



**Town of Surfside
Special Town Commission Meeting
AGENDA
Tuesday, December 13, 2022
5:30 PM
Commission Chambers**

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

Rule 6.06 (a)3 Agenda. The good and welfare portion of the agenda set for 8:15 p.m. shall be restricted to discussion on subjects not already specifically scheduled on the agenda for discussion and debate. In no event shall this portion of the agenda be allotted more than 45 minutes with each speaker to be given no more than three minutes, unless by vote of a majority of the members of the commission present, it is agreed to extend the time frames. Likewise, commission members shall be restricted to speaking three minutes each unless an extension is granted in the same manner as set forth in the prior sentence.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit 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

1.A Call to Order

1.B Roll Call of Members

1.C Pledge of Allegiance

1.D Lobbyist Update - Town Manager Andrew Hyatt

2. Mayor, Commission and Staff Communication

2.A Town Manager's Annual Evaluation - Andrew Hyatt, Town Manager

2.B Appointments to the Charter Review Board - Lillian Arango, Town Attorney
[Exhibit A.docx](#)

2.C Driveway Curb Cuts - Commissioner Landsman
[Exhibit A.DOCX](#)

2.D Discussion Regarding Planning and Zoning Board Jurisdiction and Scope of Project Review - Commissioner Landsman

2.E Special Meetings - Vice-Mayor Rose

3. Adjournment

Respectfully submitted,

Andrew Hyatt
Town Manager

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

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

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

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

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



**Town of Surfside
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DISCUSSION ITEM MEMORANDUM

Agenda #: 2.A

Date: December 13, 2022

From: Andrew Hyatt, Town Manager

Subject: Town Manager's Annual Evaluation

Suggested Action: – For the Town Commission to evaluate and discuss.

Background/Analysis: – Section 4. Performance Evaluation of the Town Manager's agreement states as follows:

4.1 The Town agrees to conduct formal performance evaluations of the Town Manager in a format acceptable to a majority of the Town Commission after six (6), twelve (12) and twenty-four (24) months of service. The Town Commission shall thereafter evaluate the performance of the Town Manager at least once annually on or before the anniversary date of each year. It is understood and agreed that if the Town Manager receives a positive evaluation from the Commission, the Town Manager may receive a salary or benefit increase, but such increase is solely within the discretion of the Commission, approved at a public meeting.

4.2 The evaluation specified in Sections 4.1 shall be based upon: (i) the Town Manager's performance of the duties specified in Section 2; (ii) the Town Manager's achievements of the Town Commission's policy directives; and (iii) the Town Manager's completion of appropriate professional development programs.



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DISCUSSION ITEM MEMORANDUM

Agenda #: 2.B

Date: December 13, 2022

From: Lillian Arango, Town Attorney

Subject: **Appointments to the Charter Review Board**

Suggested Action: – The administration recommends that each member of the Town Commission appoint one member to the Charter Review Board in accordance with Section 128 of the Town Charter, subject to ratification of each appointee by majority vote of the Commission.

Background/Analysis: – Section 128 of the Town Charter requires that in December 2022, the Town commence the Charter review process and appoint a Charter Review Board consisting of five (5) persons. 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. It should also be noted that Section 31 of the Charter provides that Commission appointed boards or commissions shall be comprised of citizens who are registered qualified electors of Dade County, Florida, whose legal residence is in the Town of Surfside.

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. At 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
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DISCUSSION ITEM MEMORANDUM

Agenda #: 2.C

Date: December 13, 2022

From: Commissioner Landsman

Subject: Driveway Curb Cuts

Suggested Action: – The Commission should consider the Planning and Zoning Board's recommendation.

Background/Analysis: – Section 90-61.1 of the Town Code currently limits driveway curb cuts in the H30A and H30B districts as follows:

90.61.1 Curb cuts for properties located in the H30A district, H30B district, and H30C district west of Harding Avenue.

(a) No curb cut shall be located within five feet of a side or rear lot line. For corner lots, no curb cut shall be located within 25 feet of the intersection of the front and secondary frontage lot lines.

(b) Where a driveway is installed with two curb cuts, a landscaped island containing at least 60 square feet shall be provided between the curb cuts in the front yard area, extending from the front property line to the paved area.

(c) The maximum number and location of curb cuts that may be provided for a property shall be determined in accordance with the attached table (see exhibit "A").

At the October 27, 2022 Planning and Zoning Board (PZB) meeting, the PZB discussed increasing the maximum size of a single family driveway curb-cut to more comfortably access the two parking spaces that are required for single family residences. The PZB recommended the Town Commission consider increasing the maximum driveway curb cut width from 18 feet (to as much as 25 feet), provided the minimum pervious area of 50% of the front yard is not reduced.

Analysis: The current standard of 18 feet allows access for two cars to park next to each other in a driveway, however this may be somewhat tight for two large SUVs. Members of the PZB noted damage to front lawns stemming from the drivers missing the streetward corners of the driveways. Allowing a larger driveway curb cut expands design flexibility in accommodating the two required parking spaces for single family and improves access to the driveway from the street. These advantages however should be balanced with pervious area

requirements to ensure front lawns are not dominated by pavement and provide some green area.

EXHIBIT "A"

	Maximum Driveway Connections (Curb Cuts) Allowed and Location
Front lot line width is less than 100 feet	<ol style="list-style-type: none">1. One curb cut, not more than 18 feet in width; or2. Two curb cuts, each curb cut shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts
Front Lot Line Width is 100 feet or greater	<ol style="list-style-type: none">1. One curb cut, not more than 24 feet in width; or2. Two curb cuts, each curb cut shall not be more than 18 feet in width, and there shall be at least 12 feet between curb cuts; or3. Three curb cuts, each curb cut shall not be more than 12 feet in width, and there shall be at least 12 feet between curb cuts.



**Town of Surfside
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DISCUSSION ITEM MEMORANDUM

Agenda #: 2.D

Date: December 13, 2022

From: Commissioner Landsman

Subject: Discussion Regarding Planning and Zoning Board Jurisdiction and Scope of Project Review

Suggested Action: – The Commission should consider expanding the Planning and Zoning Board’s jurisdiction and its scope of review to require a full site plan review of new single family construction. Additions and remodels of existing homes could remain limited to design review. So as not to overburden single family construction, the site plan review

Background/Analysis: – The vast majority of applications reviewed by the Planning and Zoning Board (PZB) involve design review of single family homes and the dual task of site plan/design review of other applications. With respect to the design review process, the PZB’s scope of review is limited to applying the design guidelines and code provisions primarily as they relate to massing and scale. This Commission previously authorized funds to review and improve the Design Guidelines.

Analysis: The role of the PZB is limited with respect to single family homes. The recent building boom has led to a proliferation of similar modern, cube-like architecture that has replaced more traditional ranch, MIMO, deco, and other architectural styles that previously predominated in Town. While the limited scope of PZB design review may have made sense for remodels and simple additions to existing homes at one time, the increase in speculator developers and sheer volume of projects that demolish old homes and rebuild massive homes in their place, the current role of the PZB is too limited to provide meaningful review of these new applications which are impacting the aesthetic and architectural character of our Town. In addition to architecture, the PZB’s limited scope of review restricts it from having meaningful input on site plan issues like configuration of homes, layout, open space, landscaping, and driveways.



**Town of Surfside
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DISCUSSION ITEM MEMORANDUM

Agenda #: 2.E

Date: December 13, 2022

From: Vice-Mayor Rose

Subject: Special Meetings

Suggested Action: – For the commission to discuss the possibility of continuing the special meetings.

Background/Analysis: – On July 12, 2022 the Town Commission agreed to have special meetings at 5:30pm to bring forward the discussion items to avoid having these conversation late in the evening. The Town Commission has now completed a total of five special meetings.