ a maximum permitted height of stacked chairs of 4.5 feet~~.~~. ~~in preparation for as-needed, on-demand distribution to beach furniture users.~~

Beach furniture storage is the daytime or overnight storage of beach furniture on the public beach.

Beach furniture user is an individual using any item of beach furniture while on the public beach. This applies to the general public, condominium residents and guests, and verified hotel guests.

Exclusion zone means all waters within the center line of 96th Street on the north and southward to the northerly line of 87th Terrace, including all improvements, recreational areas and property therein measured from the mean low water line; and that portion of the water area of the Atlantic Ocean, marked by regulatory markers, extended up to a maximum of 300 feet off shore from the mean high water line lying between the center line of 96th Street to the northerly line of 87th Terrace, as described on Exhibit A. As the markers will move about their anchor location with the tides and currents, enforcement of the exclusion zone shall extend to the area defined by the markers at the water surface at the time of infraction.

Editor's note— Exhibit A is not included herein but is available for public inspection at town offices.

Idle speed/no wake means a motorboat speed not greater than that necessary to maintain steerageway. A motorboat that is operating on a plane is not proceeding at idle speed/no wake.

Motorboat means any vessel, including personal watercraft, that is propelled or powered by machinery and that is used or capable of being used as a means of transportation on water.

Operate means to be in charge of, or in command of or in actual physical control of a motorboat in the exclusion zone.

Personal watercraft means a small class A-1 or A-2 vessel that uses an outboard motor or an inboard motor powering a water jet pump as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

Public beach means land that is seaward of the erosion control line. It shall also include all easements and rights-of-way within the area that are utilized for public beach purposes.

Regulatory marker means any anchored or fixed marker in, on or over the water, or anchored platform on the surface of the water, and includes, but is not limited to, a bathing beach marker, speed zone marker, information marker, congested area marker or warning marker.

Vessel is synonymous with boat as referenced in Section 1(b), Article VII of the Florida Constitution and includes every description of watercraft, barge and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Sec. 86-27. - Intent of article.

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

* * *

Section 86-30. - Limitations on beach furniture; prohibitions on beach and dune system.

(a) Beach furniture shall not inhibit access to or use of the public beach, nor obstruct reasonable access on the public beach for pedestrians and emergency vehicles, nor impact native vegetation, nor destroy or disturb sea turtles or other wildlife, including their habitats and nesting sites.

(b) Beach furniture setup shall be limited to pre-setting of 0.2 chairs and umbrellas per lineal foot of beach frontage ~~five (5) chairs~~ per beach furniture operator.

(c) Beach furniture storage shall be prohibited on the public beach in accordance with Section 150 of the Town Charter. Limited daytime beach furniture setup and staging shall be permitted in accordance with the terms of this Article.

(d) Except for beach furniture setup and staging as permitted by this Article, ~~pre-set beach furniture,~~ beach ~~Beach~~ furniture shall be removed from the public beach when not in use. Removal shall occur promptly after use of the beach furniture ceases.

(e) Beach furniture provided by a beach furniture operator or a user that is a hotel or condominium ~~for use by verified hotel guests or condominium residents or guests,~~ shall be clearly identified as to its ownership, maintained in good condition, free from evidence of deterioration, weather, and discoloration at all times.

(f) Storage boxes or similar shed-type structures on the public beach shall be prohibited.

(g) Beach furniture staging shall be limited to beach chairs and umbrellas ~~stairs~~ stacked to a maximum height of 4.5 feet within the designated staging area.

(h) Placement of beach furniture on the public beach shall comply with the following regulations and restrictions:

i. Beach furniture shall not be placed within 12 feet of the perimeter of a lifeguard tower, or within a 12-foot-wide path (6 feet to the north and south of the center line) extending behind and in front of a lifeguard tower, from the erosion control line to the ocean to allow lifeguard or emergency personnel unobstructed view and access to the public beach or ocean.

ii. Beach furniture shall not be placed at or within a 12-foot-wide path (6 feet to the north and south of center line) extending from any street end or public beach access route to the ocean, or in the 12-foot area immediately adjacent to the street ends, to ensure clear and unobstructed access by the public and emergency and maintenance vehicles and personnel.

iii. Beach furniture, including staging, shall be placed no less than 15 feet seaward of the edge of the vegetation line of the dune to ensure clear and unobstructed access by the public and emergency and maintenance vehicles and personnel.

iv. Beach furniture shall not be placed at or within 20 feet of the high tide water's edge to provide for unobstructed access to the water and recreational use.

(i) In the event of a declared state of emergency, natural disaster, storm warning or severe weather alert, any beach furniture placed on the public beach shall be removed from the public beach within two (2) hours of the declared state of emergency, natural disaster, storm warning, or severe weather alert. Beach furniture shall not be placed on the public beach until such time as the beach is cleaned and/or raked after the emergency, natural disaster, storm, or severe weather event, and the Town Manager or designee advises that beach furniture may be placed on the public beach.

(j) A request to relocate or remove beach furniture in violation of this article from a code enforcement officer, police or law enforcement personnel, or lifeguard shall be complied with immediately.

(k) Motorized vehicular traffic and the operation of any motorized vehicles, whether engine, battery or electric-powered, is prohibited on the beach, upon a dune, in an area containing dune vegetation, or in the waters adjacent to the beach. The provisions of this subsection shall not apply to a person acting under authority of or with permission of the Town or other governmental agencies or entities for cleanup, maintenance, repairs, public safety, or emergencies, or to the use of any wheelchair or approved conveyance by an individual with a mobility impairment. To assist in the movement of beach furniture to and from the public beach, non-fuel powered ~~motorized~~ carts that can be pulled, pushed, or moved based on electric, battery or hydraulic power, that are not designed to be ridden on, and that do not exceed a maximum speed of three (3) miles per hour, may be used by a beach furniture operator only on the hardpack for the transportation of beach furniture to and from the public beach.

(l) It is prohibited for any person or entity, including beach furniture operators, ~~to sell, rent, or conduct any business or commercial activity, or~~ to enter into any type of arrangement with other persons or entities including properties on the west side of Collins Avenue, related to beach furniture on the beach, upon a dune, in an area containing dune vegetation, or in the waters adjacent to a beach. Only beach furniture operators are permitted to conduct beach furniture operations on the public beach for their residents and verified guests, and no other person or entity may provide beach furniture services except as permitted in this article. ~~Notwithstanding,~~ t~~T~~his ~~subsection~~ ~~Ordinance~~ Article shall not prohibit a hotel or condominium, ~~or the Town as the owner and operator of the Community Center,~~ either for itself or through a third party vendor, from providing its verified hotel guests or building ~~condominium~~ residents or their guests, ~~or Town residents, or any party it contracts with,~~ with beach furniture operations or service in accordance with the provisions of this Article. The Town as the owner and operator of the Community Center may, either for itself or through a third party vendor, provide Town residents with beach furniture operations or service in accordance with the provisions of this Article.

Section 86-31. –Beach furniture operator permits and requirements

A beach furniture operator must obtain a permit for beach furniture services. A beach furniture operator must procure a local business tax receipt and comply with the regulations of section 70-41 of the Town of Surfside Code and all required licenses or permits from Miami-Dade County, the State of Florida and federal entities. The term of a beach furniture operator permit shall be one 1) year, unless revoked for failure to comply with applicable regulations of this Article.

Application. A beach furniture operator shall apply or provide annual supporting documentation to the Town annually by August 1 for a beach furniture operator permit on a form prepared by the Town with the applicable permit application fee. Beach furniture operator permits shall be valid annually from October 1 through September 30, unless revoked sooner for failure to comply with applicable regulations of this Article.

(1) Beach furniture operator permit applications shall include the following:

a. An application fee of $500.00 for hotels and $250.00 for condominiums;

b. Beach furniture operations plan, including specifications on setup, storage, staffing and clean-up, and an evacuation plan, in the event of a natural disaster such as a tropical storm or hurricane, specifying a storage area during the natural disaster;

c. Signed and sealed survey of the beach furniture operator's property, which shall depict the dimension of beach frontage; and

d. Compliance with indemnification and insurance requirements pursuant to section 86-32 of the Town of Surfside Code. ~~Updated documentation demonstrating compliance with indemnification and insurance requirements shall be provided in August of every year.~~

(2) A beach furniture operator:

a. Shall place beach furniture directly seaward of the beach furniture operator's property and only within an area that is 10 feet north of the seaward extension of the southern boundary and 10 feet south of the seaward extension of the northern boundary of the beach furniture operator's property in order to allow corridors to the ocean for use, safe access, and enjoyment by the general public.

b. Shall provide trash receptacles to support beach furniture operations and remove all garbage, trash, litter, and debris contained therein when full. Trash receptacles must be removed from the public beach by the end of the beach operation day. A beach furniture operator shall continuously maintain and inspect the ~~conduct at least three inspections of the~~ beach, as needed, ~~a minimum of three hours apart~~, to remove any garbage, trash, litter, or debris generated by the beach furniture operator's activity.

c. Shall ~~have no more than 0.30 chairs per lineal foot of beach frontage and 0.15 umbrellas per lineal foot of beach frontage~~ only place beach furniture within the allowable beach furniture operation allocation area of the public beach at any one time, as depicted on **Exhibit A** attached hereto (graphic on Beach Furniture Operation Allocation Area), as amended and on file and available for inspection at the Town Clerk's office.

d. ~~Notwithstanding the foregoing, in no event shall a beach furniture operator have more than the maximum number of chairs and umbrellas on the public beach at any one time as specified herein and in **Exhibit B** attached hereto (Maximum Beach Furniture Allocation Chart), as may be amended by the Town from time to time, and on file and available for inspection at the Town Clerk's office, unless additional beach furniture is approved by the Town Manager or designee upon a finding in his/her discretion that the beach furniture operator has made written application in advance that demonstrates increased demand for a specified time period and that the additional beach furniture can be reasonably placed within the Beach Furniture Operation Allocation Area.~~

e. Shall be permitted to conduct beach furniture (chair) operations, including ~~setup together with~~ beach furniture setup and staging ~~of stacked chairs to a height not to exceed 4.5 feet within a designated staging area up to 10 chairs maximum at any one time~~ between the hours of 8:00 A.M. ~~sunrise~~ and sunset ~~the hours of 8:00 AM to 6:00 PM~~, after which time the staging area must be completely broken down and all beach furniture (chairs) must be removed and stored on private property daily. The staging area shall be kept in a compact and orderly configuration, with all beach furniture/chairs stacked to the maximum permitted height of 4.5 feet when not in use.

(3) Exemption. Nothing in this article shall require a permit from a beach furniture user to place beach furniture on the public beach for personal use on an as needed basis.

(4) Review of beach furniture operator permit application. A permit shall be granted upon the submittal of a completed application and the required fee in compliance with this article, as determined by the town manager or designee.

(5) A beach furniture operator permit is revocable if the applicant does not meet the requirements as specified in this article. A beach furniture operator permit shall not be renewed if open violations of this article or the beach furniture operator permit exist at the time of renewal.

(6) Appeals. If a beach furniture operator permit is denied or revoked by the town manager or designee, the beach furniture operator may, within 30 days of the decision, file a notice of appeal to the town commission. The appeal shall be heard as a quasi-judicial matter.

Section 86-32. - Indemnification and insurance.

(a) The beach furniture operator agrees to indemnify, defend, save and hold harmless the town, its officers and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit and/or the beach furniture operator's activity on the public beach.

(b) The beach furniture operator agrees to obtain and maintain for the entire permit period, at its own expense, the following requirements:

(1) Commercial general liability insurance in the amount of $1,000,000.00 per occurrence for bodily injury and property damage. The town must be named as an additional insured on this policy, and an endorsement must be issued as part of the policy reflecting compliance with this requirement.

(2) Workers' compensation and employers' liability as required by the state.

(c) All policies must be issued by companies authorized to do business in the state and rated B+:VI or better per Best's Key Rating Guide, latest edition.

(d) The town must receive 30 days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.

(e) The beach furniture operator must provide and have approved by the town an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations.

(f) Failure to comply with these requirements shall be deemed to be operating without a valid permit and shall cause an immediate suspension or revocation of the permit.

Section 86-33. - Violations, civil fines and penalties.

Any person or entity found to be in violation of any condition of this article issued herein shall first be issued a warning. Failure to correct the violation within 24 hours

following the beach furniture operator's receipt of a warning shall result in the issuance of a civil violation notice as provided in section 15-10 of the Town Code.

Violations of this section shall be subject to the following fines:

(1) If the violation is the first violation—$100.00

(2) If the violation is the second violation of the original violation for which a $100 fine was paid within the preceding 12 months—$250.00

(3) Any subsequent violation after the second violation of the original violation within the preceding 12 months—$500.00

(4) After the third violation for the same violation, a beach furniture operator shall be suspended from beach furniture operations for a period of one year from the date of violation.

Sec. 86-34. – Lost or Abandoned Beach Furniture.

Whenever a code compliance officer or law enforcement officer shall ascertain that an article of lost or abandoned beach furniture is present on the public beach, the officer shall follow the procedures set forth in Chapter 705, Florida Statutes, as may be amended from time to time. Notwithstanding, a code compliance officer may also enforce the provisions of this section in accordance with Section 86-33 of this article. Code compliance officers are designated to administer the provisions of this section and Chapter 705, Florida Statutes, as may be amended from time to time, pertaining to lost or abandoned property. For the purpose of ascertaining whether unattended beach furniture has been lost or abandoned, any beach furniture left unattended for more than 24 hours shall be presumed to be lost or abandoned property.

Section 86-35. - Reserved.

* * *

Division 2. – Conduct

Sec. 86-36. - Scope.

The provisions of this division apply to any of the areas within the corporate limits of the town which by virtue of law or through municipal ownership or common usage are determined and considered to be public beaches.

Sec. 86-37. - Soliciting for commercial photography.

No person shall solicit for a commercial photographer or to take pictures in connection with commercial photography unless invited to do so by the person desiring that the picture be taken.

~~Sec. 86-38. - Picnicking.~~

~~No person shall picnic or eat or consume food on the beaches coming under this division.~~

Sec. 86-3~~9~~8. - Drinking alcoholic beverages.

No person shall drink or consume alcoholic beverages on the beaches coming under this division.

Sec. 86-~~40~~39. - Build fires; Cooking.

No person shall build or maintain a fire or cook on any beach coming under this division.

Sec. 86-4~~1~~0. – Peddling; Prohibition on Commercial Operation or Business on the Public Beach.

No person, firm or entity (other than the Town of Surfside) shall sell, or rent goods or services, or carry on any commercial operation or business on the public beach~~es coming~~ under this ~~division~~ Article, except that licensed beach furniture operators that are in good standing shall be permitted to provide food and beverage services only, either for itself or through a third party vendor, to their residents and/or verified guests.

* * *

Section 3. Codification. It is the intent of the Town Commission that the provisions of this ordinance shall become and be made a part of the Town's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

PASSED on first reading on the ____ day of _____, 2022.

PASSED AND ADOPTED on second reading on the ____ day of _____, 2022.

First Reading:
Motion by: _____
Second by: _____

Second Reading:
Motion by: _____
Second by: _____

FINAL VOTE ON ADOPTION
Commissioner Fred Landsman ____
Commissioner Marianne Meischeid ____
Commissioner Nelly Velasquez ____
Vice Mayor Jeffrey Rose ____
Mayor Shlomo Danzinger ____

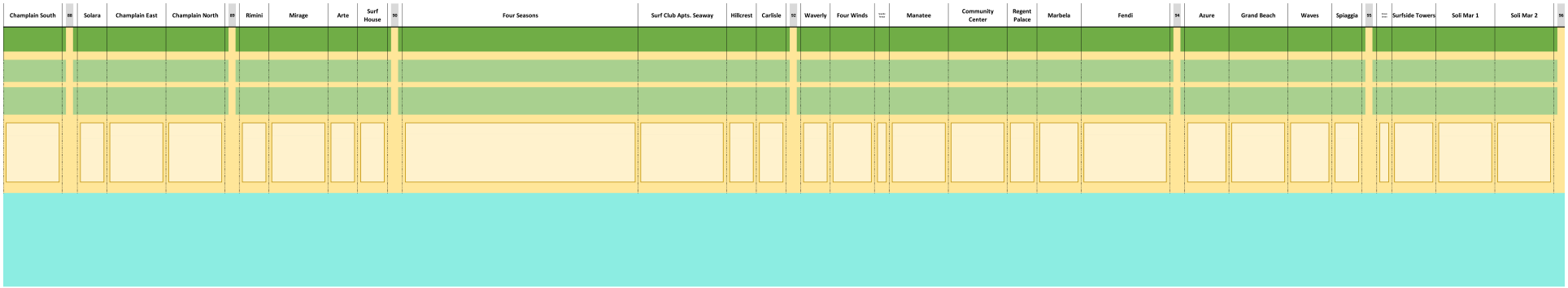
_____
Shlomo Danzinger, Mayor

ATTEST:

_____
Sandra N. McCready, MMC
Town Clerk

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

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney



Street End
Bulkhead Line
Rear Yard
Property Line

Hard Pack
Dune

Walking Path
Dune

15' Corridor

Boundaries of Operator Placement
Property Line Extended
Street End Corridor
20' Corridor

High Tide Line

Ocean

LEGEND

MEMORANDUM

ITEM NO. 4A2.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Mayor Shlomo Danzinger

Date: September 13, 2022

Subject: **50% Lot Coverage for 1-Story Homes.**

To modify the Town Code to allow for 50% lot coverage for 1-story homes (not to exceed any existing setbacks), and to stipulate in the code; if a homeowner who has built above the 40% lot coverage wishes to build a second floor, the homeowner must remove the excess square footage from the first floor, bringing the total lot coverage to a maximum of 40%, when building a second floor (to be limited to the standard 80% of the 40%).

New one story homes build over the 40% coverage must adhere to a 22' ft height restriction.

The Town's Planning and Zoning Board has previously recommended allowing homeowners to build up to 50% of the lot coverage (not to exceed any existing setbacks) to:

- Encourage homeowners to preserve existing homes when looking to expand, instead of complete demolition; and
- Incentivize homeowners building new homes to build cheaper and more modest 1-story homes instead of larger, more expensive 2-story homes.

Ordinance Amending Lot Coverage for Single Story.doc

ORDINANCE NO. 22 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-2. - "DEFINITIONS" TO REVISE THE DEFINITION FOR "LOT COVERAGE," AND SECTION 90-49. – "LOT STANDARDS" TO INCREASE THE MAXIMUM LOT COVERAGE ALLOWED FOR SINGLE-STORY HOMES THAT DO NOT EXCEED 22 FEET IN HEIGHT TO 50%; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the Town Commission of the Town of Surfside ("Town Commission") finds it periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in order to update regulations and procedures to maintain consistency with state law, to implement municipal goals and objectives, to clarify regulations and address specific issues and needs that may arise; and

WHEREAS, the Town Commission finds that many of the older homes in Town are one-story; and

WHEREAS, the Town Commission finds that many of the older homes in Town have been replaced in recent years with imposing two-story homes that present compatibility challenges with the remaining one-story homes; and

WHEREAS, the current forty percent (40%) lot coverage limitation disincentives the preservation of existing one-story homes by owners who simply need a little more space; and

WHEREAS, although relief exists in the form of a practical difficulty variance, such requires considerable process, time, and money; and

WHEREAS, the Town Commission desires to encourage and enable preservation of existing single-family homes by allowing for their expansion and provide an option to home owners so that they are not compelled to build a two-story home; and

WHEREAS, the Town Commission desires to incentivize new home builders to consider single-story homes, which may be more compatible with the surrounding neighborhood and less expensive to build; and

WHEREAS, at the Town Commission meeting on June 14, 2022, the Town Commission considered increasing the maximum lot coverage allowed to fifty percent (50%) for single-family homes provided they do not exceed 22 feet in height, and directed the Town Attorney to prepare an ordinance implementing that policy; and

WHEREAS, the Town Commission desires to amend the Code for such purposes and finds that such a change to maximum lot coverage for single-story homes is in the best interests of the Town and its residents; and

WHEREAS, the Town Commission held its first public hearing on July 12, 2022 and, having complied with the notice requirements in the Florida Statutes, approved the proposed ordinance with a change to the definition of "lot coverage" to allow 50% lot coverage for single family homes, on first reading; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on August 25, 2022 with due public notice and input, and recommended approval of this ordinance as amended by a 5-0 vote; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA[1]:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference:

Section 2. Town Code Amended. Chapter 90-2. – "Definitions" and Chapter 90-49. – "Lot standards," of the Surfside Town Code of Ordinances are hereby amended as follows:

Sec. 90-2. – Definitions.

***

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes made at first reading are indicated with ~~double strikethrough~~ and double underline.

Lot coverage: The percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures (except swimming pools, fences, screen enclosures, and pergolas), or portions thereof. In the H30A and H30B single family districts, the lot coverage is limited to a maximum fifty percent (50%) of the lot for single-story homes and forty percent (40%) of the lot for two-story homes; provided however that the following shall not be included in determining the lot coverage:

i. Uncovered steps and exterior balconies;
ii. Uncovered terraces, patios, breezeways, or porches which are open on two (2) sides; and
iii. Covered terraces, patios, breezeways, or porches which are open on two (2) sides.

In no instance may the sum of the lot coverage and all exemptions listed in i-iii exceed 50% of the lot area for one-story homes and 46% of the lot area for two-story homes.

***

Sec. 90-49. Lot standards.

Lot standards	H30A	H30B	H30C	H40	H120	SD-B40	MU	CF
Minimum lot width	50 FT	50 FT	50 FT	50 FT	50 FT	0 FT	-	-
Minimum lot area	8,000 FT	5,600 FT	-	-	-	-	-	-
Maximum lot coverage	40%*	40%*	-	-	-	-	-	-
Minimum pervious area	35%	35%	20%	20%	20%	-	-	-

* Homes with a maximum height of 22 feet that do not exceed one habitable story may provide up to fifty percent (50%) lot coverage. A single-story home exceeding forty percent (40%) lot coverage may not be altered to provide a second story unless the lot coverage is reduced to a maximum 40%.

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 on second reading**.**

PASSED on first reading this 12th day of July, 2022.

PASSED and **ADOPTED** on second reading this _____day of _____, 2022.

First Reading:
Motion by: Vice Mayor Jeffrey Rose
Second by: Commissioner Fred Landsman

Second and Final Reading:
Motion by: _____
Second by:_____

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman	____
Commissioner Marianne Meischeid	____
Commissioner Nelly Velasquez	____
Vice Mayor Jeffrey Rose	____
Mayor Shlomo Danzinger	____

_____
Shlomo Danzinger, Mayor

ATTEST:

_____
Sandra N. McCready, MMC
Town Clerk

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

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

MEMORANDUM

ITEM NO. 4A3.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Fred Landsman, Commissioner

Date: September 13, 2022

Subject: **Ordinance to Increase the Minimum Percentage of Florida Friendly Landscaping Required to 40%**

Consider direction to the Town Planner and Town Attorney to bring back an ordinance to implement these recommendations.

Consideration: The Town Commission during the June 14th meeting discussed bringing an ordinance forward for consideration:

Increase the minimum percentage of Florida Friendly landscaping required to 40%. The minimum percentage is currently 20%, but the Zoning in Progress increased that figure to 40%. Florida Friendly is a set of standards promulgated by the University of Florida to encourage sustainability, minimize storm water runoff, and support wildlife. The increase provided in the Zoning in Progress was complied with by all design review applicants over the last 18 months and does not appear to be a significant burden on property owners.

Ordinance Amending FL Friendly Landscape Ordinance.doc

ORDINANCE NO. 22 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTIONS 90-90 AND 90-95 OF ARTICLE VIII, "LANDSCAPE REQUIREMENTS," OF CHAPTER 90 OF THE TOWN CODE OF ORDINANCES, TO INCREASE FLORIDA-FRIENDLY LANDSCAPING IN THE PERVIOUS AREAS OF SINGLE FAMILY AND DUPLEX DWELLINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the Town Commission of the Town of Surfside (the "Town") finds it periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in order to update regulations and procedures to maintain consistency with state law, to implement municipal goals and objectives, to clarify regulations and address specific issues and needs that may arise; and

WHEREAS, Article VIII, "Landscape Requirements," (the "Landscape Ordinance") of Chapter 90, "Zoning," of the Town Code promotes Florida Friendly Landscaping Principles (Right Plant-Right Place, Water Efficiency, Fertilize Appropriately, Mulch, Attract Wildlife, Manage Yard Pest Responsibly, Recycle, Prevent Storm Runoff, and Protection of Waterfronts), which principles are aimed at protecting Florida's unique natural resources; and

WHEREAS, the Landscape Ordinance of the Town Code currently requires single family and duplex dwellings to utilize at least 20% Florida Friendly Landscaping in pervious areas; and

WHEREAS, multifamily dwellings and all other developments are required to utilize at least 40% and 50% Florida Friendly Landscaping in pervious areas, respectively, under the Landscape Ordinance; and

WHEREAS, the Town issued Zoning in Progress notices dated December 2021 and March 2022 providing that single family and duplex developments in the Town utilize at least 40% Florida Friendly Landscaping in pervious area; and

WHEREAS, all design review applicants complied with the Zoning in Progress Florida Friendly Landscaping requirements without any indication that such requirements placed a significant burden on property owners; and

WHEREAS, in order to promote and strengthen the Town's commitment to Florida Friendly Landscaping Principles, the Town Commission desires to formally amend the Landscape Ordinance of the Town Code to increase the percentage of Florida Friendly Landscaping required for new construction of single-family and duplex developments in the Town from 20% to 40%; and

WHEREAS, the Town Commission finds that this Ordinance is necessary for the preservation of the public health, safety, and welfare of the Town; and

WHEREAS, the Town Commission held its first public hearing on July 12, 2022 and, having complied with the notice requirements in the Florida Statutes, approved the proposed ordinance with a change proposed by the Town Planner to require that 40% of the trees and shrubs also be Florida Friendly, on first reading; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on August 25, 2022 with due public notice and input, and recommended approval of this ordinance as amended by a 4-1 vote; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:[1]

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

Section 2. Town Code Amended. Article VIII, "Landscape Requirements," of the Town Code of Ordinances is hereby amended as follows:

CHAPTER 90 – ZONING

***

ARTICLE VIII. LANDSCAPE REQUIREMENTS.

***

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes made at first reading are indicated with ~~double strikethrough~~ and double underline.

Section 90-90. Vegetative provisions.

90-90.1 Florida Friendly.

(1) A minimum of 20 percent of the pervious area on single family and duplex dwellings must be in Florida Friendly landscape, except that as of the Effective Date of this Ordinance, the pervious area of all new single family and duplex dwelling construction shall provide at least 40% Florida Friendly landscape and 40% of required trees and shrubs.

(2) A minimum of 40 percent of the pervious area of multifamily dwellings must be Florida Friendly landscape.

(3) A minimum of 50 percent of the pervious area of all other development uses must be in Florida Friendly landscape.

***

Section 90-95. – Single-family H30A and H30B district landscape requirements.

***

(2) *General landscape treatment:* Trees, turf grass, groundcover, shrubs and other decorative landscape material shall be used to cover all disturbed ground not covered by building and paving, subject to the ~~; with~~ Florida Friendly landscape requirements of Section 90-90 of this Code ~~to be a minimum of 20 percent of the open space of the site~~.

***

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 on second reading.

PASSED on first reading this 12th day of July, 2022.

PASSED and **ADOPTED** on second reading this __ day of _____, 2022.

First Reading:
Motion by: Commissioner Fred Landsman
Second by: Commissioner Marianne Meischeid

Second and Final Reading:
Motion by: _____
Second by: _____

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman	____
Commissioner Marianne Meischeid	____
Commissioner Nelly Velasquez	____
Vice Mayor Jeffrey Rose	____
Mayor Shlomo Danzinger	____

_____
Shlomo Danzinger, Mayor

ATTEST:

_____
Sandra N. McCready, MMC
Town Clerk

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

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

MEMORANDUM

ITEM NO. 4A4.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Fred Landsman, Commissioner

Date: September 13, 2022

Subject: **Amending the Town Code Relating to the Location and Requirements for Ground-Level and Rooftop Mechanical Equipment.**

For the Planning and Zoning Board to recommend to the Town Commission to adopt this ordinance on second reading.

Consideration: The Town Commission during the June 14th meeting discussed bringing an ordinance forward to consider the following proposals:

1. Reduce the required setback for mechanical equipment located on the ground level of homes provided noise mitigating barriers are used. Section 90-47.3 of the Town Code currently requires mechanical equipment be placed not closer than 15 feet from any other residence, and Section 90-44 allows placement on rooftops, but in neither case requires visual screening or sound barriers. The proposal is to reduce the setback on the ground level to 5 feet and clarify that mechanical equipment is required to be visually screened and include sound barriers.
2. Require similar visual screening and sound mitigation barriers for rooftop mechanical equipment.

For discussion purposes, the regulations governing rooftop installations from the last Zoning in Progress notice that expires on June 7, 2022 are as follows:

Mechanical equipment shall be permitted on any roof in the H30A and H30B districts, subject to the following requirements:

A. Setback from roof perimeter. All equipment and enclosures shall be set back from the roof perimeter so that it is not visible from eye-level view from grade at a distance of 75 feet from any property line of the subject lot. This shall be demonstrated by line-of-sight drawings submitted as part of a zoning approval or design review package.
B. Screening. All equipment shall be screened by an enclosure of sufficient height which adequately hides the equipment from view from all angles (including from above) and matches closely to its immediate surroundings in texture, color, and appearance, or is set into the roof structure itself without changing the visible contour of the roof as seen from the street. In either instance, neither equipment nor screening shall be visible from eye-level from grade at any property line, nor discernible from eye-level from grade at any distance outside of the property lines. Additionally, the equipment shall be acoustically screened to reduce noise to no more than 55 DBA when measured from any

property line of the subject lot.

C. The footprint area of the equipment, as defined by the perimeter of the decorative and acoustic screen enclosure, shall not exceed 7.5% of the total area of the roof upon which it is placed.
D. Rooftop equipment and all screening elements shall not exceed six (6) feet above the roof slab for a flat roof or above the truss for a pitched roof.
E. Any rooftop mechanical equipment installed prior to the effective date of this ordinance shall meet the requirements of this section for any replacement of equipment.

Ordinance Re Ground and Rooftop Mechanical Equipment - H30A and H30B.doc

ORDINANCE NO. 22 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 90-47.3 RELATING TO THE LOCATION AND REQUIREMENTS FOR GROUND-LEVEL MECHANICAL EQUIPMENT AND CREATING SECTION 90-67.3 RELATING TO THE LOCATION AND REQUIREMENTS FOR ROOFTOP MECHANICAL EQUIPMENT, ON PROPERTIES IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the Town Commission of the Town of Surfside (the "Town") finds it periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in order to update regulations and procedures to maintain consistency with state law, to implement municipal goals and objectives, to clarify regulations and address specific issues and needs that may arise; and

WHEREAS, Section 90-47.3 of Article IV. – District Regulations, of Chapter 90, "Zoning," of the Town Code requires property owners in the H30A and H30B zoning districts to provide certain rear yard and/or side yard setbacks for air conditioning equipment, pool pumps, or other ground mechanical equipment; and

WHEREAS, additionally, Section 90-44.2 of Chapter 90 allows rooftop mechanical equipment, but does not provide regulations governing the location and requirements, such as screening, for mechanical equipment on roofs; and

WHEREAS, although mechanical equipment is typically loud and aesthetically unappealing, mechanical equipment is necessary for modern living and is ubiquitous in the Town; and

WHEREAS, due to innovations in mechanical equipment, it is now more feasible to mitigate the negative visual and auditory consequences of mechanical equipment; and

WHEREAS, the Town has implemented rooftop mechanical equipment regulations pursuant to the Zoning in Progress notices dated December 2021 and March 2022, which created a de facto pilot program to test the efficacy of such regulations; and

WHEREAS, the Town Commission desires to revise the Town Code by amending Section 90-47.3 of the Town Code to revise ground-level mechanical equipment setbacks, visual screening, and sound mitigation requirements and create Section 90-67.3 of the Code to regulate the location and requirements for rooftop mechanical equipment; and

WHEREAS, at the June 14, 2022 Town Commission meeting, the Town Commission considered ground-level mechanical equipment setbacks and rooftop mechanical equipment, together with visual screening and sound mitigation, and directed the Town Attorney to prepare an ordinance addressing these issues; and

WHEREAS, the Town Commission finds that this Ordinance is in the best interests of the Town and promotes the public health, safety, and welfare of the Town; and

WHEREAS, the Town Commission held its first public hearing on July 12, 2022 and, having complied with the notice requirements in the Florida Statutes, approved the proposed ordinance on first reading; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on August 25, 2022 with due public notice and input, and recommended approval of this ordinance as amended by a 5-0 vote; and

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

NOW, THEREFORE, **BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:**[1]

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

Section 2. Town Code Amended. Chapter 90, "Zoning," of the Town Code of Ordinances is hereby amended as follows:

CHAPTER 90 – ZONING

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes made at first reading are indicated with ~~double strikethrough~~ and double underline.

***

ARTICLE IV. – DISTRICT REGULATIONS.

***

Section 90-47. - Yards generally, allowable projections.

***

90-47.3. On properties designated H30A or H30B, air conditioning equipment, pool pump or other mechanical equipment may be located at ground level ~~in a required rear setback~~, provided such equipment is at least 5 feet from any side or rear lot line and 10 ~~15~~ feet from any other single-family or two-family residence, ~~shall maintain at least a five-foot setback from the rear and side yards~~ and is not visible from any street or waterway. All equipment shall be visually screened by an enclosure of sufficient height which adequately hides the equipment from view from all angles (including from above) and matches closely to its immediate surroundings in texture, color, and appearance. Additionally, the equipment shall be acoustically screened to reduce noise to no more than 55 dBA when measured from any property line of the subject lot.

***

ARTICLE V. – DESIGN STANDARDS

***

90-67.3. Rooftop Mechanical Equipment in H30A and H30B Districts.

The following requirements apply to all rooftop mechanical equipment located within the H30A and H30B zoning districts:

a. *Setback from roof perimeter*. All equipment and enclosures shall be set back from the roof perimeter so that it is not visible from eye-level view from grade at a distance of 75 feet from any property line of the subject lot. This shall be demonstrated by line-of-sight drawings submitted as part of a zoning approval or design review package.

b. *Screening*. All equipment shall be visually screened by an enclosure of sufficient height which adequately hides the equipment from view from all angles (including from above) and matches closely to its immediate surroundings in texture, color, and appearance, or is set into the roof structure itself without changing the visible contour of the roof as seen from the street. In either instance, neither equipment nor screening shall be visible from eye-level from grade at any property line, nor discernible from eye-level from grade outside of the property lines. Additionally, the equipment shall be acoustically screened to reduce noise to no more than 55 dBA when measured from any property line of the subject lot.

c. The footprint area of the equipment, as defined by the perimeter of the decorative and acoustic screen enclosure, shall not exceed 7.5% of the total area of the roof upon which it is placed.

d. Rooftop equipment and all screening elements shall not exceed six (6) feet above the roof slab for a flat roof or six (6) feet above the top of the tie beam for a pitched roof.

e. Any rooftop mechanical equipment installed prior to the effective date of this ordinance shall meet the requirements of this section for any replacement of equipment.

***

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 on second reading**.**

PASSED on first reading this 12th day of July, 2022.

PASSED and **ADOPTED** on second reading this __ day of _____, 2022.

First Reading:
Motion by: Vice Mayor Jeffrey Rose
Second by: Commissioner Fred Landsman

Second and Final Reading:
Motion by: _____
Second by:_____

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman ____
Commissioner Marianne Meischeid ____
Commissioner Nelly Velasquez ____
Vice Mayor Jeffrey Rose ____
Mayor Shlomo Danzinger ____

_____
Shlomo Danzinger, Mayor

ATTEST:

_____
Sandra N. McCready, MMC
Town Clerk

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

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

MEMORANDUM

ITEM NO. 4B1

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Lillian Arango, Town Attorney

Date: September 13, 2022

Subject: **Amending Town Code Section 90-67. - Emergency Power Generators**

The attached Ordinance for first reading amends Section 90-67 of the Town Code to permit the placement of generators on the rooftop in residential structures located in the H30A and H30B zoning districts, in accordance with screening mitigation requirements as set forth in Section 90-67.3 of the Code, as may be amended.

At the July 12, 2022 meeting, the Town Commission considered and adopted on first reading an ordinance to amend Section 90-47.3 of the Town Code to revise ground-level mechanical equipment setbacks, visual screening, and sound mitigation requirements and create Section 90-67.3 of the Code to regulate the location and requirements for rooftop mechanical equipment. This Ordinance is on the September 13, 2022 agenda for second reading.

At the July 12, 2022 Town Commission meeting during the discussion on mechanical equipment ordinance, the Town Commission further discussed amending the Code to permit the installation of mechanical equipment, including generators, on the rooftop of residential structures, thereby necessitating an amendment to Section 90-67 of the Code to address placement of emergency power generators on rooftops.

Section 90-67 “Emergency Power Generators” of the Town Code currently does not permit generators on the rooftop of residential structures, and provides that for (i) new construction of residential structures, emergency power generators must be placed in the rear of the property, and (ii) that for residential structures existing as of September 1, 2006, permanent generators may be placed in the front of the house if placement in the rear is not feasible. Due to innovations in mechanical equipment, it is now more feasible to mitigate the negative visual and auditory consequences of mechanical equipment, including those that may be installed on the roof.

Amending Town Code Section 90-67. - Emergency Power Generators.docx

ORDINANCE NO. 22 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 90-67 – "EMERGENCY POWER GENERATORS" TO PERMIT THE INSTALLATION OF EMERGENCY POWER GENERATORS ON THE ROOFTOP OF RESIDENTIAL STRUCTURES IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the Town Commission of the Town of Surfside (the "Town") finds it periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in order to update regulations and procedures to maintain consistency with state law, to implement municipal goals and objectives, to clarify regulations and address specific issues and needs that may arise; and

WHEREAS, at its July 12, 2022 meeting, the Town Commission considered and adopted on first reading an ordinance to amend Section 90-47.3 of the Town Code to revise ground-level mechanical equipment setbacks, visual screening, and sound mitigation requirements and create Section 90-67.3 of the Code to regulate the location and requirements for rooftop mechanical equipment; and

WHEREAS, Section 90-67 "Emergency Power Generators" of the Town Code currently does not permit generators on the rooftop of residential structures, and provides that for (i) new construction of residential structures, emergency power generators must be placed in the rear of the property, and (ii) that for residential structures existing as of September 1, 2006, permanent generators may be placed in the front of the house if placement in the rear is not feasible; and

WHEREAS, due to innovations in mechanical equipment, it is now more feasible to mitigate the negative visual and auditory consequences of mechanical equipment, including those that may be installed on the roof; and

WHEREAS, the Town Commission desires to revise the Town Code by amending Section 90-67 of the Town Code to permit the placement of generators on the rooftop in residential structures located in the H30A and H30B zoning districts, in accordance with screening mitigation requirements as set forth in Section 90-67.3 of the Code, as may be amended; and

WHEREAS, at the July 12, 2022 Town Commission meeting, the Town Commission discussed amending the Code to permit the installation of mechanical equipment, including generators, on the rooftop of residential structures, thereby necessitating an amendment to Section 90-67 of the Code to address placement of emergency power generators on rooftops; and

WHEREAS, the Town Commission held its first public hearing on September 13, 2022, and approved the proposed amendment to Section 90-67 of the Town Code of Ordinances on first reading; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on _____, 2022 with due public notice and input, and recommended _____ of this proposed amendment; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on _____, 2022 and further finds the proposed changes to the Code are necessary and in the best interest of the community.

WHEREAS, the Town Commission finds that this Ordinance is in the best interests of the Town and promotes the public health, safety, and welfare of the Town.

NOW, THEREFORE, **BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:**[1]

[1] Coding: Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with yellow highlight and double strikethrough or double underline.

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

Section 2. Town Code Amended. Chapter 90, "Zoning," of the Town Code of Ordinances is hereby amended as follows:

CHAPTER 90 – ZONING

***

ARTICLE V. – DESIGN STANDARDS

***

Section 90-67. – Emergency Power Generators.

The following requirements apply to permanent and temporary emergency power generators located in all zoning districts:

(1) Permit: The property owner must obtain a building permit for the installation of an emergency power generator.

a. The town shall review all such permit applications to ensure such installations minimize the visual and acoustic impact on adjacent properties.

(2) Special attention shall be paid to the placement of the generator, the use of sound attenuating materials, and the reasonable containment of sounds and exhausts, which will be created by the operation of any emergency power generator. The preferred placement shall be as follows: For all new construction, permanent emergency generators ~~must~~ shall be placed in the rear of the property or on the rooftop; for residential structures existing as of September 1, 2006, permanent generators may be placed in the front of the house if placement in the rear or on the rooftop is not feasible. In no instance shall generators be placed in the setbacks.

a. *Screening:* Emergency power generators that are not located within, or completely screened by a building, shall be screened from view when adjacent to or visible from a public right-of-way or from adjacent parcels of property. Screening may include the use of fences, walls, or hedges, or a combination thereof and such screening shall meet all relevant Code requirements. Notwithstanding the foregoing, screening of rooftop generators in the H30A and H30B Districts shall be in compliance with the requirements of Section 90-67.3, as may be amended.

b. *Placement of temporary generators:* Temporary emergency power generators shall be placed outdoors at least ten feet from any opening or window.

c. *Maintenance cycle:* The generator's maintenance cycle run shall be permitted a maximum of once a week between the hours of 10:00 a.m. and 5:00 p.m., Monday through Friday only, and shall continue for no more than the manufacturer's recommended duration, but not to exceed 30 minutes per cycle.

d. *Allowed usage:* Emergency power generators may only be operated for non-maintenance purposes whenever there is a power outage. Generators may not be used as a substitute for electrical power.

e. *Code enforcement and removal:* Generators, which are in violation of the provisions of this section, shall be subject to immediate removal and code enforcement action.

***

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 on second reading**.**

PASSED on first reading this ____ day of _____, 2022.

PASSED and **ADOPTED** on second reading this ____ day of _____, 2022.

First Reading:
Motion by: _____
Second by: _____

Second and Final Reading:
Motion by: _____
Second by: _____

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman	____
Commissioner Marianne Meischeid	____
Commissioner Nelly Velasquez	____
Vice Mayor Jeffrey Rose	____
Mayor Shlomo Danzinger	____

_____
Shlomo Danzinger, Mayor

ATTEST:

_____
Sandra N. McCready, MMC
Town Clerk

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

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

MEMORANDUM

ITEM NO. 5A.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Town Manager, Andrew Hyatt

Date: September 13, 2022

Subject: **Water and Sewer Rate Adjustment**

Town Administration recommends approval of the resolution for a multi-year rate adjustment for water and sewer services for Fiscal Years 2023-2026.

The Town of Surfside provides utility services of water and sewer to 1,325 residential and commercial customers. The town last approved a multi-year rate adjustment for Fiscal Years 20017-2021. That rate was developed to estimate the revenue adjustments needed for the Town's utilities in order to continue to fund annual operation and maintenance expenses, make required debt service payments of principal and interest on two outstanding loans, meet the debt service coverage ratio requirements of the loans, and maintain fund balance reserve requirements. Rates were not adjusted in Fiscal Year 2022.

The recommendation would increase water consumption and sewer flow rates by 3% and the base charges by 2% via a multi-year rate adjustment for Fiscal Years 2023-2026 (Attachment A). Rates would adjust each October 1. All utility users were noticed as part of the August billing cycle. The attached example (Attachment B) shows a single family house with a $5.55 or 2.76% increase per bi-monthly billing cycle. The condominium building example would show an increase of $405.64 or 2.89% per bi-monthly billing cycle. These rate adjustments will bring in approximately $116,000 in additional revenue.

As detailed in the new FY 2023-2027 Five-Year Financial Forecast presented to Commission at the May 2022 Commission meeting, the water and Sewer Fund has a financial deficit concern. This issue was also noted by the Town's external auditors as an area of concern and to be addressed.

See below the Finding from the FY 2023-2027 Five-Year Financial Forecast:

- ***Water & Sewer Fund***
  - *Refinements to the existing water and sewer rates, to better align with the Town's goal of revenue stability to generate enough revenues to support projected costs going forward should be studied. Modest rate increases are not projected in the model. A 5% annual growth rate in the Town's costs for water purchases and sewage disposal is based on five-year and ten-year averages of those costs. Implementation of a consistent rate increase over time should be considered to stabilize existing restricted revenues, generate enough revenues to support costs, and reduce the deficit in unrestricted net position.*

Resolution - Multi-Year Water and Sewer Rate Adjustments FY 2023 through FY 2026.DOCX

Attachment A - FY 23-26 Water & Sewer Rate Adjustments.pdf

Water & Sewer Rates 2023 example.pdf

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AND ADOPTING MULTI-YEAR WATER AND SEWER RATES AND SERVICE CHARGES EFFECTIVE OCTOBER 1, 2022 FOR FISCAL YEARS 2023 TO 2026; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") last approved a multi-year water and sewer rate adjustment for Fiscal Years 2017 to 2021, with no rate adjustments or increases implemented for Fiscal Year 2022; and

WHEREAS, as utility rates and operational costs throughout the industry continue to rise, the Town is committed to managing those costs and remaining efficient while upholding the Town's commitment to supplying high-quality water and sewer services to our community; and

WHEREAS, it is necessary for the Town to periodically adjust and increase water and sewer rates to support the maintenance and replacement of aging infrastructure, which will mean fewer water main breaks and interruptions in service, and make the necessary revenue adjustments for the Town's utilities in order to continue funding annual operations and maintenance expenses, debt service on two outstanding loans, meet the debt service coverage ratio requirements of the loans, and maintain a fund balance for reserve requirements; and

WHEREAS, since Town property taxes do not fund water and sewer services, these costs must be recovered through bi-monthly rates and charges, with rate adjustments based on a detail cost of service analysis to ensure that each utility customer pays its proportionate share of the costs to provide services; and

WHEREAS, the water and sewer utility revenues from existing rates will not be sufficient to meet anticipated costs over the next four fiscal years, thereby necessitating revenue adjustments to meet projected costs; and

WHEREAS, it is necessary for the Town to adjust and increase multi-year water and sewer rates and service charges as set forth in Attachment "A" attached hereto in order to meet projected utility costs and expenses for the next four years; and

WHEREAS, the Town has provided notice of the proposed adjustments and increase of water and sewer rates to its customers through the Town's Utility Department's billing process in August 2022, pursuant to Section 180.136, Florida Statutes; and

WHEREAS, such multi-year water and sewer rates and service charges, as increased, shall be effective October 1, 2022, for Fiscal Years 2023 through 2026, and shall be reflected on all customer bills beginning with the billing cycle in December 2022; and

WHEREAS, the Town Commission finds that the adjustment and increase in water and sewer rates and service charges is necessary and in the best interest and welfare of the Town.

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

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

Section 2. Water and Sewer Multi-Year Rates and Service Charges Approved and Adopted. Effective October 1, 2022, for fiscal years 2023 through 2026, the rates and service charges for water and sewer service shall be as set forth in Attachment "A" attached hereto and are hereby approved and adopted.

Section 3. Authorization; Implementation. The Town Manager and Town Officials are authorized to take any and all action necessary to implement the water and sewer rate and service charge adjustments and the purposes of this Resolution.

Section 4. **Repeal of Conflicting Provisions**. All resolutions or previous rates or service charges for water and sewer service, or parts thereof, in conflict with this Resolution and the revised rates and service charges approved and adopted herein, are hereby repealed to the extent of any conflict.

Section 5. **Effective Date.** That this Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED on this 13th day of September, 2022.

Motion By: _____

Second By: _____

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman _____
Commissioner Marianne Meischeid _____
Commissioner Nelly Velasquez _____
Vice Mayor Jeffrey Rose _____
Mayor Shlomo Danzinger _____

_____
Shlomo Danzinger, Mayor

ATTEST:

_____
Sandra McCready, MMC
Town Clerk

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

_____

Weiss Serota Helfman Cole & Bierman, P.L.

Town Attorney

Attachment A

WATER RATES AND SERVICE CHARGES

Bi-Monthly Water Base Charge {Service Charge):

[Per Section 78-27 (110-166{a}} of the Town Code]

Meter Size	Current	FY 2023	FY 2024	FY 2025	FY 2026
5/8"	$ 37.89	+2%	+2%	+2%	+2%
1"	$ 55.13	+2%	+2%	+2%	+2%
1 1/2"	$ 83.83	+2%	+2%	+2%	+2%
2"	$ 118.28	+2%	+2%	+2%	+2%
3"	$ 198.68	+2%	+2%	+2%	+2%
4"	$ 313.50	+2%	+2%	+2%	+2%
6"	$ 600.61	+2%	+2%	+2%	+2%
8"	$ 945.03	+2%	+2%	+2%	+2%

Residential Customers - Water Consumption Charges:

{Per Section 78-27 of the Town Code}

Rate per 1,000 gallons	Current	FY 2023	FY 2024	FY 2025	FY 2026
Block 1 (0-12,000 gallons)	$ 4.05	+3%	+3%	+3%	+3%
Block 2 (12,001-24,000 gallons)	$ 4.85	+3%	+3%	+3%	+3%
Block 1 (Above 24,000 gallons)	$ 8.10	+3%	+3%	+3%	+3%

All Other Non-Residential Customers-Water Consumption Charges:

{Per Section 78-27 of the Town Code}

Rate per 1,000 gallons	Current	FY 2023	FY 2024	FY 2025	FY 2026
Uniform Rate	$ 4.82	+3%	+3%	+3%	+3%

Tapping Charges (New Water Service):

[Per Section 78-27 (110-166(d)) of the Town Code].

Up to l" tap and service	$ 350.00	*
1 1/2" tap and service	$ 500.00	*
2" tap and service	$ 650.00	*
Over 2" tap and service	Actual Cost, plus 15%	

*Additional Charge where a street, sidewalk, curb of gutter is cut — Actual Cost of replacement, plus 15%

Deposit/Application for Water Service:

[Per Section 78-27 (110-166(e)) of Town Code]

Minimum Guarantee Deposit:

Meter Size	Deposit per Meter
5/8"	$ 160.00
1"	$ 200.00
1 1/2"	$ 300.00
2"	$ 400.00
3"	$ 600.00
4"	$ 800.00
6"	$ 1,200.00
8"	$ 1,600.00

Delinquent Accounts:

[Per Section 78-27 010-192(a)} of Town Code]

$25.00 for the first occurrence and then $50.00 for the second and subsequent occurrence(s) within a rolling 12-month calendar period.

SEWER RATES AND SERVICE CHARGES

Sewer Uniform Flow Rate (Service Charge) and Bi-Monthly Base (Fixed) Charge:

(Per Section 78-56 of the Town Code)

Rate per 1,000 gallons	Current	FY 2023	FY 2024	FY 2025	FY 2026
Uniform Flow Rate	$ 8.64	+3%	+3%	+3%	+3%
Bi-Monthly Base (Fixed) Charge	$ 11.00	+2%	+2%	+2%	+2%

FY 2023 Water & Sewer Rate Adjustment Example

				Single Family Home				Condo Building			
				Assumptions: 12,000 Gallon Usage				928,500 Gallon Usage			
				5/8th inch water meter				4 inch water meter			
								140 # of units			
	Current Rates			Fiscal Year 2022		Fiscal Year 2023		Fiscal Year 2022		Fiscal Year 2023	
Surfside	0-12 gal	12-24 gal	> 24 gal								
Water (per 1,000 gal)	4.05	4.85	8.10	48.60		50.06		-			
Water (per 1,000 gal) Multi-Fam	4.82			-				4,475.37		4,609.63	
Water Base charge (5/8th inch)	37.89			37.89		38.65		-			
Water Base charge (4 inch)	313.50			-				313.50		322.91	
Sewer (per 1,000 gal)	8.64			103.68		106.79		8,022.24		8,262.91	
Sewer Base charge (Per unit)	11.00			11.00	**201.17**	11.22	**206.72**	1,540.00	**14,351.11**	1,570.80	**14,766.24**
						Bi-monthly Variance:	**5.55**			**Bi-monthly Variance:**	**415.13**
							2.76%				**2.89%**

Flow rates will be adjusted by 3% and base charges by 2% in FY 2023 and each year thereafter through 2026.

MEMORANDUM

ITEM NO. 5B.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Andrew Hyatt, Town Manager

Date: September 13, 2022

Subject: **Solid Waste Services Special Assessment Final Rate Resolution**

The Town Administration recommend that the Commission adopt the Annual Rate Resolution for Fiscal Year 2023 to re-impose and collect the annual solid waste assessment.

Ordinance No. 2018-1687 ("Assessment Ordinance") authorized the imposition and collection of annual Solid Waste Service Assessments for Solid Waste collection, disposal, and recycling services against residential Assessed Property within the Town. The Town annually specially assesses residential properties of four (4) units or less per parcel for the cost of solid waste services received during the fiscal year. This assessment process uses the property tax bill as the billing and collection method for the revenue needed to pay for the services the residents receive. The Town could elect to bill and collect for these services instead of using the property tax method, but the cost would be more to do so and the collection of money would likely not be as great. Residents are accustomed to this process. The Town bills other properties, including residential parcels that have more than four (4) units, for commercial solid waste services. This billing is done by the Town's Finance Department.

On July 12, 2022, the Town adopted Preliminary Rate Resolution No. 2022-2901 initiating the annual process for updating of the Solid Waste Assessment roll and directing the re-imposition of assessments for the Fiscal Year beginning October 1, 2022. Resolution No. 2022-2901 also set a public hearing date of September 13, 2022. A notice of this public hearing was published on August 24, 2022.

Pursuant to the Assessment Ordinance, the Town is required to adopt a final Annual Rate Resolution for Fiscal Year 2023. The attached Annual Rate Resolution confirms the Preliminary Rate Resolution, sets the rate of assessments, approves the assessment roll, and directs and authorizes the method of collection. In accordance with the Assessment Ordinance, this public hearing is being held to allow citizen comments prior to the adoption of the final Annual Rate Resolution and assessment roll.

The proposed Annual Rate Resolution for Fiscal Year 2023 establishes an assessment rate of $331.67 per residential dwelling unit. The rate represents a 4% increase from the prior year's solid waste assessment. The Annual Rate Resolution contains the same rate as that adopted in the Preliminary Rate Resolution, which is $331.42 per residential dwelling unit. The projected total revenue from this assessment for Fiscal Year 2023 is $363,979. In addition to establishing a rate of $331.42 per residential dwelling units for the coming fiscal year, the Resolution also establishes a maximum or not to exceed assessment rate of $400.00 per

residential dwelling units for future fiscal years, if needed, without the requirement to mail first class notices to all properties.

Once the Annual Rate Resolution is approved, the assessment roll will be provided to the property appraiser and tax collector for billing and collection on the property tax bills that typically are mailed out in November. Property owners that fail to pay any part of their property tax bill, including this assessment, could lose title to their property.

Annual Rate Resolution Solid Waste 2022.DOC

Miami Herald Ad.pdf

DBR Ad.pdf

RESOLUTION NO. 2022- _____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RELATING TO SOLID WASTE MANAGEMENT SERVICES, INCLUDING COLLECTION, DISPOSAL AND RECYCLING OF RESIDENTIAL SOLID WASTE IN THE TOWN OF SURFSIDE, FLORIDA; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED RESIDENTIAL PROPERTY LOCATED WITHIN THE TOWN OF SURFSIDE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission (the "Commission") of Town of Surfside, Florida (the "Town"), has enacted Ordinance No. 2018-1687 (the "Ordinance"), the Initial Assessment Resolution (Resolution No. 2018-2524), the Final Assessment Resolution (Resolution No. 2018-2534), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste management services, including collection, disposal and recycling services, against certain residential Assessed Property within the Town;

WHEREAS, the imposition of a Solid Waste Service Assessment for Solid Waste management services, including collection, disposal and recycling services, for each Fiscal Year is an equitable and efficient method of allocating and apportioning the Solid Waste Cost among parcels of Assessed Property;

WHEREAS, the Commission desires to reimpose an assessment program for Solid Waste management services, including collection, disposal and recycling services or programs, within the Town using the tax bill collection method for the Fiscal Year beginning on October 1, 2022;

WHEREAS, the Commission, on July 12, 2021, adopted Resolution No. 2022-2901 (the "Preliminary Rate Resolution"), containing a brief and general description of the Solid Waste management services, including collection, disposal and recycling services, to be

provided to Assessed Property, describing the method of apportioning the Solid Waste Cost to compute the Solid Waste Service Assessment for Solid Waste management services, including collection, disposal and recycling services or programs against Residential Property, designating a rate of assessment, and directing preparation of the Assessment Roll and provision of the notice required by the Ordinance;

WHEREAS, in order to reimpose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2022, the Ordinance requires the Town to adopt an Annual Rate Resolution during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Assessment Roll for the upcoming Year, with such amendments as the Commission deems appropriate, after hearing comments and objections of all interested parties;

WHEREAS, the updated Assessment Roll has heretofore been made available for inspection by the public, as required by the Ordinance;

WHEREAS, a public hearing was held on September 13, 2022, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

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

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the provisions of the Solid Waste Management Services Assessment Ordinance (Ordination No. 2018-1687), the Initial Assessment Resolution (Resolution No. 2018-2524), the Final Assessment Resolution (Resolution No. 2018-2534), Sections 166.021 and 166.041, Florida Statutes; and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION. This Resolution constitutes the Annual Rate Resolution as defined in the Ordinance. All capitalized terms in this

Resolution shall have the meanings defined in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution and the Preliminary Rate Resolution.

SECTION 3. REIMPOSITION OF SOLID WASTE COLLECTION AND DISPOSAL ASSESSMENTS.

(A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of Solid Waste management services, including collection, disposal and recycling services, described in the Preliminary Rate Resolution in the amount of the Solid Waste Service Assessment set forth in the updated Assessment Roll, a copy of which was present at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the Town will be benefited by the Town's provision of Solid Waste management services, including collection, disposal and recycling services or programs, in an amount not less than the Solid Waste Service Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate Resolution, from the Solid Waste management services, including collection, disposal and recycling services, to be provided and a legislative determination that the Solid Waste Service Assessments are fairly and reasonably apportioned among the Residential Properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

(B) The method for computing Solid Waste Service Assessments described in the Preliminary Rate Resolution is hereby approved.

(C) For the Fiscal Year beginning October 1, 2022, the Solid Waste Cost as set out in the Preliminary Rate Resolution is $379,144 and shall be allocated among all parcels of Assessed Property, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. An annual rate of assessment equal to $331.42 for solid waste collection, disposal and recycling services is hereby imposed for each of the 1,144 Dwelling Units. Solid Waste Service Assessments for Solid Waste management services, including collection, disposal and recycling services, in the amounts set forth in the Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property described in the Assessment Roll.

(D) For future fiscal years, as authorized in Section 2.08 of the Ordinance, a maximum assessment rate of $400.00 per Dwelling Unit for solid waste management services, including collection, disposal and recycling services, is hereby approved. This amount can be imposed in future fiscal years without additional notice, but is not required to be imposed.

(E) Any shortfall in the expected Solid Waste Service Assessment proceeds due to any reduction or exemption from payment of the Solid Waste Service Assessments required by law or authorized by the Town shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Solid Waste Service Assessments.

(F) Such Solid Waste Service Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien for Solid Waste Service Assessments shall be deemed perfected upon adoption by the Town Commission of this Annual Rate Resolution. Upon perfection, the

lien for Solid Waste Service Assessments collected under the Uniform Assessment Collection Act shall attach to the property included on the roll as of the prior January 1, the lien date for ad valorem taxes.

(G) The Assessment Roll, as herein approved, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Ordinance. The Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix A.

SECTION 4. CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is hereby confirmed.

SECTION 5. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment, the rate of assessment, the Assessment Roll and the levy and lien of the Solid Waste Service Assessments for Solid Waste collection and disposal services, facilities or programs) unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 13th day of September, 2022.

Motion by _____.
Second by _____.

FINAL VOTE ON ADOPTION

Commissioner Fred Landsman ____
Commissioner Marianne Meischeid ____
Commissioner Nelly Velasquez ____
Vice Mayor Jeff Rose ____
Mayor Shlomo Danzinger ____

_____
Shlomo Danzinger, Mayor

Attest:

_____
Sandra McCready, MMC
Town Clerk

Approved as to Form and Legal Sufficiency:

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

APPENDIX A

FORM OF CERTIFICATE TO
NON-AD VALOREM ASSESSMENT ROLL

CERTIFICATE
TO
NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that, I am the Mayor of Town of Surfside, Florida or the authorized agent of Town of Surfside, Florida (the "Town"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for solid waste management services (the "Non-Ad Valorem Assessment Roll") for the Town is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Miami-Dade County Tax Collector on or about September 15, 2022.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Miami-Dade County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this _____ day of _____, 2022.

TOWN OF SURFSIDE, FLORIDA

By:_____
Shlomo Danzinger, Mayor

[to be delivered to Tax Collector on or about September 15, 2022]

FROM PAGE 15A

MIGRANTS

seen what I was expecting we would see," DeSantis said.

Taryn Fenske, his communication director, added that the administration is trying to get a better handle of how many migrants are being brought to Florida by the federal government.

Since taking office in 2019, DeSantis has pushed for hard-line immigration policies. The busing program is the latest one, and the plan was recently caught in the middle of controversial comments made by Lt. Gov. Jeanette Nuñez.

In an interview with 1040 AM Actualidad Radio over the weekend, Nuñez was asked her opinion on the historic number of Cubans coming from the communist island through the southern U.S. border to South Florida, and how it might impact communities in the state. She went on to say about DeSantis, "He's going to send them, very frankly, to the state of Delaware, the state of the President."

After facing criticism from Democrats, immigration advocates and some Cuban Americans across the political spectrum, Nuñez said on Monday that her comments were being twisted by her opponents.

She later published a statement on Twitter, saying, in part, that "entering the country illegally and fleeing a dictatorship to seek asylum are two different things, and misinterpreting that is offensive."

FROM PAGE 15A

ROOMS

because space is tight on campus.

"A place to recharge between classes," the school district described the rooms in a Facebook post. "They will enjoy a zen-like experience."

Monroe County schools, where the starting salary for a Keys teacher is $51,800 a year, are short about 18 teachers and 17 aides. Schools have long been harried places for teachers, staff and students. But with the COVID-19 pandemic still hovering and the Keys housing crisis only worsening, next-level stress abounds.

So does a teacher swamped with paperwork and lesson plans and, likely in the Keys, working a second job have time to kick back in a massage recliner?

"We're not saying give up your planning period," said Nicole Smith, one of three assistant principals at Key West's Horace O'Bryant School, which has 150 staff members, including 88 teachers.

School employees would be helping their students by making time for a wellness break, Smith said, even if it's for 15 minutes.

"If it means taking a few minutes and regrouping versus taking a day off, I'm going to err on taking a few minutes and using that relaxation room," said Smith, who came in during the summer to finish setting up the rooms, which included painting a wall.

Smith said she hasn't used the room yet in the first days of school. And, after working 25 years in public education, which includes a decade in the Keys, she identifies with any teacher who is skeptical.

"As a teacher, I was one of those people," she said. "I worked all day. ... That's not the best way to teach."

A contract gives teachers a 30-minute break, and that is when staff and faculty are encouraged to dip into a Wellness Room.

"Your health definitely has to come first," Smith said. "It's not being used a lot right away, but it's definitely there and it's definitely available."

The seven rooms were funded by a grant from the Knight Foundation and developed in partnership with the nonprofit Florida Keys Healthy Start Coalition. No school-district money was spent.

The Wellness Rooms were a do-it-yourself project at Horace O'Bryant School, Poinciana Elementary, Gerald Adams Elementary and Key West High School, all in Key West. Marathon Middle/High School and Stanley Switlik Elementary in the Middle Keys city of Marathon have them, along with Key Largo School in the Upper Keys.

Staff put together furniture, painted walls and decorated on their own time, spending weekends getting them ready before school started in Monroe County on Aug. 10.

Monroe County School District

Harry Russell, the Monroe County School District's executive director of human resources, tries out a Wellness Room.

"I put these chairs together myself," said Erin Williams, the district's coordinator of student support, while showing the Poinciana wellness space to a visitor. Principal Tara Whitehead was part of the work crew.

At Horace O'Bryant, the Wellness Room is in a special spot: The Purple Room got its nickname for having purple furniture back in the day.

"The Purple Room is a new, quaint little oasis tucked away in the HOB media room," said Laura Dockery, who teaches sixth-grade social-studies at the school. "When you enter the room, you'll see electric lighted candles and hear the soft sound of falling water. There are comfy recliners and relaxing massage lounge chairs."

Dockery, who has been teaching for 12 years and is in her second year at the K-8 Horace O'Bryant, said it's a place to escape from stress, even for a brief spell.

"Just be mindful of your time, as you'll want to stay all day," she joked.

Sugarloaf School, Plantation Key School and Coral Shores High School don't have chill rooms yet.

"The hard part is finding the useful space," Williams said. "We don't take any space away from kids. This is why we use lounges. They can sit in these hard chairs, or they can come chill out."

The Wellness Rooms started off as a pilot project at Switlik Elementary last school year. Williams sought additional rooms for the 2022-2023 school year.

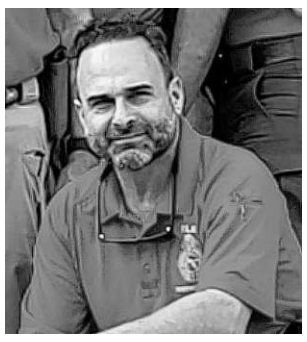
"People are doing multiple jobs, and it's gotten very stressful," Williams said. "It's been getting that way for years. The pandemic exacerbated it, obviously. It's a stressful profession to begin with, and it's just progressively getting worse."

The Keys school district promotes healthy living and wellness for employees, Williams said, encouraging people to pursue meditation or exercise.

"We can talk until we're blue in the face," Williams said. "But until we give them a space to actually do it, it's not going to happen. We want to really show them, not just tell them that we care."

Gwen Filosa: @KeyWestGwen

Driver in wreck that killed FDLE agent had cocaine and booze in his system. He has been charged



Florida Department of Law Enforcement

Jose Perez, 55, was responding to a building alarm on Aug. 2 before the crash. He died on Aug. 20.

BY CHARLES RABIN
crabin@miamiherald.com

The driver in a wreck that killed a Florida Department of Law Enforcement agent had booze and cocaine in his system, police said Tuesday. He has been charged with vehicular homicide and driving under the influence.

Jose Perez, 55, a former Marine and Miami Police major, was responding to a building alarm on Aug. 2 when a pickup truck struck Perez's unmarked Ford Taurus almost head-on at a Northwest Miami-Dade intersection. Perez fought for his life at Kendall Regional Hospital before dying on Aug. 20.

On Tuesday, Ysmael Javier Sandoval, 35, turned himself in to Miami-Dade Police. In addition to the DUI charges, police say he failed to yield the right-of-way. Sandoval, who was injured during the crash but recovered, was transported to the Turner Guilford Knight Correctional Center and remained in jail.

Sandoval's attorney, Earl Seligman, had not returned a call by early Tuesday evening. Miami-Dade Police Director Alfredo "Freddy" Ramirez, in a brief statement, noted that Perez had dedicated his life to law enforcement.

"We now remember his legacy and the life of a man dedicated to his family, community and country," the director said.

According to police, it was just before midnight on Aug. 2 when Perez was driving his unmarked Ford south on Northwest 127th Avenue. Sandoval was heading north. According to police, Sandoval made a left turn at Seventh Terrace before Perez could get out of the way. Sandoval's Ford F-150 truck crashed into the right passenger corner of the front of Perez's vehicle.

Perez would spend the next 18 days in a hospital suffering from a fractured sternum, collapsed lungs, a ruptured spleen and a brain bleed. Police took a blood test from Sandoval at a hospital. The results, according to police, came back Sunday with an alcohol level almost double the legal limit.

Toxicology tests also revealed, police said, that Sandoval had cocaine and marijuana in his system. Inside his truck, police said: an empty bottle of Corona beer and unopened bottles of Stella and Heineken.

Perez, a public servant who received numerous awards and medals, served in the U.S. Marine Corps, U.S. Navy and the U.S. Army. Before joining the FDLE just a year ago, he rose to the rank of major with Miami Police.

Perez will be honored during a ceremony by FDLE in the coming days.

Charles Rabin: 305-376-3672, @chuckrabin

TOWN OF SURFSIDE

NOTICE OF HEARING TO REIMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE SPECIAL ASSESSMENTS

Notice is hereby given that the Town Commission of the Town of Surfside, Florida will conduct a public hearing to consider reimposing solid waste service assessments for the Fiscal Year beginning October 1, 2022, against certain improved residential properties located within the incorporated area of the Town, to fund the cost of solid waste collection, disposal and recycling services provided to such properties and to authorize collection of such assessments on the tax bill.

The public hearing will be held at 7:00 p.m. on September 13, 2022, at Town of Surfside Town Hall, Commission Chambers, 9293 Harding Avenue, Surfside, Florida 33154, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Town Commission within 20 calendar days of the date of this notice. If a person decides to appeal any decision made by the Town Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Town Clerk at (305) 861-4863, Ext. 226, at least 7 days prior to the date of the hearing.

The total annual solid waste assessment revenue to be collected within the Town of Surfside for the upcoming fiscal year is estimated to be $379,144. The rate of assessment for the upcoming fiscal year shall be $331.42 per Dwelling Unit. The maximum rate of assessment that can be imposed in the fiscal year commencing October 1, 2019 and future fiscal years shall be $400.00 per Dwelling Unit. Copies of the Solid Waste Management Services Assessment Ordinance (Ordinance No. 2018-1687), the Initial Assessment Resolution (Resolution No. 2018-2524), the Final Assessment Resolution (Resolution No. 2018-2534), the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and reimposing the Solid Waste Service Assessments, and the updated Assessment Roll for the upcoming fiscal year are available for inspection at the Town Clerk's office, located at 9293 Harding Avenue, Surfside, Florida 33154.

If you have any questions, please contact the Town at (305) 861-4863, Ext. 226, Monday through Friday between 8:00 a.m. and 5:00 p.m.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2022, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

TOWN COMMISSION OF
TOWN OF SURFSIDE, FLORIDA

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

TOWN OF SURFSIDE - HEARING TO REIMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE SPECIAL ASSESSMENTS - SEPT. 13, 2022

in the XXXX Court,
was published in said newspaper by print in the issues of
and/or by publication on the newspaper's website, if
authorized, on

08/24/2022

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Sworn to and subscribed before me this
24 day of AUGUST, A.D. 2022

(SEAL)
MARIA MESA personally known to me

SARA PEREZ
Commission # HH 031797
Expires August 12, 2024
Bonded Thru Troy Fain Insurance 800-385-7019

TOWN OF SURFSIDE
NOTICE OF HEARING TO REIMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE SERVICE SPECIAL ASSESSMENTS

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The total annual solid waste assessment revenue to be collected within the Town of Surfside for the upcoming fiscal year is estimated to be $379,144. The rate of assessment for the upcoming fiscal year shall be $331.42 per Dwelling Unit. The maximum rate of assessment that can be imposed in the fiscal year commencing October 1, 2019 and future fiscal years shall be $400.00 per Dwelling Unit. Copies of the Solid Waste Management Services Assessment Ordinance (Ordinance No. 2018-1687), the Initial Assessment Resolution (Resolution No. 2018-2524), the Final Assessment Resolution (Resolution No. 2018-2534), the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and reimposing the Solid Waste Service Assessments, and the updated Assessment Roll for the upcoming fiscal year are available for inspection at the Town Clerk's office, located at 9293 Harding Avenue, Surfside, Florida 33154.

If you have any questions, please contact the Town at (305) 861-4863, Ext. 226, Monday through Friday between 8:00 a.m. and 5:00 p.m.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2022, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

TOWN COMMISSION OF
TOWN OF SURFSIDE, FLORIDA

8/24 22-01/0000610063M

MEMORANDUM

ITEM NO. 5C.

To: Honorable Mayor, Vice-Mayor and Members of the Town Commission

From: Andrew Hyatt

Date: September 13, 2022

Subject: **Approving Agreement with Beach Raker, LLC for Beach Cleaning and Maintenance Services Utilizing Terms and Conditions of Village of Key Biscayne Contract No. 2021-11-29**

Town Administration recommends approval of an agreement with Beach Raker, LLC for beach cleaning and sargassum integration services utilizing the terms and conditions of Village of Key Biscayne Contract No. 2021-11-29, which was competitively procured through the Village of Key Biscayne Request for Proposal (RFP) No. 2021-15, and expend budgeted funds in an amount not to exceed $171,000.00 per fiscal year (FY) commencing with FY 2023.

In an effort to maintain the Town beaches enjoyable for public use and mitigate the impacts of littering as well as high seaweed (sargassum) deposits during certain periods of the year, the Town administration was tasked by the Town Commission to bring back an option to address concerns. As a result, the Town compared various services and contracts along the coast line municipalities and determined that the current contract held by the Village of Key Biscayne and Beach Raker, LLC was the best fitting as the parameters of services were the most comparable to the Town needs.

The Town proposes to use the Village of Key Biscayne established rate table to perform the following functions year round at a cost of $12,269.14 a month:

- Sand Debris, Trash Removal, and Recycling of waste 3 days a week
- Sargassum Management; Collect trash, rake and deep burry sargassum (36-inches to 48-inches below grade), Sift and groom upper beach 3 days a week

Rate table can be found in **Attachment 1 -** Beach Raker LLC and Village of Key Biscayne Rates Schedule. Additionally, during peak sargassum deposit months, services in bullets above are to be increased to 5 days a week in order to maintain coast line accessible during heavy deposits at an additional cost of $7,379.43 per month for two additional service visits. Lastly, Beach Raker, LLC will also perform miscellaneous hard pack grading services during each visit in order to maintain the hard pack free of potholing for a monthly cost of $1,200.00 per month year round. The total cost for the Town can be found in **Attachment 2** - Surfside Monthly Rate Table. A small contingency is also being allocated for minor emergency on call requests.

The Town, through the adoption of the Village of Key Biscayne contract, will also have access to other awarded bid items such as second daily cleaning rates; special events and holiday

cleaning rates; and sargassum removal rates.

Resolution Approving Beach Raker for Beach Cleaning And Maintenance Utilizing KB Contract.DOCX

Exhibit A to Resolution - Cooperative Agreement Between Town and Beach Raker LLC.pdf

Attachment 1 - Beach Raker LLC Rates Schedule

Attachment 2 - Surfside Monthly Rate Table

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH BEACH RAKER, LLC FOR BEACH CLEANING AND MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED $171,000 ANNUALLY UTILIZING THE TERMS AND CONDITIONS OF VILLAGE OF KEY BISCAYNE CONTRACT NO.2021-11-29; FINDING THAT THE SERVICES ARE EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO SECTION 3-13(3) OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside (the "Town") is in need of beach cleaning and maintenance services (the "Services"); and

WHEREAS, the Village of Key Biscayne ("Key Biscayne"), issued Request for Proposals No. 2021-15 (the "RFP") for the Services and competitively solicited and awarded Beach Raker, LLC (the "Contractor") Contract No. 2021-11-29 pursuant to the RFP (the "Key Biscayne Contract"); and

WHEREAS, the Contractor has agreed to extend the pricing, terms, and conditions of the Key Biscayne Contract to the Town; and

WHEREAS, the Town wishes to enter into an agreement with the Contractor for the Services, in substantially the form attached hereto as Exhibit "A," utilizing the pricing, terms, conditions, and pricing of the Key Biscayne Contract (the "Agreement") in an amount not to exceed $171,000 annually; and

WHEREAS, the Town Commission finds that the Services have already been competitively bid by the Key Biscayne and are exempt from competitive bidding pursuant to Section 3-13(3) of the Town Code of Ordinances (the "Code"); and

WHEREAS, the Town Commission finds that the award of an Agreement for the Services to the Contractor and this Resolution are in the best interest and welfare of the Town.

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

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval. The Agreement, in substantially the form attached hereto as Exhibit "A," is approved.

Section 3. Exemption from Competitive Bidding. The Town Commission finds that hiring the Contractor to provide the Services by utilizing the Key Biscayne Contract is exempt from competitive bidding pursuant to Section 3-13(3) of the Town Code.

Section 4. Authorization. The Town Manager is authorized to execute the Agreement, in substantially the form attached hereto as Exhibit "A," with the Contractor on behalf of the Town, subject to the approval as to form and legal sufficiency by the Town Manager and Town Attorney. The Town Manager is further authorized to expend budgeted funds for the Services in an amount not to exceed $171,000 annually.

Section 5. Implementation. That the Town Manager and Town Officials are hereby authorized to take any and all actions which are necessary to implement the Services, the Agreement for the Services, and the purposes of this Resolution.

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

PASSED AND ADOPTED this 13th day of September, 2022.

Motion By: _____
Second By: _____

FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman	_____
Commissioner Marianne Meischeid	_____
Commissioner Nelly Velasquez	_____
Vice Mayor Jeffrey Rose	_____
Mayor Shlomo Danzinger	_____

_____
Shlomo Danzinger, Mayor

ATTEST:

_____
Sandra McCready, MMC
Town Clerk

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

_____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

COOPERATIVE AGREEMENT
BETWEEN
THE TOWN OF SURFSIDE
AND
BEACH RAKER, LLC
FOR
BEACH CLEANING, MAINTENANCE, AND
BEAUTIFICATION SERVICES

THIS AGREEMENT (this "Agreement") is made effective as of the _____ day of _____, 2022 (the "Effective Date"), by and between the **TOWN OF SURFSIDE, FLORIDA**, a Florida municipal corporation, (hereinafter, the "Town"), and **BEACH RAKER, LLC**, a Florida limited liability company (hereinafter, the "Contractor"). Collectively, the Town and Contractor are referred to as the "Parties."

WHEREAS, the Town desires to utilize the services of the Contractor for beach cleaning, maintenance, and beautification services (the "Services"); and

WHEREAS, the Village of Key Biscayne ("Key Biscayne"), issued Request for Proposals No. 2021-15 (the "RFP") for the Services and competitively solicited and awarded the Contractor Contract No. 2021-11-29 pursuant to the RFP (the "Master Contract"); and

WHEREAS, Section 3-13(3) of the Town Code of Ordinances (the "Code") provides that purchases made under state general service administration contracts, federal, county or other governmental contracts, competitive bids with other governmental agencies, or through cooperative purchasing are exempt from the competitive bidding procedures of Chapter 3 of the Town Code; and

WHEREAS, the Parties wish to incorporate the terms and conditions of the Master Contract in this Agreement, except as otherwise modified or amended herein; and

WHEREAS, pursuant to Section 3-13(3) of the Code, the Town desires to "piggyback" on the competitively awarded Master Contract pursuant to the RFP and engage the Contractor to perform the Services as specified below

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Contractor and the Town agree as follows:

1. **Incorporation of Master Contract.** The terms and conditions of the Master Contract, which is attached as Exhibit "A," is incorporated as though fully set forth herein. Except as otherwise specifically set forth or modified herein, all terms in the Master Contract are hereby ratified and affirmed and shall remain unmodified and in full force and effect in accordance with its terms.

2. **Conflicts.** In the event of any conflict or ambiguity between the terms and provisions of this Agreement and the terms and provisions of the Master Contract, the terms and provisions of this Agreement shall control.

3. **Defined Terms.** All initial capitalized terms used in this Agreement shall have the same meaning as set forth in the Master Contract unless otherwise provided in this Agreement. All references to the "Village of Key Biscayne" or the "Village" shall be replaced with the "Town of Surfside, FL," or the "Town" where applicable.

4. **Term/Commencement Date.** The term of this Agreement shall be from the Effective Date through November 29, 2024, thereafter, unless terminated in accordance with Paragraph 8 of the Master Contract.

5. **Creating Exhibit E.** Exhibit "E" to the Master Contract is hereby created by adding Exhibit "B" to this Agreement to the Master Contract.

6. **Section 1 of the Master Contract.** Section 1, "Scope of Services," of the Master Contract is hereby amended as follows:

> 1.1. The Contractor shall provide the Services set forth in the Scope of Services, attached hereto as Exhibit "A," and in accordance with the Proposal (the "Services"). Upon written request by the ~~Village~~ Town, the Contractor shall provide the additional beach cleaning, maintenance, and beautification services set forth in the Scope of Additional Services attached hereto as Exhibit "B" (the "Additional Services") and in accordance with the Contractor's Proposal. The ~~Village~~ Town specifically reserves the right to contract with any other entity for services relating to the ~~Village's~~ Town's Pilot Composting Project.
>
> Contractor shall perform the Services each month at the frequency provided in the Town of Surfside Monthly Rate Schedule attached hereto as Exhibit "E."

7. **Section 3 of the Master Contract.** Section 3, "Compensation and Payment," of the Master Contract is hereby amended as follows:

> 3.1 Compensation for the Services provided by Contractor shall not exceed ~~$780,000.00~~ $169,367.97 annually, in accordance with the Rate Schedule attached hereto as Exhibit "D." Compensation for Additional Services provided by the Contractor at the ~~Village's~~ Town's request shall be in accordance with the rates set forth for the Additional Services in the Rate Schedule attached hereto as Exhibit "D."

8. **Section 16.8 of the Master Contract.** Section 16.8 of the Master Contract is hereby deleted and replaced as follows:

16.8 **Notice Pursuant to Section 119.0701(2)(a), Florida Statutes. IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS.**

Custodian of Records:	**Sandra McCready, MMC**
Mailing address:	**9293 Harding Avenue**
	Surfside, FL 33154
Telephone number:	**305-861-4863**
Email:	**smccready@townofsurfsidefl.gov**

[Remainder of page intentionally left blank. Signature pages follow.]

E-VERIFY AFFIDAVIT

In accordance with Section 448.095, Florida Statutes, the Town requires all contractors doing business with the Town to register with and use the E-Verify system to verify the work authorization status of all newly hired employees. The Town will not enter into a contract unless each party to the contract registers with and uses the E-Verify system.

The contracting entity must provide of its proof of enrollment in E-Verify. For instructions on how to provide proof of the contracting entity's participation/enrollment in E-Verify, please visit: https://www.e-verify.gov/faq/how-do-i-provide-proof-of-my-participationenrollment-in-e-verify

By signing below, the contracting entity acknowledges that it has read Section 448.095, Florida Statutes and will comply with the E-Verify requirements imposed by it, including but not limited to obtaining E-Verify affidavits from subcontractors.

☐ **Check here to confirm proof of enrollment in E-Verify has been attached to this Affidavit.**

In the presence of:

_____
Witness #1 Print Name: _____

_____
Witness #2 Print Name: _____

Signed, sealed and delivered by:

_____
Print Name: _____
Title: _____
Entity Name: _____

ACKNOWLEDGMENT

State of Florida
County of _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 20__, by_____ _____(name of person) as _____ (type of authority) for _____ (name of party on behalf of whom instrument is executed).

_____
Notary Public (Print, Stamp, or Type as Commissioned)

_____Personally known to me; or
_____Produced identification (Type of Identification:_____)
_____Did take an oath; or
_____Did not take an oath

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year as first stated above.

TOWN OF SURFSIDE

By: _____
Andrew Hyatt
Town Manager

Attest:

By: _____
Sandra McCready, MMC
Town Clerk

Approved as to form and legal sufficiency:

By: _____
Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney

Addresses for Notice:
Andrew Hyatt
Town of Surfside
Attn: Town Manager
9293 Harding Avenue
Surfside, FL 33154
305-861-4863 (telephone)
305-993-5097 (facsimile)
ahyatt@townofsurfsidefl.gov (email)

With a copy to:
Weiss Serota Helfman Cole & Bierman, P.L.
Attn: Lillian Arango, Esq.
Town of Surfside Attorney
2800 Ponce de Leon Boulevard, Suite 1200
Coral Gables, FL 33134
larango@wsh-law.com (email)

CONTRACTOR

By: _____

Name: _____

Title: _____

Entity:

Addresses for Notice:

_____
_____
_____
_____
_____(telephone)
_____(facsimile)
_____(email)

With a copy to:

_____
_____
_____
_____
_____(telephone)
_____(facsimile)
_____(email)

EXHIBIT "A"

PROFESSIONAL SERVICES AGREEMENT

BETWEEN

THE VILLAGE OF KEY BISCAYNE

AND BEACH RAKER, LLC

RESOLUTION NO. 2021-53

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, SELECTING BEACH RAKER, LLC FOR BEACH CLEANING, MAINTENANCE, AND BEAUTIFICATION SERVICES PURSUANT TO REQUEST FOR PROPOSALS NO. 2021-15 IN AN AMOUNT NOT TO EXCEED $780,000.00 ANNUALLY; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 3, 2021, the Village of Key Biscayne ("Village") issued Request for Proposals No. 2021-15 ("RFP") for beach cleaning, maintenance, and beautification services (the "Services"); and

WHEREAS, the Village received only one sealed proposal from Beach Raker, LLC (the "Contractor") by the October 13, 2021, RFP deadline; and

WHEREAS, the Village Council desires to select Contractor to perform the Services and authorize the Village Manager to enter into an agreement with the Consultant for the Services in substantially the form attached hereto as Exhibit "A"; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

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

Section 2. Selection. That the Village Council hereby selects Contractor for the Services.

Section 3. Authorization. That the Village Council hereby authorizes the Village Manager to negotiate and execute an agreement with the Contractor, in substantially the form

attached hereto as Exhibit "A," in an amount not to exceed $780,000.00 annually, subject to the final approval of the Village Attorney as to form, content, and legal sufficiency.

Section 4. **Effective Date.** That this Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this 16th day of November, 2021.

MICHAEL W. DAVEY, MAYOR

ATTEST:

JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

PROFESSIONAL SERVICES AGREEMENT

BETWEEN

THE VILLAGE OF KEY BISCAYNE

AND

BEACH RAKER, LLC

THIS AGREEMENT (this "Agreement") is made effective as of the 29th day of November, 2021 (the "Effective Date"), by and between the **VILLAGE OF KEY BISCAYNE, FLORIDA,** a Florida municipal corporation, (the "Village"), and **BEACH RAKER, LLC**, a Florida limited liability company (hereinafter, the "Contractor").

WHEREAS, on September 3, 2021, the Village issued Request for Proposals No. 2021-15 ("RFP"), for beach cleaning, maintenance, and beautification services (the "Services," as further defined herein); and

WHEREAS, in response to the RFP, the Contractor submitted a proposal, attached hereto as Exhibit "C," for the Services (the "Proposal"); and

WHEREAS, on November 16, 2021, the Village Council adopted Resolution No. 2021-53 selecting the Proposal of the Consultant to provide the Services for the Village; and

WHEREAS, the Consultant and the Village, through mutual negotiation, have agreed upon a fee for the Services; and

WHEREAS, the Village desires to engage the Contractor to perform the Services and provide the deliverables as specified below.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Contractor and the Village agree as follows:

1. **Scope of Services.**

1.1. The Contractor shall provide the Services set forth in the Scope of Services, attached hereto as Exhibit "A," and in accordance with the Proposal (the "Services"). Upon written request by the Village, the Contractor shall provide the additional beach cleaning, maintenance, and beautification services set forth in the Scope of Additional Services attached hereto as Exhibit "B" (the "Additional Services") and in accordance with the Contractor's Proposal. The Village specifically reserves the right to contract with any other entity for services relating to the Village's Pilot Composting Project.

1.2. Contractor shall furnish all reports, documents, and information obtained pursuant to this Agreement, and recommendations during the term of this Agreement (hereinafter "Deliverables") to the Village.

2. **Term/Commencement Date.**

2.1. The term of this Agreement shall be from the Effective Date through three years thereafter, unless earlier terminated in accordance with Paragraph 8. Additionally, the Village Manager may renew this Agreement for three additional one year periods on the same terms as set forth herein upon written notice to the Contractor.

2.2. Contractor agrees that time is of the essence and Contractor shall complete the Services within the term of this Agreement, unless extended by the Village Manager.

3. **Compensation and Payment.**

3.1. Compensation for the Services provided by Contractor shall not exceed $780,000.00 annually, in accordance with the Rate Schedule attached hereto as Exhibit "D." Compensation for Additional Services provided by the Contractor at the Village's request shall be in accordance with the rates set forth for the Additional Services in the Rate Schedule attached hereto as Exhibit "D."

3.2. Contractor shall deliver an invoice to Village no more often than once per month detailing Services completed and the amount due to Contractor under this Agreement. Fees shall be paid in arrears each month, pursuant to Contractor's invoice, which shall be based upon the percentage of work completed for each task invoiced. The Village shall pay the Contractor in accordance with the Florida Prompt Payment Act after approval and acceptance of the Services by the Village Manager.

3.3. Contractor's invoices must contain the following information for prompt payment:

3.3.1. Name and address of the Contractor;

3.3.2. Purchase Order number;

3.3.3. Contract number;

3.3.4. Date of invoice;

3.3.5. Invoice number (Invoice numbers cannot be repeated. Repeated invoice numbers will be rejected);

3.3.6. Name and type of Services;

3.3.7. Timeframe covered by the invoice; and

3.3.8. Total value of invoice.

Failure to include the above information will result in the delay of payment or rejection of the invoice. All invoices must be submitted electronically to payables@keybiscayne.fl.gov.

4. **Subcontractors.**

4.1. The Contractor shall be responsible for all payments to any subcontractors and shall maintain responsibility for all work related to the Services.

4.2. Contractor may only utilize the services of a particular subcontractor with the prior written approval of the Village Manager, which approval may be granted or withheld in the Village Manager's sole and absolute discretion.

5. **Village's Responsibilities.**

5.1. Village shall make available any maps, plans, existing studies, reports, staff and representatives, and other data pertinent to the Services and in possession of the Village, and provide criteria requested by Contractor to assist Contractor in performing the Services.

5.2. Upon Contractor's request, Village shall reasonably cooperate in arranging access to public information that may be required for Contractor to perform the Services.

6. **Contractor's Responsibilities; Representations and Warranties.**

6.1. The Contractor shall exercise the same degree of care, skill and diligence in the performance of the Services as is ordinarily provided by a Contractor under similar circumstances. If at any time during the term of this Agreement or within two (2) years from the completion of this Agreement, it is determined that the Contractor's Deliverables or Services are incorrect, not properly rendered, defective, or fail to conform to Village requests, the Contractor shall at Contractor's sole expense, immediately correct its Deliverables or Services.

6.2. The Contractor hereby warrants and represents that at all times during the term of this Agreement it shall maintain in good standing all required licenses, certifications and permits required under Federal, State and local laws applicable to and necessary to perform the Services for Village as an independent contractor of the Village. Contractor further warrants and represents that it has the required knowledge, expertise, and experience to perform the Services and carry out its obligations under this Agreement in a professional and first class manner.

6.3. The Contractor represents that is an entity validly existing and in good standing under the laws of Florida. The execution, delivery and performance of this Agreement by Contractor have been duly authorized, and this Agreement is binding on Contractor and enforceable against Contractor in accordance with its terms. No consent of any other person or entity to such execution, delivery and performance is required.

7. **Conflict of Interest.**

7.1. To avoid any conflict of interest or any appearance thereof, Contractor shall not, for the term of this Agreement, provide any consulting services to any private sector entities

(developers, corporations, real estate investors, etc.), with any current, or foreseeable, adversarial issues in the Village.

8. Termination.

8.1. The Village Manager, without cause, may terminate this Agreement upon five (5) calendar days' written notice to the Contractor, or immediately with cause.

8.2. Upon receipt of the Village's written notice of termination, Contractor shall immediately stop work on the project unless directed otherwise by the Village Manager.

8.3. In the event of termination by the Village, the Contractor shall be paid for all work accepted by the Village Manager up to the date of termination, provided that the Contractor has first complied with the provisions of Paragraph 8.4.

8.4. The Contractor shall transfer all books, records, reports, working drafts, documents, maps, and data pertaining to the Services and the project to the Village, in a hard copy and electronic format within fourteen (14) days from the date of the written notice of termination or the date of expiration of this Agreement.

9. Insurance.

9.1. Contractor shall secure and maintain throughout the duration of this agreement insurance of such types and in such amounts not less than those specified below as satisfactory to Village, naming the Village as an Additional Insured, underwritten by a firm rated A-X or better by A.M. Best and qualified to do business in the State of Florida. The insurance coverage shall be primary insurance with respect to the Village, its officials, employees, agents, and volunteers naming the Village as additional insured. Any insurance maintained by the Village shall be in excess of the Contractor's insurance and shall not contribute to the Contractor's insurance. The insurance coverages shall include at a minimum the amounts set forth in this section and may be increased by the Village as it deems necessary or prudent.

9.1.1. Commercial General Liability coverage with limits of liability of not less than a $1,000,000 per Occurrence combined single limit for Bodily Injury and Property Damage. This Liability Insurance shall also include Completed Operations and Product Liability coverages and eliminate the exclusion with respect to property under the care, custody and control of Contractor. The General Aggregate Liability limit and the Products/Completed Operations Liability Aggregate limit shall be in the amount of $2,000,000 each.

9.1.2. Workers Compensation and Employer's Liability insurance, to apply for all employees for statutory limits as required by applicable State and Federal laws. The policy(ies) must include Employer's Liability with minimum limits of $1,000,000.00 each accident. No employee, subcontractor or agent of the Contractor shall be allowed to provide Services pursuant to this Agreement who is not covered by Worker's Compensation insurance.

9.1.3. Business Automobile Liability with minimum limits of $1,000,000 per occurrence, combined single limit for Bodily Injury and Property Damage. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability policy, without restrictive endorsements, as filed by the Insurance Service Office, and must include Owned, Hired, and Non-Owned Vehicles.

9.1.4. Professional Liability Insurance in an amount of not less than One Million Dollars ($1,000,000.00) per occurrence, single limit.

9.2. **Certificate of Insurance.** Certificates of Insurance shall be provided to the Village, reflecting the Village as an Additional Insured (except with respect to Professional Liability Insurance and Worker's Compensation Insurance), no later than ten (10) days after award of this Agreement and prior to the execution of this Agreement by Village and prior to commencing Services. Each certificate shall include no less than (30) thirty-day advance written notice to Village prior to cancellation, termination, or material alteration of said policies or insurance. The Contractor shall be responsible for assuring that the insurance certificates required by this Section remain in full force and effect for the duration of this Agreement, including any extensions or renewals that may be granted by the Village. The Certificates of Insurance shall not only name the types of policy(ies) provided, but also shall refer specifically to this Agreement and shall state that such insurance is as required by this Agreement. The Village reserves the right to inspect and return a certified copy of such policies, upon written request by the Village. If a policy is due to expire prior to the completion of the Services, renewal Certificates of Insurance shall be furnished thirty (30) calendar days prior to the date of their policy expiration. Each policy certificate shall be endorsed with a provision that not less than thirty (30) calendar days' written notice shall be provided to the Village before any policy or coverage is cancelled or restricted. Acceptance of the Certificate(s) is subject to approval of the Village.

9.3. **Additional Insured.** Except with respect to Professional Liability Insurance and Worker's Compensation Insurance, the Village is to be specifically included as an Additional Insured for the liability of the Village resulting from Services performed by or on behalf of the Contractor in performance of this Agreement. The Contractor's insurance, including that applicable to the Village as an Additional Insured, shall apply on a primary basis and any other insurance maintained by the Village shall be in excess of and shall not contribute to the Contractor's insurance. The Contractor's insurance shall contain a severability of interest provision providing that, except with respect to the total limits of liability, the insurance shall apply to each Insured or Additional Insured (for applicable policies) in the same manner as if separate policies had been issued to each.

9.4. **Deductibles.** All deductibles or self-insured retentions must be declared to and be reasonably approved by the Village. The Contractor shall be responsible for the payment of any deductible or self-insured retentions in the event of any claim.

9.5. The provisions of this section shall survive termination of this Agreement.

10. **Nondiscrimination.** During the term of this Agreement, Contractor shall not discriminate against any of its employees or applicants for employment because of their race, color, religion, sex, or national origin, and will abide by all Federal and State laws regarding nondiscrimination.

11. **Attorneys Fees and Waiver of Jury Trial.**

    11.1. In the event of any litigation arising out of this Agreement, the prevailing party shall be entitled to recover its attorneys' fees and costs, including the fees and expenses of any paralegals, law clerks and legal assistants, and including fees and expenses charged for representation at both the trial and appellate levels.

    11.2. IN THE EVENT OF ANY LITIGATION ARISING OUT OF THIS AGREEMENT, EACH PARTY HEREBY KNOWINGLY, IRREVOCABLY, VOLUNTARILY AND INTENTIONALLY WAIVES ITS RIGHT TO TRIAL BY JURY.

12. **Indemnification.**

    12.1. Contractor shall indemnify and hold harmless the Village, its officers, agents and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, arising from Contractor's performance or non-performance of any provision of this Agreement, including, but not limited to, liabilities arising from contracts between the Contractor and third parties made pursuant to this Agreement. Contractor shall reimburse the Village for all its expenses including reasonable attorneys' fees and costs incurred in and about the defense of any such claim or investigation and for any judgment or damages arising from Contractor's performance or non-performance of this Agreement.

    12.2. Nothing herein is intended to serve as a waiver of sovereign immunity by the Village nor shall anything included herein be construed as consent to be sued by third parties in any matter arising out of this Agreement or any other contract. The Village is subject to section 768.28, Florida Statutes, as may be amended from time to time.

    12.3. The provisions of this section shall survive termination of this Agreement.

13. **Notices/Authorized Representatives.** Any notices required by this Agreement shall be in writing and shall be deemed to have been properly given if transmitted by hand-delivery, by registered or certified mail with postage prepaid return receipt requested, or by a private postal service, addressed to the parties (or their successors) at the addresses listed on the signature page of this Agreement or such other address as the party may have designated by proper notice.

14. **Governing Law and Venue**. This Agreement shall be construed in accordance with and governed by the laws of the State of Florida. Venue for any proceedings arising out of this Agreement shall be proper exclusively in Miami-Dade County, Florida.

15. **Entire Agreement/Modification/Amendment.**

15.1. This writing contains the entire Agreement of the parties and supersedes any prior oral or written representations. No representations were made or relied upon by either party, other than those that are expressly set forth herein.

15.2. No agent, employee, or other representative of either party is empowered to modify or amend the terms of this Agreement, unless executed with the same formality as this document.

16. Ownership and Access to Records and Audits.

16.1. Contractor acknowledges that all inventions, innovations, improvements, developments, methods, designs, analyses, drawings, reports, compiled information, and all similar or related information (whether patentable or not) which relate to Services to the Village which are conceived, developed or made by Contractor during the term of this Agreement ("Work Product") belong to the Village. Contractor shall promptly disclose such Work Product to the Village and perform all actions reasonably requested by the Village (whether during or after the term of this Agreement) to establish and confirm such ownership (including, without limitation, assignments, powers of attorney and other instruments).

16.2. Contractor agrees to keep and maintain public records in Contractor's possession or control in connection with Contractor's performance under this Agreement. The Village Manager or her designee shall, during the term of this Agreement and for a period of three (3) years from the date of termination of this Agreement, have access to and the right to examine and audit any records of the Contractor involving transactions related to this Agreement. Contractor additionally agrees to comply specifically with the provisions of Section 119.0701, Florida Statutes. Contractor shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the Agreement, and following completion of the Agreement until the records are transferred to the Village.

16.3. Upon request from the Village's custodian of public records, Contractor shall provide the Village with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by Chapter 119, Florida Statutes, or as otherwise provided by law.

16.4. Unless otherwise provided by law, any and all records, including but not limited to reports, surveys, and other data and documents provided or created in connection with this Agreement are and shall remain the property of the Village.

16.5. Upon completion of this Agreement or in the event of termination by either party, any and all public records relating to the Agreement in the possession of the Contractor shall be delivered by the Contractor to the Village Manager, at no cost to the Village, within seven (7) days. All such records stored electronically by Contractor shall be delivered to the Village in a format that is compatible with the Village's information technology systems. Once the public records have been delivered upon completion or termination

of this Agreement, the Contractor shall destroy any and all duplicate public records that are exempt or confidential and exempt from public records disclosure requirements.

16.6. Any compensation due to Contractor shall be withheld until all records are received as provided herein.

16.7. Contractor's failure or refusal to comply with the provisions of this section shall result in the immediate termination of this Agreement by the Village.

16.8. **Notice Pursuant to Section 119.0701(2)(a), Florida Statutes.** **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS.**

Custodian of Records:	**Jocelyn B. Koch**
Mailing address:	**88 West McIntyre Street**
	Key Biscayne, FL 33149
Telephone number:	**305-365-5506**
Email:	**jkoch@keybiscayne.fl.gov**

17. **Nonassignability.** This Agreement shall not be assignable by Contractor unless such assignment is first approved by the Village Manager. The Village is relying upon the apparent qualifications and expertise of the Contractor, and such firm's familiarity with the Village's area, circumstances and desires.

18. **Severability.** If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and be enforceable to the fullest extent permitted by law.

19. **Independent Contractor.** The Contractor and its employees, volunteers and agents shall be and remain an independent contractor and not an agent or employee of the Village with respect to all of the acts and services performed by and under the terms of this Agreement. This Agreement shall not in any way be construed to create a partnership, association or any other kind of joint undertaking, enterprise or venture between the parties.

20. **Compliance with Laws.** The Contractor shall comply with all applicable laws, ordinances, rules, regulations, and lawful orders of public authorities in carrying out Services under this Agreement, and in particular shall obtain all required permits from all jurisdictional agencies to perform the Services under this Agreement at its own expense.

21. **Waiver.** The failure of either party to this Agreement to object to or to take affirmative action with respect to any conduct of the other which is in violation of the terms of this Agreement shall not be construed as a waiver of the violation or breach, or of any future violation, breach or wrongful conduct.

22. **Survival of Provisions.** Any terms or conditions of either this Agreement that require acts beyond the date of the term of the Agreement, shall survive termination of the Agreement, shall remain in full force and effect unless and until the terms or conditions are completed and shall be fully enforceable by either party.

23. **Prohibition of Contingency Fees.** The Contractor warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Contractor, to solicit or secure this Agreement, and that it has not paid or agreed to pay any person(s), company, corporation, individual or firm, other than a bona fide employee working solely for the Contractor, any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this Agreement.

24. **Public Entity Crimes Affidavit.** Contractor shall comply with Section 287.133, Florida Statutes (Public Entity Crimes Statute), notification of which is hereby incorporated herein by reference, including execution of any required affidavit.

25. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original and such counterparts shall constitute one and the same instrument.

26. **Conflicts; Order of Priority.** This document without exhibits is referred to as the "Base Agreement." In the event of a conflict between the terms of this Agreement and any exhibits or attachments hereto, or any documents incorporated herein by reference, the conflict shall be resolved in the following order of priorities and the more stringent criteria for performance of the Services shall apply:

    26.1. First Priority: Base Agreement;

    26.2. Second Priority: Exhibit "D," the Rate Schedule;

    26.3. Third Priority: Exhibit "A," the Scope of Services;

    26.4. Fourth Priority: Exhibit "B," the Scope of Additional Services;

    26.5. Fifth Priority: the RFP; and

    26.6. Sixth Priority: Exhibit "C," the Contractor's Proposal.

27. **E-Verify Affidavit.** In accordance with Section 448.095, Florida Statutes, the Village requires all contractors doing business with the Village to register with and use the E-Verify system to verify the work authorization status of all newly hired employees. The Village will not enter into a contract unless each party to the contract registers with and uses the E-Verify system. The contracting entity must provide of its proof of enrollment in E-Verify. For instructions on how to provide proof of the contracting entity's participation/enrollment in E-Verify, please

visit: https://www.e-verify.gov/faq/how-do-i-provide-proof-of-my-participationenrollment-in-e-verify. By entering into this Agreement, the Contractor acknowledges that it has read Section 448.095, Florida Statutes; will comply with the E-Verify requirements imposed by Section 448.095, Florida Statutes, including but not limited to obtaining E-Verify affidavits from subcontractors; and has executed the required affidavit attached hereto and incorporated herein.

[Remainder of page intentionally left blank. Signature pages follow.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year as first stated above.

VILLAGE OF KEY BISCAYNE

By: Steven C. Williamson
Steven C. Williamson
Village Manager

Attest:

By: Jocelyn B Koch
Jocelyn B. Koch
Village Clerk

Approved as to form and legal sufficiency:

By: chad s friedman
chad s friedman (Nov 29, 2021 10:26 EST)
Weiss Serota Helfman Cole & Bierman, P.L.
Village Attorney

Addresses for Notice:
Village of Key Biscayne
Attn: Village Manager
88 West McIntyre Street
Key Biscayne, FL 33149
305-365-5514 (telephone)
305-365-8936 (facsimile)
swilliamson@keybiscayne.fl.gov (email)

With a copy to:
Weiss Serota Helfman Cole & Bierman, P.L.
Attn: Chad Friedman, Esq.
Village of Key Biscayne Attorney
2525 Ponce de Leon Boulevard, Suite 700
Coral Gables, FL 33134
cfriedman@wsh-law.com (email)

BEACH RAKER, LLC

By: George Jones (Nov 29, 2021 10:10 EST)

Name: George Jones

Title: President

Beach Raker, LLC
Entity

Addresses for Notice:
Beach Raker, LLC
Attn: George L. Jones Jr.
220 NE 13th Street
Pompano Beach, FL 33060
954-560-3906 (telephone)
954-892-0344 (facsimile)
customerservice@floridabeachraker.com (email)

With a copy to:
Steve Sterneck
220 NE 13th St, Pompano Beach FL 33060
954-560-3906 (telephone)
(facsimile)
Steve@floridabeachraker.com (email)

EXHIBIT A
Scope of Services

The required Services to be performed by the Contractor shall be to clean and maintain the entire length and width of the beach, generally east of the dunes, during the term of the Agreement on a basis of seven (7) days per week, 52 weeks per year, with overlapping stretches of beach to be cleaned and maintained each day. Contractor shall collect trash, rake, and haul an average of two (2) trucks per day year-round, and deep bury excess seaweed three (3) feet deep, sift/groom upper beach seven (7) days a week. The Village reserves the right, in its sole discretion, to add additional locations to be serviced, or delete or modify locations to be serviced.

All work of this nature shall be conducted in accordance with Florida Department of Environmental Protection ("FDEP") Permits, and in accordance with FDEP Beach Cleaning Permit Conditions. All work on the beach during marine turtle nesting season in this area of Miami-Dade County ("County") shall be coordinated with the County officials. Marine turtle nest monitoring in the Village is currently provided by the County Parks, Recreation, and Open Spaces Department.

I. GENERAL

In providing the Services, the Contractor shall be required to perform the following tasks and work:

A. Debris, Trash Removal, and Recycling: The Contractor agrees to remove all trash, debris, and recycling that is deposited by the ocean, wind, or by patron usage. The Contractor shall empty and maintain all refuse and recycling containers (refuse categorized as garbage and trash; recycling includes all bottles, cans, and glass) on the beach for a minimum of seven (7) days per week, including Sundays. There is an approximate total of forty (40) refuse receptacles along the beach. The Contractor shall remove and dispose of all trash and debris by hauling to an approved location. The Contractor shall properly dispose of the collected refuse and pay any and all disposal fees associated therewith. Contents of the recycling containers shall be deposited in a collection bin located at an area determined and approved of by the Village.

B. Special Events and Holidays: On July 5th of every year, the entire beach shall be cleared of debris no later than 10:00 a.m., as a result of July 4th activities. The same debris removal services shall apply to all similar major holidays and special events, with prior notice given to the Contractor.

C. Seaweed Management: Seaweed deposited on the beach due to natural coastal processes is to be raked with approved equipment seven (7) times per week along the length of the entire beach (sandy, non-vegetated areas). Seaweed shall be deep buried (36 to 48-inches below grade) into beach zone below the Mean High Water (MHW) line with approved equipment and methods, and capped with six (6) to twelve (12) inches of sand. This burial process generally consists of raking, digging a sufficiently deep pit to place the seaweed into, and covering the seaweed with sand. Seaweed must be buried deep enough so that it does not become exposed.

D. Excess Seaweed and Debris Management: In the event of extraordinary amounts of seaweed that cannot be managed efficiently with the raking and deep burial process, the Village, in consultation with the Contractor, may determine that seaweed management will require a special service raking and truck hauling of the collected organic material to an appropriate commercial disposal facility. Coastal processes and coastal storm events may cause excessive deposits of seaweed and debris on the beach. The Contractor shall mobilize appropriate equipment and personnel to remove excess seaweed and debris without burial into the inter-tidal zone. It is envisioned that truck hauling will be required five (5) months per year (typically June, July, August, September, and October). Excess seaweed shall be suitably clean, devoid of any debris, litter, and/or other deleterious materials. Excess seaweed shall be stockpiled at a pre-designated location, then loaded and transported with the appropriate equipment to a commercial disposal facility.

The Village of Key Biscayne may provide a nearby location to stockpile seaweed collected from the beach, however the Contractor must haul the seaweed directly to a commercial disposal facility, should the Village not have access to a nearby site. The Village will coordinate directly with Miami-Dade County and instruct the Contractor on the location for placement.

Contractor shall be responsible for all labor, equipment, hauling, and disposal fees. Moreover, the Contractor is required to have all the necessary machinery and equipment available to perform the Services.

E. Hazards Management: Contractor shall have job specific and adequate equipment available to lift and remove from the beach all foreign material up to 1,500 pounds, as well as grade areas of beach and move fill from place to place in effort to correct hazardous conditions that may develop from time to time. The Contractor agrees to provide such hazard management services as the Village shall reasonably request, by way of example, including the removal of broken glass, shoring eroded and deteriorated walkways by moving fill into place around them, and grading storm cut escarpments, etc. The Contractor agrees to be available for the performing of such services on an emergency basis and shall respond to the request by the Village for the correction of such hazardous conditions as promptly as reasonably possible. However, it being understood by the parties, in the event the Village shall recognize minor hazards (such as broken glass bottles or debris of a nature that can be removed by hand or other reasonably available personnel of the Village) such removal will be accomplished by the Village immediately upon recognition of the hazard.

F. Erosion Control: The Contractor shall possess equipment capable of providing limited beach repair and erosion control measures. The Village, from time to time, requires certain measures for erosion control and beach repair, and accordingly, the Contractor shall agree to provide the following services:

i. Backfilling of washouts, particularly at the foot of eroded stairs and/or entry ways,
ii. Grading of excessive sand deposits,
ii. Grading of escarpments to a more easily navigated slope as required by the Village beach maintenance environmental permits.

The Contractor's Services for erosion control and beach repair as provided herein are intended to promote vitality to the dune vegetation, to better sustain the contour of the beach against further wave action, and to maximize the useable sandy portion of the beach for the general recreational enjoyment and coastal preservation. Such measures shall be taken by the Contractor to effectively control, limit, or eliminate sand erosion problems on a day-to-day basis.

G. Tilling: The Village has a beach maintenance program that includes the periodic re-nourishment of the beach. The environmental permits for this maintenance program require tilling in the spring, immediately prior to marine turtle nesting season dependent upon survey results. The Village will conduct the survey and advise the Contractor with reasonable advanced notice should beach tilling be required. The Contractor shall mobilize the appropriate equipment and personnel to till the beach with approved equipment and methods to a depth of thirty-six (36) inches from just east of the dune line to the mean high-water line.

H. Dune Vegetation Maintenance: Contractor will be required to retain the expertise, nursery contacts, and permits necessary to maintain the flora of the dune habitat. Contractor shall replace dune plantings as necessary where the dune face has been eroded and will survey the dune line along the length of the beach as to identify and remove any and all exotic plant species that are taking root twice each year. Removal of exotic plant species should take place from the erosion control line seaward and shall not include removal of exotic plants from private property.

I. Environmental Permitting: Contractor shall process the annual mechanical beach cleaning permit on behalf of the Village.

II. ACCESS

The Village agrees to provide the Contractor with sufficient access to the Village's beach property at no cost and not to interfere with the performance of the Services herein contracted for, provided, however, that the Village may reasonably restrict the Contractor access to the beach for safety reasons or emergencies. Notwithstanding any other provisions of the Agreement to the contrary, the Village reserves the right to restrict the Contractor's beach cleaning operations on portions of the beach to comply with turtle protection ordinances, laws, and requirements as they may be imposed from time to time during the term of the Agreement.

STORAGE OF EQUIPMENT AND LIST OF CURRENT EQUIPMENT

The Village will provide a storage site on the Beach. Contractor shall provide to Village a list of all equipment to be used in connection with the Services and complete the attached List of Equipment Form.

III. HOURS OF SERVICE

The Contractor may begin work at 7 A.M. and work until 2 P.M. on each workday, with the exception of turtle nesting season during which the Village requires the Contractor to alter the schedule to follow the activities of the turtle monitors. If in the case of an extremely heavy accumulation of seaweed or debris where the Contractor finds it necessary to work past 2 P.M. or begin earlier than 7 A.M., approval must be obtained from the Village's Public Works Department.

Severe weather conditions, acts of God, and matters beyond the Contractor's reasonable control (such as lack of access to the barrier island due to bridge failures, etc.) are acceptable reasons for the Contractor failing to provide cleaning services on a scheduled day. For each day that the Contractor shall fail to provide service without an acceptable reason, there shall be a deduction in the compensation due to the Contractor in the amount of 1/10 of Contractor's monthly payment. Services shall be rendered by the Contractor on all holidays that fall in a regular scheduled workday other than July 4th and December 25th.

IV. INQUIRIES

The Contractor will supply an email address that is checked on a daily basis for the purpose of responding to complaints, concerns, or inquiries made by the Village regarding the Services set forth in this Agreement. The Contractor will address and provide timely responses to all inquiries.

V. LICENSES

The Contractor agrees to maintain all necessary licenses and permits required for the Contractor to provide the Services required herein, and the Village shall carry all permits required of it as the "Owner" to have the beach maintained.

VI. DISPOSAL COSTS

The Contractor agrees to provide disposal services at its expense for all debris, seaweed, and trash removed from the beach.

EXHIBIT "B"

Town of Surfside Monthly Rate Schedule
Based on Village of Key Biscayne Rates

Month	Monthly Cost	Services per Week
January	$12,269.14	3
February	$12,269.14	3
March	$12,269.14	3
April	$12,269.14	3
May	$12,269.14	3
June	$12,269.14	3
July	$19,648.57	5
August	$19,648.57	5
September	$19,648.57	5
October	$12,269.14	3
November	$12,269.14	3
December	$12,269.14	3
Total Cost	$169,367.97	
Contingency for On Call Service	$1,632.03	

Responses

Success: All data is valid!

Town of Surfside Rates

Status	#	Item	Unit	Quantity	Numeric Unit Price	Total Cost	
Base Bid							
Success: All values provided	#1-1	**Debris, Trash Removal, and Recycling**	Week	52	$ 1,750.00	$ 91,000.00	3 days a week at $750.00 for $3,000.00 a month
Success: All values provided	#1-2	**Tilling**	Each	1	$ 7,000.00	$ 7,000.00	
Success: All values provided	#1-3	**Seaweed Management, Option 1: Collect trash, rake and deep bury seaweed (36 to 48-inches below grade), sift/groom upper beach seven (7) days a week**	Week	52	$ 4,707.00	$ 244,764.00	3 days a week at $2,017.28 for $8,069.14 a month
Bid Alternate 1							
Success: All values provided	#2-1	**Seaweed Management, Option 2: Manage trash, sift/groom upper beach seven (7) days a week (four (4) months seaweed stays on beach), haul an average of three (3) trucks daily (22 cubic yard capacity per truck) for eight (8) months of the year, and deep bury excess seaweed three (3) feet deep.**	Week	52	$ 14,500.00	$ 754,000.00	
Bid Alternate 2							
Success: All values provided	#3-1	**Seaweed Management, Option 3: Collect trash, rake, and haul an average of two (2) trucks per day year-round, and deep bury excess seaweed three (3) feet deep, sift/groom upper beach seven (7) days a week.**	Week	52	$ 15,000.00	$ 780,000.00	
Bid Alternate 3							
Success: All values provided	#4-1	**Seaweed Management, Option 4: Collect trash, rake, and haul year-round (no deep burial or integration), sift/groom upper beach seven (7) days a week.**	Week	52	$ 19,000.00	$ 988,000.00	
ADDITIONAL SERVICES ON AS-NEEDED BASIS							
Success: All values provided	#5-1	**Cleaning at Second Tide**	Week	1	$ 4,200.00	$ 4,200.00	
Success: All values provided	#5-2	**Special Events and Holidays**	Day	1	$ 600.00	$ 600.00	
Success: All values provided	#5-3	**Beach Sand Sifting: Removal of small objects from the upper portion of the beach using a sand sifter**	Hour	1	$ 250.00	$ 250.00	
Success: All values provided	#5-4	**Removal of Seaweed from the beach to a location provided by the Village, including removal, loading, trucking, and dumping to a location within Key Biscayne or Virginia Key**	Cubic Yard	1	$ 40.00	$ 40.00	
Success: All values provided	#5-5	**Removal of Seaweed from the beach to a location provided by the Contractor, including removal, loading, trucking, and tipping**	Cubic Yard	1	$ 85.00	$ 85.00	
Success: All values provided	#5-6	**Walkways and Restricted Area Sand Sifting: Removal of small objects, rocks, shells, debris, etc., from walkways, play areas, and confined locations**	Hour	1	$ 150.00	$ 150.00	Hardpack 2 hours a week at $300.00 for $1,200 a month

Town of Surfside monthly total

$12,269.14

Responses

Success: All data is valid!

Town of Surfside Rates

Status	#	Item	Unit	Quantity	Numeric Unit Price	Total Cost	
Base Bid							
Success: All values provided	#1-1	**Debris, Trash Removal, and Recycling**	Week	52	$ 1,750.00	$ 91,000.00	5 days a week at $1,250.00 for $5,000.00 a month
Success: All values provided	#1-2	**Tilling**	Each	1	$ 7,000.00	$ 7,000.00	
Success: All values provided	#1-3	**Seaweed Management, Option 1: Collect trash, rake and deep bury seaweed (36 to 48-inches below grade), sift/groom upper beach seven (7) days a week**	Week	52	$ 4,707.00	$ 244,764.00	5 days a week at $3,362.14 for $13,448.57 a month
Bid Alternate 1							
Success: All values provided	#2-1	**Seaweed Management, Option 2: Manage trash, sift/groom upper beach seven (7) days a week (four (4) months seaweed stays on beach), haul an average of three (3) trucks daily (22 cubic yard capacity per truck) for eight (8) months of the year, and deep bury excess seaweed three (3) feet deep.**	Week	52	$ 14,500.00	$ 754,000.00	
Bid Alternate 2							
Success: All values provided	#3-1	**Seaweed Management, Option 3: Collect trash, rake, and haul an average of two (2) trucks per day year-round, and deep bury excess seaweed three (3) feet deep, sift/groom upper beach seven (7) days a week.**	Week	52	$ 15,000.00	$ 780,000.00	
Bid Alternate 3							
Success: All values provided	#4-1	**Seaweed Management, Option 4: Collect trash, rake, and haul year-round (no deep burial or integration), sift/groom upper beach seven (7) days a week.**	Week	52	$ 19,000.00	$ 988,000.00	
ADDITIONAL SERVICES ON AS-NEEDED BASIS							
Success: All values provided	#5-1	**Cleaning at Second Tide**	Week	1	$ 4,200.00	$ 4,200.00	
Success: All values provided	#5-2	**Special Events and Holidays**	Day	1	$ 600.00	$ 600.00	
Success: All values provided	#5-3	**Beach Sand Sifting: Removal of small objects from the upper portion of the beach using a sand sifter**	Hour	1	$ 250.00	$ 250.00	
Success: All values provided	#5-4	**Removal of Seaweed from the beach to a location provided by the Village, including removal, loading, trucking, and dumping to a location within Key Biscayne or Virginia Key**	Cubic Yard	1	$ 40.00	$ 40.00	
Success: All values provided	#5-5	**Removal of Seaweed from the beach to a location provided by the Contractor, including removal, loading, trucking, and tipping**	Cubic Yard	1	$ 85.00	$ 85.00	
Success: All values provided	#5-6	**Walkways and Restricted Area Sand Sifting: Removal of small objects, rocks, shells, debris, etc., from walkways, play areas, and confined locations**	Hour	1	$ 150.00	$ 150.00	Hardpack 2 hours a week at $300.00 for $1,200 a month

Town of Surfside monthly total

$19,648.57

Town of Surfside Monthly Rate Schedule
Based on Village of Key Biscayne Rates

Month	Monthly Cost	Services per Week
January	$12,269.14	3
February	$12,269.14	3
March	$12,269.14	3
April	$12,269.14	3
May	$12,269.14	3
June	$12,269.14	3
July	$19,648.57	5
August	$19,648.57	5
September	$19,648.57	5
October	$12,269.14	3
November	$12,269.14	3
December	$12,269.14	3
Total Cost	$169,367.97	
Contingency for On Call Service	$1,632.03	

MEMORANDUM

ITEM NO. 5D.

To:

From: Mayor Shlomo Danzinger

Date: September 13, 2022

Subject: **National Childhood Cancer Awareness Month**

For the commission to approve a proclamation recognizing September 2022 as National Childhood Cancer Awareness Month.

Please see attached for a draft of the proclamation.

Childhood Cancer remains the #1 disease killer of children in our country and the incidence of Childhood Cancer continues to rise, with the latest statics showing that 1 in every 285 children in the US will be diagnosed with cancer by the age of 20. I humbly request that the commission declare September as Childhood Cancer Awareness Month in Surfside. It is truly only through the raising of awareness that we will one day be able to find a cure for our children.

National Childhood Cancer Awareness Month - Sept 2022 .pdf

Proclamation Certificate Coins and Key to the Town Request - National Childhood Cancer Month.doc

Proclamation

Whereas, *September has been designated National Childhood Cancer Awareness Month to honor those children whose lives have been lost and those irrevocably impacted by this terrible illness, and to strengthen the nation's resolve to search for a cure; AND*

Whereas, *cancer is the leading cause of death by disease among U.S. children between infancy and 15 years of age; AND*

Whereas, *one in every 285 children will be diagnosed with cancer before the age of 20; AND*

Whereas, *Childhood Cancers cross all racial, ethnic, geographic, and socio-economic backgrounds, and each year tens of thousands of children face the battle of cancer with incredible bravery and inspiring hope; AND*

Whereas, *while progress against some childhood cancers has been made, cure rates for many forms of Childhood Cancer remain less than 50%, with the incidence of Childhood Cancers increasing at a more rapid rate than any other age group; AND*

Whereas, *this disease not only affects the child diagnosed with cancer, but also their entire support network of devoted parents, grandparents, loved ones and friends; AND*

Whereas, *this city recognizes the devastating impact that this disease has on members of our community and the importance of increased research on Childhood Cancer: AND*

Whereas, *this month we recognize that these burdens are shared by countless dedicated healthcare professionals, organizations, charities, and parent advocacy groups which support patients and families by offering advice, encouragement, hope, and financial assistance, and work tirelessly to lift the spirits of children suffering from cancer.*

Now *therefore I, Shlomo Danzinger, Mayor of Surfside, do hereby proclaim the month of September 2022 to be recognized by the Town of Surfside as*

"National Childhood Cancer Awareness Month"

Signed by my hand at Surfside Town Hall on this the 13th day of September 2022.

_____

Shlomo Danzinger, Mayor
Town of Surfside

TOWN OF SURFSIDE

PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN REQUEST FORM

OFFICE OF THE TOWN CLERK

Request for: Proclamation XX **Certificate** ____ **Key** ____ **Brick** ____ *(check one)*

Date of Request: August 15, 2022

Name of Requestor: Mayor Shlomo Danzinger

Organization: Childhood Cancer

Address: _____

Phone / E-Mail: _____

Name of Individual / Organization to be honored:

Childhood Cancer

Title for Proclamation or Certificate:

National Childhood Cancer Awareness Month

Date of Recognition: September 13, 2022

Reason for Recognition *(Please attach 4 – 6 "whereas clauses" as draft text for a Proclamation)*:

See Attached Proclamation with requested whereas clauses

Document is to be*:*

- **Presented at a Commission Meeting in September 13, 2022 *(month / year)***
- **Presented at the following event** _____ ***(Please attach event information to the request form)***
- **Picked up by** _____ **on** _____ ***(date)***

Administrative Use Only

Proclamation _____ Certificate _____ Key _____ Coin _____

Approved: Yes_____ No_____ If no, state reason: _____

Approved Date: _____

Date Submitted for Mayor's Signature: _____

Date Issued: _____

Completed by: _____

TOWN MANAGER'S REPORT

SEPTEMBER 13, 2022

I. TOWN DEPARTMENTS

Building Department

A. This month the Building Department expects to issue the foundation permit for Eden Surfside, LLC, a 205 room Kosher Hotel with ballroom and commercial kitchen located across from Town Hall and occupying the entire east half block from 93rd Street to 94th Street. All applicable conditions of the site plan approval have been satisfied. Other commercial construction activity includes preparations to demolish the existing Hillcrest and Regent Palace condominiums to make room for new modern condominium buildings. These significant commercial projects, including a new development in design to be located at 88th and Collins total over $450,000,000.00 in combined construction value. When our brisk residential construction is added in, the total exceeds half a billion dollars of construction to be administered by the Building Department and constructed in the next two years.

B. Building Department Permit and Inspection numbers (as of August 29th business day) continue to show significant growth over prior years as follows: Building Permits issued: 155; Inspections performed: 244; Lien searches performed: 21 and TCO/COs issued: 19.

C. The Building Department has launched its upgraded Ener-Gov software platform by Tyler which has been upgraded from the 2018 version. With staff working out some software issues, this new software platform will allow us to build and open a customer service/contractor online (CSS) portal for online permitting, inspection requests and plans review. This will greatly increase speed and efficiency of permits issued, raise the levels of service and greatly reduce lobby traffic which now takes up much of our staff's time.

D. GRM Document Storage and Scanning services, has begun the first digitization of building plans for the Town of Surfside. This is a monumental task which involves countless building plans going back to the early days of Surfside: Some of the plans are over 70 years old! This digitization work will make them available on the Town website via a link to the Cloud. This will be of great benefit to property owners, contractors and

public service providers who seek detailed information about existing buildings in the Town.

E. PLEASE PARDON OUR DUST! Building, Finance and Utilities Departments, as contracted with RMB General Contractors, prepare for the complete redesign, demolition, reconstruction and modernization of the front lobby offices. This is a new modern front lobby design that is open and welcoming, creating an important positive first impression to our customers. Demolition of the existing lobby is scheduled to begin September 12, 2022. Customers are encouraged to apply for permits by email, as our building department forms are all available online in fillable format. Additionally, our goal is to have our CSS portal up and running soon so that our customers have a more viable alternative of applying for a building permit or paying utility fees than in person. Ultimately, they will be served by permitting staff utilizing digital permitting technology from individual kiosks. Glass office partitions will provide an open, transparent environment to enhance communication and efficiency in the office environment.

Code Compliance Division

A. Code Compliance Cases: As of August 30, 2022, the total number of active, open cases being managed is 186. Of these cases, 91 cases are still under investigation and are working towards compliance; 12 cases are on-hold; 13 cases are in the Special Master hearing queue; 10 cases are in post-hearing status; 16 code cases have been issued liens and remain unpaid; 44 code cases have service liens and remain unpaid. Properties with unpaid liens are sent reminder letters on a semi-annual basis. The Code Compliance staff has conducted an approximate of 219 inspections from July 20 to August 30.

B. Collected Civil Penalty Fines: Unresolved code compliance cases accrue fines until the code violation is resolved. After the violation is corrected, the property owner is 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 potential mitigation on the fines due.

The following is a summary by fiscal year of the fine amounts collected by the Town:

- FY 22: As of August 30, 2022, 93 cases have paid/settle for a total monetary collection of $42,497.63
- FY 21: 86 cases paid/settled for a total collection of $39,464.
- FY 20: 109 cases paid/settled for a total collection of $115,851.

C. The Code Compliance Division has assisted the Finance Department by conducting 34 Code lien searches from July 20 to August 30.

D. The Code Compliance Division has continued to assist the Town Clerk's Office with public records requests.

E. The Division presented 13 Code Compliance cases to the Special Master on August 17, 2022.

Community Services & Public Communications Department

A. Tourism and Communications has been working to support the organization of multiple public forums including the recently held Condo Laws Forum and the upcoming community meet and greet with Senator Shevrin Jones. The Team has been busy promoting those events in addition to the Ethics Forum held on September 7, 2022.

B. With the Town Hall lobby remodeling project now underway, Tourism and Communications has been actively messaging the "Excuse Our Dust" message to manage expectations and keep residents informed regarding layout changes and the Customer Self-Service Portal (CSS).

C. The Tourist Bureau had a successful finish to the Summer Fridays event series with strong attendance numbers posted at the August and September events. Visitors and residents enjoyed complimentary umbrella seating, live music, food and drink, sports, activities and more.

D. Tourism and Communications is putting the finishing touches on a new resident brochure that will be available beginning in October.

E. Tourism and Communications supported the Town Manager's first Downtown Vision Advisory Committee (DVAC) meeting where the Town Planner presented options to increase walkability following the conclusion of his business district study.

Human Resources

Human Resources continues to provide support and assistance to the Town Administration, departments and staff in relation to a variety of items/services to include:

A. AFSCME Florida Council 79: AFSCME and the Town held the sixth collective bargaining meeting on August 17, 2022. A second shade session with the Town Commission was held on August 31, 2022.

B. Fraternal Order of Police (FOP): The first contract negotiation meeting with the FOP was held on July 20, 2022. The Town is currently reviewing and analyzing the financial impact of the FOP's request. A collective bargaining meeting will be scheduled once all data/cost is analyzed.

C. Insurance Renewal: Completed Open enrollment for active and retired staff.

D. Evaluations: Non-FOP staff evaluations for fiscal year 2022 were completed.

E. Interviews: Conducted interviews for Town Planner, Code Compliance Officer, Communications Manager, Lifeguard, and Recreation Leader.

F. Background/Offer/Orientation: Prepared offer letters, conducted the background investigations, and initial employment orientations for new hires.

G. Workers Comp: Provided assistance to staff and FLC attorney regarding workers comp matter.

H. EEOC Discrimination Complaints: Awaiting on response with regards to EEOC complaints filed by Mr. Victor May.

I. COVID-19 Health Pandemic: Provided staff with COVID-19 information, support and assistance.

J. Safety and Wellness Initiatives: Provided staff with information regarding weekly webinars and classes for mental health support, nutrition, fitness, support groups, community health initiatives and exercise classes.

K. Other Human Resources Functions to include:

- Employee appreciation, recognition, and activities
- Pre-employment Background Check
- Conditional offer of employment offers (withdrawal – when applicable)
- New hire orientation
- New hire reporting – Florida Department of Revenue
- Labor statistics report – U.S. Department of Labor Statistics
- Workers' compensation
- Grievance
- Interviews
- Exit interviews
- Personnel counseling
- Retirement plan related assistance
- Recruitment / Advertising for vacancies
- Responding to candidates / acknowledge resumes received
- Verification of Employment Requests
- Personnel maintenance changes
- Insurance enrollment, changes and termination of coverage
- Public records requests related to personnel (active/inactive)
- Criminal records check – level 2 for all Parks & Recreation instructors/concession staff

Finance Department

Monthly Budget to Actual Summary as of July 31, 2022 – *Attachment "A"*

Parks and Recreation Department

A. Facilities/Hours of operation – Parks and Recreation continues to operate the following facilities: The 96th Street Park, the Beach Lifeguard Tower, Hawthorne Tot Lot and the Dog Park. The Tennis Center continues to operate with court reservations during prime hours. The pool continues to operate with lap swimming registrations during all hours of operation. Pool hours continue to be adjusted month to month to maximize day light hours. Current Pool hours are from 7:00 a.m. 7:00pm for month of September

B. Hawthorne Tot Lot update – Parks and Recreation Staff continue to have discussions on a weekly basis with representatives from Game Time Playgrounds regarding the progress of the Hawthorne Tot Lot renovation which will include a new playground surface, new playground structures, shade structures and outdoor exercise equipment. KCI technologies was on site on Monday, August 22nd and conducted the survey/site plan. The Town will receive the data results with 2-3 weeks. The data will be review by an arborist to determine what is the best course of action to install root barriers around each tree.

The design for the outdoor exercise equipment was present to the Parks and Recreation committee on Monday, July 18th and they were all very happy and excited with the design and progress of the project thus far.

C. After Care Program Update – We continue to meet with the YMCA on a weekly basis in an effort to restart our after-care program as soon as possible. At the moment, YMCA is reviewing our draft agreement. We are also working to identify a date to conduct a job fair at the community center in an effort to hire staff for the program. YMCA submitted the licensing exemption and is awaiting a response. If we are exempt from the licensing process, we may be able to advance the start date of the program. At the moment, the target start date is November 1st. However, staff continues to work hard to start sooner.

D. Programming – Fall session I programming is scheduled to begin Tuesday, September 6. Parks and Recreation is offering over 20 programs (48 sessions) for Youth, Adults and Seniors this upcoming fall season. Staff continues to look for ways to enhance programming and ensure we are meeting the needs of the community. Fall session II registration is scheduled to commence on September 19 for Residents.

E. Events – Our Halloween Spooky Spooktacular is scheduled to take place Saturday, October 29th at our 96th St Park at 6pm. The event will offer an entire haunted house, rides, giveaways and a number of other activities.

Additionally, staff is working with CASA Church to schedule beach cleanups in an effort to clean our dunes.

F. 96th St. Park Update – The 96th Street Park RFP has been re-advertised and will run for 45 days. This will be the step to start the selection of a construction company to begin the construction process. The RFP was released again on August 12, 2022. The final day of the add will be October 14, 2022.

G. Other Items – Staff is working with our legal team to draft the RFP for beach furniture service. We have reached out to condos and hotels in Town to get more information in an effort to draft an operation plan that meets the need of the Town.

Planning Department

Development Application Process (2012 – Present) – *Attachment "B"*

Downtown Walkability and Design Study Update

On August 29, 2022, the Town Planner Mr. Keller presented to the Downtown Vision Advisory Committee the results of the business district study, as well as the options to increase walkability following the conclusion of this study. Mr. Keller will present these options to the Town Commission at the September Town Commission meeting.

Police Department

A. Police Department Statistics (August 1 – August 24, 2022)

- Traffic Citations – 446
- Parking Citations – 389
- Arrests – 2
- Dispatch Events – 1,429
- Incident/Crime Reports – 32

B. Surf Club Foundation Police Department Donation

On August 10, 2022, the Surf Club Foundation graciously donated 31 rifle plates to the Surfside Police Department to supplement our current ballistic vests. The additional layer of protection is an extra safety measure to safeguard our police officers.

C. Police Events/Community Outreach

- The Town of Surfside, Bal Harbour Village and the Town of Bay Harbor Islands will host the Miami-Dade County League of Cities Board of Director's meeting on September 1, 2022 at the Sea View Hotel in Bal Harbour. Officer Juan Duran will participate in the Presentation of Colors as a member of a multijurisdictional Honor Guard Team. Officer Bobby Gabriel will attend as a representative of the Surfside Police Department.
- In conjunction with the "Drive Sober or Get Pulled Over" campaign, the Coral Gables Police Department will conduct a multiagency DUI Operation on September 2, 2022 from 6:00 p.m. to 2:00 a.m. Officer Loxley Arch will participate in this initiative.
- The 19th Citizens Police Academy will begin September 7, 2022 and will conclude November 16, 2022 with a graduation ceremony. The classes in September will include:
  - September 7, 2022 – Introduction/ Body Worn Camera Presentation from Officer John Gentile /Patrol Procedures with Sergeant Jay Matelis and Officer Loxley Arch
  - September 14, 2022 – Basic Life Support/CPR
  - September 21, 2022 – K-9 Presentation from Aventura and Sunny Isles Beach Police Departments
  - September 28, 2022- Fundamentals of Law with Senator Jason Pizzo
- The Surfside Police Department will host a community blood drive on September 7, 2022 from 11:00 a.m. – 4:30 p.m. in the Town Hall municipal parking lot.
- The Mystic Force Foundation will host the 5th Annual Childhood Cancer Police Car Initiative and Gold Ribbon Childhood Cancer Parade on September 10, 2022. The parade will depart from Nicklaus Children's Hospital at 10:00 a.m. and conclude at the North Miami Police Department. Police Departments throughout Miami-Dade County and elected officials in support of our littlest heroes battling Childhood Cancer will participate in this momentous event. Officer Arch will proudly represent the Surfside Police Department.
- The FLOW (Florida Licensing on Wheels) – September 13, 2022 from 10:00 a.m. to 2:00 p.m. in the Commission Chambers.
- The Florida Department of Transportation (FDOT) District Six in conjunction with the Miami Beach Police Department will host a multi-agency traffic safety enforcement and educational detail on September 15, 2022 from 8:00 a.m. to 12:00 p.m. Law enforcement will primarily focus on aggressive driving (as part of the Drive Safe campaign), distracted driving, red-light running, speeding, seatbelt use, move-over law compliance, bike/pedestrian safety compliance and general traffic safety. Officer Arch will participate in this event.
- The monthly Coffee with the Cops – September 29, 2022 at 10:00 a.m. at Starbucks.
- The South Florida PBA will host the Annual Feast Day Celebration of St. Michael, the Patron Saint of Law Enforcement Officers, on September 29, 2022 at 10:00 a.m. at Our Lady of Guadalupe Catholic Church in Doral, Florida. Sergeant Alejandro Lorente

and Officer Andres Mendoza will proudly represent the Surfside Police Department as members of a multijurisdictional Honor Guard Team participating in the service.

II. SEE CLICK FIX REPORT

Requests filtered by request category that have been created 08/01/2022 - 08/31/2022

Request Category	Created in period	Closed in period	Average days to close
Beach Issue	1	0	
Code Compliance (Safety Concern)	1	1	1.5
Drainage/Flooding (PW)	0	0	
Other	5	1	3.1
Police (Safety Concern)	1	1	0.2
Beach Patrol	0	0	
Parking Issue	1	1	0.1
Construction Issues	3	0	

III. TOWN PROJECTS

96th Street Park

No proposals were received at the July submittal deadline, so a second Park Construction RFP was released on August 12, 2022. The revised RFP was more widely advertised and included some minor modifications to the contractor experience requirements. A pre-bid conference and site visit held on August 31 was well attended by potential contractors. The deadline for bidder questions is September 16 and Construction Proposals are due on October 13, 2022. The design team continues the permitting process, applying to the necessary regulatory agencies and responding to comments with revised drawings as necessary. Coordination with FPL for new electric service to the Park in underway as well.

Abbott Avenue Drainage Study

Progress Status Report – *Attachment "C"*

Stormwater Master Plan Update

Project Schedule - *Attachment "D"*

Traffic Calming and Pedestrian Safety Plan

Progress Status Report – *Attachment "E"*

Undergrounding of Utilities

Current activity for the utility undergrounding project continues with existing condition survey, verification and locations of utility equipment as proposed by utility providers. Meetings were attended this month with FPL to address amended design related issues for placement of equipment and alternate phasing of installation. Design continues regarding the commercial alley corridor between Collins and Harding, including a detailed existing conditions survey identifying unknown improvements completed within the alley corridor which will also to be utilized in developing center on Rights of Way and easements which will likely required. The most significant occurrence this month was receipt of formal design agreements from ATT, a major milestone which had been eluding the project progression.

Respectfully submitted by:

Andrew E. Hyatt, Town Manager

TOWN OF SURFSIDE, FLORIDA
MONTHLY BUDGET TO ACTUAL SUMMARY
FISCAL YEAR 2022
As of JULY 31, 2022
83% OF YEAR EXPIRED (BENCHMARK)

Agenda Item # **Page** **1 of 3**

September 13, 2022

GOVERNMENTAL FUNDS	ACTUAL		ANNUAL BUDGET	% BUDGET
GENERAL FUND - 001				
REVENUE	$ 15,980,851		$23,770,620	67%
EXPENDITURES	19,458,761		$23,770,620	82%
Net Change in Fund Balance	(3,477,910)			
Fund Balance-September 30, 2021 (Audited)	21,091,150	**A**		
Fund Balance-July 31, 2022 (Reserves)	$ 17,613,240	**B**		
TOURIST RESORT FUND - 102				
REVENUE	$ 4,961,469		$4,845,294	102%
EXPENDITURES	2,534,848		$4,845,294	52%
Net Change in Fund Balance	$ 2,426,621			
Fund Balance-September 30, 2021 (Audited)	4,264,457			
Fund Balance-July 31, 2022 (Reserves)	$ 6,691,078	**C**		
POLICE FORFEITURE FUND - 105				
REVENUE	$ -		$79,534	0%
EXPENDITURES	44,597		$79,534	56%
Net Change in Fund Balance	$ (44,597)			
Fund Balance-September 30, 2021 (Audited)	221,034			
Fund Balance-July 31, 2022 (Reserves)	$ 176,437			
TRANSPORTATION SURTAX FUND - 107				
REVENUE	$ 227,939		$523,649	44%
EXPENDITURES	202,913		$523,649	39%
Net Change in Fund Balance	25,026			
Fund Balance-September 30, 2021 (Audited)	569,453			
Fund Balance-July 31, 2022 (Reserves)	$ 594,479			
BUILDING FUND - 150				
REVENUE	$ 996,898		$1,756,131	57%
EXPENDITURES	932,694		$1,756,131	53%
Net Change in Fund Balance	64,204			
Fund Balance-September 30, 2021 (Audited)	1,904,548			
Fund Balance-July 31, 2022 (Reserves)	$ 1,968,752			
CAPITAL PROJECTS FUND - 301				
REVENUE	$ 7,164,203		$11,807,255	61%
EXPENDITURES	2,396,566		$11,807,255	20%
Net Change in Fund Balance	4,767,637			
Fund Balance-September 30, 2021 (Audited)	5,894,823			
Fund Balance-July 31, 2022 (Reserves)	$ 10,662,460			

NOTES:

1) Many revenues for July 2022 are received in subsequent months (timing difference) and are recorded on a cash basis in the month received.

2) Expenditures include payments and encumbrances. An encumbrance is a reservation of a budget appropriation to ensure that there is sufficient funding available to pay for a specific obligation.

A. Includes $2,000,000 available for hurricane/emergencies. The audited balance of $19,091,151 is unassigned fund balance (reserves).

B. Includes $7,704,488 committed for operations & maintenance, hurricane/natural disaster, budget stabilization, and capital. The balance of $9,908,792 is unassigned fund balance (reserves).

C. Includes $720,285 committed for hurricane/natural disaster, budget stabilization, and capital. The balance of $5,970,793 is unassigned fund balance (reserves).

PROPRIETARY FUNDS	ACTUAL	ANNUAL BUDGET	% BUDGET
WATER & SEWER FUND - 401			
REVENUE	$ 3,455,101	$4,497,641	77%
EXPENDITURES	3,265,582	$4,497,641	73%
Change in Net Position	189,519		
Unrestricted Net Position-September 30, 2021 (Audited)	(1,389,877)		
Unrestricted Net Position-July 31, 2022 (Reserves)	$ (1,200,358)		
MUNICIPAL PARKING FUND - 402			
REVENUE	$ 1,355,780	$1,264,180	107%
EXPENDITURES	891,527	$1,264,180	71%
Change in Net Position	464,253		
Unrestricted Net Position-September 30, 2021 (Audited)	1,657,883		
Unrestricted Net Position-July 31, 2022 (Reserves)	$ 2,122,136		
SOLID WASTE FUND - 403			
REVENUE	$ 1,491,044	$1,811,003	82%
EXPENDITURES	1,465,435	$1,811,003	81%
Change in Net Position	25,609		
Unrestricted Net Position-September 30, 2021 (Audited)	(271,836)		
Unrestricted Net Position-July 31, 2022 (Reserves)	$ (246,227)		
STORMWATER FUND - 404			
REVENUE	$ 731,510	$1,557,284	47%
EXPENDITURES	1,170,174	$1,557,284	75%
Change in Net Position	(438,664)		
Unrestricted Net Position-September 30, 2021 (Audited)	3,581,622		
Unrestricted Net Position-July 31, 2022 (Reserves)	$ 3,142,958		
FLEET MANAGEMENT FUND - 501			
REVENUE	$ 653,941	$808,044	81%
EXPENDITURES	659,213	$808,044	82%
Change in Net Position	(5,272)		
Unrestricted Net Position-September 30, 2021 (Audited)	1,091,020		
Unrestricted Net Position-July 31, 2022 (Reserves)	$ 1,085,748		

Jason D. Greene, Assistant Town Manager/CFO

Andrew Hyatt, Town Manager

Town of Surfside

Net Funds Historical Balances

Period 2018 - July 2022

FUND	9/30/2018	9/30/2019	9/30/2020	9/30/2021	7/31/2022	CAGR [(a)]
General	$ 10,902,050	$ 14,984,105	$ 18,286,748	$ 21,091,150	$ 17,613,240	24.6%
Tourist Resort	356,313	1,640,525	2,109,658	4,264,457	6,691,078	128.7%
Police Forfeiture	159,527	105,725	168,289	221,034	176,437	11.5%
Transportation Surtax	263,292	328,377	442,856	569,453	594,479	29.3%
Building	2,760,673	2,563,517	1,991,388	1,904,548	1,968,752	-2.2%
Capital Projects	2,158,902	3,048,582	4,899,128	5,894,823	10,662,460	39.8%
Water & Sewer	(2,546,398)	(2,367,098)	(1,733,610)	(1,389,877)	(1,200,358)	-18.3%
Municipal Parking	943,315	1,198,948	1,293,993	1,657,883	2,122,136	20.7%
Solid Waste	601,201	641,636	219,615	(271,836)	(246,227)	-176.8%
Stormwater	3,203,878	3,200,132	3,205,050	3,581,622	3,142,958	3.8%
Fleet Management	-	585,363	825,468	1,091,020	1,085,748	N/A
Total	**$ 18,802,753**	**$ 25,929,812**	**$ 31,708,583**	**$ 38,614,277**	**$ 42,610,703**	**22.7%**

(a) - CAGR stands for Compound Average Growth Rate, and is a useful measure of growth over multiple time periods. It represents the growth rate of a Fund Balance from the initial time value to the ending balance if you assume that the fund has been compounding over a time period.

Attachment "B"

Last updated on 8/30/2022

DEVELOPMENT APPLICATION PROCESS (2012 - PRESENT)									
Application Date Location	**Project Description**	**Zoning Process**	**Density/Intensity**		**Variances**		**Building Permit**		**Status**
			Allowed	**Approved**	**Requested**	**Received**	**Application No.**	**Status**	
Original submittal: 7/13/2012 Site plan amendment: 4/16/16 9011 Collins Avenue	Surf Club - restoration of the famous surf club historic structure and for the construction of new improvements	**DRG** - 7/31/2012, 8/23/2012, site plan amendment: 5/16/2016, 8/4/2016, 3/9/2017, 5/11/2017 **P&Z** - Original site plan: 9/27/2012, site plan amendment: 8/31/2017 **TC** - Original site plan: 10/15/2012, site plan amendment: 10/10/2017 **Site Plan Ext** -	762 units	257 units	None	None	13-727	Issued	Fort Partners has indicated a desire to obtain a final CO and Landscape approval needs to be resolved. A landscape inspection was performed and comments were provided by the Town Planner on November 5, 2021. Once the comments are addressed a final inspection will be required.
7/20/2012 9450 Collins Ave	The Shul - New multiuse glass atrium and joining learning center (3 stories)	**DRG** - 2/11/2013, 3/27/2013, 7/9/2013 **P&Z -** 2/27/2014 **TC** - 10/28/2014 **Site Plan Ext** -	3 story expansion of 8,558.9 square feet		None	None	14-509	Issued	A landscape inspection has been performed and the proposed landscape revisions have been reviewed. Preliminary building signage plans have been submitted and staff comments provided. Awaiting signage plan revisions form Applicant.
8/12/2015 12/23/20 Site Plan Amendment 9133 Collins Ave & 9149 Collins Ave	Surf Club II - Redevelopment of property with a multi-family residential project and renovation of existing historic structure. Reduction of dwelling units and hotel rooms. Revisions to expand underground parking and revisions to balcony design	**DRG** - 9/4/2015, 3/9/2017, 9/17/2017, 2/9/2021 **P&Z** - 12/7/2017, 2/11/2021, 4/29/21 **TC** - 2/13/2018, 4/13/21, 6/8/21 Scheduled **Site Plan Ext** - Site Plan Extension of approved by TC on 7/28 TC Meeting. Applicant requested extension of site plan due to FL Declaration of Emergency. Additional Covid extension - New Permit Due Date December 26, 2021	199 units	Reduced to 31 condo units, 26 hotel rooms	None	None	20-536	Foundation Only Permit Issued	Work is underway by Building Department to permit remainder of the building. Planning will be complete with it's review by 7/22/22.
Original submittal: 2/11/2016 Revised submittal: 5/31/18 9380, 9372, 9364, 9348, 9340, 9322, 9316 & 9300 Collins Ave	9300 Collins Ave - demolition of all existing improvements, construction of 3-story building	**DRG** - Original submittal: 3/10/2016, 4/27/2016 Revised submittal: 6/27/2018, 8/28/2018, 11/1/18 **P&Z** - Original approval: 7/18/2016, Revised approval: 11/29/18 **TC** - Original approval: 11/10/2016, Approved February 26, 2019 **Site Plan Ext** - Request submitted to extend approval due to emergency declaration (Hurricane Dorian). Additional Covid and Tropical Storm Elsa extensions - New Permit Due Date February 4, 2024	250 units	Request is for 205 units	None	None	18-610	Has not applied for permit yet	Information supplied by the Eden Surfside LLC to Town Bldg Dept on 11/30/21 indicates desire to obtain a foundation permit. MDC receipts for impact fees of $1,105,679.93 (Pd. 8/3/21) and 20% Water and Sewer fees (Pd. 10/26/21) have been received.
5/4/2016 8955 Collins Ave	Residential Condominiums	**DRG** - 6/20/2016, 7/27/2016 **P&Z** - 10/27/2016 11/10/2016 **TC -** 11/10/2016 **Site Plan Ext -**	110 units	16 units	None	None	16-602	Issued	The Town Planner signed off on the Landscape Plan on June 17, 2022. Public Works Department is working to resolve a couple of issues so that the Building Department can issue a permanent CO.
3/14/22 9309 - 9317 Collins Ave	93 Ocean - Demolition of 2 existing 3 story buildings and construction of 12 story condominium building with 27 dwelling units.	**DRG** - 8/23/22 **P&Z** - 8/25/22 **TC** - Tentatively set for 10/12/22							DRG agreed to send to Planning and Zoning Board. P & Z recommended approval to the Town Commission. Additional discussions are underway with the Applicant.
8/29/22 200 96th Street	Surf Harbor, LLC. Proposed 3 story Office Building with at grade parking garage.	**DRG** - TBD **P&Z** - TBD **TC** - TBD							Application, plans and check submitted for 3 story Office Building. Proposed plans require possible Land Use Plan Amendment and rezoning. Efforts underway to determine needed activities in order to process application.

DEVELOPMENT APPLICATION PROCESS (2012 - PRESENT), Cont.									
Application Date Location	**Project Description**	**Zoning Process**	**Density/Intensity**		**Variances**		**Building Permit**		**Status**
			Allowed	**Approved**	**Requested**	**Received**	**Application No.**	**Status**	
10/1/2016, 5/6/21 9116 Harding Ave	303 Surfside - 4 Townhouses (2018) 303 Surfside - 6 Townhouses (2021)	**DRG** - 11/2/2016, 2/7/2017, 5/18/2017, 6/21 TBD **P&Z** - 6/27/2018, 6/21 TBD **TC** - 4/14/2018 Approval Expired **Site Plan Ext -**	8 units	4 units	None	None		Site Plan approval has expired	
5/19/2017 4/1/22 8995 Collins Ave	Surf House - site plan approval for expansion to existing multi-family building deemed architecturally significant per ***Sec. 90-33(3)*** of the Town Code.	**DRG** - 6/19/2017, 8/24/2017, 9/28/2017, May 2022 **P&Z** - 2/22/2018, 4/26/2018, 5/31/2018, approved on 10/27/19 **TC** - 12/10/19 **Site Plan Ext** - 2 COVID Extensions New Permit Deadline 9/27/23 **Site Plan Amendment** - P & Z approval May 26, 2022 **TC** - Approved Site Plan Amendment June 16, 2022	99 units	Resolution # 19-2661 approved by Town Commission on December 10, 2019 for 12 stories, 34 units and 72 parking spaces.	Original application requested 3 Variances. Final application did not include any Variances. **Site Plan Amendment -** Density Reduction from 34 to 19 Units Other interior, exterior and construction revisions.	None		Has not applied for permit yet	Planning and Zoning Board recommended approval of Site Plan Amendment with reduction to 19 units and interior and exterior revisions on May 26, 2022. Town Commission approved Site Plan Amendment on June 16, 2022
Original Submittal: 1/06/2015 Revised submittals: 8/01/2016, 12/23/2016, 03/09/2018, 10/29/2018 9/25/2020 8851 Harding Avenue	18 multi-family units	**DRG** - 01/22/2015, 08/18/2016, 01/23/2017, 03/23/2018, 11/29/2018 Meeting Pending, 2/25/2021 **P&Z** - 01/31/19 P&Z recommended approval (Requires P&Z Recondsider) 2/25/2021 P&Z Denied Plan **TC** - Denied by the Commission (requires reconsideration by TC), **TC** Approval 5/26/21 **Site Plan Ext** -	33 units	Current request is for 18 units. Town Planner, DRG recommended approval, P&Z recommended denial	1 requested: Section 90-82. – Off-street loading requirements (Loading Space Size). Not Required in 2021 Plan	Not needed in 2021 request		Has not applied for permit yet	Site Plan Approval 5/26/21
7/3/2019 9580 Abbott Ave	Young Israel Variance Request to eliminate landscaping to provide for a handicapped accessible ramp	**DRG** - N/A **P&Z** - 8/29/2019 **TC** - 10/29/19 **Site Plan Ext** -			1 requested: eliminate landscaping along the north side of the building	None			
1/7/2020 8926 Collins Avenue	Arte request to have FPL vault encroach into landscape buffer.	**DRG** - N/A **P&Z** - 1/30/2020 **TC** - 2/11/2020 **Site Plan Ext** -			Landscape buffer	Approved			This parcel on the west side of Collins Avenue was also inspected along with the residential component on the east side of Collins Avenue. See discussion on first page speadsheet.
11/18/2021 9165 Collins Avenue	Site Plan approval to develop an 11 story, 14 unit MF Bldg with 33 parking spaces in the H120 Zoning District on the north side of the Seaway and south side of the Carlisle.	**DRG** - 1/14/22 - Via Zoom - Approved Proceeding to P & Z **P&Z** - 1/27/22 - Deferred to 2/24/22 P&Z Mtg **P&Z** - 2/24/22 - Recommended approval **TC** - Site Plan Approval received 4/12/22	58 units	Proposing 14 units	None				DRG recommmended on January 14, 2022 proceeding to P&Z on January 27, 2022. After discussion, P&Z decided to continue the item to the February 24, 2022. P&Z recommended approval at the February 24, 2022 meeting.
4/27/2022 8809 Harding Avenue	Site Plan Application for 8 Townhouse Units	**DRG** - Expected September 2022 **P&Z** - Expected September 29, 2022 **TC** - to be scheduled	TBD	Proposing 8 units	Preliminary review comments were prepared at the request of the Applicant. Actual Site Plan submission for September 29th P & Z.				Site Plan Application received 4/27/22. Applicant requested preliminary review prior to proceeding to formal Site Plan Review. Zoom meeting with Applicant's development team and Town Staff was held on 7/7/22. Expect resubmission for 9/29/22 P & Z.

KEITH
Engineering Inspired Design.

August 29, 2022

Jason D. Greene, CGFO, CFE, CPFIM
Assistant Town Manager / Chief Financial Officer
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154
Phone (305) 861-4863 Ext. 225

RE: KEITH Progress Report – August 29, 2022
Project Name: Abbott Avenue Drainage Improvements – Phase 2
Project Location: Town of Surfside
Our Project/Proposal Number: 11494.01

Dear Jason:

For the past month KEITH & Associates has been developing the construction documents for the Abbott Avenue Drainage Improvements Project. Due to the weather in June & July geotechnical exploration started on August 11, 2022. Should start permitting after the next submittal to the Town. The following is a summary of the project progress for the month of September 2022.

- Geotechnical exploration finalized exploration on August 20, 2022.
- Plans and Stormwater report are being QAQC by KEITH Quality Assurance Department and we are Pending Geotech Report to submit to start permitting
- MEP working on Electrical Plans and should be ready in mid-September to start Town's building Permit.
- Construction Documents are ready to start permitting.

After the task are completed and submitted to the Town, KEITH will start the permitting process through the county to be able to meet the deadline of August 2022 to complete the phase 2 of the project.

KEITH & ASSOCIATES, INC.
Consulting Engineers

Carlos Morales
Project Manager

PROJECT SCHEDULE (7/27/2022)

Town of Surfside Stormwater Master Plan

Attachment "D"

Kimley»Horn

| | | 2022 | | |

TOWN OF SURFSIDE

Public Works Department

"Traffic Calming and Pedestrian Safety Plan"

August 11, 2022

9293 HARDING AVENUE,
SURFSIDE, FL 33154
PHONE: (305) 861-4863

Prepared By:

Public Works Department

TABLE OF CONTENTS

TABLE OF CONTENTS 2
SUMMARY AND OBJECTIVE 3
PROJECT BANK 3
TABLE A - "Update Table" 5

SUMMARY AND OBJECTIVE

During the April 2022 Town General Commission meeting, administration was tasked to explore various options to increase pedestrian safety and increase traffic calming throughout Town. Of the various options, some will be implemented through Town administrative action while others will need to return to commission for approval to contract and expend.

In order to create uniformity and tracking of the various projects, the Public Works Department created a Traffic Calming and Pedestrian Safety Plan. This document will assist with centralizing all projects and providing status updates for the Town Manager and Elected Officials.

The objective is to create a project bank of proposed and working projects. The projects within the project banks are those that have been deemed feasible by Town administration; directed by the Town Commission; and co-coordinated with other jurisdictions such as Florida Department of Transportation (FDOT).

PROJECT BANK

All the projects within this section are either in planning, design or construction phase. They are a culmination of administrative decision, commission direction or co-agency coordination. The project bank will provide a brief description of the work. If additional information is needed to supplement the description, it will be provided through an Appendix item. The following are current project bank items:

300 BLK and 95 Street Crosswalk and Sidewalk Improvement
Improve pedestrian crossing at the intersection of 95 Street and Abbott Avenue by installing new sidewalks, improving line of sight visibility for vehicular traffic and re-installation of crosswalk marking as well as signage.

Adjust Stops with Line-of-Sight Issues
Improve visibility at all residential area intersections by adjusting stop bars and stop signs in a manner that allows for visibility of other directional travel. Amplifying intersections by installing Reflective Pavement Markers (RPM'S) and thermoplastic marking.

Signal Shielding at 96 Street and Byron Avenue Intersection
Incorporating into the current design of the signalization project at 96 Street and Byron Avenue signalization shields to limit the visibility of traffic light to a distance less than 600 linear feet (current).

Bay Drive Street Closure
Close northbound traffic on Bay Drive in order to eliminate cut through along the Bay Drive corridor near 96 Street Park in order to create a safe roadway near park activities.

Byron Avenue Traffic Calming
Minimize and mitigate speeding concerns along Byron Avenue, specifically between 95 Street to 96 Street, by upgrading current traffic calming features and improving pedestrian as well as cyclist lanes of travel.

Multi-Use Lanes
Installation of multi-purpose bike lanes in various residential areas, where possible, in order to define co-shared roadway and create physical as well as visual buffers.

Update Pedestrian Safety and Traffic Mitigation Plan (Traffic Study)
The previous traffic study performed for the Town was composed in 2012 and it addressed various traffic issues and pedestrian issues that were of concern at the time. The plan will assist the Town in creating additional traffic modifications, approval from County with relative field data and provide a holistic approach to addressing various current pedestrian and vehicular concerns. The document can also be used to seek various grant opportunities.

Community Workshop and Resident Survey
As part of an update to the 2012 Traffic Study and to better understand from resident perspective current Traffic and Pedestrian issues, a community workshop and resident survey will be used to gather feedback for incorporation into projects. Resident feedback is also a key component in various grant applications.

Shared Road Signage
Upgrade existing “Children at Play” signage and install a variety of other in order to emphasize shared roadways and children at play on streets. Signage to be deployed throughout Town.

Interlocal Agreement between Town of Surfside and Miami Dade County
After meeting with Miami Dade County and expressing pedestrian safety concerns, the Town was offered a chance to enter into a Interlocal Agreement with Miami Dade County in order to use County resources to assess Town pedestrian infrastructure deficiencies and determining probable solutions.

Truck Deterrent Strategies at Byron Avenue and Abbott Avenue along 95 Street
Residents have expressed concerns regarding truck intrusion into the residential area from the commercial district. Currently, there are minimal signage to detour trucks away from the residential area; specifically, around Byron Avenue and 95 Street. The Public Works Department proposes the installation of a series of signs detouring trucks incoming into the Byron Avenue and 95 Street intersection from all directions. Additional improvements include the re-construction of the intersection roundabout on Byron Avenue and 95 Street to make it more aesthetic while promoting deterrent of truck passage.

UPDATE TABLE

Table A – *"Update Table"* in page 5, provides all projects the Town is currently undergoing with a brief status update that will be updated monthly. If project is completed, the item will remain in the table with a "completed" notation.

Item Number	Category	Project Title (From project bank)	Update
1	Pedestrian / Traffic	300 BLK and 95 Street Crosswalk and Sidewalk Improvement	Project Completed, Refer to **Exhibit A.**
2	Traffic	Adjust Stops with Line-of-Sight Issues	Aerial Public Right-of-Way Imagery Collection/Survey of 88th and 89 street underway. Assessments of line-of-sight ongoing.
3	Traffic	Signal Shielding at 96 Street and Byron Avenue Intersection	Coordinating the installation with currently approved Village of Bal Harbour Shops signalization project on 96 and Byron Ave. Town made a requirement for shielding to be incorporated into the design. Provided the design shop drawing to Whitman Family Development on 07/11/2022. Refer to **Exhibit B**
4	Traffic	Bay Drive Street Closure	Bay Drive will be closed at 96 Street for construction operations of 96 Street Park. The Town will perform a comparison of

			temporary closure with Byron Avenue during traffic study in order to assess impacts.
5	Traffic	Byron Avenue Traffic Calming	During June 2022 budget meeting, Town Commission did not approve expenditures to perform upgrades on existing facilities. Town commission approved to proceed with traffic study to assess Town-wide issues for Town wide integrations once study is complete.
6	Pedestrian	Bike / Walk Lanes	Public Works performed assessment and provided findings in **Exhibit C** for Town commission review and recommendation. During August 2022 commission meeting, Town Commission requested Administration to come back with opinion of probable cost an procedure for implementation.
8	Pedestrian	Update Pedestrian Safety and Traffic Mitigation Plan (Traffic Study)	Traffic study was approved by Town Commission and purchase order was issued to consultant. Scope Kick off meeting is scheduled for August 26 2022.
9	Pedestrian / Traffic	Community Workshop and Resident Survey	Will be incorporated with item number 8 in order to gather information for study implementation.
10	Pedestrian / Traffic	Shared Road Signage	Signs installed in July 2022. Project completed. Refer to **Exhibit D**
11	Pedestrian	Interlocal Agreement between Town of Surfside and Miami Dade County	Will discuss with the County the parameters of the interlocal agreement and add as a coordination task within the Traffic Study proposal.

12	Traffic	Truck Deterrent Strategies at Byron Avenue and Abbott Avenue along 95 Street	Signs have been ordered and have arrived. Signs will be installed in August of 2022. Refer **Exhibit E.** Roundabout concrete scope of work has been completed in August 2022. Refer to Exhibit E. Pending is also additional bollards and railing to create roundabout visibility and protect landscaping.

Table A – *"Update Table"*

Exhibit A
1 page

Exhibit B
2 pages

PELCO PRODUCTS, INC.
PH: 405-340-3434
FAX: 405-340-3435
Edmond, OK 73013
www.pelcoinc.com

This drawing is for reference only. It is the property of Pelco and is not to be used in whole or in part without Pelco's written permission.

ASSEMBLY SHEET

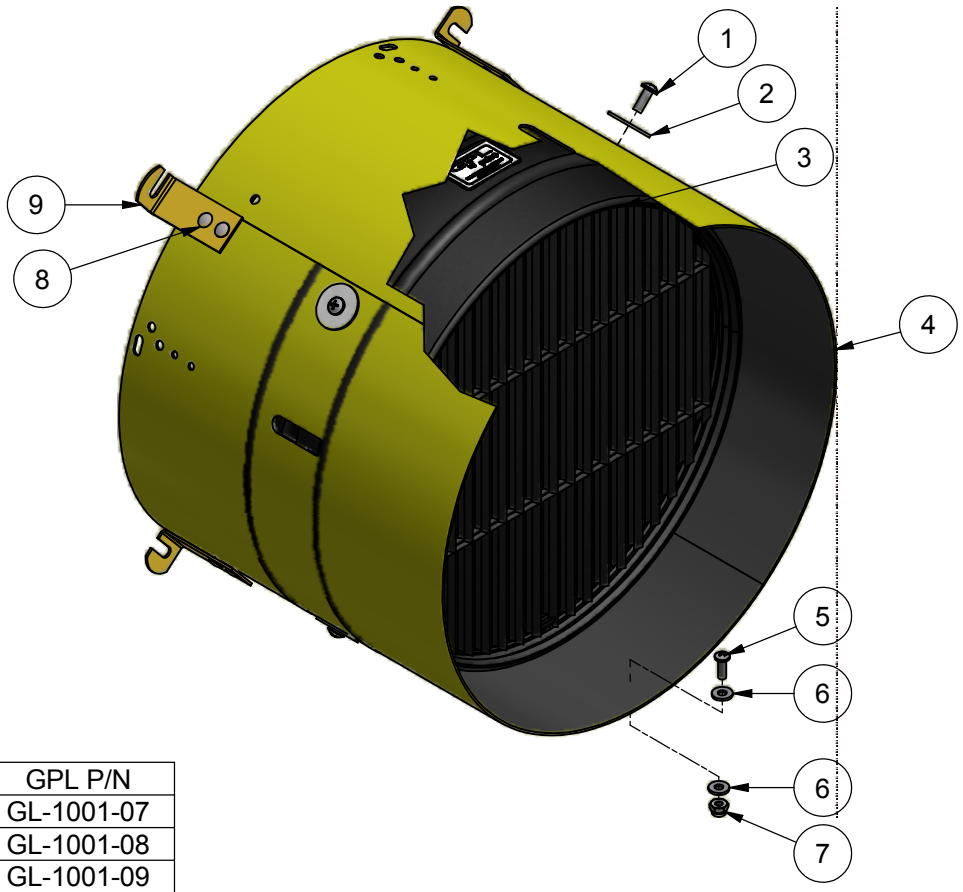
REF:

TITLE: GPL, 12", w/ Slotted Full Circle Visor & Hardware

PART NO.: GL-1010

PART NO
GL-1010-08-PXX
GL-1010-08-UC-PXX

View Degree
Universal Clip
Paint



GPL View Angle	GPL P/N
7°	GL-1001-07
8°	GL-1001-08
9°	GL-1001-09
11°	GL-1001-11
13°	GL-1001-13
15°	GL-1001-15
23-1/2°	GL-1001-23.5
42°	GL-1001-42

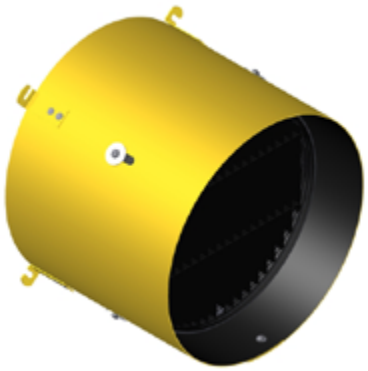
Note: Shown With Clips

OPTIONS
View Angle: 7°, 8°, 9°, 11°, 13°, 15°, 23-1/2°, 42°
UC=with Universal Clip
Paint

ITEM	PART NUMBER	DESCRIPTION	QTY
1	FS-3933-SS	Screw, Phil Pan Hd, #10-24 x 1/2", Type 304 Stainless	4
2	FS-4002-SS	Washer, Fender, #10 x 1", Type 304 Stainless	4
3	SEE CHART	GPL, Geometrically Programmed Louver, 12"	1
4	SM-0242-M2	Visor, 12" Full Circle w/ Slots, Alum	1
5	FS-3955-SS	Screw, Phil Pan Hd, #8-32 x 1/2", Type 304 Stainless	2
6	FS-4104-SS	Washer, Flat, #8, Type 304 Stainless	4
7	FS-1200-SS	Nut, Nylon Lock, #8-32, Type 304 Stainless	2
8	FS-6401	Rivet, Semi-Tubular Oval Hd, .141"-.146" Dia x .188", Alum	8
9	SM-0227-PXX	Clip, Visor Mounting, Universal, Alum	4

LCA DRAWN:	11/19/2003 DATE:	KBM CHECKED:	5/18/2005 DATE:	JDC MFG ENG:	9/30/2014 DATE:	ZSM QA:	10/1/2014 DATE:	J REV:	09/30/14 CBJ DATE:	JDC REV CHK'D:	9/30/2014 DATE:	SHEET 1 OF 1	

PelcoVertical.idw 12/16/2013



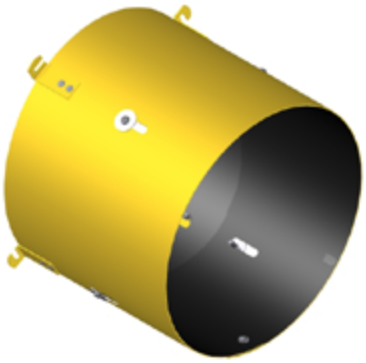
GPL, 7 Degree View Angle Geometrically Programmed Louver, 12" w/ Visor w/ Universal Clips

APL Certification #650-024-001

Coating

GL-1010 - 07 - UC - ☐

P__=Paint



Visor, Full Circle w/Slots for 12" Signal w/ Universal Clips

APL Certification #650-023-001

Coating

SM-1028-UC - ☐

P__=Paint

Note: 1. All assemblies are supplied standard with stainless steel fasteners, slotted washers, and cables where applicable.
2. See page ii for available paint colors.

Exhibit C
4 pages

MEMORANDUM

To: Town Manager

From: Public Works Department

Date: July 7 2022

Subject: Walkability Update - Public Works Department Evaluation of Multi-Use Lane on Existing Roadway Streets and Avenues

Background

Town administration evaluated the existing conditions of streets and avenues in order to determine the feasibility of installing multi use lanes along the roadway corridors. The purpose of the multi-use lanes is to accommodate non vehicular traffic in a safe zone in order promote traffic calming and pedestrian safety.

Findings

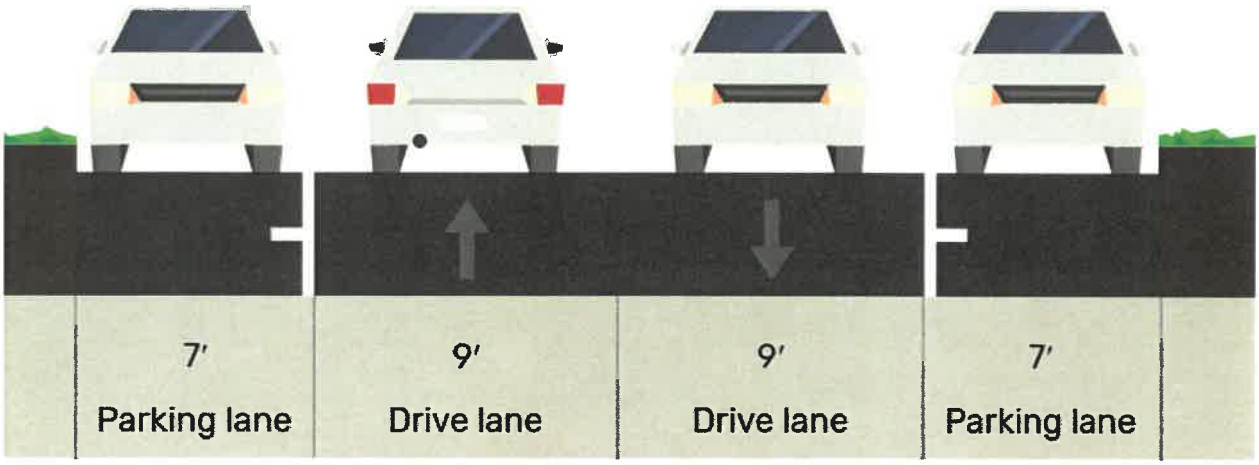
Per Miami Dade County Transportation and Public Works (DTPW), the minimum width for a parallel parking space in a residential roadway is 8'-00".[1] The minimum width per Miami Dade County Complete Streets Design Guidelines for a vehicular travel way in a residential area is 9'-00".[2]

Within the Town's residential area, streets do not have the required width (existing average 26'-00") to host parallel parking on both sides, two-way vehicular travel and a multi-use lane. In order to accomplish adding a multi-use lane, one of the stated travel or parking areas will need to be removed. Additionally, avenues also do not have the required width (average 32'-00") to host parallel parking on both sides, two-way traffic vehicular travel and a multi-use lane. In order to accomplish adding a multi-use lane, one of the stated travel or parking areas will need to be removed. **Figure A** – *"Existing Conditions"*, depicts a typical profile view of how the roadways (streets and avenues) are currently used. Additionally, it shows existing non-conforming widths of parking spaces.

[1] (Ord. No. 57-19, § 5(BB), 10-22-57; Ord. No. 69-71, § 1, 10-8-69; Ord. No. 80-116, § 1, 10-21-80; Ord. No. 83-40, § 1, 6-7-83; Ord. No. 85-19, § 1, 4-2-85; Ord. No. 91-36, § 1, 3-19-91)

[2] https://www.miamidade.gov/neatstreets/library/complete-street-design-guidelines.pdf

Figure A – *"Existing Conditions"*



In the configuration shown in **Figure A**, the roadway is very congested and does not freely accommodate pedestrian or other type of traffic. When two vehicles are parked on either side of the road, travel way traffic needs to merge onto centerline of roadway in order to travel. Additionally, the existing configuration shown in **Figure A** does not meet DTPW standards because parking spaces are less than 8'-00". In order to have the configuration in **Figure A** within proper guidelines, a total of 34'-00" of roadway surface is required. **Table A** – *"Minimum Requirement"* depicts the deficit of roadway surface width in order to meet configuration within an avenue and a street:

Item Number	Configuration	Required Width	Existing Width	Difference (Deficit)	Minimum for Multi Use Lane	Deficit Including Multi-Use Lane
1	Existing Conditions on Streets	34'-00"	32'-00"	2'-00"	4'-00"	6'-00"
2	Existing Conditions on Avenues	34'-00"	26'-00"	8'-00"	4'-00"	12'-00"

Table A – *"Minimum Requirement"*

Figure B – *"Alternative Methods to Meet Standards on Avenues"* and **Figure C** – *"Alternative Methods to Meet Standards on Streets"*, in the following page depicts two possible alternatives of creating conformance with county guidelines and meeting the objective of installing a multi-use lane within the existing roadway. As previously stated, a trade off of an existing facility would need to occur. On a typical avenue, only one side of parking on the roadway will need to be traded as an opportunity cost of having a multi-use lane. On a typical street, due to the current limitations, the opportunity cost of having a multi-use lane and being within conformance of county guidelines, will require removing one travel lane (creating a one-way road) and removing one side of parallel parking.

H.G.
07/06/2022

Figure B – *"Alternative Methods to Meet Standards on Avenues"*

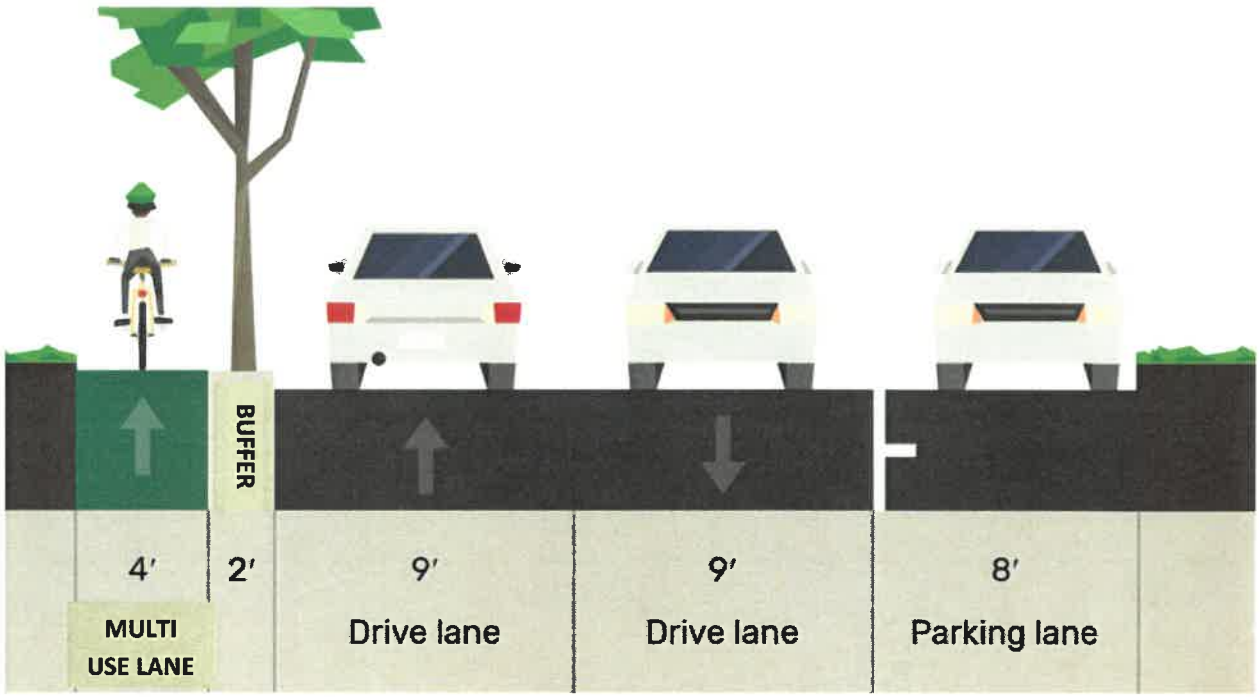
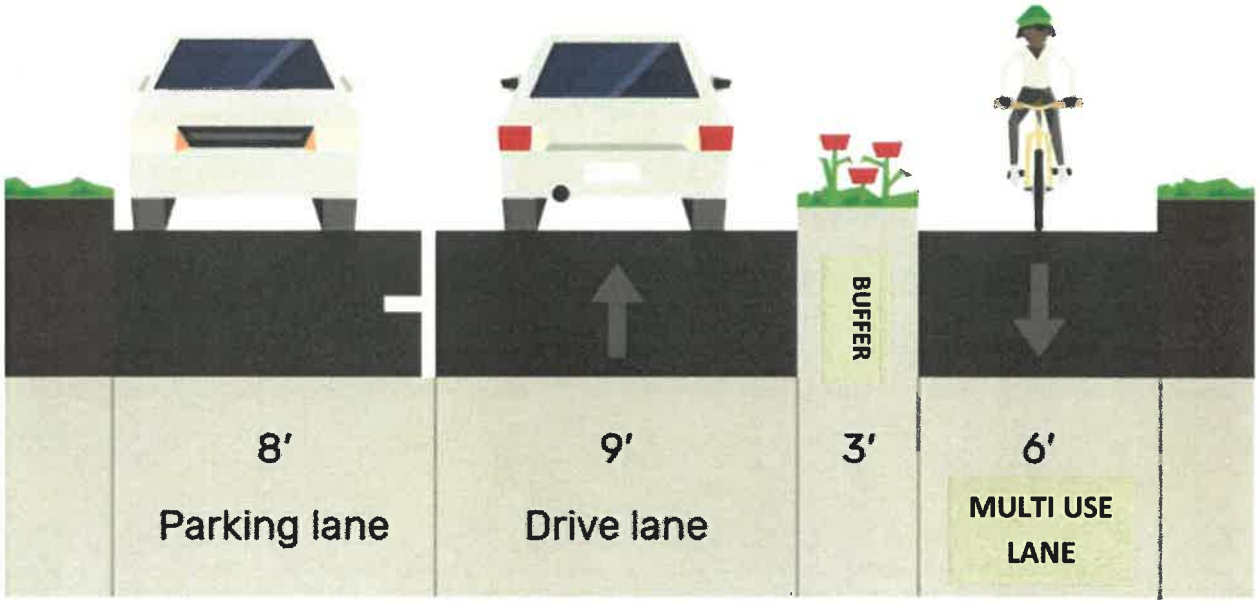


Figure C – *"Alternative Methods to Meet Standards on Streets"*



H.G.
07/06/2

Staff Considerations

The Town reviewed all the findings and determined it is more feasible to implement a multi-use lane on an avenue than a street. The implementation of a multi-use lane on an avenue will require minimal county approval as it does not impact a travel lane. Implementing a multi-use lane within a street is more difficult due to the existing non-conforming dimensions and conversion of a street to a one-way. The county will require the Town to complete a study of the impacts of reducing a street to one-way vehicular traffic. This study can be captured within the proposed 2022 traffic study using data collected.

Another project the Town is undertaking is the Utilities Undergrounding project. This project will require various facilities from different utilities to be installed within the Right of Way of the Town. If the feasibility of installing above ground structures within non paved Right of Way (area between curb and private property line) becomes difficult, the buffer zones shown in **Figure B** and **Figure C** can be used for this purpose. The above ground structures being mentioned are FPL transformer boxes, communication boxes and light poles.

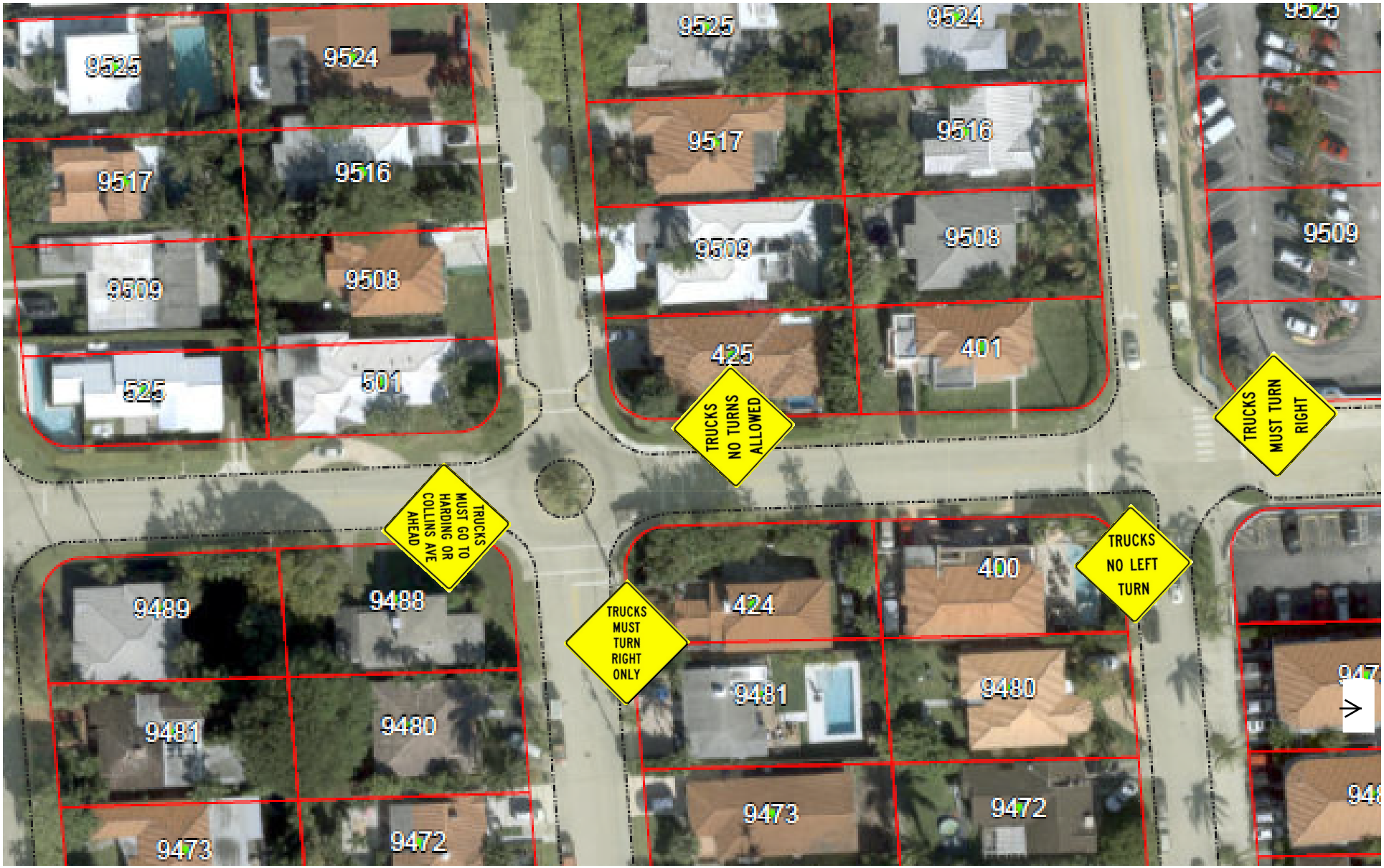
Lastly, due to roadway slope designed to drain stormwater faster, various areas near the existing curb line are slopped greater than 3% which can cause issues with American Disability Act (ADA) walkability on the studied multi-use lane. Therefore, the multi-use lane can't be referred to or called a pedestrian walkway. A pedestrian walkway must confirm with the same requirements of a sidewalk.

During the review, curb gutters were not determined part of the study area and roadway width.

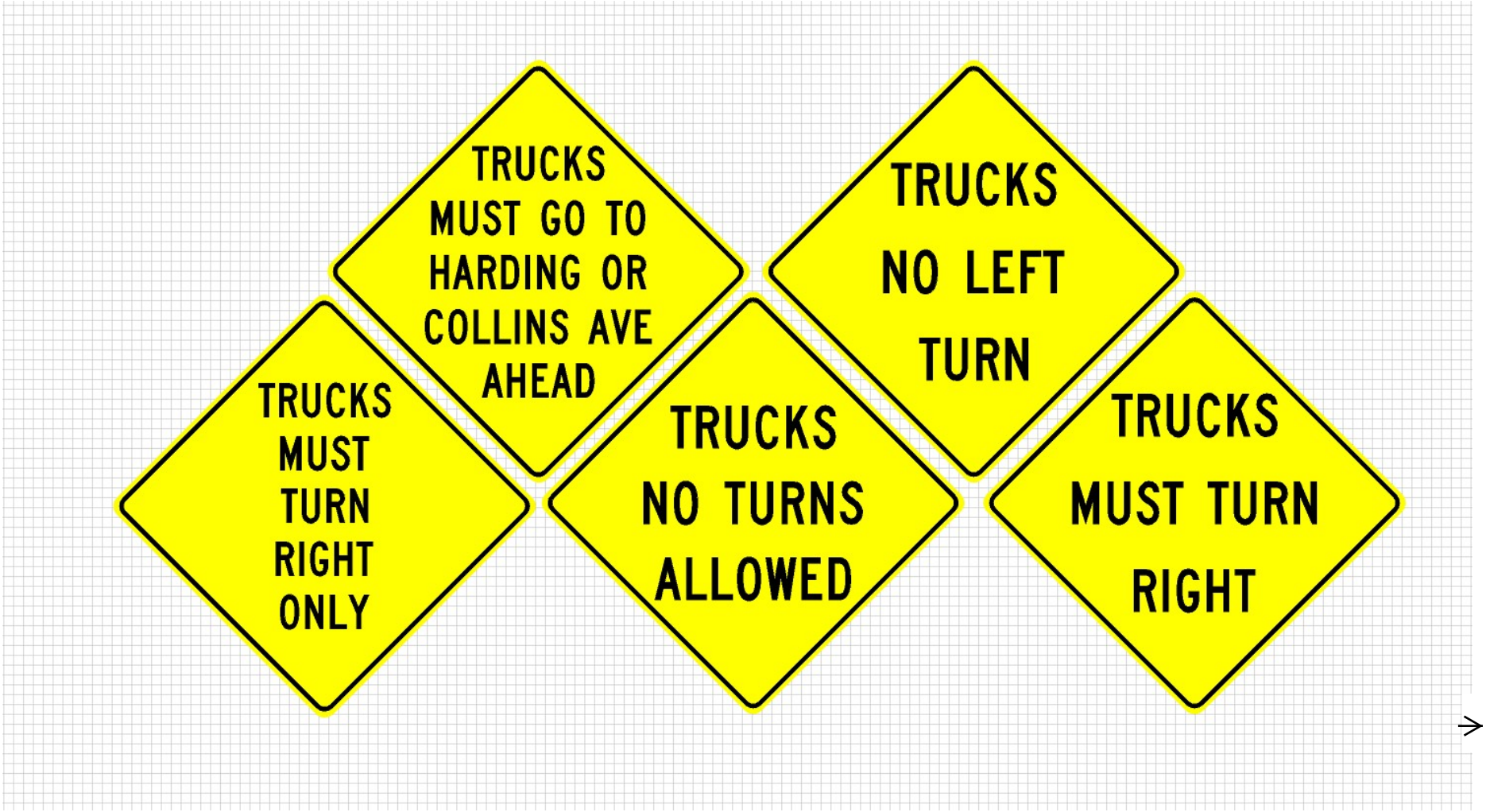
Exhibit D
1 page

SHARE
THE
ROAD
SPEED
LIMIT
20

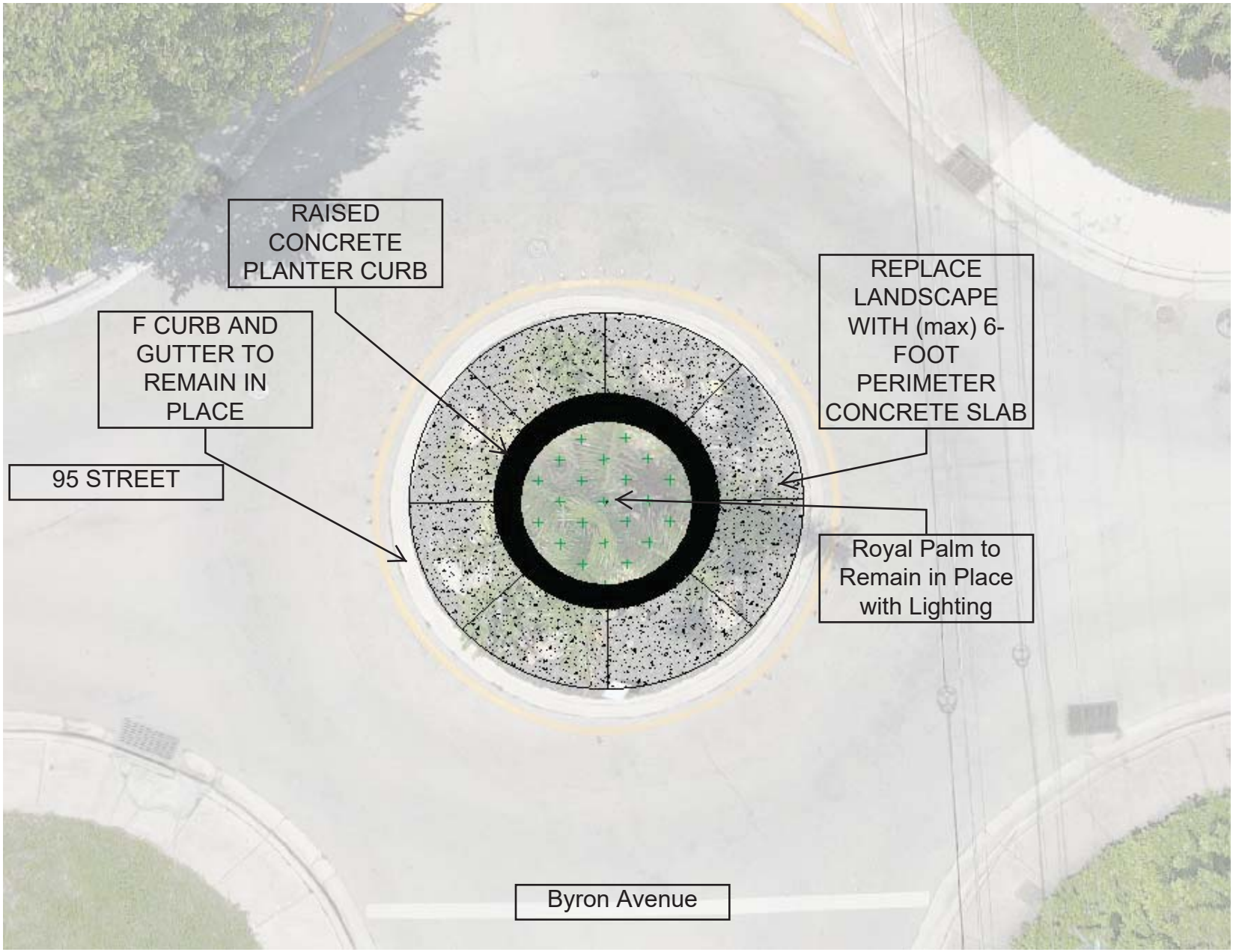
Exhibit E
3 pages



LAST REVISION	REVISION	DESCRIPTION:				
06/09/2022		AERIAL	TOWN OF SURFSIDE	500, 400, 300 BLOCKS AND 95 STREET TRUCK SIGNAGE LAYOUT	SCALE: N.T.S.	SHEET 1 of 2



LAST REVISION	REVISION	DESCRIPTION:				
06/09/2022		30 inch x 30 inch signage for truck traffic mitigation on the 500, 400 and 300 blocks	TOWN OF SURFSIDE	500, 400, 300 BLOCKS AND 95 STREET TRUCK SIGNAGE DETAIL	SCALE: N.T.S.	SHEET 2 of 2



NORTH

REVISIONS

NO.	DESCRIPTION	DATE

PRELIMINARY PLAN
NOT FOR CONSTRUCTION
THESE PLANS ARE NOT FULLY PERMITTED AND ARE SUBJECT TO REVISIONS MADE DURING THE PERMITTING PROCESS.
RESPONSIBILITY FOR THE USE OF THESE PLANS PRIOR TO OBTAINING PERMITS FROM ALL AGENCIES HAVING JURISDICTION OVER THE PROJECT WILL FALL SOLELY UPON THE USER.

ISSUE DATE:	05/10/2022
DESIGNED BY:	HG
DRAWN BY:	HG
CHECKED BY:	
BID-CONTRACT:	

PROJECT

95 AND BYRON AVENUE ROUNDABOUT HARDSCAPE IMPROVEMENTS

SHEET TITLE

SHEET NUMBER 1

PROJECT NUMBER TBD

STATUS: PRELIMINARY

TOWN OF SURFSIDE

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

TO: **Mayor and Town Commission**

FROM: **Lillian M. Arango and Tony Recio, Town Attorney**
Weiss Serota Helfman Cole & Bierman, P.L.

CC: **Andrew Hyatt, Town Manager**
Jason Greene, Assistant Town Manager

DATE: **September 2, 2022**

SUBJECT: **Office of the Town Attorney Report for September 13, 2022 Regular Commission Meeting**

This Firm attended/prepared and/or rendered advice for the following Commission meetings and workshops, public meetings and workshops, and Board and Committee meetings during the past month:

August 1, 2022 - Tourist Board Meeting

August 9, 2022 - Special Town Commission Meeting

August 9, 2022 - Regular Town Commission Meeting

August 25, 2022 - Planning & Zoning Board Meeting

August 31, 2022 – Executive Session-Attorney/Client Session – AFSCME Union Bargaining

Members of the firm assisted with the agendas and drafted the resolutions and ordinances where necessary for the above noted meetings, in addition to drafting or assisting with the preparation of a number of the communications and reviewing, revising and, as appropriate, negotiating the legal requirements of the relative agreements and supporting documents.

Various members of the Firm have and continue to assist the Town with the response and emergency actions needed in the aftermath of the CTS Collapse, including public records and media requests, settlement discussions and hearings, ongoing causation investigations at the CTS Site and off-site facilities, and interaction with KCE Engineering (Allyn Kilsheimer) and NIST representatives in connection with In re: Champlain Towers South Collapse Litigation, Case No. 2021-015089-CA-01. Most recently, this office participated in settlement discussions and hearings, including review of a Settlement Agreement among all parties and the Town contributing Town insurance proceeds towards the victims' settlement fund.

Commission Support:

Attorneys of the firm have worked with the Mayor and members of the Town Commission to provide orientation sessions and required Ethics training, including Sunshine Law and Public Records, and address concerns and research specific issues and policy initiatives, and are always available, either in the office or by phone or email. We appreciate your support as we commence our sixth year of service and work in implementing the elected Mayor and Town Commission's policy directives.

Staff Support:

Members of the Firm continue to provide support to Town administration and staff during the COVID-19 health pandemic, and continue to work with Town administration and staff responding to various needs arising from the CTS Building Collapse.

As typical, members of the Firm continue to assist the Town administration and staff, as well assist boards and committees, with application review, contract and agreement review; preparation of ordinances as directed by the Commission; procurement and purchasing, various solicitations for Town services and providers (RFQs and RFPs) and agreements; IT related agreements; Parks & Recreation Department contracts and services; Tourist Board purchases and agreements; Code enforcement and interpretation, and attendance at Special Master Hearings upon request; beach furniture operator permits and administration; ethics issues, requirements and complaints; police matters and agreements, forfeiture, public records and complaints; building permit and enforcement issues; public records and media requests; litigation representation and support, subpoenas, oversight and case management; Town Code interpretation and application; labor, employment and pension matters; assistance with and negotiations with the AFSCME Florida Council 79 for Town civilian employees; EEOC complaints, and employee complaints of discrimination; resident ethics complaints and inquiries; various procurements and service provider contracts for Town Departments, including Contract

for Construction for Town Hall front office remodeling, RFP and resulting award of Agreements for Disaster Debris Monitoring Services and Debris Removal Services, and contracts associated with design and construction at 96th Street Park; Zoning Code issues and ordinances; and implementation of undergrounding of utilities project.

Key Issues:

The workload has been diverse and has included specific issue support to every department. Key issues over the past year have included:

- Contract Review Related to COVID-19 health pandemic.
- Ch. 90 Zoning Code and Adoption of Amendments thereto.
- Assistance and Response to AFSCME Florida Council 79 Union Representation Certification Petition for Civilian Town Employees
- Resolution in Support of Closing Byron Avenue at 96 Street and/or Other Traffic Mitigation Measures
- Resolution Approving Agreement with Savino Miller for Design of 96th Street Park, and corresponding Professional Services Agreement
- Resolution Approving Agreement with HPF Associates for Project Management Support Services for Undergrounding of FPL and Utilities Project, and corresponding Professional Services Agreement
- Resolution in Support of Closing Bay Drive at 96 Street and/or Other Traffic Mitigation Measures
- Resolution Approving an Agreement with Keith and Associates for Study and Design of Abbott Avenue Drainage Improvements
- Resolution Approving Project Agreement with KCI Technologies, Inc. for Utility Undergrounding Services for Phase I Preparation of Utility Coordination Plans Pursuant to Continuing Services Agreement for Professional Engineering Services; Preparation of Project Agreement
- Resolution Approving Project Agreement with Nova Consulting, Inc. for Utilities Engineering Retainer Services Pursuant to Continuing Services Agreement for Professional Engineering Services; Preparation of Project Agreement
- Resolution Approving Project Agreement with Keith and Associates, Inc. for Stormwater Engineering Retainer Services Pursuant to the Continuing Services Agreement for Professional Engineering Services; Preparation of Project Agreement
- Resolution Approving First Amendment to the Agreement with Zambelli Fireworks Manufacturing Co. for 2021 Fourth of July Fireworks Show Services; Preparation of First Amendment to Agreement
- Resolution for Quasi-Judicial Hearing Regarding Amended Site Plan Application for the Property Located at 9133-0149 Collins Avenue (Seaway)
- Resolution for Quasi-Judicial Hearing Approving and Accepting Waiver of Plat for 8712 Byron Avenue
- Resolution for Quasi-Judicial Hearing Approving/Denying Site Plan Application for 8851 Harding Avenue
- Contract for Construction for Biscaya Subaqueous Water Main Crossing

- Resolution Approving Project Agreement with Alvarez Engineers, Inc. for Structural Plan Review Services Pursuant to Continuing Services Agreement for Professional Engineering Services; Authorizing Expenditure of Funds
- Resolution Approving Renewal of Term of Agreement for Food and Beverage Concession Services with Hamsa, LLC D/B/A Surf-N-Sides for the Surfside Community Center; Authorizing the Town Manager To Execute a Second Amendment to the Agreement; Preparation of Second Amendment to Concession Agreement
- Resolution Approving Emergency Repair Work for the Town Hall Air Conditioning System's Chiller and Coils Replacement from Smart Air Systems, Inc.
- Resolution Ratifying an Amendment to the Off-Street Variable Parking Rate and Time Limitation Schedule for Municipal Parking Lots
- Resolution Approving an Engagement Letter with Marcum LLP for Financial Auditing Services for Fiscal Year Ending September 30, 2021
- Resolution Approving a Memorandum of Understanding Between the Town and The Florida Department of Law Enforcement Relating to Investigations of Incidents Involving the Use of Deadly Force by Law Enforcement Officers
- Resolution for Quasi-Judicial Hearing – Waiver of Plat for 8712 Byron Avenue
- Resolution for Quasi-Judicial Hearing – Site Plan Approval for 8851 Harding Avenue
- Resolution for Quasi-Judicial Hearing – Site Plan Amendment for Seaway Condominium 9133-9149 Collins Avenue (2019 Historical Certificate of Appropriateness)
- Temporary Revocable License Agreement with Curative for Covid-19 Testing at Town Hall, and Corresponding Resolution Approving Same
- Debris Monitoring Procurement and Contract
- Resolution Approving Project Agreement with Alvarez Engineers, Inc. for Structural Plan Review Services
- Resolution Approving Declaration of State of Emergency for CTS Building Collapse
- PSA Agreement with Haggerty Consulting (FEMA compliance)
- PSA Agreement with KCE Structural Engineers for Structural Engineering Consultation CTS Building Collapse
- PSA Agreement with The News Directors (Communications and Media Response)
- Agreement with the Italian Space Agency Re Images on the CTS Building Collapse
- Annual Sold Waste Assessment FY 2021/22
- Resolution Urging Biden Administration to Condemn Cuban Government's Handling of Pro-Democracy Protests and Support of the Cuban People
- Resolution Approving Keith Engineering for Design Phase of Abbott Avenue Drainage Improvements
- Resolution Awarding Star Cleaning USA for Street Sweeping Services and Agreement
- Agreement with BOOST Media for Emergency Response Website CTS Building Collapse
- Agreement with JUST FOIA for Public Records Request Software

- Resolution Approving a Purchase Order to The Corradino Group, Inc. to Perform Traffic Engineering Services for 88th Street Corridor Multiway Stop Warrant Study
- Resolution Approving Pelican Harbor Donation
- Resolution Accepting a $107,500 Community Development Block Grant – Mitigation Program (CDBG-MIT) from the Florida Department of Economic Opportunity (DEO) to Develop a Drainage Improvement Plan for the Town's Stormwater System
- MOU and Resolution Approving the Memorandum of Understanding (MOU) Between the Town, the Village of Bal Harbour, and the Town of Bay Harbor Islands to Fund the Cost of a School Resource Officer for Ruth K. Broad K-8 Center School
- Resolution Approving the Final Design Development Plans for 96th Street Park Project Prepared by Savino & Miller Design Studio, P.A.
- Resolution Approving Employee Health Benefits Contracts for Fiscal Year 2021/2022
- Resolution Accepting an Allocation of $2,830,324 in Coronavirus State and Local Fiscal Recovery Funds from the U.S. Department of Treasury Under the American Rescue Plan Act; Review of American Rescue Plan Act Coronavirus Local Fiscal Recovery Fund Agreement
- Ordinance Side Setbacks for H120 District
- Resolutions Approving Tentative Millage Rate and Budget for FY 2022 (1st Budget Hearing)
- Resolutions Approving Final Millage Rate and Budget for FY 2022 (2nd Budget Hearing)
- Resolution Authoring Expenditure of Funds to KCE Structural Engineers for Task 2 Engineering Analysis and Destructive Testing
- Resolution Approving Project Agreement with 300 Engineering Group, P.A. for Sanitation Sewer Evaluation Survey and Smoke Testing Services for the Town's Sanitary Sewer System
- Resolution Approving a Federally Funded Subaward and Grant Agreement with Florida Department of Emergency Management (FDEM) for Public Assistance Grant Program Eligibility in Connection with Federal Emergency Management Agency (FEMA) Disaster Declaration No. 2560-EM-FL Relating Champlain Towers Building Collapse.
- Resolution Approving the Submission of Grant Applications For Town Projects Between October 1, 2021 and September 30, 2022; Subject to and Pending Final Acceptance of Awarded Funds and Approval of Grant Agreements by Town Commission
- Resolution Expressing Support for the Sister Bays Program and Urging Coastal Communities Throughout the County to Support the Program; Encouraging the Miami-Dade County Board of County Commissioners to Develop a Memorandum Of Understanding for The Sister Bays Program
- Resolution Approving a Voluntary Cooperation and Operational Assistance Mutual Aid Agreement with the City of North Miami
- Resolution Approving Fiscal Year 2021/2022 Police Forfeiture Fund Expenditures
- Resolution Approving Budget Amendment No. 11 for Fiscal Year 2020/2021 Budget

- Resolution Approving Purchase of Services from Kofile Technologies, Inc. for Preservation. Archival and Digitization of Historical Town Documents
- Resolution Approving the Purchase of a Town Hall Fire Alarm System Upgrade from Sciens Building Solutions, LLC c/o Empire Fire Safety
- Resolution Urging the Florida Public Service Commission (PSC) to Reject Florida Power & Light's (FPL) Request for a Base Rate Increase and Rate Unification, and to Reject the Proposed $25 Per Month Minimum Charge
- Resolution Approving Budget Amendment No. 1 for Fiscal Year 2022 Budget
- Resolution Approving the Renewal of Agreement with Thomson Reuters West Publishing Corporation for Clear Investigative Tool for Fiscal Years 2022-2024
- Resolution Calling for a Town Of Surfside Special Election to be Held on March 15, 2022 for a Bond Referendum Issuance of General Obligation Bonds for the Purpose of Undergrounding of Utilities
- Resolution Calling for a Town of Surfside Special Election on March 15, 2022 for the Purpose of Submitting to the Electorate a Proposed Amendment to the Town Charter Regarding Lot Area, Building Height For Beachfront Properties, and Increasing Minimum Required Electoral Vote to 60% to Repeal or Amend Section 4 of the Charter
- Resolution Calling for a Town of Surfside Special Election on March 15, 2022 for Proposed Amendments to the Town Charter at Article IX. – "Miscellaneous Provisions," Adding Section 149 - "Hedges In Single-Family Residential Lots", to Provide That Six (6) Foot Hedges Shall be Permitted on Single-Family Lots
- Resolution Calling for a Town of Surfside Special Election on March 15, 2022 for Proposed Amendments to the Town Charter at Article IX. – "Miscellaneous Provisions," Adding Section 150 - "Prohibition on Storage of Privately-Owned Property Overnight on Beach" to Provide for a Prohibition on thee Storage of Privately-Owned Property overnight on the Beach
- Resolution Calling for a Town of Surfside Special Election on March 15, 2022 for Proposed Amendments to the Town Charter Section 7 - "Salary", to Provide for Payment of an Annual Salary for Mayor and Commissioners and Single Health Insurance Benefit
- Resolution Approving an Agreement with Alves Sports Group, LLC for the Town's Youth Soccer Program and with GM Sports Tennis, LLC for the Town's Youth Tennis Program
- Resolution Approving Purchase 0f Four (4) 2022 Ford Police Interceptor Utility Vehicles, Together With Emergency Lighting Equipment, Graphics, and Radio Equipment for Each Police Vehicle
- Resolution Approving Purchase of New Cellular Encoders Together with Cloud-Based Hosting Services from Badger Meter, Inc. to Replace Existing Encoders Used to Transmit Water Meter Information to Town Hall
- Ordinance Securing Construction Sites, Safety and Other Requirements
- Ordinance Creating Section 14-3, "Recertification of Existing Buildings", in Article I. – "In General", of Chapter 14 - Buildings and Building Regulations", to Adopt and Incorporate Section 8-11. – "Existing Buildings" of the Miami-Dade County Code of Ordinances with Modifications in Furtherance of the "Don't Wait, Accelerate" Plan to Improve Building Safety.

- Resolution Authorizing and Approving Additional Expenditure of Funds to Special Counsel, Leech Tishman Fuscaldo & Lampl, regarding the Appeal of the Federal Aviation Administration's (FAA's) South Central Florida Metroplex Project (Metroplex), for Legal Fees and Consultant's Services
- Resolution Approving a First Amendment to the Revocable, Non-Exclusive License Agreement with Curative Inc. to Extend the Term of the Agreement; Approving the Extension of the Temporary Use Permit Issued to Curative Inc. Beyond the Initial Ninety (90) Day Term to Allow the Continued Utilization of a Covid-19 Testing Kiosk Pursuant to Section 90-36.1 of the Town Code
- Resolution Approving and Authorizing the Expenditure of Budgeted Funds in an amount not to exceed $145,000 to Implement the 89th Street Beach End Capital Improvement Project (CIP)
- Resolution Approving and Authorizing the Expenditure of Funds in an amount not to exceed $50,000 to Engage Marlin Engineering, Inc. for a Downtown Walkability and Design Study
- Resolution Approving the Opioid Settlement Interlocal Agreement with Miami-Dade County Governing the Use of Opioid Settlement Funds Allocated to the Miami-Dade County Regional Fund.
- Resolution Approving Budget Amendment No. 2 for Fiscal Year 2022 Budget
- Resolution Approving an Amendment to Resolution No. 13-Z-06 for the Surf Club Property Located at 9011 Collins Avenue to Amend Condition No. 19, of Section IV., Requiring Design and Construction of a Lifeguard Stand and Payment of Operational Costs, and Providing for a One-Time Payment to the Town In Lieu Thereof for 96th Street Park Renovations
- Resolution Directing the Manager to Pursue the Closure of 88th Street East of Collins Avenue to Vehicular Traffic for the Purpose of Providing a Memorial Park and Pedestrian Plaza Honoring the Victims of the Champlain Towers South Collapse
- Resolution Approving Budget Amendment No. 3 for Fiscal Year 2022 Budget
- Resolution Urging the Florida Legislature to Oppose Senate Bill 280, Which Would Allow Individuals and Entities to Delay Enactment of Local Ordinances by Filing Lawsuits that Allege an Ordinance is Arbitrary or Unreasonable
- Resolution Reaffirming Town's Commitment to Condemn Anti-Semitic, Hateful And Hurtful Messages And Behavior, Including Reaffirmation of the Provisions of Section 54-2 of Town's Code, "Consideration Of Anti-Semitism And Hate Crimes In Enforcing Laws" and Supporting an Amendment to Section 54-2 to Broaden the Definition of Anti-Semitism as Outlined Herein
- Ordinance Amending the Town Code of Ordinances by Amending Section 90-57. - "Marine Structures", to Provide for Regulations for Construction of Docks, Piers and Moorings on Waterfront Lots;
- Ordinance Implementing "Accelerate, Don't' Wait", Approach for 30-year Recertification of Threshold Buildings
- Ordinance Amending Section 90-2. "Definitions", to Delete the Definition for "Gross Acre" and to Revise Definitions for "Height," "Lot Area," And "Lot Coverage"
- Ordinance Creating Article V – "Construction Sites", Consisting of Section 14-104 "Securing of Construction Sites, Safety, and Other Requirements", of Chapter 14 - "Buildings and Building Regulations"

- Ordinance Amending Section 54-2. - “Consideration of Anti-Semitism and Hate Crimes In Enforcing Laws”, to Strengthen and Amend the Definition and Examples of Anti-Semitism, Including Examples of Anti-Semitism Related to Israel
- Resolution Expressing Opposition to Proposed Florida Senate Bill 1024 and House Bill 741, “Net Metering,” Revising Legislative Findings Relating to Redesign of Net Metering to Avoid Cross-Subsidization of Electric Service Costs Between Classes of Ratepayers
- Resolution Urging the Court to Consider Disbursing a Portion of Funds Already Collected to Living Former Residents of The Champlain Towers South and to Consider Disbursing New Funds to Victims as Collected
- Resolution Approving Budget Amendment No. 4 for the Fiscal Year 2022 Budget
- Resolution Authorizing Additional Expenditure of Funds to Special Counsel, Leech Tishman Fuscaldo & Lampl, for Legal Fees and Costs, in Connection with the Appeal of the Federal Aviation Administration’s (FAA’s) South Central Florida Metroplex Project
- Resolution Approving Purchase of Laserfiche Cloud Hosting Services from MCCI, LLC to Make Public Records Readily Accessible Through the Cloud
- Resolution Certifying and Declaring Results of the Surfside General and Special Municipal Elections Held On March 15, 2022 for Election of Mayor and Four (4) Town Commissioners and Five Referendum/Ballot Questions
- Resolution Selecting and Approving the Quote from CDW Government, LLLC for the Purchase of Thirty-Seven (37) Fully-Integrated Police Mobile Laptop Computers In an Amount Not to Exceed $113,309.17
- Ordinance Amending Section 90-47. - “Yards, Generally Allowable Projections”, Specifically Sub-Section 90-47.1 to Restrict Projections for Certain Architectural Elements and to Prohibit Combining Allowed Encroachments
- Resolution Approving Purchase and Installation of Video Surveillance and Recording Camera System Equipment for Town Hall from Streamline Voice & Data Inc.
- Resolution Amending Resolution No. 2021-2827 to Revise the Fiscal Year 2022 Police Forfeiture Fund Expenditures
- Resolution Amending Resolution No. 2021-2827 to Revise the Fiscal Year 2022 Police Forfeiture Fund Expenditures
- Resolution Approving the Fifth Amendment to the Agreement with Limousines of South Florida, Inc. for Municipal Bus Services
- Resolution Adopting Proclamation Honoring the Importance of Trees for Surfside’s Community Environment and Encouraging the Planting of Trees; Proclaiming April 29, 2022, in Surfside As “Arbor Day”
- Resolution Approving an Appeal of Application of Zoning In Progress to Rooftop Amenities; Approving a Site Plan Application to Permit the Development of Property Located at 9165 Collins Avenue, Surfside, Florida, for a Multifamily Residential Development Consisting of 14 Dwelling Units and 32 Parking Spaces Subject to Conditions
- Resolution Approving a First Amendment to Employment Agreement between Town of Surfside and Town Manager, Andrew Hyatt; First Amendment to Employment Agreement

- Resolution Approving a First Amendment to Professional Services Agreement with HPF Associates, Inc. for Project Management Support Services for Phase II of the Undergrounding of Utilities Project; First Amendment to Professional Services Agreement
- Resolution Approving Budget Amendment No. 5 for the Fiscal Year 2022 Budget
- Resolution Approving a Project Agreement with KCI Technologies, Inc. for Undergrounding of Utilities - Phase II Pursuant to the Continuing Services Agreement for Professional Engineering Services
- Resolution Abolishing the Downtown Vision Advisory Committee; Establishing a Downtown Visioning Taskforce; Adopting a Charter and Organizational Structure for the Taskforce
- Resolution Approving Amendment No. 5 to the Memorandum of Understanding Between the Town of Surfside, City of Miami Beach, North Bay Village, Town of Bay Harbor Islands, Bal Harbour Village, and Miami Beach Chamber Education Foundation, Inc. to Fund a Nurse Enhancement Initiative for School Year 2022/2023 for Ruth K. Broad Bay Harbor K-8 Center
- Resolution Abolishing the Town of Surfside Budget Advisory Committee
- Resolution Approving an Engagement Letter with Marcum LLLP for Financial Auditing Services for Fiscal Year Ending September 30, 2022
- Resolution Approving an Interlocal Agreement Between Miami-Dade County and Co-Permitees Named in the National Pollutant Discharge Elimination System Permit No.Fls000003 for Pollution Identification and Control Services in Municipal Separate Storm Sewer Systems (MS4S)
- Ordinance Amending the Town Code by Amending Section 90-2. - “Definitions” to Amend the Definition of “Story” and to Create A Definition of “Nonhabitable Understory;” Creating a New Section 90-49.5. – “Nonhabitable Understory” to Regulate Nonhabitable Understories in Low-Rise Residential
- Contract for Construction – Building Department/First Floor Interior Remodeling
- RFP Disaster Debris Removal and Agreement
- Contract with Badger Meter for Water Encoder Meters
- Agreement with AA Musicians LLC for Jazz Events
- Resolution and Contract of Construction for Town Hall first floor renovations
- Resolution and Title VI Program Plan for the Town Regarding Town’s Transit Services Funding
- Resolution Adopting the Town’s Fund Balance Policy
- Resolution Approving Binding Costs Estimates with Florida Power & Light Company and Underground Facilities Conversion Agreements for undergrounding electric facilities conversion
- Resolution and Agreement with GRM Information Management for document storage, handling, scanning and digitization services for the Building Department
- Resolution and Revised Surfside Social Media Policy
- Resolution Authorizing Award and Agreement for Engineering Services to Kimley-Horn & Associates for Engineering Services Related to the CDBG-MIT Town-wide Drainage Improvements and Flood Hazard Mitigation Plan
- Resolution Authorizing Award and Agreement for Disaster Debris Monitoring Services to Whitt O’Brien per RFP No. 2022-01

- Resolution and Second Amendment to Limited Revocable License Agreement with Wavey Acai Bowls LLC for Surfside's Farmer's Market
- Resolution Approving Budget Amendment No. 6 for FY 2022 Budget
- Ordinance Amending Section 54-78 of Town Code "Prohibited Noises" relating to Permitted Hours of Operation for Personal and Resident Landscaping Equipment
- Ordinance Amending Section 90-57 of the Town Code "Marine Structures" to Amend Regulations for Construction of Docks, Piers and Moorings on Waterfront Lots to Modify Allowable Dock Projections into Waterways
- Ordinance Amending Section 90-47 of the Town Code "Yards, Generally Allowable Projections" to Clarify Allowances for Projections into Required Setbacks
- Resolution Commemorating and Humoring Victims, Family and Friends, First Responders and Search and Rescue Teams to the Champlain Towers South Collapse, and Declaring June 24th "Surfside Champlain Towers South Remembrance Day"
- Resolution in Support of the Establishment of a New High School to Service Surfside and Neighboring Communities
- Resolution Approving a Memorandum of Understanding between Surfside, Bal Harbour, and Bay Harbor Islands, to Fund a School Resource Officer School Year 2022/2023 for Ruth K. Broad Bay Harbor K-8 Center
- Resolution and Agreement Awarded to DRC Emergency Services, LLC for Disaster Debris Removal Services Pursuant to RFP No. 2022-03
- Resolution Approving and Accepting a Matching Grant from the Florida Department of Environmental Protection for the Surfside Collins Avenue Water Main Replacement Design Phase Project
- Resolution and First Amendment to the Agreement with SFM Services, Inc. for Comprehensive Landscape Maintenance and Related Services
- Resolution Ratifying an Amendment to the Off-Street Variable Parking Rates and Time Limitation Schedule for Municipal Parking Lots
- Ordinance Amending Section 90-2 "Definitions" to Revise the Definition for "Lot Coverage" and Section 90-49 "Lot Standards" to Increase the Maximum Lot Coverage Allowed for Single-Story Homes that Do Not Exceed 22 Feet in Height to 50%
- Ordinance Amending Section 54-78(15) "Prohibited Noises," and Section 66-7 "Disposal of Grass Cuttings and Hedge Trimmings" to Allow Operation of Landscaping Equipment and Other Noise-Producing Mechanical Devices During Permitted Hours
- Ordinance Amending Sections 90-90 and 90-95 of Article VIII, "Landscape Requirements" of Chapter 90 of the Town Code, to Increase Florida Friendly Landscaping in the Previous Areas of Single Family and Duplex Dwellings
- Ordinance Amending Section 90-67.3 Relating to the Location and Requirements for Ground-Level Mechanical Equipment and Creating Section 90-67.3 Relating to the Location and Requirements for Rooftop Mechanical Equipment, on Properties in the Single-Family H30A and H30B Zoning Districts
- Resolution Relating to Preliminary Solid Waste Assessments, Including Collection, Disposal and Recycling of Residential Solid Waste
- Resolution Approving and Adopting an Increase in Commercial Solid Waste Rates

- Resolution Authorizing Expenditure of Funds to K.C.E. Structural Engineers, P.C., for the Champlain Towers South Collapse Continued Engineering Analysis and Destructive Testing Investigation
- Resolution and Project Agreement with the Corradino Group for the Townwide Traffic Study
- Resolution Approving Budget Amendment No. 7 for FY 2022 Budget
- Resolution Approval and Project Agreement with Nova Consulting, Inc. for Collins Avenue Water Main Design Phase Project Contingent Fiscal Year 2023 Budget Approval
- Resolution Approval and Piggyback Agreement for Stand-By Disaster Cost Recover Services Competitively Awarded Pursuant to Miami-Dade County RFP No. 01488
- Resolution Approving Employee Health Benefits Contract Renewal for FY 2023
- Resolution Approving Budget Amendment No. 8 for FY 2022
- Beach Furniture Ordinance

September 2022

- Resolution Adopting a Proposed Millage Rate of 4.2000 Mills for the Fiscal Year 2023, Greater than the Rolled Back Rate of 3.7102 Mills Computed Pursuant to State Law by 13.20%
- Resolution Adopting a Tentative Budget for the Fiscal Year Commencing October 1, 2022 and Ending September 30, 2023
- Resolution Approving and Adopting Multi-Year Water and Sewer Rates and Service Charges Effective October 1, 2022 for Fiscal Years 2023 to 2026
- Resolution Supporting the Designation and Renaming of State Road A1A/Collins Avenue Between 87th Terrace and 88th Street as “98 Points Of Light Way” to Honor and In Remembrance of the Victims of the Champlain Towers South Building Collapse
- Resolution Approving an Agreement with SimpleView, LLC for Website Consulting, Development, and Hosting Services for the Redesign and Relaunch of the Town’s “Visit Surfside” Visitor Website
- Resolution Supporting the Town’s Florida Department of Environmental Protection (FDEP) Grant Application for the Dune Restoration Project; Confirming the Town’s Ability to Fund and Support the Permitting, Design, Construction, and Monitoring of the Town’s Dune Restoration Project
- Resolution Approving and Supporting the Submission of Grant Applications for Town’s Priority Projects Between October 1, 2022, and September 30, 2023, Subject to and Pending Final Acceptance of Awarded Funds and Approval of Grant Agreements by the Town Commission
- Resolution Approving an Agreement With Beach Raker, LLC for Beach Cleaning and Maintenance Services in an Amount not to Exceed $171,000 Annually Utilizing the Terms and Conditions of Village of Key Biscayne Contract No.2021-11-29
- Agreement with Beach Raker LLC for Beach Cleaning and Maintenance Services
- Resolution Approving Budget Amendment No. 9 for the Fiscal Year 2022 Budget

- Resolution Relating to Solid Waste Management Services, Including Collection, Disposal and Recycling of Residential Solid Waste; Reimposing Solid Waste Service Assessments Against Assessed Residential Property for The Fiscal Year Beginning October 1, 2022
- Ordinance Amending the Town Code of Ordinances by Amending Section 90-67 – "Emergency Power Generators" to Permit the Installation of Emergency Power Generators on the Rooftop of Residential Structures in the H30A and H30B Zoning Districts

Litigation:

New or supplemental information is provided for the following cases:

Beach House Hotel, LLC vs. Town of Surfside, Case No. 2020-025405-CA-06 in the Circuit Court 11th Judicial Circuit, Miami-Dade County, Florida. On December 7, 2020, the Town was served with a Complaint for Declaratory Relief, Preliminary and Permanent Injunction in connection with the Town's Beach Furniture Ordinance. On December 23, 2020, the Town filed a Motion for Extension of Time to Respond to the Complaint for 30 days. An Executive Session pursuant to Section 286.011(8), F.S., was held with the Town Commission on January 22, 2021. The Town filed its Answer and Affirmative Defenses on February 4, 2021. On May 4, 2021, the Plaintiff filed its initial discovery requests, including "First Set of Interrogatories to Defendant" and "First Request for Production of Documents to Defendant", both due within 30 days of the filing. The Town responded to the Interrogatories and Request for Documents. The Town and the Plaintiff have engaged in written discovery, which is mostly complete. On May 16, 2022, the Town Commission held an executive session per FS 286.011(8) to discuss the pending litigation and possible settlement. The Town anticipates seeking summary judgment against the claims in the event that the matter cannot be settled. Following the executive session, the Town Commission has discussed potential changes to the beach furniture ordinance, which, if adopted, may resolve the dispute consistent with the Town's vision for beach furniture regulation.

Solimar Condominium Association, Inc. v. Town of Surfside, Case No. 2019-025481-CA-01 in the Circuit Court 11th Judicial Circuit, Miami-Dade County, Florida. On September 18, 2019, the Town was served with a Complaint for Declaratory Judgment, Injunctive Relief, and Restitution in connection with the Town's implementation of its 1998 stormwater fee ordinance. The plaintiff contends that the method of calculating stormwater fees is not fair to condominium unit owners, who are charged 1.0 equivalent residential units ("ERU"), the same as a single family home. The Town moved for dismissal of the Complaint on March 12, 2020, which was denied. The Town then moved for summary judgment on October 27, 2020, which remains pending. The summary judgment motion was delayed due to the COVID pandemic, court availability for a hearing, and the plaintiff's desire to conduct expert witness discovery. The Town engaged its own expert witness to rebut the opinions of the plaintiff's expert. Expert discovery is completed. Mediation of the dispute occurred on December 6, 2021 with Retired Judge Joseph Farina, but with no result. An Executive Session with the Town Commission occurred on January 6, 2022 as part of the mediation process, but no agreement was reached. No further attempts to resolve the matter have occurred. The parties have

stipulated to a set of undisputed facts to permit the action to resolve by summary judgment and agreed to a briefing schedule. On June 16, 2022, Solimar filed its cross motion for summary judgment and responded to the Town's summary judgment motion. On July 5, 2022, the Town responded to Solimar's motion for summary judgment and replied to Solimar's response to the Town's motion. Solimar replied to the Town's response on July 15, 2022, as provided in the Court's order. The summary judgment motions are now ready for hearing, pending the Court's setting of a hearing date. Currently, there is a trial order setting a trial calendar during a three-week period commencing October 3, 2022, if necessary. The summary judgment motions will be heard prior to that date.

Village of Indian Creek, Florida, Town of Surfside, Florida and Charles Burkett, Petitioners, v. Federal Aviation Administration and Stephen M. Dickson, in his official capacity as Administrator, Federal Aviation Administration, Respondents.

On December 14, 2020, Town, together with the Village of Indian Creek, filed a Petition for Review of Agency Order appealing the FAA's Finding of No Significant Impact and Record of Decision in connection with the proposed South-Central Florida Metroplex. The FAA announced that it implemented Phase 2 of the Metroplex project on August 12, 2021. On October 26, 2021, the Town's Special Counsel filed the consolidated Opening Brief. The Opening Brief which, among other matters, contends that aircraft noise jeopardizes public health and welfare and that the FAA is not accurately evaluating aircraft noise or its impact to persons on the ground; that the South-Central Florida Metroplex Project is in violation of the National Environmental Policy Act; and that as such the FAA is violating the constitutional rights of the citizens of the affected communities. On February 9, 2022, the FAA filed its response brief to the Town's consolidated Opening Brief. The FAA argues in its response that the FAA satisfied all the requirements of law in adopting the Metroplex, and other procedural/standing arguments against petitioners' claims. The Town's Reply Brief was filed on March 9, 2022. Oral arguments before the 11th Circuit Court occurred in Miami on June 6, 2022, at which hearing the Town's Special Counsel, Steve Taber, was present as well as our office. On September 2, 2022, the 11th Circuit Court issued an Order denying the consolidated petition for review filed by the Town and neighboring municipalities, finding that the FAA engaged in an exhaustive study of the South-Central Florida Metroplex Project's impact on the environment and noise levels in the affected area, and it found no significant impact. The 11th Circuit Court also found that the FAA provided ample opportunity for the various stakeholders to learn about and comment on the Metroplex project, and complied with all procedural requirements.

Shannon Gallagher, Petitioner, vs. The Town Of Surfside and 9165 Surfside LLC, Respondents;

Case No. 2022-000028-AP-01 in the Circuit Court 11th Judicial Circuit, Miami-Dade County, Florida. A Petition for Certiorari was filed on May 20, 2022 by Shannon Gallagher alleging failure to comply with provisions of Surfside's Zoning Ordinance and Town Charter and asking certiorari review of a quasi-judicial order by the Town Commission approving plans submitted by the Applicant, Fort Point Capital, to construct a 14-unit building at 9165 Collins Avenue (Hillcrest). Gallagher moved to amend the Petition on June 10, 2022, refiled on June 15, 2022. On June 27, 2022, the Town filed its Response in Opposition to Gallagher's Motion for Leave to File and Amend Petition and Appendix. On August 26, 2022, the Court issued its order granting Petitioner Gallagher's Motion to

File an Amended Petition for Certiorari and Amended Appendix. Pursuant to the Court's Order, Petitioner shall have ten (10) days from the date of the Order or by September 6, 2022 to file a corrected amended petition and appendix, which shall not include items or arguments that are not included in the record below, and Respondents are directed to file an original of their responses to the amended petition for writ of certiorari with this Court within twenty (20) days of the date of filing of the amended petition and appendix and show cause why the amended petition should not be granted.

Information on other pending litigation matters has or will be provided individually to members of the Town Commission, as needed or requested.

Special Matters:

- Continued monitoring of new case law and legislation from Federal, State and County, challenging local home rule authority and analysis legislation adopted in the last Florida Legislative Session. Matters which we will continue to work on and anticipate in the upcoming months include: continued efforts to inspect the CTS Site and Off-Site Facilities for investigations as to the cause of the collapse in connection with the CTS Building Collapse; public records requests and ethics complaints, inquiries and opinions; implementation of various policy directives from the Mayor and Town Commissioners; implementation and procurement of professional services and contracts for beach furniture at the Community Center, new tennis center, resident gym and rooftop pickle ball court, and tot lot upgrades; continued review and monitoring of all Development Orders and approvals; police matters and mutual aid and other agreements; implementation of agreements resulting from Abbott Avenue Drainage project, shuttle and transportation, and undergrounding of utilities plan design; various procurements and service or provider agreements for Town improvements, facilities and programs, implementation of undergrounding of utilities and engagement of consultants to implement the utilities undergrounding project; continued assistance with and finalizing negotiations with AFSCME Florida Council 79 Union for Town civilian employees; implementation of construction contract for 96th Street Park; implementation of procurement and construction phase for Abbott Avenue Drainage Improvements; contract for construction for the Town Hall first floor remodeling project; implementation of undergrounding of utilities project, including approval of FPL electrical conversion agreements; beach furniture legislation; review and implementation of new legislation (SB 4D) affecting Condominiums;

implementation of walkability initiatives and new traffic signage; dune restoration project and grant funding; and upcoming Charter review and process.

Town of Surfside
Regular Town Commission Meeting
September 13, 2022

DISCUSSION ITEM MEMORANDUM

Agenda #: 9A.
Date: September 13, 2022
From: Lillian Arango, Town Attorney
Subject: Charter Review Board

Suggested Action: – Charter Review Board Summary for September 13, 2022 Regular Commission Meeting

Background/Analysis: – Beginning in December 2022, the Town will start the Charter review process pursuant to Section 128, "Mandatory Charter Review," of the Town of Surfside ("Town") Charter. A copy of Section 128 of the Town Charter is attached hereto as Exhibit "A."

By way of background, the Town's Charter is the Town's founding document, and among other things, establishes and confers upon the Town its governmental powers and restrictions. In this way, the Town's Charter serves as its constitution.

Pursuant to Section 128 of the Town Charter, the Charter review process requires the Town Commission to establish and appoint members to a Charter Review Board (the "Board") every 10 years. The purpose of the Board is to review the Town Charter and, if the Board determines that revisions to the Town Charter are necessary, draft a written report to the Town Commission detailing its recommended Charter amendments.

Each Town Commissioner may appoint one (1) member to the Board, subject to ratification by a majority of the Town Commission. While the Town Charter does not establish specific qualification requirements for Board appointees, we recommend that Board appointees hold professional or educational experience necessary for Charter review, such as in the fields of law, political science, public policy or administration, or similar fields of expertise. Additionally, Board appointees must be able to dedicate significant time and effort to reviewing the Town Charter, attending Board meetings, and developing Charter amendment recommendations and a final report.

Once the Board is formally established, the Board must meet within forty-five (45) days after appointment by the Town Commission. We anticipate that the Charter review process will take approximately six (6) to eight (8) months, culminating in a special election to be held on proposed Charter amendments. Below is a proposed timeline and process for the Charter review:

1. On or before the December 13, 2022, Regular Town Commission Meeting – Town Commission establishes and appoints members to the Board.
2. Week of January 16 to January 27, 2023 – Board holds first meeting to (1) review the purpose and framework of the Charter review process, (2) nominate a Board Chair and Vice Chair, (3) receive orientation on Sunshine and Public Records Laws, and (4) schedule future Board meetings.
3. January 2023 through May 2023 – the Board will meet on various occasions (recommend bi-monthly for a total of four (4) to six (6) meetings) to review each Article of the Town Charter (e.g. review of Articles I and II at the first Board meeting, Articles III and IV at the second Board meeting, etc.) and make recommendations on amendments.
4. May 2023 – the Board will meet one final time to finalize and submit its Charter Review Report to the Town Commission, which report will contain all Charter amendment recommendations, if any.
5. June 2023 and July 2023 – the Town Commission shall consider the recommendations and report of the Board and adopt a Resolution calling for a special election[1] referendum on the proposed Charter amendments accepted by the Town Commission.
6. November 2023 County Special Election - to be held on any proposed Charter Amendments.

[1] The exact date for a potential special election must be coordinated with the Miami-Dade County Supervisor of Elections.

Exhibit “A”

TOWN OF SURFSIDE CHARTER

* * *

ARTICLE IX. - MISCELLANEOUS PROVISIONS

* * *

Section 128. - Mandatory charter review.

Within the first twelve (12) months after the adoption of this provision, the Town Commission shall commence Charter Review. Thereafter every 10th year commencing December 2022, the Commission shall appoint a Charter review board ("Charter Board") consisting of five persons. Each Commissioner shall be entitled to appoint one Charter Review Board member but that appointee shall be ratified by a majority of the Commission. The review Board shall commence its proceedings within forty-five (45) days after appointment by Commission and upon completion of their work and written recommendations to the Commission, the Town Commission shall consider said recommendations at the next regularly scheduled Commission meeting. This provision does not inhibit the Town Commission or the electorate at any time from initiating a charter amendment in accordance with Article VIII ("Initiative and Referendum") hereinabove.

Town of Surfside
Regular Town Commission Meeting
September 13, 2022

DISCUSSION ITEM MEMORANDUM

Agenda #: 9B.
Date: September 13, 2022
From: Andrew Hyatt, Town Manager
Subject: Town Manager's Performance Evaluation

Suggested Action: – Verbal

Town of Surfside
Regular Town Commission Meeting
September 13, 2022

DISCUSSION ITEM MEMORANDUM

Agenda #: 9C.
Date: September 13, 2022
From: Andrew Hyatt, Town Manager
Subject: Beautification of Residential Area Street Signage

Suggested Action: – Town administration is seeking direction from the Town Commission on how to proceed with the decorative street signs throughout Town. In order to proceed with the decorative signs, the following actions need to occur:

- Obtain product approval from Miami Dade County
- Enter into an interlocal agreement with Miami Dade County
- Procure sign materials and contractor to perform scope of work

Background/Analysis: – In order to beautify the residential area, during the August 2022 General Town Commission meeting, the Town commission tasked Town administration to explore options for decorative street signage and provide information in regards to implementation cost and procedure.

Town administration contacted other local municipalities that have implemented decorative street signage and consulted with the Corradino Group, Town Traffic Consultant, to understand the approval process with Miami Dade County Transportation and Public Works (MDTPW). It was determined that the County will need to approve product installed and the product must be consistent with Municipal Uniform Traffic Control Devices (MUTCD) standards, Florida Department of Transportation (FDOT) Standard Specifications for Road and Bridge Construction and Miami Dade County Public Works Manual. Additionally, the maintenance of the specific signage will need to be absorbed by the Town and an agreement will need to be drafted between the County and the Town. Refer to Exhibit A - "Surfside Street Name Sign Technical Memorandum".

Currently the Town has a total of 284 traffic control signs throughout the Town which are primarily STOP signs. For purposes of this analysis, SPEED LIMIT, parking enforcement or other signages were not taken into consideration. Town administration composed an estimate of probable cost based on every intersection having the current STOP signs and poles upgraded, as well as having one STOP sign and pole with street cross names incorporated.

Budget Impact: – Two options that are consistent with previous County approvals have been explored and are being presented to the Town Commission. The first option, Standard Option,

is a typical rectangular signage with decorative pole and themed design. The second option, Bell Shape Option, is a bell shape signage with decorative pole and themed design. Both options can be found in Exhibit B - "Decorative Signs Visual Options". The STOP signs are consistent between both designs and therefore, do not change. Refer to bullets below for estimate of probable cost for each option:

- Option One with all Stop signs included Price Range $340,000 - $386,780
- Option Two with all Stop signs included Price Range $350,000 - $399,160

The estimates of probable costs includes delivery of material and contractor cost for installation and traffic engineer review for standard conformance.

date: August 30, 2022

to: Hector Gomez, P.E., Public Works Director, Town of Surfside

from: Eric Czerniejewski, P.E., ENV SP

subject: Decorative Street Name Signs and Poles- Town of Surfside

MEMORANDUM

The Town of Surfside has requested clarification regarding the process for the design and permitting of decorative street name signs and poles in the Town of Surfside. I contacted Doraida Rodriguez, P.E., PTOE at Miami-Dade Department of Transportation and Public Works (DTPW) Traffic Engineering Division on 08/29/2022 to discuss the permitting process.

I was told that the Town of Surfside will need to submit a specification package with plans that define which intersections will have the proposed decorative signs and poles. In addition, the Town of Surfside will need to agree to enter an interlocal agreement with Miami-Dade DTPW to own and maintain the decorative signs and poles. The signs and poles will need to conform to the applicable requirements of the following design criteria publications:

1. Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration (ANSI D6.1e-1989), including latest revisions.
2. Florida Department of Transportation Standard Specifications for Road and Bridge Construction.
3. Miami-Dade County Public Works Manual (available from the Public Works Department, Reproduction Services, 111 NW 1 Street, Suite 1604, Miami, FL 33128).
4. Standard Highway Signs, U.S. Department of Transportation, Federal Highway Administration.

Sample copies of the interlocal agreements between Miami-Dade County DTPW and the City of Doral, and Miami-Dade County DTPW and the Village of Palmetto Bay for similar requests are attached to this technical memorandum. In addition, the draft specification cut sheets for the decorative street name signs and poles have been attached to this memorandum.

APPENDIX A:

CONCEPTUAL STREET NAME SIGNAGE AND POLE SPECIFICATIONS

Signature Streetscapes
Decorative Solutions for Communities

1-800-705-1446
www.signaturestreetscapes.com

TOWN OF SURFSIDE FL

Quote #19656

4" x 13'-0" POLE (x1)

POST PROFILE

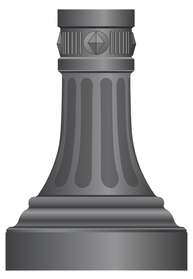
4" DIAMETER SMOOTH POLE
WALL THICKNESS: .125
EXTRUDED ALUMINUM: ALLOY 6063

FINIAL: FN-0204 (x1)

GLOBE FINIAL FOR 4" OD POLE
HEIGHT: 7.00"
WIDTH: 5.25"
CAST ALUMINUM: ALLOY 356

* fastens with (3) 1/4-20 x 3/8" stainless steel set screws provided

BASE: BS-04H (x1)



LEGEND BASE (1 pc.)
FITS 4" OD POLE
HEIGHT: 18.65"
WIDTH: 13.16"
CAST ALUMINUM: ALLOY 356

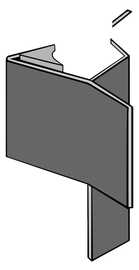
* fastens with (3) 1/4-20 x 3/8" stainless steel set screws provided

SIGN TRIM: CT-9A-42 (x2)

CLASSIC SIGN TRIM
SIGN SIZE: 42" x 9"
FITS SIGN THICKNESS: .080
EXTRUDED ALUMINUM FRAME: ALLOY 6063
CAST ALUMINUM BRACKET: ALLOY 356
SCROLL OPTION: NONE

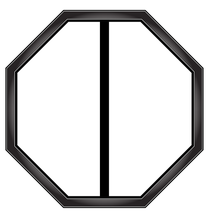
VLOC-034 (x1)

BREAKAWAY ANCHORS



V-LOC,40-VR3
FOR NEW CONCRETE INSTALLATION
FITS 3” OD ROUND POST
TUBING BREAKAWAY COMPLIANT

STOP FRAME (x1)



SIGN SOLD SEPARATE

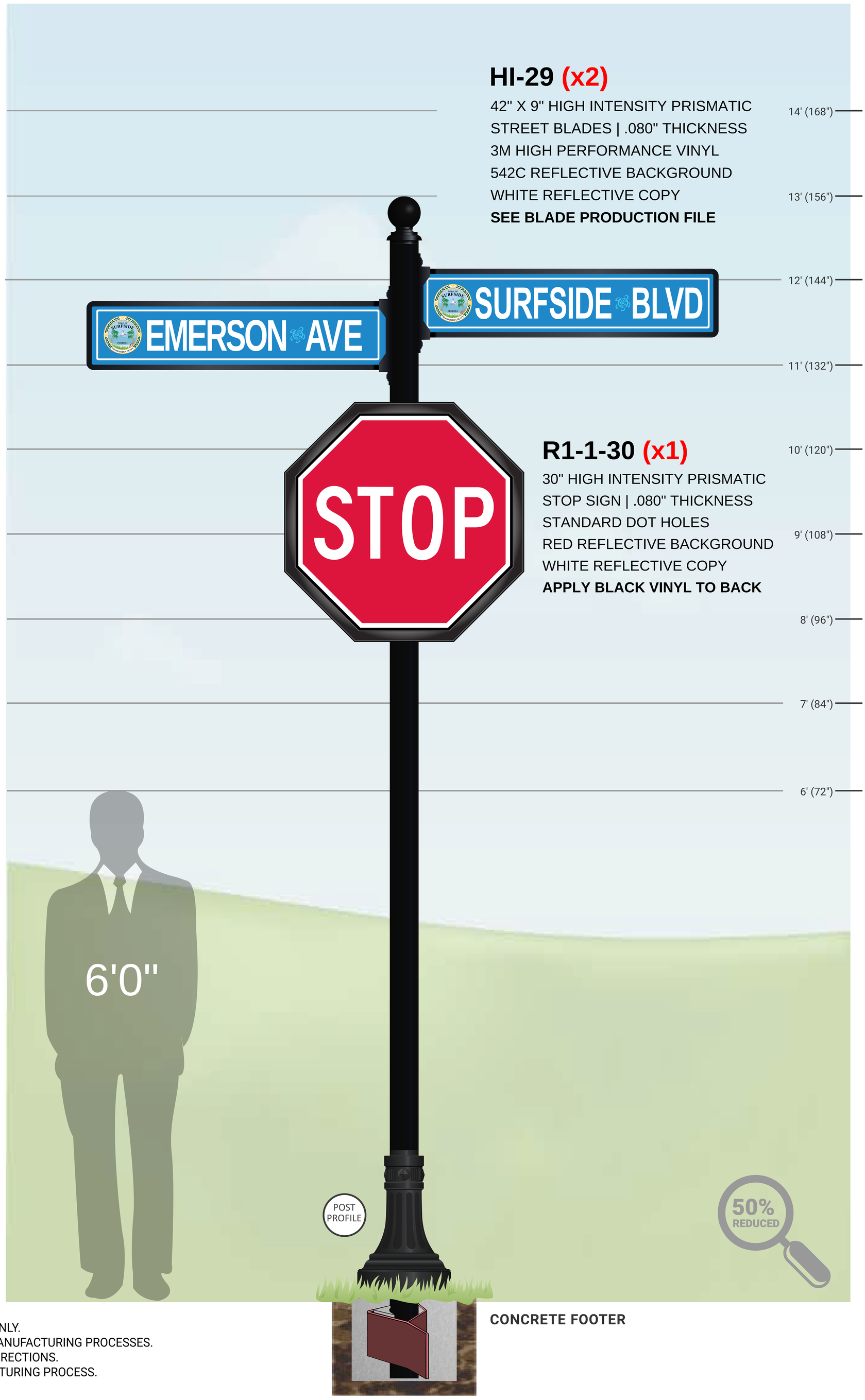
30" STOP SIGN: SF-SS03
STANDARD HOLE PUNCH
2" WIDE EXTRUDED
ALUMINUM ALLOY #6063

APPROVED

- ☐ AS IS
- ☐ AS CORRECTED
- ☐ REVISE & RESUBMIT

AUTHORIZED SIGNATURE

DATE



HI-29 (x2)

42" X 9" HIGH INTENSITY PRISMATIC
STREET BLADES | .080" THICKNESS
3M HIGH PERFORMANCE VINYL
542C REFLECTIVE BACKGROUND
WHITE REFLECTIVE COPY
SEE BLADE PRODUCTION FILE

R1-1-30 (x1)

30" HIGH INTENSITY PRISMATIC
STOP SIGN | .080" THICKNESS
STANDARD DOT HOLES
RED REFLECTIVE BACKGROUND
WHITE REFLECTIVE COPY
APPLY BLACK VINYL TO BACK

CONCRETE FOOTER

THIS RENDERING IS AN APPROXIMATION FOR LAYOUT PURPOSES ONLY.
THE ACTUAL PRODUCT AND COLOR MAY VARY SLIGHTLY DUE TO MANUFACTURING PROCESSES.
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AUTHORIZED SIGNATURE AND DATE REQUIRED TO BEGIN MANUFACTURING PROCESS.

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QTY: 1

QTY: 1

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www.signaturestreetscapes.com

TOWN OF SURFSIDE FL

Quote #19657

4" x 13'-0" POLE (x1)

POST PROFILE

4" DIAMETER SMOOTH POLE
WALL THICKNESS: .125
EXTRUDED ALUMINUM: ALLOY 6063

FINIAL: FN-0204 (x1)

GLOBE FINIAL FOR 4" OD POLE
HEIGHT: 7.00"
WIDTH: 5.25"
CAST ALUMINUM: ALLOY 356

* fastens with (3) 1/4-20 x 3/8" stainless steel set screws provided

BASE: BS-04H (x1)

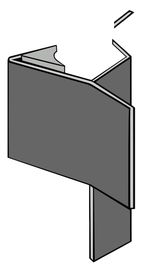
LEGEND BASE (1 pc.)
FITS 4" OD POLE
HEIGHT: 18.65"
WIDTH: 13.16"
CAST ALUMINUM: ALLOY 356

* fastens with (3) 1/4-20 x 3/8" stainless steel set screws provided

COLLAR HANGER ARM: (x1)
CHA-0-04-36

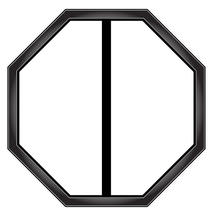
FITS SIGN THICKNESS: .080 - .187
EXTRUDED ALUMINUM FRAME: ALLOY 6063
CAST ALUMINUM BRACKET: ALLOY 356
SCROLL OPTION: NONE

VLOC-034 (x1)
BREAKAWAY ANCHORS



V-LOC,40-VR3
FOR NEW CONCRETE INSTALLATION
FITS 3” OD ROUND POST
TUBING BREAKAWAY COMPLIANT

STOP FRAME (x1)



SIGN SOLD SEPARATE

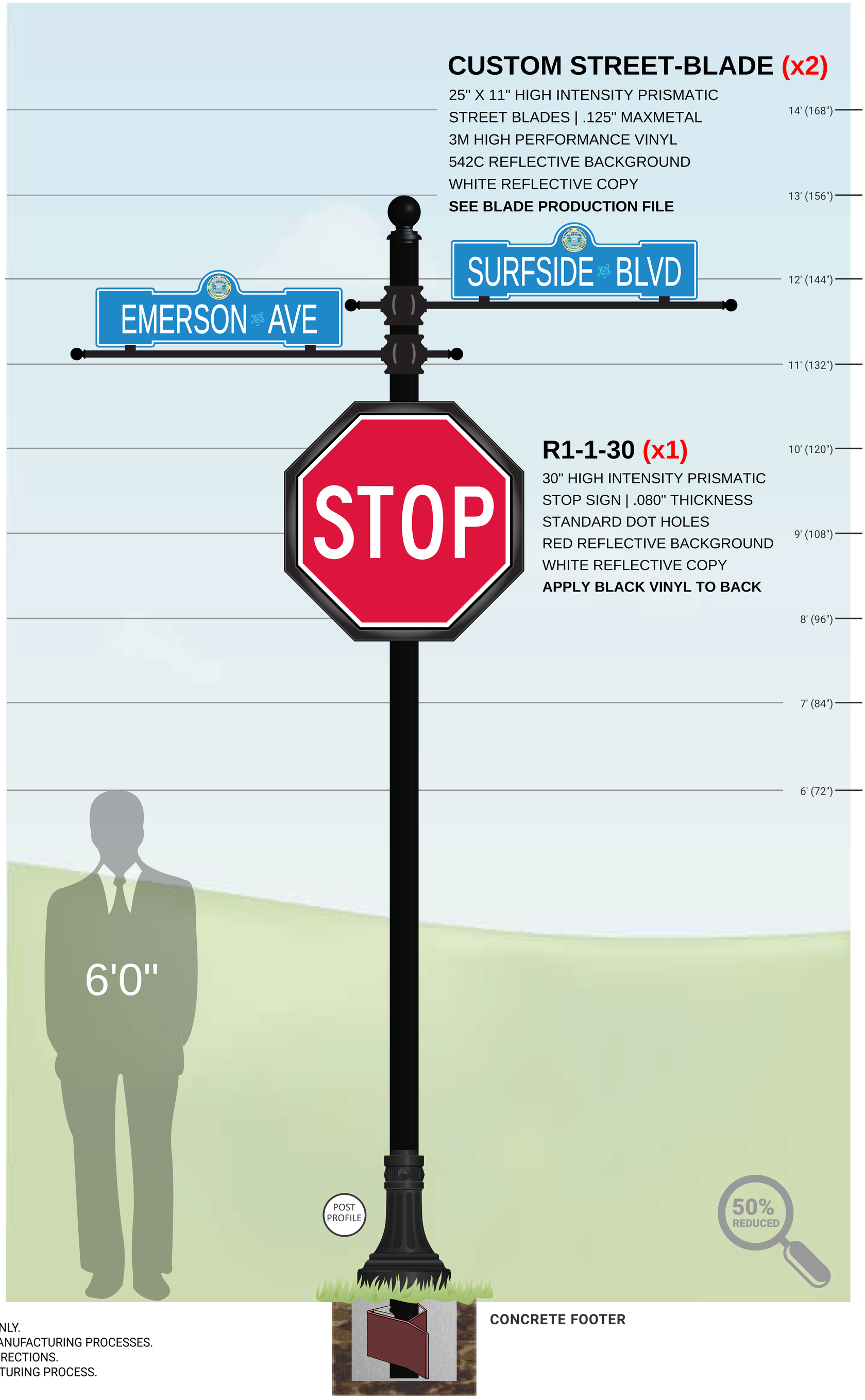
30" STOP SIGN: SF-SS03
STANDARD HOLE PUNCH
2" WIDE EXTRUDED
ALUMINUM ALLOY #6063

APPROVED

- ☐ **AS IS**
- ☐ **AS CORRECTED**
- ☐ **REVISE & RESUBMIT**

AUTHORIZED SIGNATURE

DATE



CUSTOM STREET-BLADE (x2)

25" X 11" HIGH INTENSITY PRISMATIC
STREET BLADES | .125" MAXMETAL
3M HIGH PERFORMANCE VINYL
542C REFLECTIVE BACKGROUND
WHITE REFLECTIVE COPY
SEE BLADE PRODUCTION FILE

R1-1-30 (x1)

30" HIGH INTENSITY PRISMATIC
STOP SIGN | .080" THICKNESS
STANDARD DOT HOLES
RED REFLECTIVE BACKGROUND
WHITE REFLECTIVE COPY
APPLY BLACK VINYL TO BACK

CONCRETE FOOTER

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QTY: 1

QTY: 1

APPENDIX B:

SAMPLE INTERLOCAL AGREEMENTS BETWEEN MIAMI-DADE COUNTY AND MUNICIPALITIES

INTERGOVERMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS.

THIS INTERGOVERNMENTAL AGENCY AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS (**AGREEMENT**), made and entered into this 23rd day of May, 2007, by and between the **CITY OF DORAL**, **FLORIDA,** a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the **CITY** and **MIAMI-DADE COUNTY,** a political subdivision of the STATE OF FLORIDA, hereinafter referred as the **COUNTY**.

WITNESSETH

WHEREAS, pursuant to Section 2-96.1 of the Miami-Dade County Code, all traffic control and traffic engineering services in Miami-Dade County are under the exclusive jurisdiction of the **COUNTY**; and

WHEREAS, the **CITY** desires to assume the installation and maintenance responsibilities of certain traffic engineering functions pertaining to it's Municipal and County right-of-way; and

WHEREAS, the **COUNTY** has determined that the **CITY** is both equipped and able to perform the traffic engineering functions as herein specified on its local and county streets; and

WHEREAS the **CITY** has, by proper resolution attached hereto and by reference made a part hereof, authorized its officer to enter into this **AGREEMENT**.

NOW THEREFORE, the **CITY** and the **COUNTY** agree as follows:

1. The recitals set forth above are incorporated herein by reference.

2. The **CITY** will only install and maintain the following designated types of traffic control devices within municipal and county streets within its boundaries:

STREET NAME SIGNS

Traffic calming devices may be installed on local municipal streets only after an appropriate traffic engineering study has been performed and sealed and signed plans have been submitted to the Public Works Department of the **COUNTY** for its review and approval.

3. The **CITY** shall attach a decal to the back of the sign panels indicating ownership and date of installation.

4. The **CITY** assumes sole and complete responsibility for the maintenance of all such signs that are installed by the **CITY** within its boundaries.

5. The **CITY** assumes sole and complete liability for any accidents and/or injuries which may or are alleged to occur or arise out of the installation, operation or maintenance of said traffic control devices, and hereby indemnifies and saves harmless the **COUNTY** from any and all claims of negligence as a result of the installation, operation or maintenance of said signs. Neither the **CITY** nor the **COUNTY** in any way waives its rights and immunities under Section 768.28 of Florida Statues.

6. All traffic control signs installed by the **CITY** in accordance with this **AGREEMENT** shall conform to the applicable requirements established by the following publications:

> Florida Department of Transportation Standard Specifications for Road and Bridge Construction.
>
> Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration (ANSI D6.le-1989), including latest revisions.
>
> Standard Highway Signs, U.S. Department of Transportation, Federal Highway Administration.
>
> Miami-Dade County Public Works Manual (available from the Public Works Department, Reproduction Services, 111 NW 1 Street, Suite 1604, Miami, FL 33128)

7. For installation of traffic control devices, the **CITY** shall hire a **COUNTY** licensed contractor or perform the work in-house by the **CITY** Public Works crew.

8. The **CITY** shall not remove the existing signs from the stop-top installation. Should the **CITY** install street name signs at the same locations where a stop-top street name exists, then the **CITY** shall utilize the other corners of the intersection and subsequently notify the Traffic Signals & Signs Division of the **COUNTY** Public Works Department to remove the street name signs from the stop-top.

9. The **CITY** shall be responsible for keeping records of any and all installations and repairs, and furnishing pertinent documents as and when said records may be requested.

10. Failure to carry out any of the duties and responsibilities assumed herein by the **CITY** may result in termination of this **AGREEMENT,** at the sole discretion of the **COUNTY.**

IN WITNESS WHEREOF, the **CITY** and the **COUNTY** have set their hands the day and year above written.

MIAMI-DADE COUNTY

Attest:

HARVEY RUVIN, CLERK

By: _____

By: _____
County Deputy Clerk

Approved as to form and legal sufficiency:

_____
Assistant County Attorney

City of Doral

By: Sergio Purrinos, City Manager

Attest:

_____
Barbara Herrera, City Clerk

Approved as to form and legal sufficiency:

_____
John Hearn, Esq., City Attorney

RESOLUTION No. 06 – 68

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN INTERLOCAL AGREEMENT WITH THE MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT FOR THE IMPLEMENTATION OF A CITY OF DORAL STREET NAME SIGN PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral seeks to beautify street name signage throughout the City; and

WHEREAS; an interlocal agreement with the Miami-Dade County Public Works Department would provide the City with the right and responsibility of installing and maintaining street name signs within the limits of Doral; and

WHEREAS, Staff respectfully requests that Council authorize the City Manager to negotiate and enter into an Interlocal agreement with the Miami-Dade County Public Works Department for the City of Doral to implement its own Street Name Sign Program.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council of the City of Doral, Florida hereby authorizes the City Manager to negotiate and enter into an Interlocal agreement with the Miami-Dade County Public Works Department for the implementation of a Street Name Sign Program.

Section 2. This Resolution shall take effect immediately upon adoption.

[This area left blank intentionally]

The foregoing resolution was offered by Vice Mayor Cabrera who moved its adoption. The motion was seconded by Councilman DiPietro and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilman Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes
Councilman Robert Van Name	Yes

PASSED and ADOPTED this 8th day of November, 2006.

JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

For JOHN HEARN, ESQ., CITY ATTORNEY

INTERLOCAL AGREEMENT
FOR THE INSTALLATION AND MAINTENANCE OF SIGNS

THIS AGREEMENT entered into this 9th day of June, 2008, between MIAMI-DADE COUNTY, a political subdivision of the State of Florida (the "County"), and the VILLAGE OF PALMETTO BAY, a municipal corporation of the State of Florida (the "Village").

WHEREAS, the Village desires to assume the installation and maintenance responsibilities of street name, parking restrictions, warning and speed limit signs.

NOW THEREFORE, in consideration of the premises and mutual covenants contained herein, it is hereby agreed between the Village and the County as follows:

1. The recitals set forth above are incorporated herein by reference. The Village will only install and maintain ground mounted street name signs on those streets within its jurisdictional boundaries.

2. The Village assumes sole and complete responsibility for the maintenance of all such signs that are installed by the Village, within its boundaries.

3. The Village pursuant to the limitations in Section 768.28, Florida Statues, assumes sole and complete liability for any accidents and/or injuries which may or are alleged to occur or arise out of the installation, operation or maintenance of said signs, and hereby indemnifies and holds harmless the County from any and all claims of negligence as a result of the installation, operation or maintenance of said signs.

4. All signs installed by the Village shall conform to the applicable

requirements established by the following publications:

Florida Department of Transportation Standard Specifications for Road and Bridge Construction.

Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration (ANSI D6.le-1989), including latest revisions.

Standard Highway Signs, U.S. Department of Transportation, Federal Highway Administration.

Miami-Dade County Public Works Manual (available from the Public Works Department, Reproduction Services, 111 NW 1 Street, Suite 1604, Miami, FL 33128)

5. The Village shall hire a Miami-Dade County licensed contractor or the installation must be done in-house, by the Village's Public Works crews.

6. The Village shall not remove the existing signs from the stop-top installation. Should the Village install street name signs at the same location where a stop-top street name sign exists, then the Village shall install their signs on the opposite corner(s) of the intersection. The Village, subsequent to this alternate installation, may remove the County's stop-top street name signs by an approved sign contractor. All signs and hardware removed shall be returned to the County.

7. The Village shall be responsible for keeping records of any and all installations and repairs, and shall furnish pertinent documents when said records may be requested.

8. The Village shall attach a decal to the back of the sign panels indicating ownership and date of installation.

IN WITNESS WHEREOF, the Village and the County set their hands and affix their

respective seals, the day and year above written.

MIAMI-DADE COUNTY

Attest:

HARVEY RUVIN, CLERK

By: _____ 6/8/06
George M. Burgess
County Manager

By: _____
Deputy Clerk

Approved as to form and legal sufficiency:

_____
Assistant County Attorney

VILLAGE OF PALMETTO BAY

Attest:

By: _____
Charles Scurr
Village Manager

By: _____
Meighan Pier
Village Clerk

Approved as to form and legal sufficiency:

_____
Village Attorney

RESOLUTION NO. 05-49

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VILLAGE SIGNAGE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH MIAMI-DADE COUNTY ACCEPTING RESPONSIBILITY FOR THE INSTALLATION AND MAINTENANCE OF STREET NAME ON JURISDICTIONAL STREETS MAINTAINED BY THE VILLAGE, WITHIN ITS VILLAGE BOUNDARIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village is desirous of assuming responsibility for the installation and maintenance of street name signs on those streets maintained by the Village within its boundaries; and

WHEREAS, the Village will assume sole and complete responsibility for the maintenance of all such signs installed by Village Public Works staff or a Village licensed contractor within the boundaries of the Village of Palmetto; and

WHEREAS, the Village, pursuant to Section 768.28, Florida Statues, assumes sole and complete liability for any accident or injury which may occur during the installation and maintenance of said traffic control devices; and

WHEREAS, the County and the Village have determined that it is in the best interest of the parties that responsibility for recordkeeping of all installation and repairs be transferred to the Village; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1: Miami-Dade County shall transfer sole and complete responsibility for the installation and maintenance of street name signs on jurisdictional streets maintained by the Village to the Village of Palmetto Bay after the execution of the agreement.

Section 2: Village Manager is authorized to execute an agreement with Miami-Dade County for the Installation and Maintenance of Signs.

Section 3: This Resolution shall take effect immediately upon approval.

PASSED and **ADOPTED** this 11th day of July, 2005.

ATTEST: _____
Meighan Pier
City Clerk

APPROVED: _____
Eugene P. Flinn
Mayor

READ AND APPROVED AS TO FORM:

_____
Eve Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	YES
Council Member Paul Neidhart	YES
Council Member John Breder	
Vice-Mayor Linda Robinson	
Mayor Eugene P. Flinn	YES

K:\Users\cpatterson\resolution\July Agenda\resolutionsignageagreement.doc

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, Meighan J. Pier, Village Clerk of the Village of Palmetto Bay, Florida, hereby certify that the attached is a true and correct copy of Resolution 05-49, as shown in the records of the Village on file in the office of the Village Clerk.

Witness my hand and corporate seal of the Village of Palmetto Bay, FL, this 25th day of July, 2005.

_____
Meighan J. Pier, CMC
Village Clerk

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www.signaturestreetscapes.com

TOWN OF SURFSIDE FL

Quote #19656

4" x 13'-0" POLE (x1)

POST PROFILE

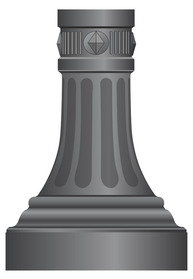
4" DIAMETER SMOOTH POLE
WALL THICKNESS: .125
EXTRUDED ALUMINUM: ALLOY 6063

FINIAL: FN-0204 (x1)

GLOBE FINIAL FOR 4" OD POLE
HEIGHT: 7.00"
WIDTH: 5.25"
CAST ALUMINUM: ALLOY 356

* fastens with (3) 1/4-20 x 3/8" stainless steel set screws provided

BASE: BS-04H (x1)



LEGEND BASE (1 pc.)
FITS 4" OD POLE
HEIGHT: 18.65"
WIDTH: 13.16"
CAST ALUMINUM: ALLOY 356

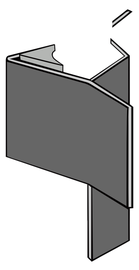
* fastens with (3) 1/4-20 x 3/8" stainless steel set screws provided

SIGN TRIM: CT-9A-42 (x2)

CLASSIC SIGN TRIM
SIGN SIZE: 42" x 9"
FITS SIGN THICKNESS: .080
EXTRUDED ALUMINUM FRAME: ALLOY 6063
CAST ALUMINUM BRACKET: ALLOY 356
SCROLL OPTION: NONE

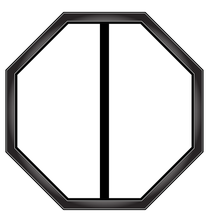
VLOC-034 (x1)

BREAKAWAY ANCHORS



V-LOC,40-VR3
FOR NEW CONCRETE INSTALLATION
FITS 3” OD ROUND POST
TUBING BREAKAWAY COMPLIANT

STOP FRAME (x1)



SIGN SOLD SEPARATE

30" STOP SIGN: SF-SS03
STANDARD HOLE PUNCH
2" WIDE EXTRUDED
ALUMINUM ALLOY #6063

APPROVED

- ☐ AS IS
- ☐ AS CORRECTED
- ☐ REVISE & RESUBMIT

AUTHORIZED SIGNATURE

DATE

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42" X 9" HIGH INTENSITY PRISMATIC
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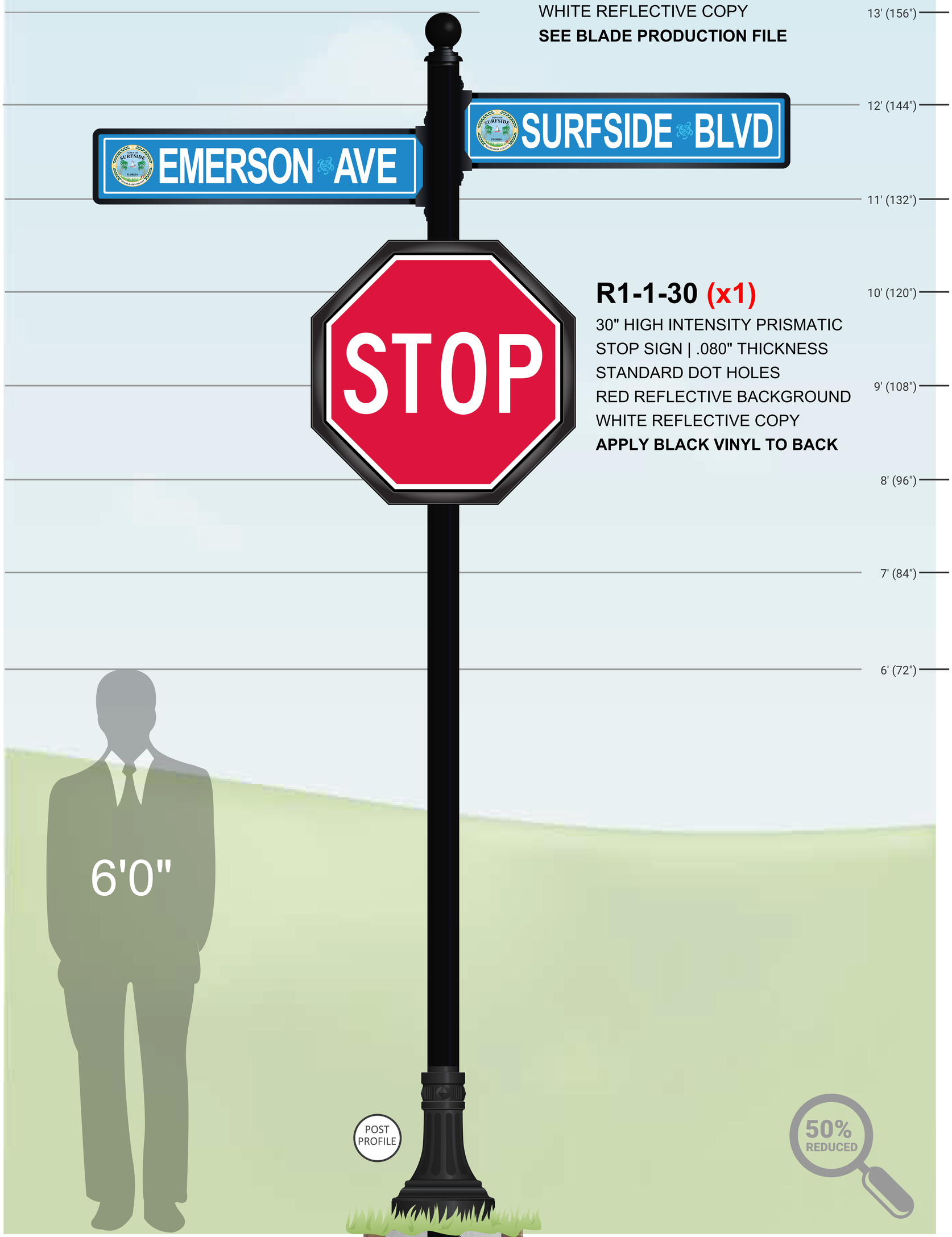
3M HIGH PERFORMANCE VINYL
542C REFLECTIVE BACKGROUND
WHITE REFLECTIVE COPY
SEE BLADE PRODUCTION FILE

R1-1-30 (x1)

30" HIGH INTENSITY PRISMATIC
STOP SIGN | .080" THICKNESS
STANDARD DOT HOLES
RED REFLECTIVE BACKGROUND
WHITE REFLECTIVE COPY
APPLY BLACK VINYL TO BACK



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TOWN OF SURFSIDE FL

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BASE: BS-04H (x1)

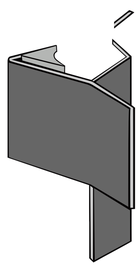
LEGEND BASE (1 pc.)
FITS 4" OD POLE
HEIGHT: 18.65"
WIDTH: 13.16"
CAST ALUMINUM: ALLOY 356

* fastens with (3) 1/4-20 x 3/8" stainless steel set screws provided

COLLAR HANGER ARM: (x1)
CHA-0-04-36

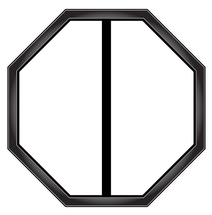
FITS SIGN THICKNESS: .080 - .187
EXTRUDED ALUMINUM FRAME: ALLOY 6063
CAST ALUMINUM BRACKET: ALLOY 356
SCROLL OPTION: NONE

VLOC-034 (x1)
BREAKAWAY ANCHORS



V-LOC,40-VR3
FOR NEW CONCRETE INSTALLATION
FITS 3" OD ROUND POST
TUBING BREAKAWAY COMPLIANT

STOP FRAME (x1)



SIGN SOLD SEPARATE

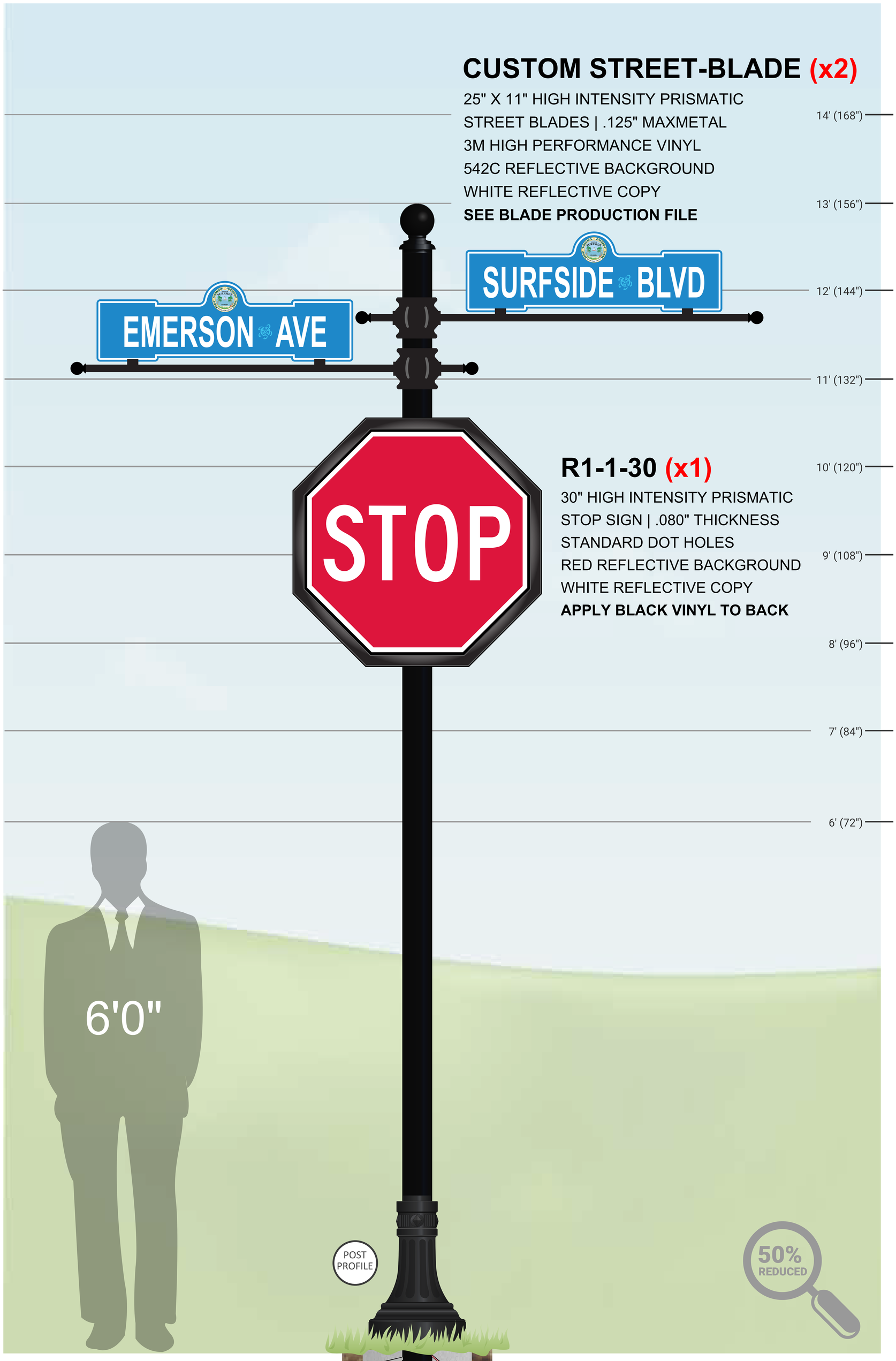
30" STOP SIGN: SF-SS03
STANDARD HOLE PUNCH
2" WIDE EXTRUDED
ALUMINUM ALLOY #6063

APPROVED

- ☐ AS IS
- ☐ AS CORRECTED
- ☐ REVISE & RESUBMIT

AUTHORIZED SIGNATURE

DATE



CUSTOM STREET-BLADE (x2)

25" X 11" HIGH INTENSITY PRISMATIC
STREET BLADES | .125" MAXMETAL
3M HIGH PERFORMANCE VINYL
542C REFLECTIVE BACKGROUND
WHITE REFLECTIVE COPY
SEE BLADE PRODUCTION FILE

R1-1-30 (x1)

30" HIGH INTENSITY PRISMATIC
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RED REFLECTIVE BACKGROUND
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APPLY BLACK VINYL TO BACK

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QTY: 1

QTY: 1

Town of Surfside
Regular Town Commission Meeting
September 13, 2022

DISCUSSION ITEM MEMORANDUM

Agenda #: 9D.
Date: September 13, 2022
From: Andrew Hyatt, Town Manager
Subject: Update on Improving Walkability and Pedestrian Safety within Residential Area

---

Background/Analysis: – In order to improve walkability and pedestrian safety within the Town, and based on Town Commission direction to report back with an implementation time frame and associated costs, the following status update is being provided:

- Town-wide Traffic Study
  - Town held the Traffic Study kick-off meeting on August 26 2022 with the Corradino Group to discuss project objective, activities and time table. A project schedule will be provided and distributed. Key dates upcoming are:
    - Video and tube data collection during September 2022
    - Community Outreach meeting during December 2022 (date pending)

- One Way Trial Implementation Strategies Update
  - Refer to **Exhibit A** - "One Way Pilot Technical Memorandum" that outlines the procedure for the implementation of one-way trial within the residential neighborhood.
  - Town administration was tasked to provide an estimate of probable cost for the implementation of a one-way trial. This estimate can be found in **Exhibit B** - "Estimate of Probable Cost for One-Way Trial Implementation". The estimate presents three cost alternatives based on simple implementation, moderate implementation and complete implementation.
  - Based on engineering recommendation, data from Traffic Study can be used to warrant a one way trial or other traffic modifications.

- 91 Street Boulevard Beautification
  - Through various funding sources, including State Appropriations, the Town of Surfside has or has allocated an approximate total of $1,050,000 towards the beautification of 91 ST, also known as, Surfside Boulevard between Abbott Avenue and Bay Drive. As a result, the Town is seeking to retain engineering services for the design and permitting of the project so that construction start occurs at the conclusion of the Abbott Avenue Drainage Improvements project.

date: September 2, 2022

to: Hector Gomez, P.E., Public Works Director, Town of Surfside

from: Eric Czerniejewski, P.E., ENV SP

subject: One Way Street Pilot Program- Town of Surfside

MEMORANDUM

The Town of Surfside has requested clarification regarding the process for the evaluation of a one-way street pilot program. I contacted Doraida Rodriguez, P.E., PTOE at Miami-Dade Department of Transportation and Public Works (DTPW) Traffic Engineering Division on 08/29/2022 to discuss the process. I was told Miami-Dade County DTPW has in the past approved temporary pilot programs to evaluate one-way streets on a temporary basis. These pilot projects included the Washington Avenue corridor and the Miami Beach Flamingo Park Neighborhood during the pandemic in 2020. The Washington Avenue corridor pilot project created additional space for restaurants along Washington Avenue to create expanded dining space. The Flamingo Park Neighborhood used the Slow Streets concepts from the National Association of City Transportation Officials (NACTO)

The process would need to follow the Miami-Dade County Department of Transportation and Public Works (DTPW) Traffic Engineering Division criteria within the "Traffic Flow Modifications/Street Closure Procedure" dated January 2009 or as amended.

Miami-Dade County has exclusive jurisdiction over traffic control within a municipality. As such, the municipal jurisdictions are required to submit a traffic study to PWD for their review and approval. The study must support the proposed traffic flow modification(s)/street closure(s) and show that County and State roadways would not be adversely impacted as a result of such traffic flow modification(s)/street closure(s).

The following steps need to be followed per this document.

:

1. Submit letter request or application to Miami-Dade County DTPW identifying the traffic concern (traffic intrusion, excessive traffic volume, speeding, traffic accidents, etc.).
    a. Identify the type of traffic control measure that is being requested (one-way street pilot program).
    b. Identify on whose behalf the application is being made (i.e. HOA, Individual or the Town)

2. A traffic study methodology is required to be submitted to Miami-Dade County DTPW for review and approval. The Town will need to coordinate with applicable public agencies that with agencies potentially affected by the proposed traffic flow modification(s)/street closure(s) to obtain concurrence/approval. All comments brought forth by these agencies should be resolved.

3. A traffic study will need to be prepared per the approved traffic study methodology. The traffic study will be submitted for review and approval by Miami-Dade County DTPW.

4. Concurrence by affected residents and/or property owners is required. A one-way pilot program will require concurrence of two thirds (2/3) of the affected residents and/or property owners, who elected to vote (ballots received). Non-voters are not counted (ballots not returned). In lieu of concurrence from the affected residents and/or property owners, the Town may pass a resolution after a public hearing requesting Miami-Dade County DTPW to consider the proposed traffic flow modification(s)/street closure(s).

Miami-Dade County has the sole discretion, subject to all applicable laws, to approve, modify, remove, continue or deny any traffic flow modification(s)/street closure(s) request regardless of any support or lack thereof via the petition process. The approval or denial issued by the Director of PWD for a traffic flow modification(s)/street closure(s) is final.

The results of the traffic study must meet the first criteria and at least one of the remaining criteria in for the Miami-Dade County DTPW to consider traffic calming measures as outlined in the Table of Appendix 1 as included as part of the Miami-Dade County Department of Transportation and Public Works (DTPW) Traffic Engineering Division criteria within the “Traffic Flow Modifications/Street Closure Procedure” dated January 2009 or as amended.

APPENDIX 1

Public Works Department – Traffic Engineering Division
Policy on Traffic Calming Measures

Must meet the first criteria and at least one of the remaining criteria in order for the Public Works Department to consider traffic calming measures:

Criterion	Residential Local Streets	Residential Collector Streets
Minimum Traffic Volume	>1,500 VPD <3000***	>3,000 VPD <8,000***
	>150 VPH <300***	>300 VPH <800
85th Percentile Speed+	10 MPH> Speed Limit	10 MPH> Speed Limit
Correctable Accidents per year	>3 per year	>6 per year
Cut Through Traffic during the a.m. or p.m. peak hour	>25%	>50%
Pedestrian Crossing Volume during the a.m. or p.m. peak hour	>25	>50
Concurrence from affected residents/property owners.*	2/3 of returned ballots**	2/3 of returned ballots **

VPD = Vehicles per day;
VPH = Vehicles per hour

\+ It is the speed at which 85% of motorists travel.
* Affected residents/property owners to be determined on a case by case basis.

** For traffic circle 100% concurrence from adjacent affected residents and or property owners is required.
Municipal Jurisdictions: In lieu of concurrence a resolution is acceptable from municipalities.

*** The traffic volume within a municipal boundary could be reduced by a total of 30%, and speed by 50% at the request of and for those municipalities, which provide funding for their traffic calming program.

Town of Surfside
Public Works Department
Exhibit B - Estimate of Probable Cost for One Way Trial Implementation

Item Number	Activity	Simple Implementation	Moderate Implementation	Complex Implementation
1	General Conditions	$55,000.00	$75,000.00	$100,000.00
2	Removal of Existing Conditions	$35,000.00	$35,000.00	$35,000.00
3	Striping and Reflective Pavement Markers (RPM's)	$27,360.00	$27,360.00	$27,360.00
4	Signage	$55,760.00	$55,760.00	$55,760.00
5	Dilineators		$43,200.00	$43,200.00
6	Entry Islands		$150,000.00	$150,000.00
7	Landscape along passive area			$82,000.00
Total Cost		$173,120.00	$386,320.00	$493,320.00

Town of Surfside
Regular Town Commission Meeting
September 13, 2022

DISCUSSION ITEM MEMORANDUM

Agenda #: 9E.
Date: September 13, 2022
From: Shlomo Danzinger, Mayor
Subject: Hedges in the Right of Way (H30A/H30B)

Suggested Action: – For the commission to determine if a revision to the town code is required regarding bushes in the right-of-way for the H30A & H30B zones.

Background/Analysis: – The Towns Code of Ordinances forbids hedges to be planted in the town's right of way. As of today, there are many, many homes/properties in Surfside which have hedges in the right of way.

Historically, the town has never enforced the ordinance, since it would be a situation too complex to address since so many residents would be in violation. However, more recently, homeowners who have recently planted hedges in the right of way have been given violations and penalties.

This does not seem fair given the precedence. Additionally, the Town of Surfside has budgeted millions of dollars for the FPL under-grounding project to cover the cost of REPLACING residents' hedges that may have to be removed for the project. This is not consistent with the Town's laws in regards to any other aspect of a home that is out of code (which may have been grandfathered in). For example; if a resident were to have a fence that was out of code but grandfathered in, and the fence was to be damaged or destroyed, the homeowner would NOT be allowed to replace the fence with a fence that did not meet the current code. However, in the case of hedges that are out of code, the residents are set to spend MILLIONS of dollars to replace hedges that do not meet code. This means that the same resident who is being fined and punished for planting his hedges in the right-of-way, will be paying over the next 30 years to replace his neighbor's hedges - which are also out of code.

My suggestion is for the commission to discuss and propose a solution that would be fair and balanced to all the residents.

Town of Surfside
Regular Town Commission Meeting
September 13, 2022

DISCUSSION ITEM MEMORANDUM

Agenda #: 9F.
Date: September 13, 2022
From: Commissioner Marianne Meischeid
Subject: Pelican Harbor Seabird Station Donation Request

Suggested Action: – Continue the Town of Surfside's legacy in donating $1,000 to their cause of rehabilitating and releasing seabirds, pelican and other wildlife.

Background/Analysis: – The Town of Surfside in the past few years has donated to the Pelican Harbor Seabird Station located in Miami-Dade County. They have dedicated their services since 1980 to revolutionize the rehabilitation and care of Brown Pelicans and assist sick and/or injured birds. Pelican Harbor Seabird Station is Miami's native wildlife hospital and according to their website have treated over 39,500 native wildlife patients, including over 9,000 pelicans.

Budget Impact: – The budget impact will be $1,000.

Application by Not-For-Profit/Charitable Organization for Financial or In-Kind Assistance from The Town of Surfside

Legal Name of Applicant: Pelican Harbor Seabird Station Inc.

Year Established in Florida: 1980

Business Address: 1279 NE 79th St. Causeway, Miami FL 33138

Business Phone Number: 305-762-7633

Contact Name and Phone Number: Judith Gatti – 305-324-3694

Contact email address: development@pelicanharbor.org

Business Website URL: www.pelicanharbor.org

Describe the services you will provide to the Town of Surfside Residents or Businesses with the assistance you will receive from the Town:
Pelican Harbor is dedicated to the rescue, rehabilitation, and release of Florida's native wildlife. We assist the residents and visitors of Surfside when they encounter an injured or displaced wild animal and provide veterinary care as a free service to the community. We also engage with the community via events, educational presentations and bird releases.

What assistance do you need from the Town:
We are requesting a $1,000 contribution to cover services rendered for the town of Surfside. Last year, Pelican Harbor treated 25 patients from your area. With an average cost of care of $292 per patient, your contribution will help to offset these expenses.

Who will be the person in your organization accountable for the assistance the Town provides your organization:
Hannah McDougall; hannah@pelicanharbor.org and Samantha Martinez: Sam@pelicanharbor.org

How will you measure and report to the Town how well the assistance was used by your organization:
We will use files from our online patient database to report the amount and type of species that we treat from Surfside each year. We will also record the date, location, and attendance of any Surfside community events.

If you have provided the intended services to other communities or organizations, please briefly describe them below or attach them to this application:
In the past 41 years, Pelican Harbor has treated over 39,500 animals from every municipality in

Miami-Dade. In the past, we have partnered with Miami Beach, Bay Harbor Islands, South Miami, Biscayne Park, Williams Island, North Bay Village, and Miami Shores through sponsorships or contributions for services rendered to their communities.

If you are not awarded the assistance you are requesting, what do you think it will mean to the community and the Town:
If we do not receive this assistance, it may influence our ability to provide the optimal level of care for our patients, including those that come from the Town of Surfside and/or our ability to participate in community events and/or bird releases.

Please detail any known relationship (familial, business, friendship, etc.), no matter how distant, that your organization has with any elected official or employee of the Town of Surfside:
We have partnered with the Town of Surfside for the past four years to do bird releases at the Community Center on Earth Day, tabling for environmental education at the Earth Day event, as well as rescuing and providing medical care for dozens of wildlife patients annually from within your area. We have also worked with Elizabeth Hopkins at the Community Center and Vice Mayor Paul has been present for many of our releases and often represented Surfside at our annual Pelican Party celebration.

- **Documents to be submitted with applications from not-for-profit organizations:**
  - State of Florida Certificate of Status, Non-Profit Corporation
  - IRS Ruling or Determination Letter of your charitable status
  - Your most recent annual information return (Form 990 or 990-EZ) or a determination letter stating your organization is exempt from the annual return requirement
  - A letter from the applicant that is signed by an individual authorized to make the request of the Town stating that the application has been authorized by the organization

Commission Approval Date: _____

Commission Approval Amount: _____

Attested by: _____
Sandra Novoa, Town Clerk

*Approved form to be delivered to Finance Department for processing

Board of Directors

David Epstein
Chairman

Marcus McCarthy
Vice Chairman

Darren Steinbook
Treasurer

Helene Valentine

Adrian P. Chapman

Jacqueline Contney

Robert Glidewell

Jacqueline D. Greenberg, CPA

Marilyn Magill

David Williams, Jr.

Staff

Christopher Boykin
Executive Director

Chloe Chelz
Assistant Director

Yaritza Acosta
Wildlife Rehabilitation Manager

Hannah McDougall
Director of Communications

Stephanie Moure
Operations & IT Manager

Linda Gregard, DVM
Veterinarian

Renata Schneider, DVM
Veterinarian & Clinic Liaison

Amanda Burke
Wildlife Rehabilitator & Intern Coordinator

Mary Diddle
Accounting Coordinator

Judith Gatti
Development Director

Carolina Labro
Wildlife Rehabilitator

Samantha Martinez
Environmental Educator

Ricky Nieves
Wildlife Intake Coordinator

Jacquelyn Schoppe
Wildlife Rehabilitator

Alissa Shull
Wildlife Rehabilitator

Sarah Stinson-Hurwitz
Wildlife Intake Associate

Pelican Harbor
SEABIRD STATION

To Whom It May Concern:

I have reviewed the attached application for financial assistance from the Town of Surfside and authorize this request on behalf of Pelican Harbor Seabird Station Inc.

We look forward to our continued partnership with the Town of Surfside and thank you for your time and consideration.

Sincerely,

Christopher Boykin

Executive Director

1279 NE 79th St. Causeway, Miami, FL 33138 | 305-751-9840 | PelicanHarbor.org

Pelican Harbor Seabird Station is a registered 501(c)(3) non-profit. Our registration # is CH17487. A copy of the official registration and financial information may be obtained from the Division of Consumer Services by calling 800.435.7352 toll-free within the State.
Federal Tax ID # 59-2137331

02.03.22

Form **990**

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

► Do not enter social security numbers on this form as it may be made public.

► Go to *www.irs.gov/Form990* for instructions and the latest information.

OMB No. 1545-0047

2021

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

A For the 2021 calendar year, or tax year beginning , 2021, and ending , 20

B Check if applicable:
☐ Address change
☐ Name change
☐ Initial return
☐ Final return/terminated
☐ Amended return
☐ Application pending

C Name of organization Pelican Harbor Seabird Station, Inc.

Doing business as

Number and street (or P.O. box if mail is not delivered to street address) 1279 NE 79th Street Causeway

Room/suite

City or town, state or province, country, and ZIP or foreign postal code Miami, FL 33138

D Employer identification number 59-2137331

E Telephone number (305)751-9840

G Gross receipts $2,447,947.

F Name and address of principal officer: Darren Steinbook, 1279 NE 79th Street Causeway, Miami, FL 33138

H(a) Is this a group return for subordinates? ☐ Yes ☒ No

H(b) Are all subordinates included? ☐ Yes ☐ No

If "No," attach a list. See instructions.

I Tax-exempt status: ☒ 501(c)(3) ☐ 501(c) ( ) ◄ (insert no.) ☐ 4947(a)(1) or ☐ 527

J Website: ► pelicanharbor.org

H(c) Group exemption number ►

K Form of organization: ☒ Corporation ☐ Trust ☐ Association ☐ Other ►

L Year of formation: 1981

M State of legal domicile: FL

Part I Summary

Activities & Governance

1 Briefly describe the organization's mission or most significant activities: Pelican Harbor Seabird Station is dedicated to the rescue, rehabilitation and release of sick, injured or orphaned brown pelicans, seabirds, and other native wildlife; and the preservation and protection

2 Check this box ► ☐ if the organization discontinued its operations or disposed of more than 25% of its net assets.

3	Number of voting members of the governing body (Part VI, line 1a)	3	11
4	Number of independent voting members of the governing body (Part VI, line 1b)	4	11
5	Total number of individuals employed in calendar year 2021 (Part V, line 2a)	5	16
6	Total number of volunteers (estimate if necessary)	6	9
7a	Total unrelated business revenue from Part VIII, column (C), line 12	7a	0.
b	Net unrelated business taxable income from Form 990-T, Part I, line 11	7b	0.

Revenue

		Prior Year	Current Year
8	Contributions and grants (Part VIII, line 1h)	2,498,511.	2,423,951.
9	Program service revenue (Part VIII, line 2g)	4,894.	22,485.
10	Investment income (Part VIII, column (A), lines 3, 4, and 7d)	1,070.	-2,933.
11	Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e)	16,127.	-1,590.
12	Total revenue—add lines 8 through 11 (must equal Part VIII, column (A), line 12)	2,520,602.	2,441,913.

Expenses

13	Grants and similar amounts paid (Part IX, column (A), lines 1–3)		
14	Benefits paid to or for members (Part IX, column (A), line 4)		
15	Salaries, other compensation, employee benefits (Part IX, column (A), lines 5–10)	556,429.	673,487.
16a	Professional fundraising fees (Part IX, column (A), line 11e)		
b	Total fundraising expenses (Part IX, column (D), line 25) ► 82,598.		
17	Other expenses (Part IX, column (A), lines 11a–11d, 11f–24e)	344,041.	524,610.
18	Total expenses. Add lines 13–17 (must equal Part IX, column (A), line 25)	900,470.	1,198,097.
19	Revenue less expenses. Subtract line 18 from line 12	1,620,132.	1,243,816.

Net Assets or Fund Balances

		Beginning of Current Year	End of Year
20	Total assets (Part X, line 16)	4,221,057.	5,899,329.
21	Total liabilities (Part X, line 26)	636,814.	1,071,269.
22	Net assets or fund balances. Subtract line 21 from line 20	3,584,243.	4,828,060.

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here

Signature of officer — Date: 04/04/2022

Darren Steinbook, Treasurer
Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check ☒ if self-employed	PTIN
Marie Rosier				P01700480

Firm's name ► MMR CPA — Firm's EIN ► 45-3219117

Firm's address ► 4000 Hollywood Blvd Suite 555-S, Hollywood, FL 33021 — Phone no. (954)448-7721

May the IRS discuss this return with the preparer shown above? See instructions ☒ Yes ☐ No

Part III Statement of Program Service Accomplishments

Check if Schedule O contains a response or note to any line in this Part III . . . . . ☐

1 Briefly describe the organization's mission:

Pelican Harbor Seabird Station is dedicated to the rescue, rehabilitation and release of sick, injured or orphaned brown pelicans, seabirds, and other native wildlife; and the preservation and protection

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ? . . . . . ☐ **Yes** ☒ **No**

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services? . . . . . ☐ **Yes** ☒ **No**

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code:) (Expenses $ 1,012,251. including grants of $ 0.) (Revenue $ 2,443,503.)

Pelican Harbor Seabird Station, Inc. (PHSS) is a FL non-for-profit corporation and federally permitted wildlife rehabilitation facility under US Fish and wildlife permit #MB-4856A-0. Pelican Harbor Seabird Station is dedicated to the rescue, rehabilitation and release of sick, injured or orphaned brown pelicans, seabirds and other native wildlife; and the preservation and protection of these species through educational and scientific means. A total of 2,124 patients of 118 native species were treated in 2021 and over 5,615 wildlife calls were fielded by staff and volunteers.

4b (Code:) (Expenses $ including grants of $) (Revenue $)

4c (Code:) (Expenses $ including grants of $) (Revenue $)

4d Other program services (Describe on Schedule O.)
(Expenses $ including grants of $) (Revenue $)

4e Total program service expenses ▶ 1,012,251.

Part IV Checklist of Required Schedules

			Yes	No
1	Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? *If "Yes," complete Schedule A*	1	×	
2	Is the organization required to complete *Schedule B, Schedule of Contributors*? See instructions	2	×	
3	Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? *If "Yes," complete Schedule C, Part I*	3		×
4	**Section 501(c)(3) organizations.** Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? *If "Yes," complete Schedule C, Part II*	4		×
5	Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Rev. Proc. 98-19? *If "Yes," complete Schedule C, Part III*	5		×
6	Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? *If "Yes," complete Schedule D, Part I*	6		×
7	Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? *If "Yes," complete Schedule D, Part II*	7		×
8	Did the organization maintain collections of works of art, historical treasures, or other similar assets? *If "Yes," complete Schedule D, Part III*	8		×
9	Did the organization report an amount in Part X, line 21, for escrow or custodial account liability, serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? *If "Yes," complete Schedule D, Part IV*	9		×
10	Did the organization, directly or through a related organization, hold assets in donor-restricted endowments or in quasi endowments? *If "Yes," complete Schedule D, Part V*	10		×
11	If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X, as applicable.			
a	Did the organization report an amount for land, buildings, and equipment in Part X, line 10? *If "Yes," complete Schedule D, Part VI*	11a	×	
b	Did the organization report an amount for investments—other securities in Part X, line 12, that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VII*	11b		×
c	Did the organization report an amount for investments—program related in Part X, line 13, that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part VIII*	11c		×
d	Did the organization report an amount for other assets in Part X, line 15, that is 5% or more of its total assets reported in Part X, line 16? *If "Yes," complete Schedule D, Part IX*	11d		×
e	Did the organization report an amount for other liabilities in Part X, line 25? *If "Yes," complete Schedule D, Part X*	11e		×
f	Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? *If "Yes," complete Schedule D, Part X*	11f		×
12a	Did the organization obtain separate, independent audited financial statements for the tax year? *If "Yes," complete Schedule D, Parts XI and XII*	12a		×
b	Was the organization included in consolidated, independent audited financial statements for the tax year? *If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI and XII is optional*	12b		×
13	Is the organization a school described in section 170(b)(1)(A)(ii)? *If "Yes," complete Schedule E*	13		×
14a	Did the organization maintain an office, employees, or agents outside of the United States?	14a		×
b	Did the organization have aggregate revenues or expenses of more than $10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at $100,000 or more? *If "Yes," complete Schedule F, Parts I and IV*	14b		×
15	Did the organization report on Part IX, column (A), line 3, more than $5,000 of grants or other assistance to or for any foreign organization? *If "Yes," complete Schedule F, Parts II and IV*	15		×
16	Did the organization report on Part IX, column (A), line 3, more than $5,000 of aggregate grants or other assistance to or for foreign individuals? *If "Yes," complete Schedule F, Parts III and IV*	16		×
17	Did the organization report a total of more than $15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? *If "Yes," complete Schedule G, Part I.* See instructions	17		×
18	Did the organization report more than $15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? *If "Yes," complete Schedule G, Part II*	18		×
19	Did the organization report more than $15,000 of gross income from gaming activities on Part VIII, line 9a? *If "Yes," complete Schedule G, Part III*	19		×
20a	Did the organization operate one or more hospital facilities? *If "Yes," complete Schedule H*	20a		×
b	If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?	20b		
21	Did the organization report more than $5,000 of grants or other assistance to any domestic organization or domestic government on Part IX, column (A), line 1? *If "Yes," complete Schedule I, Parts I and II*	21		×

Part IV Checklist of Required Schedules *(continued)*

			Yes	No
22	Did the organization report more than $5,000 of grants or other assistance to or for domestic individuals on Part IX, column (A), line 2? *If "Yes," complete Schedule I, Parts I and III*	22		×
23	Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5, about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? *If "Yes," complete Schedule J*	23		×
24a	Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than $100,000 as of the last day of the year, that was issued after December 31, 2002? *If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25a*	24a		×
b	Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?	24b		
c	Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?	24c		
d	Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?	24d		
25a	**Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations.** Did the organization engage in an excess benefit transaction with a disqualified person during the year? *If "Yes," complete Schedule L, Part I*	25a		×
b	Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? *If "Yes," complete Schedule L, Part I*	25b		×
26	Did the organization report any amount on Part X, line 5 or 22, for receivables from or payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons? *If "Yes," complete Schedule L, Part II*	26		×
27	Did the organization provide a grant or other assistance to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity (including an employee thereof) or family member of any of these persons? *If "Yes," complete Schedule L, Part III*	27		×
28	Was the organization a party to a business transaction with one of the following parties (see the Schedule L, Part IV, instructions for applicable filing thresholds, conditions, and exceptions):			
a	A current or former officer, director, trustee, key employee, creator or founder, or substantial contributor? *If "Yes," complete Schedule L, Part IV*	28a		×
b	A family member of any individual described in line 28a? *If "Yes," complete Schedule L, Part IV*	28b		×
c	A 35% controlled entity of one or more individuals and/or organizations described in line 28a or 28b? *If "Yes," complete Schedule L, Part IV*	28c		×
29	Did the organization receive more than $25,000 in non-cash contributions? *If "Yes," complete Schedule M*	29	×	
30	Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? *If "Yes," complete Schedule M*	30		×
31	Did the organization liquidate, terminate, or dissolve and cease operations? *If "Yes," complete Schedule N, Part I*	31		×
32	Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? *If "Yes," complete Schedule N, Part II*	32		×
33	Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? *If "Yes," complete Schedule R, Part I*	33		×
34	Was the organization related to any tax-exempt or taxable entity? *If "Yes," complete Schedule R, Part II, III, or IV, and Part V, line 1*	34	×	
35a	Did the organization have a controlled entity within the meaning of section 512(b)(13)?	35a		×
b	If "Yes" to line 35a, did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? *If "Yes," complete Schedule R, Part V, line 2*	35b		×
36	**Section 501(c)(3) organizations.** Did the organization make any transfers to an exempt non-charitable related organization? *If "Yes," complete Schedule R, Part V, line 2*	36	×	
37	Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? *If "Yes," complete Schedule R, Part VI*	37		×
38	Did the organization complete Schedule O and provide explanations on Schedule O for Part VI, lines 11b and 19? **Note:** All Form 990 filers are required to complete Schedule O	38	×	

Part V Statements Regarding Other IRS Filings and Tax Compliance

Check if Schedule O contains a response or note to any line in this Part V ☐

				Yes	No
1a	Enter the number reported in box 3 of Form 1096. Enter -0- if not applicable	1a	0		
b	Enter the number of Forms W-2G included on line 1a. Enter -0- if not applicable	1b	0		
c	Did the organization comply with backup withholding rules for reportable payments to vendors and reportable gaming (gambling) winnings to prize winners?	1c		×	

Part V Statements Regarding Other IRS Filings and Tax Compliance *(continued)*

				Yes	No
2a	Enter the number of employees reported on Form W-3, Transmittal of Wage and Tax Statements, filed for the calendar year ending with or within the year covered by this return	2a	16		
b	If at least one is reported on line 2a, did the organization file all required federal employment tax returns?	2b		×	
	Note: If the sum of lines 1a and 2a is greater than 250, you may be required to *e-file*. See instructions.				
3a	Did the organization have unrelated business gross income of $1,000 or more during the year?	3a			×
b	If "Yes," has it filed a Form 990-T for this year? *If "No" to line 3b, provide an explanation on Schedule O*	3b			
4a	At any time during the calendar year, did the organization have an interest in, or a signature or other authority over, a financial account in a foreign country (such as a bank account, securities account, or other financial account)?	4a			×
b	If "Yes," enter the name of the foreign country ▶ ---------- See instructions for filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).				
5a	Was the organization a party to a prohibited tax shelter transaction at any time during the tax year?	5a			×
b	Did any taxable party notify the organization that it was or is a party to a prohibited tax shelter transaction?	5b			×
c	If "Yes" to line 5a or 5b, did the organization file Form 8886-T?	5c			
6a	Does the organization have annual gross receipts that are normally greater than $100,000, and did the organization solicit any contributions that were not tax deductible as charitable contributions?	6a			×
b	If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?	6b			
7	**Organizations that may receive deductible contributions under section 170(c).**				
a	Did the organization receive a payment in excess of $75 made partly as a contribution and partly for goods and services provided to the payor?	7a		×	
b	If "Yes," did the organization notify the donor of the value of the goods or services provided?	7b			×
c	Did the organization sell, exchange, or otherwise dispose of tangible personal property for which it was required to file Form 8282?	7c			×
d	If "Yes," indicate the number of Forms 8282 filed during the year	7d			
e	Did the organization receive any funds, directly or indirectly, to pay premiums on a personal benefit contract?	7e			×
f	Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract?	7f			×
g	If the organization received a contribution of qualified intellectual property, did the organization file Form 8899 as required?	7g			
h	If the organization received a contribution of cars, boats, airplanes, or other vehicles, did the organization file a Form 1098-C?	7h			
8	**Sponsoring organizations maintaining donor advised funds.** Did a donor advised fund maintained by the sponsoring organization have excess business holdings at any time during the year?	8			
9	**Sponsoring organizations maintaining donor advised funds.**				
a	Did the sponsoring organization make any taxable distributions under section 4966?	9a			
b	Did the sponsoring organization make a distribution to a donor, donor advisor, or related person?	9b			
10	**Section 501(c)(7) organizations.** Enter:				
a	Initiation fees and capital contributions included on Part VIII, line 12	10a			
b	Gross receipts, included on Form 990, Part VIII, line 12, for public use of club facilities	10b			
11	**Section 501(c)(12) organizations.** Enter:				
a	Gross income from members or shareholders	11a			
b	Gross income from other sources. (Do not net amounts due or paid to other sources against amounts due or received from them.)	11b			
12a	**Section 4947(a)(1) non-exempt charitable trusts.** Is the organization filing Form 990 in lieu of Form 1041?	12a			
b	If "Yes," enter the amount of tax-exempt interest received or accrued during the year	12b			
13	**Section 501(c)(29) qualified nonprofit health insurance issuers.**				
a	Is the organization licensed to issue qualified health plans in more than one state?	13a			
	Note: See the instructions for additional information the organization must report on Schedule O.				
b	Enter the amount of reserves the organization is required to maintain by the states in which the organization is licensed to issue qualified health plans	13b			
c	Enter the amount of reserves on hand	13c			
14a	Did the organization receive any payments for indoor tanning services during the tax year?	14a			×
b	If "Yes," has it filed a Form 720 to report these payments? *If "No," provide an explanation on Schedule O*	14b			
15	Is the organization subject to the section 4960 tax on payment(s) of more than $1,000,000 in remuneration or excess parachute payment(s) during the year? If "Yes," see the instructions and file Form 4720, Schedule N.	15			
16	Is the organization an educational institution subject to the section 4968 excise tax on net investment income? If "Yes," complete Form 4720, Schedule O.	16			
17	**Section 501(c)(21) organizations.** Did the trust, any disqualified person, or mine operator engage in any activities that would result in the imposition of an excise tax under section 4951, 4952 or 4953? If "Yes," complete Form 6069.	17			

Part VI **Governance, Management, and Disclosure.** *For each "Yes" response to lines 2 through 7b below, and for a "No" response to line 8a, 8b, or 10b below, describe the circumstances, processes, or changes on Schedule O. See instructions.*

Check if Schedule O contains a response or note to any line in this Part VI . . . . . ☒

Section A. Governing Body and Management

				Yes	No
1a	Enter the number of voting members of the governing body at the end of the tax year . . If there are material differences in voting rights among members of the governing body, or if the governing body delegated broad authority to an executive committee or similar committee, explain on Schedule O.	1a	11		
b	Enter the number of voting members included on line 1a, above, who are independent .	1b	11		
2	Did any officer, director, trustee, or key employee have a family relationship or a business relationship with any other officer, director, trustee, or key employee?	2			×
3	Did the organization delegate control over management duties customarily performed by or under the direct supervision of officers, directors, trustees, or key employees to a management company or other person? .	3			×
4	Did the organization make any significant changes to its governing documents since the prior Form 990 was filed?	4			×
5	Did the organization become aware during the year of a significant diversion of the organization's assets? .	5			×
6	Did the organization have members or stockholders?	6			×
7a	Did the organization have members, stockholders, or other persons who had the power to elect or appoint one or more members of the governing body?	7a			×
b	Are any governance decisions of the organization reserved to (or subject to approval by) members, stockholders, or persons other than the governing body?	7b			×
8	Did the organization contemporaneously document the meetings held or written actions undertaken during the year by the following:				
a	The governing body?	8a		×	
b	Each committee with authority to act on behalf of the governing body?	8b		×	
9	Is there any officer, director, trustee, or key employee listed in Part VII, Section A, who cannot be reached at the organization's mailing address? *If "Yes," provide the names and addresses on Schedule O*	9			×

Section B. Policies *(This Section B requests information about policies not required by the Internal Revenue Code.)*

			Yes	No
10a	Did the organization have local chapters, branches, or affiliates?	10a		×
b	If "Yes," did the organization have written policies and procedures governing the activities of such chapters, affiliates, and branches to ensure their operations are consistent with the organization's exempt purposes?	10b		
11a	Has the organization provided a complete copy of this Form 990 to all members of its governing body before filing the form?	11a	×	
b	Describe on Schedule O the process, if any, used by the organization to review this Form 990.			
12a	Did the organization have a written conflict of interest policy? *If "No," go to line 13*	12a	×	
b	Were officers, directors, or trustees, and key employees required to disclose annually interests that could give rise to conflicts?	12b	×	
c	Did the organization regularly and consistently monitor and enforce compliance with the policy? *If "Yes," describe on Schedule O how this was done*	12c	×	
13	Did the organization have a written whistleblower policy?	13		×
14	Did the organization have a written document retention and destruction policy?	14		×
15	Did the process for determining compensation of the following persons include a review and approval by independent persons, comparability data, and contemporaneous substantiation of the deliberation and decision?			
a	The organization's CEO, Executive Director, or top management official	15a	×	
b	Other officers or key employees of the organization	15b	×	
	If "Yes" to line 15a or 15b, describe the process on Schedule O. See instructions.			
16a	Did the organization invest in, contribute assets to, or participate in a joint venture or similar arrangement with a taxable entity during the year?	16a		×
b	If "Yes," did the organization follow a written policy or procedure requiring the organization to evaluate its participation in joint venture arrangements under applicable federal tax law, and take steps to safeguard the organization's exempt status with respect to such arrangements?	16b		

Section C. Disclosure

17 List the states with which a copy of this Form 990 is required to be filed ▶ FL

18 Section 6104 requires an organization to make its Forms 1023 (1024 or 1024-A, if applicable), 990, and 990-T (section 501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.

☐ Own website ☒ Another's website ☒ Upon request ☐ Other *(explain on Schedule O)*

19 Describe on Schedule O whether (and if so, how) the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.

20 State the name, address, and telephone number of the person who possesses the organization's books and records ▶
Brigade Bookkeeping, 6161 Blue Lagoon Dr, Miami, FL 33126 (786)275-0175

Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors

Check if Schedule O contains a response or note to any line in this Part VII . . . . . ☐

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

• List all of the organization's **current** officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.

• List all of the organization's **current** key employees, if any. See the instructions for definition of "key employee."

• List the organization's five **current** highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (box 5 of Form W-2, Form 1099-MISC, and/or box 1 of Form 1099-NEC) of more than $100,000 from the organization and any related organizations.

• List all of the organization's **former** officers, key employees, and highest compensated employees who received more than $100,000 of reportable compensation from the organization and any related organizations.

• List all of the organization's **former directors or trustees** that received, in the capacity as a former director or trustee of the organization, more than $10,000 of reportable compensation from the organization and any related organizations.

See the instructions for the order in which to list the persons above.

☐ Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/ 1099-MISC/ 1099-NEC)	(E) Reportable compensation from related organizations (W-2/ 1099-MISC/ 1099-NEC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) David Epstein Chair	1.00	×						0.	0.	0.
(2) Marilyn Magill VP	1.00	×						0.	0.	0.
(3) Christopher Boykin Executive Director	40.00	×		×		×		97,990.	0.	0.
(4) Darren Steinbook Treasurer	1.00	×						0.	0.	0.
(5) Helene Valentine Secretary	1.00	×						0.	0.	0.
(6) Robert Glidewell Board Member	1.00	×						0.	0.	0.
(7) Marcus McCarthy Vice Chair	1.00	×						0.	0.	0.
(8) Jacqueline Greenberg Board Member	1.00	×						0.	0.	0.
(9) Adrian P. Chapman Board Member	1.00	×						0.	0.	0.
(10) Jacqueline Contney Board Member	1.00	×						0.	0.	0.
(11) David Williams Jr. Board Member	1.00	×						0.	0.	0.
(12)										
(13)										
(14)										

Part VII **Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees** *(continued)*

(A) Name and title	(B) Average hours per week (list any hours for related organizations below dotted line)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/ 1099-MISC/ 1099-NEC)	(E) Reportable compensation from related organizations (W-2/ 1099-MISC/ 1099-NEC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(15)										
(16)										
(17)										
(18)										
(19)										
(20)										
(21)										
(22)										
(23)										
(24)										
(25)										
1b **Subtotal** ▶								97,990.	0.	0.
c **Total from continuation sheets to Part VII, Section A** ▶										
d **Total (add lines 1b and 1c)** ▶								97,990.	0.	0.

2 Total number of individuals (including but not limited to those listed above) who received more than $100,000 of reportable compensation from the organization ▶ 0

		Yes	No
3	Did the organization list any **former** officer, director, trustee, key employee, or highest compensated employee on line 1a? *If "Yes," complete Schedule J for such individual* **3**		×
4	For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than $150,000? *If "Yes," complete Schedule J for such individual* **4**		×
5	Did any person listed on line 1a receive or accrue compensation from any unrelated organization or individual for services rendered to the organization? *If "Yes," complete Schedule J for such person* **5**		×

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than $100,000 of compensation from the organization. Report compensation for the calendar year ending with or within the organization's tax year.

(A) Name and business address	(B) Description of services	(C) Compensation

2 Total number of independent contractors (including but not limited to those listed above) who received more than $100,000 of compensation from the organization ▶

Part VIII Statement of Revenue

Check if Schedule O contains a response or note to any line in this Part VIII . . . . . ☐

					(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512–514
Contributions, Gifts, Grants, and Other Similar Amounts	1a	Federated campaigns	1a					
	b	Membership dues	1b					
	c	Fundraising events	1c					
	d	Related organizations	1d					
	e	Government grants (contributions)	1e					
	f	All other contributions, gifts, grants, and similar amounts not included above	1f	2,423,951.				
	g	Noncash contributions included in lines 1a–1f	1g	$ 47,041.				
	h	**Total.** Add lines 1a–1f ▶			2,423,951.			
Program Service Revenue			Business Code					
	2a	Seabirds on the Bay	712190		22,485.	22,485.	0.	0.
	b							
	c							
	d							
	e							
	f	All other program service revenue						
	g	**Total.** Add lines 2a–2f ▶			22,485.			
Other Revenue	3	Investment income (including dividends, interest, and other similar amounts) ▶			1,511.	1,511.	0.	0.
	4	Income from investment of tax-exempt bond proceeds ▶						
	5	Royalties ▶						
				(i) Real / (ii) Personal				
	6a	Gross rents	6a					
	b	Less: rental expenses	6b					
	c	Rental income or (loss)	6c					
	d	Net rental income or (loss) ▶						
				(i) Securities / (ii) Other				
	7a	Gross amount from sales of assets other than inventory	7a	0.				
	b	Less: cost or other basis and sales expenses	7b	4,444.				
	c	Gain or (loss)	7c	-4,444.				
	d	Net gain or (loss) ▶			-4,444.	-4,444.	0.	0.
	8a	Gross income from fundraising events (not including $ ____ of contributions reported on line 1c). See Part IV, line 18	8a	0.				
	b	Less: direct expenses	8b	1,590.				
	c	Net income or (loss) from fundraising events ▶			-1,590.		0.	-1,590.
	9a	Gross income from gaming activities. See Part IV, line 19	9a					
	b	Less: direct expenses	9b					
	c	Net income or (loss) from gaming activities ▶						
	10a	Gross sales of inventory, less returns and allowances	10a					
	b	Less: cost of goods sold	10b					
	c	Net income or (loss) from sales of inventory ▶						
Miscellaneous Revenue			Business Code					
	11a							
	b							
	c							
	d	All other revenue						
	e	**Total.** Add lines 11a–11d ▶						
	12	**Total revenue.** See instructions ▶			2,441,913.	19,552.	0.	-1,590

Part IX Statement of Functional Expenses

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A).

Check if Schedule O contains a response or note to any line in this Part IX . . . . . ☐

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to domestic organizations and domestic governments. See Part IV, line 21				
2 Grants and other assistance to domestic individuals. See Part IV, line 22				
3 Grants and other assistance to foreign organizations, foreign governments, and foreign individuals. See Part IV, lines 15 and 16				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	97,989.	80,351.	9,799.	7,839.
6 Compensation not included above to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	506,348.	415,205.	50,635.	40,508.
8 Pension plan accruals and contributions (include section 401(k) and 403(b) employer contributions)	10,139.	8,314.	1,014.	811.
9 Other employee benefits	16,123.	13,221.	1,612.	1,290.
10 Payroll taxes	42,888.	35,168.	4,289.	3,431.
11 Fees for services (nonemployees):				
a Management				
b Legal				
c Accounting	19,038.	15,611.	1,904.	1,523.
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other. (If line 11g amount exceeds 10% of line 25, column (A), amount, list line 11g expenses on Schedule O.)				
12 Advertising and promotion	41,827.	34,298.	4,183.	3,346.
13 Office expenses	75,144.	61,618.	7,514.	6,012.
14 Information technology				
15 Royalties				
16 Occupancy				
17 Travel				
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest	7,198.	5,902.	720.	576.
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	19,751.	16,196.	1,975.	1,580.
23 Insurance	15,473.	12,688.	1,547.	1,238.
24 Other expenses. Itemize expenses not covered above. (List miscellaneous expenses on line 24e. If line 24e amount exceeds 10% of line 25, column (A), amount, list line 24e expenses on Schedule O.)				
a Repair and Maintenance	133,518.	109,485.	13,352.	10,681.
b Veterinarian Supplies and Lab	92,993.	92,993.	0.	0.
c Patient Transport	13,702.	13,702.	0.	0.
d Educational Programming	58,217.	58,217.	0.	0.
e All other expenses	47,749.	39,282.	4,704.	3,763.
25 **Total functional expenses.** Add lines 1 through 24e	1,198,097.	1,012,251.	103,248.	82,598.
26 **Joint costs.** Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation. Check here ▶ ☐ if following SOP 98-2 (ASC 958-720)				

Part X Balance Sheet

Check if Schedule O contains a response or note to any line in this Part X . . . . . ☐

				(A) Beginning of year		(B) End of year
Assets	1	Cash—non-interest-bearing		1,265,660.	1	2,454,376.
	2	Savings and temporary cash investments			2	
	3	Pledges and grants receivable, net			3	
	4	Accounts receivable, net		135,464.	4	301,470.
	5	Loans and other receivables from any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons			5	
	6	Loans and other receivables from other disqualified persons (as defined under section 4958(f)(1)), and persons described in section 4958(c)(3)(B)			6	
	7	Notes and loans receivable, net			7	
	8	Inventories for sale or use			8	
	9	Prepaid expenses and deferred charges		3,312.	9	
	10a	Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	10a 3,143,483.			
	b	Less: accumulated depreciation	10b	2,816,621.	10c	3,143,483.
	11	Investments—publicly traded securities			11	
	12	Investments—other securities. See Part IV, line 11			12	
	13	Investments—program-related. See Part IV, line 11			13	
	14	Intangible assets			14	
	15	Other assets. See Part IV, line 11			15	
	16	**Total assets.** Add lines 1 through 15 (must equal line 33)		4,221,057.	16	5,899,329.
Liabilities	17	Accounts payable and accrued expenses		18,571.	17	55,931.
	18	Grants payable			18	
	19	Deferred revenue			19	
	20	Tax-exempt bond liabilities			20	
	21	Escrow or custodial account liability. Complete Part IV of Schedule D			21	
	22	Loans and other payables to any current or former officer, director, trustee, key employee, creator or founder, substantial contributor, or 35% controlled entity or family member of any of these persons			22	
	23	Secured mortgages and notes payable to unrelated third parties		532,043.	23	986,804.
	24	Unsecured notes and loans payable to unrelated third parties		86,200.	24	28,534.
	25	Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17–24). Complete Part X of Schedule D			25	
	26	**Total liabilities.** Add lines 17 through 25		636,814.	26	1,071,269.
Net Assets or Fund Balances		**Organizations that follow FASB ASC 958, check here ▶ ☒ and complete lines 27, 28, 32, and 33.**				
	27	Net assets without donor restrictions		2,545,192.	27	2,805,828.
	28	Net assets with donor restrictions		1,039,051.	28	2,022,232.
		Organizations that do not follow FASB ASC 958, check here ▶ ☐ and complete lines 29 through 33.				
	29	Capital stock or trust principal, or current funds			29	
	30	Paid-in or capital surplus, or land, building, or equipment fund			30	
	31	Retained earnings, endowment, accumulated income, or other funds			31	
	32	Total net assets or fund balances		3,584,243.	32	4,828,060.
	33	Total liabilities and net assets/fund balances		4,221,057.	33	5,899,329.

Part XI Reconciliation of Net Assets

Check if Schedule O contains a response or note to any line in this Part XI . . . . . ☐

1	Total revenue (must equal Part VIII, column (A), line 12)	1	2,441,913.
2	Total expenses (must equal Part IX, column (A), line 25)	2	1,198,097.
3	Revenue less expenses. Subtract line 2 from line 1	3	1,243,816.
4	Net assets or fund balances at beginning of year (must equal Part X, line 32, column (A))	4	3,584,243.
5	Net unrealized gains (losses) on investments	5	
6	Donated services and use of facilities	6	
7	Investment expenses	7	
8	Prior period adjustments	8	
9	Other changes in net assets or fund balances (explain on Schedule O)	9	
10	Net assets or fund balances at end of year. Combine lines 3 through 9 (must equal Part X, line 32, column (B))	10	4,828,059.

Part XII Financial Statements and Reporting

Check if Schedule O contains a response or note to any line in this Part XII . . . . . ☐

			Yes	No
1	Accounting method used to prepare the Form 990: ☐ Cash ☒ Accrual ☐ Other _____ If the organization changed its method of accounting from a prior year or checked "Other," explain on Schedule O.			
2a	Were the organization's financial statements compiled or reviewed by an independent accountant?	2a	X	
	If "Yes," check a box below to indicate whether the financial statements for the year were compiled or reviewed on a separate basis, consolidated basis, or both:			
	☒ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis			
b	Were the organization's financial statements audited by an independent accountant?	2b		X
	If "Yes," check a box below to indicate whether the financial statements for the year were audited on a separate basis, consolidated basis, or both:			
	☐ Separate basis ☐ Consolidated basis ☐ Both consolidated and separate basis			
c	If "Yes" to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?	2c	X	
	If the organization changed either its oversight process or selection process during the tax year, explain on Schedule O.			
3a	As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?	3a		X
b	If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why on Schedule O and describe any steps taken to undergo such audits	3b		

SCHEDULE A
(Form 990)

Department of the Treasury
Internal Revenue Service

Public Charity Status and Public Support

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

► **Attach to Form 990 or Form 990-EZ.**

► **Go to *www.irs.gov/Form990* for instructions and the latest information.**

OMB No. 1545-0047

2021

Open to Public Inspection

Name of the organization	Employer identification number
Pelican Harbor Seabird Station, Inc.	59-2137331

Part I **Reason for Public Charity Status.** (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 12, check only one box.)

1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i).**

2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E (Form 990).)

3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii).**

4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii).** Enter the hospital's name, city, and state:

5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv).** (Complete Part II.)

6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**

7 ☒ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II.)

8 ☐ A community trust described in **section 170(b)(1)(A)(vi).** (Complete Part II.)

9 ☐ An agricultural research organization described in **section 170(b)(1)(A)(ix)** operated in conjunction with a land-grant college or university or a non-land-grant college of agriculture (see instructions). Enter the name, city, and state of the college or university:

10 ☐ An organization that normally receives (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions, subject to certain exceptions; and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2).** (Complete Part III.)

11 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4).**

12 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in **section 509(a)(1)** or **section 509(a)(2).** See **section 509(a)(3).** Check the box on lines 12a through 12d that describes the type of supporting organization and complete lines 12e, 12f, and 12g.

a ☐ **Type I.** A supporting organization operated, supervised, or controlled by its supported organization(s), typically by giving the supported organization(s) the power to regularly appoint or elect a majority of the directors or trustees of the supporting organization. **You must complete Part IV, Sections A and B.**

b ☐ **Type II.** A supporting organization supervised or controlled in connection with its supported organization(s), by having control or management of the supporting organization vested in the same persons that control or manage the supported organization(s). **You must complete Part IV, Sections A and C.**

c ☐ **Type III functionally integrated.** A supporting organization operated in connection with, and functionally integrated with, its supported organization(s) (see instructions). **You must complete Part IV, Sections A, D, and E.**

d ☐ **Type III non-functionally integrated.** A supporting organization operated in connection with its supported organization(s) that is not functionally integrated. The organization generally must satisfy a distribution requirement and an attentiveness requirement (see instructions). **You must complete Part IV, Sections A and D, and Part V.**

e ☐ Check this box if the organization received a written determination from the IRS that it is a Type I, Type II, Type III functionally integrated, or Type III non-functionally integrated supporting organization.

f Enter the number of supported organizations . . . . . .

g Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1–10 above (see instructions))	(iv) Is the organization listed in your governing document? Yes	(iv) No	(v) Amount of monetary support (see instructions)	(vi) Amount of other support (see instructions)
(A)						
(B)						
(C)						
(D)						
(E)						
Total						

Part II **Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)**
(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2017	(b) 2018	(c) 2019	(d) 2020	(e) 2021	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")	629,443.	714,487.	1,458,746.	886,090.	1,126,185.	4,814,951.
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge	37,261.	39,497.	41,866.	44,378.	47,041.	210,043.
4 **Total.** Add lines 1 through 3	666,704.	753,984.	1,500,612.	930,468.	1,173,226.	5,024,994.
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						
6 **Public support.** Subtract line 5 from line 4						5,024,994.

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2017	(b) 2018	(c) 2019	(d) 2020	(e) 2021	(f) Total
7 Amounts from line 4	666,704.	753,984.	1,500,612.	930,468.	1,173,226.	5,024,994.
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties, and income from similar sources	877.	708.	3,243.			4,828.
9 Net income from unrelated business activities, whether or not the business is regularly carried on						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
11 **Total support.** Add lines 7 through 10						5,029,822.

12 Gross receipts from related activities, etc. (see instructions) **12**

13 **First 5 years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** . . . . . ▶ ☐

Section C. Computation of Public Support Percentage

14	Public support percentage for 2021 (line 6, column (f), divided by line 11, column (f))	**14**	99.9 %
15	Public support percentage from 2020 Schedule A, Part II, line 14	**15**	99.87 %

16a **33 1/3% support test—2021.** If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . . . ▶ ☒

b **33 1/3% support test—2020.** If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . . . ▶ ☐

17a **10%-facts-and-circumstances test—2021.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the facts-and-circumstances test, check this box and **stop here.** Explain in Part VI how the organization meets the facts-and-circumstances test. The organization qualifies as a publicly supported organization . . . . . ▶ ☐

b **10%-facts-and-circumstances test—2020.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the facts-and-circumstances test, check this box and **stop here.** Explain in Part VI how the organization meets the facts-and-circumstances test. The organization qualifies as a publicly supported organization . . . . . ▶ ☐

18 **Private foundation.** If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions . . . . . ▶ ☐

Part III Support Schedule for Organizations Described in Section 509(a)(2)

(Complete only if you checked the box on line 10 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2017	(b) 2018	(c) 2019	(d) 2020	(e) 2021	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 **Total.** Add lines 1 through 5						
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of $5,000 or 1% of the amount on line 13 for the year						
c Add lines 7a and 7b						
8 **Public support.** (Subtract line 7c from line 6.)						

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2017	(b) 2018	(c) 2019	(d) 2020	(e) 2021	(f) Total
9 Amounts from line 6						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties, and income from similar sources						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b						
11 Net income from unrelated business activities not included on line 10b, whether or not the business is regularly carried on						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						
13 **Total support.** (Add lines 9, 10c, 11, and 12.)						

14 **First 5 years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** ▶ ☐

Section C. Computation of Public Support Percentage

15	Public support percentage for 2021 (line 8, column (f), divided by line 13, column (f))	15	%
16	Public support percentage from 2020 Schedule A, Part III, line 15	16	%

Section D. Computation of Investment Income Percentage

17	Investment income percentage for **2021** (line 10c, column (f), divided by line 13, column (f))	17	%
18	Investment income percentage from **2020** Schedule A, Part III, line 17	18	%

19a **33 1/3% support tests—2021.** If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

b **33 1/3% support tests—2020.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3%, and line 18 is not more than 33 1/3%, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

20 **Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions ▶ ☐

Part IV Supporting Organizations

(Complete only if you checked a box in line 12 on Part I. If you checked box 12a, Part I, complete Sections A and B. If you checked box 12b, Part I, complete Sections A and C. If you checked box 12c, Part I, complete Sections A, D, and E. If you checked box 12d, Part I, complete Sections A and D, and complete Part V.)

Section A. All Supporting Organizations

			Yes	No
1	Are all of the organization's supported organizations listed by name in the organization's governing documents? *If "No," describe in* ***Part VI*** *how the supported organizations are designated. If designated by class or purpose, describe the designation. If historic and continuing relationship, explain.*	1		
2	Did the organization have any supported organization that does not have an IRS determination of status under section 509(a)(1) or (2)? *If "Yes," explain in* ***Part VI*** *how the organization determined that the supported organization was described in section 509(a)(1) or (2).*	2		
3a	Did the organization have a supported organization described in section 501(c)(4), (5), or (6)? *If "Yes," answer lines 3b and 3c below.*	3a		
b	Did the organization confirm that each supported organization qualified under section 501(c)(4), (5), or (6) and satisfied the public support tests under section 509(a)(2)? *If "Yes," describe in* ***Part VI*** *when and how the organization made the determination.*	3b		
c	Did the organization ensure that all support to such organizations was used exclusively for section 170(c)(2)(B) purposes? *If "Yes," explain in* ***Part VI*** *what controls the organization put in place to ensure such use.*	3c		
4a	Was any supported organization not organized in the United States ("foreign supported organization")? *If "Yes," and if you checked box 12a or 12b in Part I, answer lines 4b and 4c below.*	4a		
b	Did the organization have ultimate control and discretion in deciding whether to make grants to the foreign supported organization? *If "Yes," describe in* ***Part VI*** *how the organization had such control and discretion despite being controlled or supervised by or in connection with its supported organizations.*	4b		
c	Did the organization support any foreign supported organization that does not have an IRS determination under sections 501(c)(3) and 509(a)(1) or (2)? *If "Yes," explain in* ***Part VI*** *what controls the organization used to ensure that all support to the foreign supported organization was used exclusively for section 170(c)(2)(B) purposes.*	4c		
5a	Did the organization add, substitute, or remove any supported organizations during the tax year? *If "Yes," answer lines 5b and 5c below (if applicable). Also, provide detail in* ***Part VI****, including (i) the names and EIN numbers of the supported organizations added, substituted, or removed; (ii) the reasons for each such action; (iii) the authority under the organization's organizing document authorizing such action; and (iv) how the action was accomplished (such as by amendment to the organizing document).*	5a		
b	**Type I or Type II only.** Was any added or substituted supported organization part of a class already designated in the organization's organizing document?	5b		
c	**Substitutions only.** Was the substitution the result of an event beyond the organization's control?	5c		
6	Did the organization provide support (whether in the form of grants or the provision of services or facilities) to anyone other than (i) its supported organizations, (ii) individuals that are part of the charitable class benefited by one or more of its supported organizations, or (iii) other supporting organizations that also support or benefit one or more of the filing organization's supported organizations? *If "Yes," provide detail in* ***Part VI.***	6		
7	Did the organization provide a grant, loan, compensation, or other similar payment to a substantial contributor (as defined in section 4958(c)(3)(C)), a family member of a substantial contributor, or a 35% controlled entity with regard to a substantial contributor? *If "Yes," complete Part I of Schedule L (Form 990).*	7		
8	Did the organization make a loan to a disqualified person (as defined in section 4958) not described on line 7? *If "Yes," complete Part I of Schedule L (Form 990).*	8		
9a	Was the organization controlled directly or indirectly at any time during the tax year by one or more disqualified persons, as defined in section 4946 (other than foundation managers and organizations described in section 509(a)(1) or (2))? *If "Yes," provide detail in* ***Part VI.***	9a		
b	Did one or more disqualified persons (as defined on line 9a) hold a controlling interest in any entity in which the supporting organization had an interest? *If "Yes," provide detail in* ***Part VI.***	9b		
c	Did a disqualified person (as defined on line 9a) have an ownership interest in, or derive any personal benefit from, assets in which the supporting organization also had an interest? *If "Yes," provide detail in* ***Part VI.***	9c		
10a	Was the organization subject to the excess business holdings rules of section 4943 because of section 4943(f) (regarding certain Type II supporting organizations, and all Type III non-functionally integrated supporting organizations)? *If "Yes," answer line 10b below.*	10a		
b	Did the organization have any excess business holdings in the tax year? *(Use Schedule C, Form 4720, to determine whether the organization had excess business holdings.)*	10b		

Part IV Supporting Organizations *(continued)*

			Yes	No
11	Has the organization accepted a gift or contribution from any of the following persons?			
a	A person who directly or indirectly controls, either alone or together with persons described on lines 11b and 11c below, the governing body of a supported organization?	11a		
b	A family member of a person described on line 11a above?	11b		
c	A 35% controlled entity of a person described on line 11a or 11b above? *If "Yes" to line 11a, 11b, or 11c, provide detail in* ***Part VI.***	11c		

Section B. Type I Supporting Organizations

			Yes	No
1	Did the governing body, members of the governing body, officers acting in their official capacity, or membership of one or more supported organizations have the power to regularly appoint or elect at least a majority of the organization's officers, directors, or trustees at all times during the tax year? *If "No," describe in* ***Part VI*** *how the supported organization(s) effectively operated, supervised, or controlled the organization's activities. If the organization had more than one supported organization, describe how the powers to appoint and/or remove officers, directors, or trustees were allocated among the supported organizations and what conditions or restrictions, if any, applied to such powers during the tax year.*	1		
2	Did the organization operate for the benefit of any supported organization other than the supported organization(s) that operated, supervised, or controlled the supporting organization? *If "Yes," explain in* ***Part VI*** *how providing such benefit carried out the purposes of the supported organization(s) that operated, supervised, or controlled the supporting organization.*	2		

Section C. Type II Supporting Organizations

			Yes	No
1	Were a majority of the organization's directors or trustees during the tax year also a majority of the directors or trustees of each of the organization's supported organization(s)? *If "No," describe in* ***Part VI*** *how control or management of the supporting organization was vested in the same persons that controlled or managed the supported organization(s).*	1		

Section D. All Type III Supporting Organizations

			Yes	No
1	Did the organization provide to each of its supported organizations, by the last day of the fifth month of the organization's tax year, (i) a written notice describing the type and amount of support provided during the prior tax year, (ii) a copy of the Form 990 that was most recently filed as of the date of notification, and (iii) copies of the organization's governing documents in effect on the date of notification, to the extent not previously provided?	1		
2	Were any of the organization's officers, directors, or trustees either (i) appointed or elected by the supported organization(s) or (ii) serving on the governing body of a supported organization? *If "No," explain in* ***Part VI*** *how the organization maintained a close and continuous working relationship with the supported organization(s).*	2		
3	By reason of the relationship described on line 2, above, did the organization's supported organizations have a significant voice in the organization's investment policies and in directing the use of the organization's income or assets at all times during the tax year? *If "Yes," describe in* ***Part VI*** *the role the organization's supported organizations played in this regard.*	3		

Section E. Type III Functionally Integrated Supporting Organizations

1 *Check the box next to the method that the organization used to satisfy the Integral Part Test during the year (****see instructions****).*

a ☐ The organization satisfied the Activities Test. *Complete* ***line 2*** *below.*

b ☐ The organization is the parent of each of its supported organizations. *Complete* ***line 3*** *below.*

c ☐ The organization supported a governmental entity. *Describe in* ***Part VI*** *how you supported a governmental entity (see instructions).*

			Yes	No
2	Activities Test. ***Answer lines 2a and 2b below.***			
a	Did substantially all of the organization's activities during the tax year directly further the exempt purposes of the supported organization(s) to which the organization was responsive? *If "Yes," then in* ***Part VI identify those supported organizations and explain*** *how these activities directly furthered their exempt purposes, how the organization was responsive to those supported organizations, and how the organization determined that these activities constituted substantially all of its activities.*	2a		
b	Did the activities described on line 2a, above, constitute activities that, but for the organization's involvement, one or more of the organization's supported organization(s) would have been engaged in? *If "Yes," explain in* ***Part VI*** *the reasons for the organization's position that its supported organization(s) would have engaged in these activities but for the organization's involvement.*	2b		
3	Parent of Supported Organizations. ***Answer lines 3a and 3b below.***			
a	Did the organization have the power to regularly appoint or elect a majority of the officers, directors, or trustees of each of the supported organizations? *If "Yes" or "No," provide details in* ***Part VI.***	3a		
b	Did the organization exercise a substantial degree of direction over the policies, programs, and activities of each of its supported organizations? *If "Yes," describe in* ***Part VI*** *the role played by the organization in this regard.*	3b		

Part V Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations

1 ☐ Check here if the organization satisfied the Integral Part Test as a qualifying trust on Nov. 20, 1970 (*explain in* ***Part VI***). **See instructions.** All other Type III non-functionally integrated supporting organizations must complete Sections A through E.

Section A—Adjusted Net Income			(A) Prior Year	(B) Current Year (optional)
1	Net short-term capital gain	**1**		
2	Recoveries of prior-year distributions	**2**		
3	Other gross income (see instructions)	**3**		
4	Add lines 1 through 3.	**4**		
5	Depreciation and depletion	**5**		
6	Portion of operating expenses paid or incurred for production or collection of gross income or for management, conservation, or maintenance of property held for production of income (see instructions)	**6**		
7	Other expenses (see instructions)	**7**		
8	**Adjusted Net Income** (subtract lines 5, 6, and 7 from line 4)	**8**		

Section B—Minimum Asset Amount			(A) Prior Year	(B) Current Year (optional)
1	Aggregate fair market value of all non-exempt-use assets (see instructions for short tax year or assets held for part of year):			
a	Average monthly value of securities	**1a**		
b	Average monthly cash balances	**1b**		
c	Fair market value of other non-exempt-use assets	**1c**		
d	**Total** (add lines 1a, 1b, and 1c)	**1d**		
e	**Discount** claimed for blockage or other factors *(explain in detail in* ***Part VI****)*:			
2	Acquisition indebtedness applicable to non-exempt-use assets	**2**		
3	Subtract line 2 from line 1d.	**3**		
4	Cash deemed held for exempt use. Enter 0.015 of line 3 (for greater amount, see instructions).	**4**		
5	Net value of non-exempt-use assets (subtract line 4 from line 3)	**5**		
6	Multiply line 5 by 0.035.	**6**		
7	Recoveries of prior-year distributions	**7**		
8	**Minimum Asset Amount** (add line 7 to line 6)	**8**		

Section C—Distributable Amount			Current Year
1	Adjusted net income for prior year (from Section A, line 8, column A)	**1**	
2	Enter 0.85 of line 1.	**2**	
3	Minimum asset amount for prior year (from Section B, line 8, column A)	**3**	
4	Enter greater of line 2 or line 3.	**4**	
5	Income tax imposed in prior year	**5**	
6	**Distributable Amount.** Subtract line 5 from line 4, unless subject to emergency temporary reduction (see instructions).	**6**	

7 ☐ Check here if the current year is the organization's first as a non-functionally integrated Type III supporting organization (see instructions).

Part V **Type III Non-Functionally Integrated 509(a)(3) Supporting Organizations** *(continued)*

Section D—Distributions			**Current Year**
1	Amounts paid to supported organizations to accomplish exempt purposes	**1**	
2	Amounts paid to perform activity that directly furthers exempt purposes of supported organizations, in excess of income from activity	**2**	
3	Administrative expenses paid to accomplish exempt purposes of supported organizations	**3**	
4	Amounts paid to acquire exempt-use assets	**4**	
5	Qualified set-aside amounts (prior IRS approval required—*provide details in* ***Part VI***)	**5**	
6	Other distributions (*describe in* ***Part VI***). See instructions.	**6**	
7	**Total annual distributions.** Add lines 1 through 6.	**7**	
8	Distributions to attentive supported organizations to which the organization is responsive (*provide details in* ***Part VI***). See instructions.	**8**	
9	Distributable amount for 2021 from Section C, line 6	**9**	
10	Line 8 amount divided by line 9 amount	**10**	

Section E—Distribution Allocations (see instructions)		**(i) Excess Distributions**	**(ii) Underdistributions Pre-2021**	**(iii) Distributable Amount for 2021**
1	Distributable amount for 2021 from Section C, line 6			
2	Underdistributions, if any, for years prior to 2021 (reasonable cause required—*explain in* ***Part VI***). See instructions.			
3	Excess distributions carryover, if any, to 2021			
a	From 2016			
b	From 2017			
c	From 2018			
d	From 2019			
e	From 2020			
f	**Total** of lines 3a through 3e			
g	Applied to underdistributions of prior years			
h	Applied to 2021 distributable amount			
i	Carryover from 2016 not applied (see instructions)			
j	Remainder. Subtract lines 3g, 3h, and 3i from line 3f.			
4	Distributions for 2021 from Section D, line 7: $			
a	Applied to underdistributions of prior years			
b	Applied to 2021 distributable amount			
c	Remainder. Subtract lines 4a and 4b from line 4.			
5	Remaining underdistributions for years prior to 2021, if any. Subtract lines 3g and 4a from line 2. For result greater than zero, *explain in* ***Part VI.*** See instructions.			
6	Remaining underdistributions for 2021. Subtract lines 3h and 4b from line 1. For result greater than zero, *explain in* ***Part VI.*** See instructions.			
7	**Excess distributions carryover to 2022.** Add lines 3j and 4c.			
8	Breakdown of line 7:			
a	Excess from 2017 . . .			
b	Excess from 2018 . . .			
c	Excess from 2019 . . .			
d	Excess from 2020 . . .			
e	Excess from 2021 . . .			

Part VI **Supplemental Information.** Provide the explanations required by Part II, line 10; Part II, line 17a or 17b; Part III, line 12; Part IV, Section A, lines 1, 2, 3b, 3c, 4b, 4c, 5a, 6, 9a, 9b, 9c, 11a, 11b, and 11c; Part IV, Section B, lines 1 and 2; Part IV, Section C, line 1; Part IV, Section D, lines 2 and 3; Part IV, Section E, lines 1c, 2a, 2b, 3a, and 3b; Part V, line 1; Part V, Section B, line 1e; Part V, Section D, lines 5, 6, and 8; and Part V, Section E, lines 2, 5, and 6. Also complete this part for any additional information. (See instructions.)

SCHEDULE D (Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Financial Statements

► Complete if the organization answered "Yes" on Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.
► Attach to Form 990.
► Go to *www.irs.gov/Form990* for instructions and the latest information.

OMB No. 1545-0047

2021

Open to Public Inspection

Name of the organization
Pelican Harbor Seabird Station, Inc.

Employer identification number
59-2137331

Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.

Complete if the organization answered "Yes" on Form 990, Part IV, line 6.

		(a) Donor advised funds	(b) Funds and other accounts
1	Total number at end of year		
2	Aggregate value of contributions to (during year)		
3	Aggregate value of grants from (during year)		
4	Aggregate value at end of year		

5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? ☐ Yes ☐ No

6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit? ☐ Yes ☐ No

Part II Conservation Easements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply).

☐ Preservation of land for public use (for example, recreation or education)
☐ Preservation of a historically important land area
☐ Protection of natural habitat
☐ Preservation of a certified historic structure
☐ Preservation of open space

2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

			Held at the End of the Tax Year
a	Total number of conservation easements	2a	
b	Total acreage restricted by conservation easements	2b	
c	Number of conservation easements on a certified historic structure included in (a)	2c	
d	Number of conservation easements included in (c) acquired after 7/25/06, and not on a historic structure listed in the National Register	2d	

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year ►

4 Number of states where property subject to conservation easement is located ►

5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds? ☐ Yes ☐ No

6 Staff and volunteer hours devoted to monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ►

7 Amount of expenses incurred in monitoring, inspecting, handling of violations, and enforcing conservation easements during the year ► $

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)? ☐ Yes ☐ No

9 In Part XIII, describe how the organization reports conservation easements in its revenue and expense statement and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.

Complete if the organization answered "Yes" on Form 990, Part IV, line 8.

1a If the organization elected, as permitted under FASB ASC 958, not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide in Part XIII the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under FASB ASC 958, to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenue included on Form 990, Part VIII, line 1 ► $
(ii) Assets included in Form 990, Part X ► $

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under FASB ASC 958 relating to these items:

a Revenue included on Form 990, Part VIII, line 1 ► $
b Assets included in Form 990, Part X ► $

Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets *(continued)*

3 Using the organization's acquisition, accession, and other records, check any of the following that make significant use of its collection items (check all that apply):

a ☐ Public exhibition
b ☐ Scholarly research
c ☐ Preservation for future generations
d ☐ Loan or exchange program
e ☐ Other _____

4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIII.

5 During the year, did the organization solicit or receive donations of art, historical treasures, or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection? . . ☐ Yes ☐ No

Part IV Escrow and Custodial Arrangements.

Complete if the organization answered "Yes" on Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X? . . . ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIII and complete the following table:

		Amount
c Beginning balance	1c	
d Additions during the year	1d	
e Distributions during the year	1e	
f Ending balance	1f	

2a Did the organization include an amount on Form 990, Part X, line 21, for escrow or custodial account liability? ☐ Yes ☐ No

b If "Yes," explain the arrangement in Part XIII. Check here if the explanation has been provided on Part XIII . . . ☐

Part V Endowment Funds.

Complete if the organization answered "Yes" on Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance					
b Contributions					
c Net investment earnings, gains, and losses					
d Grants or scholarships					
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance					

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

a Board designated or quasi-endowment ▶ _____ %
b Permanent endowment ▶ _____ %
c Term endowment ▶ _____ %

The percentages on lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

		Yes	No
(i) Unrelated organizations	3a(i)		
(ii) Related organizations	3a(ii)		
b If "Yes" on line 3a(ii), are the related organizations listed as required on Schedule R?	3b		

4 Describe in Part XIII the intended uses of the organization's endowment funds.

Part VI Land, Buildings, and Equipment.

Complete if the organization answered "Yes" on Form 990, Part IV, line 11a. See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land	2,484,290.			2,484,290.
b Buildings	110,116.			110,116.
c Leasehold improvements				
d Equipment	262,059.			262,059.
e Other	287,018.			287,018.
Total. Add lines 1a through 1e. *(Column (d) must equal Form 990, Part X, column (B), line 10c.)* ▶				3,143,483.

Part VII Investments—Other Securities.
Complete if the organization answered "Yes" on Form 990, Part IV, line 11b. See Form 990, Part X, line 12.

(a) Description of security or category (including name of security)	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1) Financial derivatives		
(2) Closely held equity interests		
(3) Other		
(A)		
(B)		
(C)		
(D)		
(E)		
(F)		
(G)		
(H)		
Total. *(Column (b) must equal Form 990, Part X, col. (B) line 12.)* ▶		

Part VIII Investments—Program Related.
Complete if the organization answered "Yes" on Form 990, Part IV, line 11c. See Form 990, Part X, line 13.

(a) Description of investment	(b) Book value	(c) Method of valuation: Cost or end-of-year market value
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
Total. *(Column (b) must equal Form 990, Part X, col. (B) line 13.)* ▶		

Part IX Other Assets.
Complete if the organization answered "Yes" on Form 990, Part IV, line 11d. See Form 990, Part X, line 15.

(a) Description	(b) Book value
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. *(Column (b) must equal Form 990, Part X, col. (B) line 15.)* ▶	

Part X Other Liabilities.
Complete if the organization answered "Yes" on Form 990, Part IV, line 11e or 11f. See Form 990, Part X, line 25.

1. (a) Description of liability	(b) Book value
(1) Federal income taxes	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	
(8)	
(9)	
Total. *(Column (b) must equal Form 990, Part X, col. (B) line 25.)* ▶	

2. Liability for uncertain tax positions. In Part XIII, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FASB ASC 740. Check here if the text of the footnote has been provided in Part XIII . ☐

Part XI Reconciliation of Revenue per Audited Financial Statements With Revenue per Return.
Complete if the organization answered "Yes" on Form 990, Part IV, line 12a.

1	Total revenue, gains, and other support per audited financial statements			1	
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:				
a	Net unrealized gains (losses) on investments	2a			
b	Donated services and use of facilities	2b			
c	Recoveries of prior year grants	2c			
d	Other (Describe in Part XIII.)	2d			
e	Add lines **2a** through **2d**			2e	
3	Subtract line **2e** from line **1**			3	
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIII.)	4b			
c	Add lines **4a** and **4b**			4c	
5	Total revenue. Add lines **3** and **4c.** *(This must equal Form 990, Part I, line 12.)*			5	

Part XII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return.
Complete if the organization answered "Yes" on Form 990, Part IV, line 12a.

1	Total expenses and losses per audited financial statements			1	
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:				
a	Donated services and use of facilities	2a			
b	Prior year adjustments	2b			
c	Other losses	2c			
d	Other (Describe in Part XIII.)	2d			
e	Add lines **2a** through **2d**			2e	
3	Subtract line **2e** from line **1**			3	
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:				
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a			
b	Other (Describe in Part XIII.)	4b			
c	Add lines **4a** and **4b**			4c	
5	Total expenses. Add lines **3** and **4c.** *(This must equal Form 990, Part I, line 18.)*			5	

Part XIII Supplemental Information.

Provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, lines 2d and 4b; and Part XII, lines 2d and 4b. Also complete this part to provide any additional information.

Part XIII Supplemental Information *(continued)*

SCHEDULE M (Form 990)

Department of the Treasury
Internal Revenue Service

Noncash Contributions

► **Complete if the organizations answered "Yes" on Form 990, Part IV, lines 29 or 30.**
► **Attach to Form 990.**
► **Go to *www.irs.gov/Form990* for instructions and the latest information.**

OMB No. 1545-0047

2021

Open to Public Inspection

Name of the organization: Pelican Harbor Seabird Station, Inc.

Employer identification number: 59-2137331

Part I Types of Property

		(a) Check if applicable	(b) Number of contributions or items contributed	(c) Noncash contribution amounts reported on Form 990, Part VIII, line 1g	(d) Method of determining noncash contribution amounts
1	Art—Works of art				
2	Art—Historical treasures				
3	Art—Fractional interests				
4	Books and publications				
5	Clothing and household goods				
6	Cars and other vehicles				
7	Boats and planes				
8	Intellectual property				
9	Securities—Publicly traded				
10	Securities—Closely held stock				
11	Securities—Partnership, LLC, or trust interests				
12	Securities—Miscellaneous				
13	Qualified conservation contribution—Historic structures				
14	Qualified conservation contribution—Other				
15	Real estate—Residential				
16	Real estate—Commercial				
17	Real estate—Other				
18	Collectibles				
19	Food inventory				
20	Drugs and medical supplies				
21	Taxidermy				
22	Historical artifacts				
23	Scientific specimens				
24	Archeological artifacts				
25	Other ► ( )				
26	Other ► ( )				
27	Other ► ( )				
28	Other ► ( )				

				Yes	No
29	Number of Forms 8283 received by the organization during the tax year for contributions for which the organization completed Form 8283, Part V, Donee Acknowledgement	29			
30a	During the year, did the organization receive by contribution any property reported in Part I, lines 1 through 28, that it must hold for at least three years from the date of the initial contribution, and which isn't required to be used for exempt purposes for the entire holding period?	30a			×
b	If "Yes," describe the arrangement in Part II.				
31	Does the organization have a gift acceptance policy that requires the review of any nonstandard contributions?	31			×
32a	Does the organization hire or use third parties or related organizations to solicit, process, or sell noncash contributions?	32a			×
b	If "Yes," describe in Part II.				
33	If the organization didn't report an amount in column (c) for a type of property for which column (a) is checked, describe in Part II.				

Part II **Supplemental Information.** Provide the information required by Part I, lines 30b, 32b, and 33, and whether the organization is reporting in Part I, column (b), the number of contributions, the number of items received, or a combination of both. Also complete this part for any additional information.

SCHEDULE O (Form 990)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on Form 990 or 990-EZ or to provide any additional information.

▶ **Attach to Form 990 or Form 990-EZ.**

▶ **Go to *www.irs.gov/Form990* for the latest information.**

OMB No. 1545-0047

2021

Open to Public Inspection

Name of the organization	Employer identification number
Pelican Harbor Seabird Station, Inc.	59-2137331

Pt VI, Line 15a: The board meets once a year and reviews the salaries of the officer and all support personnel. Upon the completion of their annual review, salary adjustments are made necessary based on outside information/salary indicators.

Pt VI, Line 11b: Return is reviewed by the finance committee before filing

Pt VI, Line 1a: The governing body delegated broad authority to the executive committee

Pt VI, Line 19: Governing documents are made available for review at our office located at 1279 NE 79th Street Causeway, Miami, FL 33138

Pt VI, Line 15b: The board meets once a year and reviews the salaries of the officer and all support personnel. Upon the completion of their annual review, salary adjustments are made necessary based on outside information/salary indicators.

Pt VI, Line 12c: The conflict of interest policy is reviewed by the board on an annual basis. The board reviews their interest, discloses any conflicts, and signs off.

SCHEDULE R (Form 990)

Department of the Treasury
Internal Revenue Service

Related Organizations and Unrelated Partnerships

► **Complete if the organization answered "Yes" on Form 990, Part IV, line 33, 34, 35b, 36, or 37.**
► **Attach to Form 990.**
► **Go to *www.irs.gov/Form990* for instructions and the latest information.**

OMB No. 1545-0047

2021

Open to Public Inspection

Name of the organization
Pelican Harbor Seabird Station, Inc.

Employer identification number
59-2137331

Part I **Identification of Disregarded Entities.** Complete if the organization answered "Yes" on Form 990, Part IV, line 33.

(a) Name, address, and EIN (if applicable) of disregarded entity	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Total income	(e) End-of-year assets	(f) Direct controlling entity
(1)					
(2)					
(3)					
(4)					
(5)					
(6)					

Part II **Identification of Related Tax-Exempt Organizations.** Complete if the organization answered "Yes" on Form 990, Part IV, line 34, because it had one or more related tax-exempt organizations during the tax year.

(a) Name, address, and EIN of related organization	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Exempt Code section	(e) Public charity status (if section 501(c)(3))	(f) Direct controlling entity	(g) Section 512(b)(13) controlled entity?	
						Yes	No
(1) Pelican Harbor Seabird Foundation, Inc 26-3047094 1279 NE 79th St Miami FL 33138		FL					
(2)							
(3)							
(4)							
(5)							
(6)							
(7)							

Part III **Identification of Related Organizations Taxable as a Partnership.** Complete if the organization answered "Yes" on Form 990, Part IV, line 34, because it had one or more related organizations treated as a partnership during the tax year.

(a) Name, address, and EIN of related organization	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Direct controlling entity	(e) Predominant income (related, unrelated, excluded from tax under sections 512—514)	(f) Share of total income	(g) Share of end-of-year assets	(h) Disproportionate allocations? Yes	(h) No	(i) Code V—UBI amount in box 20 of Schedule K-1 (Form 1065)	(j) General or managing partner? Yes	(j) No	(k) Percentage ownership
(1)												
(2)												
(3)												
(4)												
(5)												
(6)												
(7)												

Part IV **Identification of Related Organizations Taxable as a Corporation or Trust.** Complete if the organization answered "Yes" on Form 990, Part IV, line 34, because it had one or more related organizations treated as a corporation or trust during the tax year.

(a) Name, address, and EIN of related organization	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Direct controlling entity	(e) Type of entity (C corp, S corp, or trust)	(f) Share of total income	(g) Share of end-of-year assets	(h) Percentage ownership	(i) Section 512(b)(13) controlled entity? Yes	(i) No
(1)									
(2)									
(3)									
(4)									
(5)									
(6)									
(7)									

Part V **Transactions With Related Organizations.** Complete if the organization answered "Yes" on Form 990, Part IV, line 34, 35b, or 36.

			Yes	No
Note: Complete line 1 if any entity is listed in Parts II, III, or IV of this schedule.				
1	During the tax year, did the organization engage in any of the following transactions with one or more related organizations listed in Parts II–IV?			
a	Receipt of **(i)** interest, **(ii)** annuities, **(iii)** royalties, or **(iv)** rent from a controlled entity	1a		×
b	Gift, grant, or capital contribution to related organization(s)	1b		×
c	Gift, grant, or capital contribution from related organization(s)	1c		×
d	Loans or loan guarantees to or for related organization(s)	1d		×
e	Loans or loan guarantees by related organization(s)	1e		×
f	Dividends from related organization(s)	1f		×
g	Sale of assets to related organization(s)	1g		×
h	Purchase of assets from related organization(s)	1h		×
i	Exchange of assets with related organization(s)	1i		×
j	Lease of facilities, equipment, or other assets to related organization(s)	1j		×
k	Lease of facilities, equipment, or other assets from related organization(s)	1k		×
l	Performance of services or membership or fundraising solicitations for related organization(s)	1l		×
m	Performance of services or membership or fundraising solicitations by related organization(s)	1m		×
n	Sharing of facilities, equipment, mailing lists, or other assets with related organization(s)	1n		×
o	Sharing of paid employees with related organization(s)	1o		×
p	Reimbursement paid to related organization(s) for expenses	1p		×
q	Reimbursement paid by related organization(s) for expenses	1q		×
r	Other transfer of cash or property to related organization(s)	1r	×	
s	Other transfer of cash or property from related organization(s)	1s		×

2 If the answer to any of the above is "Yes," see the instructions for information on who must complete this line, including covered relationships and transaction thresholds.

	(a) Name of related organization	(b) Transaction type (a—s)	(c) Amount involved	(d) Method of determining amount involved
(1)	Pelican Harbor Seabird Foundation, Inc	r		
(2)				
(3)				
(4)				
(5)				
(6)				

Part VI **Unrelated Organizations Taxable as a Partnership.** Complete if the organization answered "Yes" on Form 990, Part IV, line 37.

Provide the following information for each entity taxed as a partnership through which the organization conducted more than five percent of its activities (measured by total assets or gross revenue) that was not a related organization. See instructions regarding exclusion for certain investment partnerships.

(a) Name, address, and EIN of entity	(b) Primary activity	(c) Legal domicile (state or foreign country)	(d) Predominant income (related, unrelated, excluded from tax under sections 512—514)	(e) Are all partners section 501(c)(3) organizations?		(f) Share of total income	(g) Share of end-of-year assets	(h) Disproportionate allocations?		(i) Code V—UBI amount in box 20 of Schedule K-1 (Form 1065)	(j) General or managing partner?		(k) Percentage ownership
				Yes	No			Yes	No		Yes	No	
(1)													
(2)													
(3)													
(4)													
(5)													
(6)													
(7)													
(8)													
(9)													
(10)													
(11)													
(12)													
(13)													
(14)													
(15)													
(16)													

Part VII **Supplemental Information**
Provide additional information for responses to questions on Schedule R. See instructions.

Form **8879-TE**

Department of the Treasury
Internal Revenue Service

IRS *e-file* Signature Authorization for a Tax Exempt Entity

For calendar year 2021, or fiscal year beginning _____, 2021, and ending _____, 20_____

► **Do not send to the IRS. Keep for your records.**
► **Go to *www.irs.gov/Form8879TE* for the latest information.**

OMB No. 1545-0047

2021

Name of filer	EIN or SSN
Pelican Harbor Seabird Station, Inc.	59-2137331

Name and title of officer or person subject to tax

Darren Steinbook, Treasurer

Part I Type of Return and Return Information

Check the box for the return for which you are using this Form 8879-TE and enter the applicable amount, if any, from the return. Form 8038-CP and Form 5330 filers may enter dollars and cents. For all other forms, enter whole dollars only. If you check the box on line **1a, 2a, 3a, 4a, 5a, 6a, 7a, 8a, 9a,** or **10a** below, and the amount on that line for the return being filed with this form was blank, then leave line **1b, 2b, 3b, 4b, 5b, 6b, 7b, 8b, 9b,** or **10b,** whichever is applicable, blank (do not enter -0-). But, if you entered -0- on the return, then enter -0- on the applicable line below. **Do not** complete more than one line in Part I.

1a	**Form 990** check here ► ☒	**b**	**Total revenue,** if any (Form 990, Part VIII, column (A), line 12)	**1b**	2,441,913.
2a	**Form 990-EZ** check here ► ☐	**b**	**Total revenue,** if any (Form 990-EZ, line 9)	**2b**	
3a	**Form 1120-POL** check here ► ☐	**b**	**Total tax** (Form 1120-POL, line 22)	**3b**	
4a	**Form 990-PF** check here ► ☐	**b**	**Tax based on investment income** (Form 990-PF, Part V, line 5)	**4b**	
5a	**Form 8868** check here ► ☐	**b**	**Balance due** (Form 8868, line 3c)	**5b**	
6a	**Form 990-T** check here ► ☐	**b**	**Total tax** (Form 990-T, Part III, line 4)	**6b**	
7a	**Form 4720** check here ► ☐	**b**	**Total tax** (Form 4720, Part III, line 1)	**7b**	
8a	**Form 5227** check here ► ☐	**b**	**FMV of assets at end of tax year** (Form 5227, Item D)	**8b**	
9a	**Form 5330** check here ► ☐	**b**	**Tax due** (Form 5330, Part II, line 19)	**9b**	
10a	**Form 8038-CP** check here ► ☐	**b**	**Amount of credit payment requested** (Form 8038-CP, Part III, line 22)	**10b**	

Part II Declaration and Signature Authorization of Officer or Person Subject to Tax

Under penalties of perjury, I declare that ☒ I am an officer of the above entity or ☐ I am a person subject to tax with respect to (name of entity) _____, (EIN) _____ and that I have examined a copy of the 2021 electronic return and accompanying schedules and statements, and, to the best of my knowledge and belief, they are true, correct, and complete. I further declare that the amount in Part I above is the amount shown on the copy of the electronic return. I consent to allow my intermediate service provider, transmitter, or electronic return originator (ERO) to send the return to the IRS and to receive from the IRS **(a)** an acknowledgement of receipt or reason for rejection of the transmission, **(b)** the reason for any delay in processing the return or refund, and **(c)** the date of any refund. If applicable, I authorize the U.S. Treasury and its designated Financial Agent to initiate an electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of the federal taxes owed on this return, and the financial institution to debit the entry to this account. To revoke a payment, I must contact the U.S. Treasury Financial Agent at 1-888-353-4537 no later than 2 business days prior to the payment (settlement) date. I also authorize the financial institutions involved in the processing of the electronic payment of taxes to receive confidential information necessary to answer inquiries and resolve issues related to the payment. I have selected a personal identification number (PIN) as my signature for the electronic return and, if applicable, the consent to electronic funds withdrawal.

PIN: check one box only

☒ I authorize MMR CPA to enter my PIN 3 7 3 3 1 as my signature

ERO firm name

Enter five numbers, but do not enter all zeros

on the tax year 2021 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I also authorize the aforementioned ERO to enter my PIN on the return's disclosure consent screen.

☐ As an officer or person subject to tax with respect to the entity, I will enter my PIN as my signature on the tax year 2021 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I will enter my PIN on the return's disclosure consent screen.

Signature of officer or person subject to tax ► Date ► 04/04/2022

Part III Certification and Authentication

ERO's EFIN/PIN. Enter your six-digit electronic filing identification number (EFIN) followed by your five-digit self-selected PIN. 6 5 2 9 7 8 8 4 2 4 0

Do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature on the 2021 electronically filed return indicated above. I confirm that I am submitting this return in accordance with the requirements of **Pub. 4163,** Modernized e-File (MeF) Information for Authorized IRS *e-file* Providers for Business Returns.

ERO's signature ► _____ Date ► _____

ERO Must Retain This Form — See Instructions
Do Not Submit This Form to the IRS Unless Requested To Do So

Smart Worksheets from your 2021 Federal Exempt Tax Return

SMART WORKSHEET FOR: Form 990: Return of Organization Exempt from Income Tax

Line 22 - Depreciation, Depletion, and Amortization Smart Worksheet

To enter assets, **QuickZoom** to Asset Entry Worksheet . . . . . ➡
To view a calculated report of all depreciation information for Form 990,
QuickZoom to the Depreciation/Amortization Report . . . . . ➡
QuickZoom to Form 4562 for Form 990 . . . . . ➡

The following items carry to line 22 below:

	Description	(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
A	Depreciation	19,751.	16,196.	1,975.	1,580.
B	Depletion				
C	Amortization				

Additional information from your 2021 Federal Exempt Tax Return

Form 990: Return of Organization Exempt from Income Tax

Noncash **Itemization Statement**

Description	Amount
In-Kind Use of Facilities	47,041.
Total	**47,041.**

Form 990: Return of Organization Exempt from Income Tax

Line 1, column (B) **Itemization Statement**

Description	Amount
Cash and cash equivalents	527,558.
Resticted Cash and Investments	1,926,818.
Total	**2,454,376.**

0000084 04/16/22

FLORIDA

Consumer's Certificate of Exemption

Issued Pursuant to Chapter 212, Florida Statutes

DR-14
R. 01/18

85-8012640670C-3	06/30/2022	06/30/2027	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

PELICAN HARBOR SEABIRD STATION INC
1279 NE 79TH ST
MIAMI FL 33138-4206

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.

FLORIDA

Important Information for Exempt Organizations

DR-14
R. 01/18

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).

2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.

3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.

4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).

5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.

6. If you have questions about your exemption certificate, please call Taxpayer Services at 850-488-6800. The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.

Pelican Harbor Seabird Station, Inc.

Financial Statements

For the Years Ended December 31, 2021 and 2020 (restated)

TABLE OF CONTENTS

Independent Accountant's Review Report..... 1

Statement of Financial Position..... 2

Statement of Activities and Change in Net Assets..... 3 – 4

Statement of Functional Expenses ..... 5 – 6

Statement of Cash Flows..... 7

Notes to Financial Statements ..... 8 – 18

4000 Hollywood Blvd, Suite 555-S
Hollywood, FL 33021
Web: www.mmrtax.com

INDEPENDENT ACCOUNTANT'S REVIEW REPORT

To the Board of Directors
Pelican Harbor Seabird Station, Inc.
1275 NE 79 Street Causeway
Miami, FL 33138

I have reviewed the accompanying financial statements of Pelican Harbor Seabird Station, Inc. (a nonprofit organization), which comprise the statement of financial position as of December 31, 2021 and the related statements of activities, functional expenses and cash flows for the year then ended, and the related notes to the financial statements. A review includes primarily applying analytical procedures to management's financial data and making inquiries of management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, I do not express such an opinion.

Management's Responsibility for the Financial Statements
Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement whether due to fraud or error.

Accountant's Responsibility
My responsibility is to conduct the review engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. Those standards require me to perform procedures to obtain limited assurance as a basis for reporting whether I am aware of any material modifications that should be made to the financial statements for them to be in accordance with accounting principles generally accepted in the United States of America. I believe that the results of my procedures provide a reasonable basis for my conclusion.

Accountant's Conclusion
Based on my review, I am not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in accordance with accounting principles generally accepted in the United States of America.

4000 Hollywood Blvd, Suite 555-S
Hollywood, FL 33021
Web: www.mmrtax.com

Other Matters

As discussed in Note. 18, the 2020 financial statements were restated to accurately reflect Grants Receivable for the Employee Retention Credit ("ERC") and professional fees related to the ERC. As a result of the restatement described in Note. 18, I believe the financial statements as of December 31, 2021 and 2020 are in accordance with accounting principles generally accepted in the United State of America.

Hollywood, Florida
March 31, 2022

PELICAN HARBOR SEABIRD STATION, INC.
STATEMENT OF FINANCIAL POSITION
DECEMBER 31, 2021 AND 2020

	2021	2020
ASSETS		
Current assets:		
Cash and cash equivalents	$ 527,558	$ 301,988
Cash on Hand	$ -	-
Resticted Cash and Investments	$ 1,926,818	963,672
Grants and Contributions receivable, net	301,470	73,170
Prepaid expenses	-	3,312
Investments	-	-
Total current assets	2,755,846	1,342,142
Non-current assets:		
Land	2,484,290	2,484,290
Grants and Contributions receivable, net	-	62,294
Investments - building	110,116	241,274
Property and equipment, net	262,059	91,057
Software, net	287,018	-
Total non-current assets	3,143,483	2,878,915
Total assets	$ 5,899,329	$ 4,221,057
LIABILITIES AND NET ASSETS		
Current liabilties		
Accounts payable and accrued expenses	55,931	18,571
Loan Payable	28,534	86,200
Current Portion of Long Term Debt	95,205	68,940
Total current liabilities	179,669	173,711
Non-current liabilties:		
Long Term Debt	891,600	463,102
Total liabilities	1,071,269	636,813
NET ASSETS		
Without donor restrictions	2,805,828	2,545,192
With donor restrictions	2,022,232	1,039,051
Total net assets	4,828,060	3,584,243
Total liabilities and net assets	$ 5,899,329	$ 4,221,057

See accompanying notes and independent accountant's report.

PELICAN HARBOR SEABIRD STATION, INC.
STATEMENT OF ACTIVITIES AND CHANGE IN NET ASSETS
YEAR ENDED DECEMBER 31, 2021

		Without Donor Restrictions	With Donor Restrictions	Total
OPERATING ACTIVITES				
REVENUES AND OTHER SUPPORT				
Grant Revenue		$ 493,713	$ 180,061	$ 673,774
Donations and contributions and fees		452,412	1,250,725	1,703,137
Program Service Fees		22,485		22,485
Special Event Income	-			
Special Event Expenses	(1,590)			
		(1,590)		(1,590)
In-kind use of facilities		47,041	-	47,041
Unrealized gain		-	-	-
Gain on Sale		(4,444)		(4,444)
Investment and interest income, net		1,511	-	1,511
Total revenues and other support		1,011,127	1,430,786	2,441,913
EXPENSES				
Program Services				
Total program services		1,012,252	-	1,012,252
Supporting services:				
Management and general		103,248	-	103,248
Fundraising		82,598	-	82,598
Total support services		185,846	-	185,846
Total expenses		1,198,097	-	1,198,097
Change in net assets from operations		(186,970)	1,430,786	1,243,816
NONOPERATING ACTIVITIES				
Restrictions satisfied by payments		447,605	(447,605)	-
Total nonoperating activities		447,605	(447,605)	-
Change in net assets		260,635	983,181	1,243,816
Net assets, beginning of year		2,545,193	1,039,051	3,584,244
Net assets, end of year		$ 2,805,828	$ 2,022,232	$ 4,828,060

See accompanying notes and independent accountant's report.

PELICAN HARBOR SEABIRD STATION, INC.
STATEMENT OF ACTIVITIES AND CHANGE IN NET ASSETS
YEAR ENDED DECEMBER 31, 2020

		Without Donor Restrictions	With Donor Restrictions	Total
OPERATING ACTIVITES				
REVENUES AND OTHER SUPPORT				
Grant Revenue		$ 388,597	$ 159,806	$ 548,403
Donations and contributions and fees		333,548	1,572,182	1,905,730
Program Service Fees		4,894		4,894
Special Event Income	31,252			
Special Event Expenses	(15,125)			
		16,127		16,127
In-kind use of facilities		44,378	-	44,378
Unrealized gain		908	-	908
Gain on Sale		69		69
Investment and interest income, net		1,001	-	1,001
Total revenues and other support		789,523	1,731,988	2,521,511
EXPENSES				
Program Services				
Total program services		754,868	-	754,868
Supporting services:				
Management and general		80,890	-	80,890
Fundraising		64,712	-	64,712
Total support services		145,602	-	145,602
Total expenses		900,470	-	900,470
Change in net assets from operations		(110,947)	1,731,988	1,621,041
NONOPERATING ACTIVITIES				
Restrictions satisfied by payments		1,923,020	(1,923,020)	-
Total nonoperating activities		1,923,020	(1,923,020)	-
Change in net assets		1,812,073	(191,032)	1,621,041
Net assets, beginning of year		733,120	1,230,083	1,963,203
Net assets, end of year		$ 2,545,192	$ 1,039,051	$ 3,584,243

See accompanying notes and independent accountant's report.

PELICAN HARBOR SEABIRD STATION, INC.
STATEMENT OF FUNCTIONAL EXPENSES
YEAR ENDED DECEMBER 31, 2021

	2021			
	Program Services	**Management and General**	**Fundraising**	**Total**
Salaries and related cost	$ 552,259	$ 67,349	$ 53,879	$ 673,486
Professional services	15,611	1,904	1,523	19,038
Advertising and promotion	34,298	4,183	3,346	41,826
Conferences and meetings	-	-	-	-
Office expenses	61,618	7,514	6,012	75,145
Information technology	-	-	-	-
Occupancy	-	-	-	-
Occupancy - donated facilities	38,573	4,704	3,763	47,041
Insurance	12,688	1,547	1,238	15,473
Veterinarian supplies and laboratory	92,993	-	-	92,993
Repairs and maintenance	109,485	13,352	10,681	133,518
Educational Programing	58,217	-	-	58,217
Patient Transport	13,702	-	-	13,702
Interest and Bank Fees	5,902	720	576	7,198
Charitable Contributions	709	-	-	709
Total expenses before depreciation amortization and bad debt	996,056	101,272	81,018	1,178,346
Depreciation	16,196	1,975	1,580	19,751
Amortization	-	-	-	-
Bad Debt	-	-	-	-
Total depreciation, amortization and bad debt	16,196	1,975	1,580	19,751
Total Expenses	$ 1,012,252	$ 103,248	$ 82,598	$ 1,198,097

See accompanying notes and independent accountant's report.

PELICAN HARBOR SEABIRD STATION, INC.
STATEMENT OF FUNCTIONAL EXPENSES
YEAR ENDED DECEMBER 31, 2020

	2020			
	Program Services	**Management and General**	**Fundraising**	**Total**
Salaries and related cost	$ 456,272	$ 55,643	$ 44,514	$ 556,429
Professional services	22,758	2,775	2,220	27,754
Advertising and promotion	39,796	4,853	3,883	48,532
Conferences and meetings	3,519	429	343	4,291
Office expenses	41,702	5,086	4,068	50,856
Information technology	-	-	-	-
Occupancy	-	-	-	-
Occupancy - donated facilities	36,390	4,438	3,550	44,378
Insurance	11,882	1,449	1,159	14,490
Veterinarian supplies and laboratory	61,269	-	-	61,269
Repairs and maintenance	35,398	4,317	3,453	43,168
Educational Programing	20,829	-	-	20,829
Patient Transport	7,328	-	-	7,328
Interest and Bank Fees	6,784	827	662	8,274
Charitable Contributions	2,145	-	-	2,145
Total expenses before depreciation amortization and bad debt	746,072	79,817	63,854	889,743
Depreciation	7,422	905	724	9,051
Amortization	1,374	168	134	1,676
Bad Debt	-	-	-	-
Total depreciation, amortization and bad debt	8,796	1,073	858	10,727
Total Expenses	$ 754,868	$ 80,890	$ 64,712	$ 900,470

See accompanying notes and independent accountant's report.

PELICAN HARBOR SEABIRD STATION, INC.
STATEMENT OF CASH FLOWS
YEARS ENDED DECEMBER 31, 2021 AND 2020

INDIRECT METHOD

	2021	2020
CASH FLOWS FROM OPERATING ACTIVITIES		
Change in net assets	$ 1,243,816	$ 1,621,041
Adjustments to reconcile change in net assets to net cash provided by (used in) operating activities:		
Depreciation	(824)	9,051
Amortization	-	1,676
(Increase) decrease in assets		
Unrealized gains/losses on investments	-	-
Contributions receivable	(166,007)	(29,478)
Due from related parties	-	-
Prepaid expenses	3,312	(3,312)
Increase (decrease) in liabilities		
Accounts payable and accrued expenses	65,741	5,179
Net cash provided by (used in) operating activities	1,146,037	1,604,157
CASH FLOWS FROM INVESTING ACTIVITIES		
Proceeds from the sale of investments	-	39,259
Purchase of Property and Equipment	(326,037)	(2,609,555)
Net cash provided by (used in) investing activities	(326,037)	(2,570,297)
CASH FLOWS FROM FINANCING ACTIVITIES		
Loan Payable	(86,200)	86,200
Long-Term Debt	454,915	531,890
Net cash provided by (used in) financing activities	368,715	618,090
Net increase (decrease) in cash and cash equivalents	1,188,715	(348,050)
Cash and cash equivalents, beginning of year	1,265,660	1,613,710
Cash and cash equivalents, end of year	$ 2,454,376	$ 1,265,660

See accompanying notes and independent accountant's report.

NOTE 1 – NATURE OF BUSINESS AND ORGANIZATION

The Pelican Harbor Seabird Station ("the Station") is a Florida not-for-profit Corporation exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. The station was organized under the laws of the State of Florida on October 29, 1981.

The wildlife rehabilitation facility was organized for the purpose of providing aid to heal animals harmed by mankind and return them to their ecosystem. The Station specializes in brown pelicans and serves the Greater-Miami metropolitan area. Its mission is to rescue, treat, rehabilitate and care for sick, injured, or orphaned wildlife, and to foster and promote the preservation, protection and propagation of pelicans and other wildlife. It provides free admission and tours of its facility located at 1279 NE 79th Street Causeway, Miami, Florida 33138 to the general public to promote these efforts.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of presentation

The Station prepares its financial statements in accordance with Statement of Financial Accounting Standards Codification (ASC) Topic 958-205 of the Financial Accounting Standards Board (FASB), "Presentation of Financial Statements of Not-For-Profit Entities". It uses the accrual basis of accounting which recognizes revenues in the accounting period in which they are earned and become measurable and expenses in the period incurred, if measurable. Contributions are recorded when received. Grants are recorded as revenue when performance occurs under the terms of the agreement. The Station is required to report information regarding its financial position and activities according to the following net asset classifications:

Net assets without donor restrictions: Net assets that are not subject to donor-imposed restrictions and may be expended for any purpose in performing the primary objectives of the organization. These net assets may be used at the discretion of the Station's management and the board of directors.

Net assets with donor restrictions: Net assets subject to stipulations imposed by donors, and grantors. Some donor restrictions are temporary in nature; those restrictions will be met by actions of the Station or by the passage of time. Other donor restrictions are perpetual in nature, whereby the donor has stipulated the funds be maintained in perpetuity.

Donor restricted contributions are reported as increases in net assets with donor restrictions. When a restriction expires, net assets are reclassified from net assets with donor restrictions to net assets without donor restrictions in the statements of activities.

Contributions

In accordance with FASB ASC Topic 958, "Not-For Profit Entities," contributions received are recorded as with donor restrictions or without donor restrictions depending on the existence and/or nature of any donor restrictions. Net assets with donor restrictions are reclassified to net assets without donor restrictions upon satisfaction of the time or purpose restrictions.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES CONTINUED

Promises to Give

Contributions are recognized when the donor makes a promise to give to the Station that is, in substance, unconditional. All other donor-restricted contributions are reported as increases in net assets with donor restrictions.

When a restriction expires, net assets with donor restrictions are reclassified to net assets without donor restrictions. For the years ended December 31, 2021 and 2020, the Station received no unconditional promises to give.

Investments

Investments are made in marketable securities with readily determinable fair values and all investments in debt securities are valued at their fair values in the statement of financial position.

Donated Facilities and Services

The Station occupies buildings owned by Miami-Dade County, Florida (the "County"). The basis for determining the fair value of such facilities is based on the assessed fair market value of property as determined by Miami-Dade County. The fair value of the contributed facilities were $47,041 and $44,378 for the years ended December 31, 2021 and 2020, respectively.

Donated Materials and Services

Donations of property are recorded as support at their estimated fair value. Such donations are reported as unrestricted support unless the donor has restricted the donated assets to a specific purpose. Assets donated with explicit restrictions regarding their use and contributions of cash that must be used to acquire property are reported as restricted support. In the absence of donor stipulations regarding how long those donated assets must be maintained, the Station reports expirations of donor restrictions when the donated or acquired assets are placed in service. At which time the station reclassifies temporarily restricted net assets to unrestricted net assets. The Station records the value of donated goods or services when there is an objective basis available to measure their fair value. No amounts have been reflected in the statements for donated services since no objective basis is available to measure the fair value of such services.

Income Taxes

The Station is exempt from federal income taxes under Section 501(C)(3) of the Internal Revenue Code. Accordingly, a provision for income taxes were not made. The Internal Revenue Service ruled in a letter dated June 15, 1987 that the Station is not a private foundation under Sec 509 (A).

The Station has reviewed its tax status and related filings and determined that there are no uncertain tax positions for which an obligation needs to be recorded pursuant to the Income Taxes Topic (ASC 740).

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES CONTINUED

Functional Allocation of Expenses

The Station reports expenses by functional classification, whereby expenses are categorized by program activities and supporting services. Program activities include direct and indirect costs associated with activities carried out for the fulfillment of the objectives of the Station. Supporting services related costs are costs incurred other than those classified under program activities.

Expenses incurred for program activities and supporting services are summarized on a functional basis in the statements of activities. The Station has the following functional expense categories:

- Program Expenses – charges include expenses incurred for wildlife rehabilitation and education
- Fundraising - charges include expenses incurred for travel, events and other operating costs to support fundraising efforts
- Management and general - charges represent operating expenses including salaries, materials and supplies for programs supported through the Station

Accordingly, certain costs have been allocated among program activities and supporting services benefited. Such allocations are determined by management on an equitable basis. The expenses that are allocated include the following:

Expense	Method of Allocation
Salaries and related cost	Time and effort
Professional services	Time and effort
Advertising and promotion	Time and effort
Conferences and meetings	Time and effort
Office expenses	Time and effort
Information technology	Time and effort
Occupancy	Time and effort
Occupancy - donated facilities	Time and effort
Entertainment and dinners	Time and effort
Insurance	Time and effort
Materials and supplies	Time and effort
Veterinarian supplies & laboratory	Time and effort
Repairs and maintenance	Time and effort
Educational Programing	Time and effort
Depreciation	Time and effort
Amortization	Time and effort

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES CONTINUED

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Property & Equipment - Fixed Assets

Property and equipment are carried at cost and depreciated using the straight-line method over the following estimated useful lives of the respective classes of assets.

	Useful Lives
Furniture and equipment	5 to 10 years
Computer	5 years
Leasehold improvements	15 years
Software	3 to 5 years

Due to/from Related Parties

Amounts reported as due to/from related parties, included in the accompanying statements of financial position, arise principally from activities between the Station and Pelican Harbor Seabird Station Foundation, Inc. to further the mission of the organization

Reclassifications

Certain prior year amounts have been reclassified to conform to the current year presentation.

New Accounting Pronouncement

On August 18, 2016, FASB issued ASU 2016-14, Not-for-Profit Entities (Topic 958) – Presentation of Financial Statements of Not-for-Profit Entities. The update addresses the complexity and understandability of net asset classification, deficiencies in information about liquidity and availability of resources, and the lack of consistency in the type of information provided about expenses and investment return. The Station has adjusted the presentation of these statements accordingly. The ASU has been applied retrospectively to all periods presented.

NOTE 3. CASH AND CASH EQUIVALENTS

The Station defines cash and cash equivalents to include cash on hand, demands deposits and investments with original maturities of three months or less. During 2021 and 2020, total interest deposited to the Corporation's business checking accounts totaled $1,511 and $1,001, respectively. At December 31, 2021 and 2020, the Station held funds without donor restrictions of $527,558 and $301,988 and funds with donor restrictions of $1,926,818 and $963,672.

NOTE 4. AVAILABILITY AND LIQUIDITY

Financial assets at year end:	2021	2020
Cash and cash equivalents	$ 527,558	$ 301,988
Cash on Hand	-	-
Restricted cash	1,926,818	963,672
Contributions receivable	301,470	73,170
Investments at fair value	-	-
Total financial assets	2,755,846	1,338,830
Less amounts not available to be used within one year:		
Net assets with donor restrictions	2,022,232	1,039,051
Less net assets with purpose restrictions to be met in less than a year	-	-
Board Designated Reserve	71,280	71,075
	2,093,512	1,110,126
Financial assets available to meet general expenditures over the next twelve months	$ 662,334	$ 228,704

The Station's goal is generally to maintain financial assets to meet 90 days of operating expenses.

NOTE 5. INVESTMENTS

The Financial Accounting Standards Board (FASB) Accounting Standards Codification Topic 820, Fair Value Measurements and Disclosures (ASC 820) (formerly referred to as FASB Statement of Financial Accounting Standards [SFAS] 157, Fair Value Measurements) is the authoritative U.S. GAAP guidance on how entities should measure and disclose fair value in their financial statements. Fair value is defined in ASC 820 as the "price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date." ASC 820 establishes a three-level hierarchy for fair value measurements based upon the transparency of inputs to the valuation methodology for an asset or liability as of the measurement date. The valuation hierarchy assigns highest priority to Level 1 measurements, and lowest priority to Level 3 measurements. The three levels are defined as follows:

Level 1
Financial assets and liabilities whose values are based on unadjusted quoted prices in active markets for identical assets or liabilities. Instruments in this category include money market funds and common stocks traded on exchanges such as the New York Stock Exchange.

Level 2
Financial assets and liabilities whose values are based on quoted prices for similar assets or liabilities in active markets. Level 2 inputs may include quoted prices for identical or similar assets or liabilities in markets that are not active. Instruments in this category include some corporate and municipal bonds that may not be traded frequently.

NOTE 5. INVESTMENTS CONTINUED

Level 3
Financial assets and liabilities whose values are based on unobservable inputs for the asset or liability. These inputs may be used with internally developed methodologies that result in management's best estimate of fair value. Instruments in this category include investments in hedge funds and real estate funds.

Following is a description of the valuation methodologies used for assets measured at fair value. There have been no changes to the methodologies used at December 31, 2021 and 2020.

Mutual Funds/Short-term investments – Valued at the net asset value of shares held by the Foundation at year-end. All investment assets are Level 1 as of December 31, 2021.

NOTE 6. NET INVESTMENT INCOME

	2021		
	Without Donor Restrictions	With Donor Restrictions	Total
Interest and dividends	$ 1,511	$ -	$ 1,511
Unrealized gain on investments	-	-	-
Unrealized loss on investments	-	-	-
Investment fees	-	-	-
Net investment loss	$ 1,511	$ -	$ 1,511

	2020		
	Without Donor Restrictions	With Donor Restrictions	Total
Interest and dividends	$ 1,001	$ -	$ 1,001
Realized gain on investments	908	-	908
Unrealized gain on investments	-	-	-
Investment fees	-	-	-
Net investment income	$ 1,909	$ -	$ 1,909

NOTE 7. GRANTS AND CONTRIBUTIONS RECEIVABLE

Contributions receivable consist primarily of noninterest-bearing amounts due for programs. Management determines the allowance for uncollectable accounts receivable based on historical experience, an assessment of economic conditions, and a review of subsequent collections. An allowance is recorded for receivables deemed to be uncollectible. As of December 31, 2021 and 2020, the contributions receivable

NOTE 7. GRANTS AND CONTRIBUTIONS RECEIVABLE CONTINUED

balances net of allowance are $301,470 and $73,170 respectively. As of December 31, 2021 and 2020, management has recorded an allowance for bad debt of $7,000 and $9,500 respectively.

As discussed in Note 18, The Station is eligible for the Employee Retention Credit ("ERC") under the CARES Act. A refund of $147,137.94 and $62,294 is expected to be received after December 31, 2021 and 2020, respectively. As of December 31, 2021 and 2020, Grants receivable for the ERC are $209,431.94 and $62,294, respectively. These amounts represent refunds due on the 2021 Form 941-X *Adjusted Employer's Quarterly Federal Tax Return or Claim for Refund* for the quarters ended March 31, 2021 and June 30, 2021 and 2020 Form 941-X *Adjusted Employer's Quarterly Federal Tax Return or Claim for Refund* for the quarters ended June 30, 2020, September 30, 2020 and December 31, 2020.

NOTE 8. IN-KIND USE OF FACILITIES – LEASE OBLIGATIONS

The Station leases its facilities from Miami-Dade County under a twenty (20) year lease agreement dated April 1992. The lease provides for a nominal annual rent of $300. The lease contains a renewal clause for an additional ten (10) year term under the same conditions as the original lease. The lease requires that the building and property be maintained, repaired and improved as is necessary to keep it in good order. The initial lease was signed on July 24, 1990 with the provision that initial term shall commence when construction of the new building was completed, i.e. 1992. The basis for determining the fair value of such facilities is based on the assessed fair market value of property as determined by Miami-Dade County. The fair value of the contributed facilities were $47,041 and $44,378 for the years ended December 31, 2021 and 2020, respectively.

NOTE 9. FIXED ASSETS

Property and Equipment are carried at cost and depreciated using the straight- line method over their estimated useful lives. During 2021 and 2020, depreciation expense totaled $19,751 and $9,051 respectively.

Fixed assets consist of the following at December 31, 2021 and 2020:

	2021	2020
Depreciable Assets		
Furniture and equipment	$173,957	$202,671
Computer	13,395	3,342
Leasehold improvements	74,717	74,717
Total assets	262,059	280,730
Accumulated depreciation		
Furniture and equipment	$132,591	$136,825
Computer	13,395	1,812
Leasehold improvements	56,258	51,036
Total accumulated depreciation	202,244	189,673
Fixed assets, net	$ 59,815	$ 91,057

NOTE 10. SOFTWARE

Software is carried at cost and amortized using the straight- line method over their estimated useful lives. During 2021 and 2020, amortization expense totaled $0 for both years.

Software consisted of the following at December 31, 2021 and 2020:

	2020	2019
Amortizable Assets		
Software	$13,395	$13,395
Less: accumulated depreciation	(13,395)	(13,395)
Software, net	-	-

NOTE 11. BUILDING

During fiscal year 2009, the Station's Board of Directors approved the planned construction of an added facility for use by the Station. Restricted funds were received in the amount of $500,000 from the James E. Lockwood Foundation for this purpose and have been placed in interest bearing accounts.

During 2020 and 2019, the Station received a gift of $1,300,000 and $675,000 from the Deeks Family Foundation for the purchase and planned construction of a facility for use by the Station.

Predevelopment fees have amounted to $599,378 and $241,274 as of December 31, 2021 and 2020, respectively. These items are reflected on the balance sheet as "Investments-Building".

On January 31st, 2020 the Station purchased a 2.6-acre property on the Little River. The site will be used to build a new wildlife rehabilitation facility.

The following table presents certain information about the property The Station acquired:

	Acre	Purchase Price (1)
Purchase	2.6	$2,450,000

(1) Contract purchase price, excluding acquisition and transaction related costs.

NOTE 12. PAYROLL PROTECTION PROGRAM

On January 25, 2021 and May 6, 2020, the Station was granted a loan in the amount of $99,475 and $86,200, pursuant to the Paycheck Protection Program ("PPP") established as part of the Coronavirus Aid, Relief and Economic Securities Act. The loan is forgivable as long as the Station uses the loan proceeds for eligible purposes, including payroll, benefits, rent, and utilities, and maintains its employee levels based on requirements set forth by the SBA and the United States Treasury. Any unforgiven portion of the PPP loan is payable over two years at an interest rate of 1%, with deferral of payments for the first six months. The Station intends to use the proceeds for the purposes consistent with the PPP rules and guidelines.

NOTE 13. LONG TERM DEBT

The Station's long-term debt consists of the following:

	2021	2020
Mortgage Payable, due in monthly installments of $5,745 at an annual rate of 4.6%, secured by land	$486,805	$532,042
Small Business Administration Economic Injury Disaster Loan at an annual rate of 2.75%, unsecured	$500,000	
	$986,805	$532,042

Future scheduled maturities of long-term debt are as follows:

Years Ending December 31st:	
2022	$151,221
2023	151,221
2024	151,221
2025	151,221
2026	151,221
Thereafter	230,700
	$986,805

NOTE 14. NET ASSETS

Net assets with donor restrictions were as follows for the years ended December 31, 2021 and 2020:

	2021	2020
Undesignated	$ 2,532,644	$ 2,272,008
Restricted for Building Purchase	2,022,232	1,039,051
Board Reserved	273,184	273,184
	4,828,060	3,584,243

Satisfaction of Purpose Restrictions	2019	2019
	447,605	1,923,020

NOTE 15. RISK MANAGEMENT

For the year ended December 31, 2021 and 2020, the lease on the operating facilities requires that certain insurances be maintained. Policies shall be endorsed to include Metropolitan Dade County as an additional insured.

- Public liability insurance on a comprehensive basis in an amount not less than $1,000,000. (Combined single limit for bodily injury and property damage)
- Automobile liability insurance - $1,000,000
- Hazard Insurance - Fire, extended coverage, and vandalism and malicious mischief for the full insurable value of any structure located upon the premises.
- Builder's risk insurance for any construction during the term of the lease.

The Station currently maintains public liability insurance, with an effective renewal date of April 23, 2021 with a one (1) year term, through April 23, 2022. This policy was placed with Cincinnati Insurance Companies. The policy includes commercial general liability coverage with limits of liability of $2,000,000. The Station also carries a commercial property policy which includes hazard coverage with liability limits of $90,000. The station has a separate automobile insurance policy with Allstate Insurance Company with limits of $500,000 and separate directors' and officers' policy with Christian-Baker Company with limits of $2,000,000.

The Station also has crime insurance, with an effective renewal date of December 20, 2021 with a one (1) year term, through December 20, 2022. This policy was placed with Chubb Group of Insurance Co. and includes crime coverage with limit of $1,000,000.

NOTE 16. GIFTS, GRANTS AND PLEDGES

During 2020, the Station received a gift of $1,300,000 from the Deeks Family Foundation for the purchase and planned construction of a facility for use by the Station. The gift represents 53% of all revenue for 2020.

During 2021, the Station was awarded $500,000 from The Clinton Family Fund for the planned construction of a facility for use by the Station. The gift represents 20% of all revenue for 2021.

During 2021, the Station received a gift of $250,000 from Laurence Baldwin for the planned construction of a facility for use by the Station. The gift represents 10% of all revenue for 2021.

During 2021 and 2020, the Station was awarded $103,000 and $100,000 from the Batchelor Foundation for the sole purpose of funding wildlife programs. The Batchelor Foundation grant represents 4% of all revenue each year.

NOTE 17. LITIGATION AND CONTINGENCIES

The Station is not currently subject to or a part to any litigation. There are presently no known claims of action pending or unresolved.

NOTE 18. RESTATEMENT OF 2020 GRANT RECEIVABLE AND RELATED PROFESSIONAL COSTS

The Taxpayer Certainty and Disaster Tax Relief Act of 2020, enacted December 27, 2020, made a number of changes to the Employee Retention Credit ("ERC") previously made available under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The law allowed employers who received Paycheck Protection Program (PPP) loans to claim the ERC for qualified wages that are not treated as payroll costs in obtaining forgiveness of the PPP loan.

As a result and subsequent to the issuance of the financial statements, management determined that The Station is eligible for the Employee Retention Credit ("ERC") under the CARES Act. A refund of $62,294 is expected to be received after December 31, 2020 in the form of 2020 Form 941-X Employer Quarterly Federal Tax Return refund payments. As such, the financial statements of PHSS as of December 31, 2020 were restated to accurately reflect Grants receivable for the ERC as discussed in Note 7. Additionally, professional fees of $6,229 were accrued to accurately reflect the cost related to the ERC.

NOTE 19. SUBSEQUENT EVENTS

The Station has evaluated events and transactions for potential recognition or disclosure in the financial statements through March 31, 2022 the date the financials were available for issuance and determined that there have been no events that have occurred that would require adjustments to our disclosures in the consolidated financial statements.

IRS Department of the Treasury
Internal Revenue Service
P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248367572
May 10, 2013 LTR 4168C E0
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00029049
BODC: TE

PELICAN HARBOR SEABIRD STATION INC
1279 N E 79TH STREET CAUSEWAY
MIAMI FL 33138-4206

008664

Employer Identification Number: 59-2137331
Person to Contact: Ms. Mueller
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your May 01, 2013, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in May 1982.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

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PELICAN HARBOR SEABIRD STATION INC
1279 N E 79TH STREET CAUSEWAY
MIAMI FL 33138-4206

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Richard McKee, Department Manager
Accounts Management Operations