



**Town of Surfside  
Regular Town Commission Meeting  
AGENDA**

**Tuesday, June 13, 2023  
6:00 PM**

Commission Chambers - 9293 Harding Avenue  
Surfside, FL 33154

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

***Rule 6.06 (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

1A. Call to Order

1B. Roll Call of Members

1C. Pledge of Allegiance

1D. Mayor and Commission Remark - Mayor Shlomo Danzinger

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

1F. Community Notes - Mayor Shlomo Danzinger

1G. Legislative Update by Senator Shevrin D. Jones - Shlomo Danzinger, Mayor

1H. Proclamation Presentation for Surfside Heroes Appreciation Month - Shlomo Danzinger, Mayor  
[Surfside Heroes Proclamation.pdf](#)

1I. Approve and Present Proclamation - Code Enforcement Officers' Appreciation Week - Shlomo Danzinger, Mayor  
[Code Enforcement Officers Appreciation Week - Request - June 2023.pdf](#)  
[Code Enforcement Officers Appreciation Week - June 2023.pdf](#)

1J. Approve and Present Proclamation - National Teachers Appreciation Week - Shlomo Danzinger, Mayor  
[Teachers Appreciation Week - Request - May 2023.pdf](#)  
[Teachers Appreciation Week - May 2023.pdf](#)

## 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. Town Commission Meeting Minutes - Sandra N. McCready, Town Clerk  
[May 9, 2023 Regular Town Commission Meeting Minutes.pdf](#)  
[May 10, 2023 Special Town Commission Meeting Minutes.pdf](#)  
[May 17, 2023 Special Town Commission Meeting Minutes.pdf](#)

3B. Board and Committee Reports/Minutes - Sandra N. McCready, Town Clerk  
[2023-04-04 Pension Board Meeting Minutes.pdf](#)  
[2023-04-17 Parks and Recreation Committee Meeting Minutes.pdf](#)  
[2023-04-19 Charter Review Board Meeting Minutes.pdf](#)

## 4. Ordinances

### Second Reading

- 4A1. Zoning Code Correction - Applicability of Planning and Zoning Board Review**  
Hector Gomez Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-19.7 OF SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS” TO MODIFY THE LIST OF APPLICATIONS EXEMPTED FROM PLANNING AND ZONING BOARD REVIEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Ordinance\\_Re\\_Applicability\\_of\\_PZB\\_Review\\_-\\_SR.docx](#)

- 4A2. Zoning Code Correction - Garage Conversion Criteria** - Hector Gomez Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-50. – “ARCHITECTURE AND ROOF DECKS” TO MODIFY REQUIREMENTS FOR GARAGE CONVERSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Ordinance\\_Re\\_Garage\\_Conversions\\_SR.docx](#)

- 4A3. Zoning Code Correction - Design Requirements for Front Yard Fences and Gates** - Hector Gomez Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-56 “FENCES, WALLS AND HEDGES” TO MODIFY APPROVAL PROCEDURE AND REQUIREMENTS FOR FENCES AND WALLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Sec. 90-56. Fences walls and hedges.docx](#)

[Ord\\_Amend\\_Section\\_90-56\\_Fences\\_\\_Walls\\_and\\_Gates\\_SR.docx](#)

- 4A4. Zoning Code Correction - Balcony Projections** - Hector Gomez Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-47 “YARDS GENERALLY, ALLOWABLE PROJECTIONS” TO CLARIFY BALCONY OVERHANG LIMITATIONS APPLIED TO INCLINED SIDE SETBACKS IN H120; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Ordinance\\_Re\\_Balcony\\_Overhangs\\_\\_H120\\_SR.docx](#)

## First Reading

### 4B1. Synthetic Turf - Hector Gomez Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING ARTICLE VIII "LANDSCAPE REQUIREMENTS" OF CHAPTER 90, TO ADDRESS SYNTHETIC TURF, SPECIFICALLY SECTIONS 90-85.2 "DEFINITIONS"; 90-87 "INSTALLATION OF LANDSCAPING AND IRRIGATION"; 90-90.1 "FLORIDA FRIENDLY"; AND 90-95 "SINGLE-FAMILY H30A AND H30B DISTRICT LANDSCAPE REQUIREMENTS"; FURTHER PROVIDING REQUIREMENTS FOR PROPERTIES WITH PREVIOUSLY INSTALLED SYNTHETIC TURF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Ordinance Synthetic Turf .DOCX](#)

[Attachment A: Synthetic Grass Code Cases since 2017](#)

[Attachment B: Open Code Cases](#)

[Attachment C: ROW Synthetic Turf Detail](#)

### 4B2. Zoning Code Amendment: Restaurants in H120 as an Accessory Use - Hector Gomez, Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41 "REGULATED USES" TO ALLOW A RESTAURANT ACCESSORY TO A MULTIFAMILY USE IN THE H120 DISTRICT AS A CONDITIONAL USE SUBJECT TO REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Ordinance Amending H120 Uses to Add Restaurant](#)

[Attachment A: Current Zoning Code Regulated Uses by District](#)

### 4B3. Creation of Chapter 76 "Public Rights-of-way" in the Town Code of Ordinances - Hector Gomez, Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY CREATING A NEW CHAPTER 76 "PUBLIC RIGHTS-OF-WAY" TO ESTABLISH RULES AND REGULATIONS TO MANAGE THE PLACEMENT AND MAINTENANCE OF NON-UTILITY FACILITIES, IMPROVEMENTS, AND ENCROACHMENTS WITHIN PUBLIC RIGHTS-OF-WAY; AMENDING SECTION 90-56.11 OF SECTION 90-56 "FENCES, WALLS, AND HEDGES" TO DELETE REGULATIONS FOR FENCES, WALLS, HEDGES, PLANT MATERIALS, AND IMPROVEMENTS WITHIN THE RIGHT-OF-WAY IN ORDER TO CONSOLIDATE THEM IN THE NEW CHAPTER 76; PROVIDING FOR SEVERABILITY; PROVIDING FOR SEVERABILITY; INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**



**5. Resolutions and Proclamations**

*If the public wishes to speak on any matters in this section of the agenda, they must inform the Town Clerk by completing a speaker card and they will be recognized to speak at the beginning of this section.*

- 5A. Authorization to Contract with Kimley-Horn and Associates, Inc. (Kimley-Horn) for the Project Agreement for Design Services pertaining to Surfside Boulevard Beautification Project from Bay Drive to Harding Avenue - Hector Gomez, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PROPOSAL AND PROJECT AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. PURSUANT TO THE CONTINUING SERVICES AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE SURFSIDE BOULEVARD BEAUTIFICATION PROJECT FROM BAY DRIVE TO HARDING AVENUE; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Resolution Approve Proposal & Project Agreement with Kimley Horn - Surfside Blvd. Improvements](#)

[Exhibit A - Kimley-Horn Proposal dated 5/17/2023](#)

[Exhibit B - Kimley-Horn - Project Agreement - Surfside Boulevard Beautification Project.DOCX](#)

- 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 - Hector Gomez, Town Manager**  
[June 2023 Town Manager's Report.pdf](#)

- 7B. Town Attorney's Report - Town Attorney Lillian Arango**  
[Town Attorney's Report.DOCX](#)

**8. Unfinished Business and New Business**

**9. Mayor, Commission and Staff Communications**

- 9A. Champlain Towers South Investigation and Appropriation Update - Shlomo Danzinger, Mayor**

- 9B. Downtown Walkability and Improvements Design Phase Update - Hector Gomez, Town Manager**

- 9C. Abbott Avenue Stormwater Improvement Project Update - Abbott Avenue**

Stormwater Improvement Project Update  
[Attachment A - "Bid Opening"](#)

- 9D. Recommendation from the Tourist Board for the Installation of SURFSIDE Word Monument at Town Hall as a Tourism Enhancement Feature** - Town Manager Hector Gomez  
[Exhibit A - Surfside Display Renderings.pdf](#)  
[Exhibit B - Surfside Letters Materials, Elevation.pdf](#)  
[Exhibit C - Surfside Letters Proposal.pdf](#)
- 9E. Wells for In-Ground Pools** - Vice Mayor Jeffrey Rose
- 9F. Business District Service Fee / Gratuity Notification** - Commissioner Fred Landsman

## 10. Adjournment

Respectfully submitted,

Hector R. Gomez  
Town Manager

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

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

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

TWO OR MORE MEMBERS OF 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.



## MEMORANDUM

ITEM NO. 1H.

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

**From:** Shlomo Danzinger, Mayor

**Date:** June 13, 2023

**Subject:** **Proclamation Presentation for Surfside Heroes Appreciation Month**

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[Surfside Heroes Proclamation.pdf](#)



# Proclamation

## Surfside Heroes Appreciation Month

~ June 2023 ~

- Whereas,** on June 24<sup>th</sup>, 2021, at 1:20 AM Surfside Police officers were the first to respond to the Champlain Towers South collapse and aided in the evacuation of the survivors; AND
- Whereas,** members of the Miami- Dade Fire Rescue, City of Miami Fire Rescue, and City of Miami Beach Fire Rescue responded without hesitation to the scene to provide aid; AND
- Whereas,** search and rescue teams from South Florida (FL-TF1, FL-TF2), teams from across our State (FL-TF3, FL-TF4, FL-TF5, FL-TF6, FL-TF7, FL-TF8), and National teams from Ohio (OH-TF1), Indiana (IN-TF1), New Jersey (NJ-TF1), Pennsylvania (PA-TF1), Virginia (VA-TF2), and the Blue Incident Support Team (IST) responded to Surfside in our time of need to search for survivors and ultimately recover those lost to return them to their families; AND
- Whereas,** the State of Israel mobilized the Israeli Defense Force's Search & Rescue Team (ISR-1) which responded from overseas and provided vital intel, aid, and support in the rescue and recovery efforts; AND
- Whereas,** all the employees of the Town of Surfside went above and beyond, working non-stop to provide much needed functions, aid, and support throughout the entire event; AND
- Whereas,** Miami-Dade County Police and neighboring South Florida Municipal Law Enforcement agencies aided in providing safety and security for the residents of the Town of Surfside; AND
- Whereas,** Hatzalah of South Florida, was on the scene providing medical aid to the victims, and remained on-site throughout the rescue and recovery effort to provide medical aid to the search and rescue teams; AND
- Whereas,** volunteers from Chessed Shel Emes remained on-site throughout the rescue and recovery effort, ensuring that all those recovered were treated with the utmost dignity & respect as per Halachic traditions; AND
- Whereas,** Yedidim USA set up a command center with over 2,000 volunteers, which prepared over 50,000 meals that fed families and first responders, and provided emergency supplies and equipment throughout the search and recovery effort; AND
- Whereas,** Strong for Surfside was a movement formed by many businesses, organizations, and private citizens who joined together to provide aid and support during the chaotic weeks that followed; AND
- Whereas,** Jewish Community Services (JCS), Red Cross, Global Empowerment Mission (GEM), EZS, and the Shul provided and continue to provide much needed aid and support to the victims of the collapse; AND
- Whereas,** in a remarkable display of solidarity, individuals and organizations, both locally and globally, responded without hesitation, coming together to assist the victims and their families, and many continue their unwavering support for the victims to this day.
- Now** therefore I, Shlomo Danzinger, Mayor of Surfside, do hereby proclaim the month of June 2023, as "**Surfside Heroes Appreciation Month**" in the Town of Surfside and encourage all residents of Surfside to join in recognizing these heroes by actions of acknowledging, supporting, and showing appreciation to the aforementioned organizations.

Signed by my hand at Surfside Town Hall, in the  
Commission Chambers, on this the 9<sup>th</sup> day of May 2023.

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Shlomo Danzinger, Mayor  
Town of Surfside



## MEMORANDUM

ITEM NO. 1I.

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

**From:** Shlomo Danzinger, Mayor

**Date:** June 13, 2023

**Subject:** **Approve and Present Proclamation - Code Enforcement Officers' Appreciation Week**

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For the commission to approve the proclamation as submitted.

The Code Compliance Department plays a vital role within the Town of Surfside, ensuring that our community maintains its high standards of safety, aesthetics, and quality of life. This department is responsible for enforcing building codes, zoning regulations, and various municipal ordinances. By promoting and maintaining compliance, they contribute to the overall well-being and prosperity of our town.

One of the key reasons why the Code Compliance Department deserves appreciation and support from the commission is its role in upholding public safety. Building codes and regulations are in place to ensure that structures within our town are constructed and maintained to the highest safety standards. Compliance with these codes helps to mitigate potential hazards and protect the lives and well-being of our residents and visitors. By approving the resolution, the commission would acknowledge the importance of the department's work in maintaining a safe environment for our community.

Furthermore, the Code Compliance Department helps to preserve the visual appeal and charm of our town. Zoning regulations and ordinances are designed to maintain a harmonious aesthetic and prevent eyesores that could detract from the overall beauty of Surfside. The diligent efforts of the department contribute to the preservation of our town's unique character and ensure that it remains an attractive place to live, work, and visit.

In addition to safety and aesthetics, code compliance also fosters a sense of fairness and equity within our community. By ensuring that everyone follows the same rules and regulations, the department promotes a level playing field for businesses and residents alike. This contributes to a stronger sense of community cohesion and trust, as everyone knows that they can rely on the Code Compliance Department to enforce the rules consistently and fairly.

In conclusion, the Code Compliance Department plays a crucial role in maintaining safety, preserving aesthetics, and promoting fairness within the Town of Surfside. The commission should approve a resolution expressing appreciation for the department's dedication and hard work. Such recognition would not only motivate the department staff but also demonstrate the commission's commitment to upholding the highest standards for our community's well-being and prosperity.

[Code Enforcement Officers Appreciation Week - Request - June 2023.pdf](#)

[Code Enforcement Officers Appreciation Week - June 2023.pdf](#)





# TOWN OF SURFSIDE

## PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN

### REQUEST FORM

OFFICE OF THE TOWN CLERK

Request for (check one):  Proclamation  Certificate  Key  Brick

Date of Request: 05/12/2023

Name of Requestor: Carmen Santos-Alborna

Organization: Code Compliance Division - Town of Surfside

Address: 9293 Harding Ave., Surfside FL 33154

Phone / E-Mail: (305) 861-4863

Name of Individual / Organization to be honored:  
Code Compliance Officers

Title for Proclamation or Certificate:  
CODE ENFORCEMENT OFFICERS' APPRECIATION WEEK

Date of Recognition: Week of June 5 through 9, 2023

Reason for Recognition (Please attach 4 – 6 "whereas clauses" as draft text for a Proclamation):  
See attached proclomation

**Document is to be:**

- Presented at a Commission Meeting in June 13, 2023 (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: \_\_\_\_\_



# Proclamation

**Whereas,** *Code Enforcement Officers provide for the safety, health and welfare of the citizens in this community through the education and enforcement of building, zoning, housing, animal control, fire safety, environmental and other codes and ordinances; AND*

**Whereas,** *Code Enforcement Officers are responsible for improving the neighborhood and the quality of lives of the residents and community; AND*

**Whereas,** *every day, they attempt to provide quality customer service to the public for the betterment of the community; AND*

**Whereas,** *too many times, their efforts go unnoticed even after code compliance has been accomplished due to their efforts and expertise; AND*

**Whereas,** *Code Enforcement Officers are dedicated, well trained, and highly responsible individuals who take their jobs seriously and are proud of their department and the local government within which they serve; AND*

**Whereas,** *the Florida Association of Code Enforcement (F.A.C.E.) has declared the first week of June be set aside by local government to honor and recognize their Code Enforcement Officers.*

**Now** *therefore I, Shlomo Danzinger, Mayor of the Town of Surfside, do hereby proclaim the week of June 5 through 9, 2023 as:*

## *Code Enforcement Officers' Appreciation Week*

*in the Town of Surfside, Florida, in accordance with the statewide observance of the same and encourage citizens of the Town of Surfside to join this Commission in expressing appreciation for the dedication and outstanding service provided by the individuals who serve as our Code Enforcement Officers.*

*Signed by my hand at Surfside Town Hall  
on this the 13<sup>th</sup> day of June 2023.*

*Shlomo Danzinger, Mayor  
Town of Surfside*



## MEMORANDUM

ITEM NO. 1J.

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Shlomo Danzinger, Mayor  
**Date:** June 13, 2023  
**Subject:** Approve and Present Proclamation - National Teachers Appreciation Week

For the commission to approve the proclamation as submitted.

This proclamation allows us to honor and recognize the extraordinary contributions of our dedicated educators and specifically Mrs. Celida Cuenca, a Surfside resident and school counselor at Ruth K Broad K-8 who was recently recognized as Teacher of the Year by Miami-Dade County Public Schools. By approving this resolution, we can demonstrate our unwavering support for the teachers who shape the minds and futures of our children.

Our teachers in Surfside go above and beyond, nurturing and inspiring our students while instilling a love for learning and preparing them for success. National Teachers Appreciation Week provides an opportunity to acknowledge their tireless efforts and profound impact on countless lives.

Teachers are not just instructors; they are mentors, role models, and trusted guides. They provide not only knowledge but also emotional support and guidance to help students overcome challenges. Celebrating National Teachers Appreciation Week allows us to showcase the transformative role teachers play in our community.

By approving this proclamation, we express our deep gratitude for their dedication, resilience, and passion. Let us come together to show our support and admiration for the teachers who shape the educational landscape of Surfside.

[Teachers Appreciation Week - Request - May 2023.pdf](#)

[Teachers Appreciation Week - May 2023.pdf](#)



# TOWN OF SURFSIDE

## PROCLAMATION, CERTIFICATE, COIN AND KEY TO THE TOWN

### REQUEST FORM

OFFICE OF THE TOWN CLERK

Request for (check one):  Proclamation  Certificate  Key  Brick

Date of Request: 06/02/2023

Name of Requestor: Shlomo Danzinger

Organization: Town of Surfside

Address: 9293 Harding Ave., Surfside FL 33154

Phone / E-Mail: sdanzinger@townofsurfsidefl.gov

Name of Individual / Organization to be honored:  
Celida Cuenca

Title for Proclamation or Certificate:  
National Teachers Appreciation Week

Date of Recognition: June 13, 2023

Reason for Recognition (Please attach 4 – 6 “whereas clauses” as draft text for a Proclamation):  
See attached proclomation

**Document is to be:**

- Presented at a Commission Meeting in June 13, 2023 (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 \_\_\_\_\_

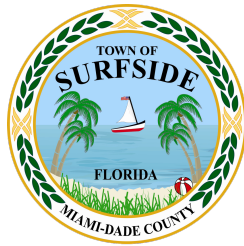
Approved: Yes \_\_\_\_\_ No \_\_\_\_\_ If no, state reason: \_\_\_\_\_

Approved Date: \_\_\_\_\_

Date Submitted for Mayor’s Signature: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Completed by: \_\_\_\_\_



# Proclamation

**Whereas,** *education is the cornerstone of our society, and teachers are the dedicated individuals who shape the minds and futures of our children; AND*

**Whereas,** *National Teachers Week is a time-honored tradition that celebrates the invaluable contributions of teachers across our nation, recognizing their tireless efforts and profound impact on the lives of countless individuals; AND*

**Whereas,** *our teachers not only impart knowledge but also serve as mentors, role models, and trusted guides, empowering students to discover their strengths, overcome challenges, and become responsible, compassionate, and engaged citizens; AND*

**Whereas,** *the town of Surfside recognizes the invaluable role that teachers play in shaping the future of our community, and acknowledges the tremendous sacrifices they make, often going unrecognized and underappreciated; AND*

**Whereas,** *Celida Cuenca, a Surfside resident and school counselor at Ruth K Broad, has been awarded Teacher of the Year by Miami-Dade Public Schools, making our Town of Surfside proud through her unwavering commitment and unwavering dedication to empowering and inspiring students to reach their full potential and academic excellence.*

**Now** *therefore I, Shlomo Danzinger, Mayor of the Town of Surfside, do hereby proclaim the week of May 8 through May 13, 2023 as:*

## *National Teachers Appreciation Week*

*in the Town of Surfside, Florida, in accordance with the national observance of the same and encourage citizens of the Town of Surfside to join this Commission in recognizing the hard work and dedication of our teachers and to observe this week by supporting teachers through appropriate activities, events, and programs.*

*Signed by my hand at Surfside Town Hall  
on this the 13<sup>th</sup> day of June 2023.*

*Shlomo Danzinger, Mayor  
Town of Surfside*



**Town of Surfside  
Regular Town Commission Meeting  
MINUTES  
May 9, 2023  
6:00 PM**

Commission Chambers - 9293 Harding Avenue  
Surfside, FL 33154

**1. Opening**

**1A. Call to Order**

Mayor Danzinger called the meeting to order at 6:02 p.m.

**1B. Roll Call of Members**

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

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

Also Present: Town Manager Hector Gomez, Town Attorney Lillian Arango and Town Attorney Tony Recio.

**1C. Pledge of Allegiance**

State Representative Fabian Basabe provided the pledge of allegiance.

**1D. Mayor and Commission Remarks**

Mayor Danzinger recognized State Representative Fabian Basabe and former Vice Mayor Frank MacBride. He also read the decorum statement into the record and reminded the public and fellow commissioners. He addressed something that a resident did at a Planning and Zoning Board Meeting regarding misinformation she stated she read on NextDoor and the Town Attorney that the Town has four story homes that she read on NextDoor. He stated that regardless of how many times the Town Attorney explained it and the resident did not listen. He encouraged everyone to reach out to the elected officials and town administration with any questions and not go by what is written on NextDoor. He wished everyone a Happy Mother's Day.

Commissioner Meisheid spoke regarding the equipment at the street ends and thanked Parks and Recreation Department staff for an amazing Earth Day event.

Commissioner Landsman spoke regarding the events that have taken place and the



reopening of the Hawthorne Tot Lot coming up and thanked everyone for attending.

Commissioner Velasquez thanked everyone for participating in their meetings. She commented on the statement made by the Mayor and it is three stories although it states it is an understory and it was never sent to the voters. She spoke regarding the Hawthorne Tot Lot and it looks amazing and hopefully the 96th Street Park will be finished soon.

Mayor Danzinger recognized former Mayor Eli Tourgeman.

Vice Mayor Rose wished happy mother's day to all the mother's out there. He thanked Parks and Recreation Department staff and Public Works Department staff for all their work. He spoke regarding the beach equipment and the beach chairs is a huge success. He stated what you read and see what is written on NextDoor is not accurate.

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

Mayor Danzinger would like to move item 9B (Synthetic Turf in the Zoning Code) before item 3 (Consent Agenda).

A motion was made by Commissioner Landsman to move item 9B (Synthetic Turf in the Zoning Code) before item 3 (Consent Agenda), seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

A motion was made by Vice Mayor Rose Move item 3F (Surfside Heroes Appreciation Month) out of consent to be heard under item 5 (Resolutions and Proclamations), seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

Mayor Danzinger requested a walk item by State Representative Basabe to give a legislative update as item 1F (Community Notes).

A motion was made by Commissioner Landsman to add a legislative update by State Representative Basabe as item 1G (Legislative Update by State Representative Fabian Basabe), seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

Mayor Danzinger requested a walk on item to approve and present a proclamation regarding gun violence to be heard before item 2 (Quasi-Judicial Hearings).

A motion was made by Commissioner Meisheid to approve walking on an item regarding gun violence and to be heard before item 2 (Quasi-Judicial Hearings), seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

A motion was made by Vice Mayor Rose to add item 5D (Resolution amending the Commission Travel Policy), seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

#### **1F. Community Notes - Shlomo Danzinger, Mayor**

Mayor Danzinger spoke regarding a social media policy and platform that the Town of Surfside has started and encouraged the public to subscribe. He spoke regarding the improved events by the Tourist Board. He provided an update of the upcoming events that will be taking place. He congratulated employees that have celebrated work anniversaries with the Town. He spoke regarding having the Chairs of the different Board and Committees to come and give an update on their specific boards at our Commission meetings.

Chair Eli Tourgeman, Tourist Board, clarified that all the funding that is used for the tourist board events is 100% used from the Tourist Fund and not the Town's general fund. He provided an overview and update on the Tourist Board events and budget.

Chair Retta Logan, Parks and Recreation Committee, provided an overview and update of the projects and events as it pertains to the Parks and Recreation Committee.

Mayor Danzinger stated that they did a great job with the Hawthorne Tot Lot and encouraged everyone to come to the May 15th Parks and Recreation Committee Meeting.

Vice Mayor Rose stated to the public not to park at the Hawthorne Tot Lot area that is painted with yellow stripes. He stated that is not a parking spot and you will be ticketed if you park there.

Chair Carolyn Baumel, Planning and Zoning Board, provided an overview and update of the projects coming before the Board. She stated that the Board is there to look at the designs and must go by the Design Review Guidelines.

Commissioner Landsman thanked the Planning and Zoning Board and stated that Commissioner Meisheid, Vice Mayor Rose and Mayor Danzinger as well as himself as the liaison attend the meeting and thanked them.

Mayor Danzinger stated that the Chair for the Charter Review is running late and he will bring him up when he arrives.

Chair Ben Jacobson, Charter Review Board, provided an overview of what the Board has been doing and what is coming in the future.

Mayor Danzinger asked Chair Jacobson to explain the charter review process.

Chair Jacobson explained what the process of the Charter Review Board is and it is up to the Commission to decide and approve what the Commission decides to put on the ballot.

## **1G.) Legislative Update by State Representative Fabian Basabe**

State Representative Fabian Basabe introduced himself and provided a legislative update. He spoke regarding the appropriations.

Mayor Danzinger spoke regarding the Abbott Avenue Drainage.

Mayor Danzinger and the Commission thanked State Representative Fabian Basabe for coming and providing an overview.

### **1H.) Gun Violence Proclamation**

Soray Cruz, introduced the item and spoke regarding June 2nd being Gun Violence Awareness Day.

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

Mayor Danzinger spoke regarding an incident that took place at Flannigan's which was an accidental discharge. He presented the proclamation to Ms. Cruz.

## **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.***

A motion was made by Vice Mayor Rose to approve the consent agenda minus item 3D (FY2023 Budget Amendment Resolution No. 7), seconded by Commissioner Landsman. The motion carried with 5-0 vote.

### **3A. Town Commission Meeting Minutes - Sandra N. McCready, Town Clerk**

Approved on consent.

[April 17, 2023 Special Town Commission Meeting Minutes.pdf](#)

[April 18, 2023 Regular Town Commission Meeting Minutes.pdf](#)

### **3B. Board and Committee Reports/Minutes - Sandra N. McCready, Town Clerk**

Approved on consent.

[February 27, 2023 Parks and Recreation Committee Meeting Minutes.pdf](#)

[March 22, 2023 Charter Review Board Meeting Minutes.pdf](#)

[March 30, 2023 Planning and Zoning Board Meeting Minutes.pdf](#)

[April 3, 2023 Tourist Board Meeting Minutes.pdf](#)

### **3C. Approving and Authorizing the Purchase of One 2023 Kubota RTV X900G-A Utility 4WD Vehicle from Ridge Equipment Co. In An Amount Not To Exceed**

**\$21,605 Utilizing the Pricing of the Florida Sheriffs Association Contract No. FSA 20-EQU18.0 as part of the Community Service Aid Program Implementation**

- Hector Gomez, Town Manager

Town administration is seeking Town Commission approval to piggyback Florida Sheriff's Association Bid # FSA 20-EQU18.0 with Ridge Equipment Co. as shown in Exhibit A to the resolution - "Ridge Equipment Proposal dated May 1, 2023" and authorization to expend a total of \$21,605 towards the purchase of a 2023 Kubota RTV X900-G-A Utility 4WD Vehicle.

Approved on consent.

[Attachment A - FSA Terms Conditions Contract.pdf](#)

[Resolution Authorizing Approving 2023 RTV Vehicle Purchase - Sheriff Association.DOCX](#)

[Exhibit A - "Ridge Equipment Proposal dated 5-1-23"](#)

**3D. FY 2023 Budget Amendment Resolution No. 7 - Hector Gomez, Acting Town Manager**

Town Administration recommends approval of this resolution.

A motion was made by Vice Mayor Rose to adopt the resolution minus item 1 of the budget amendment, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

[Resolution Approving Budget Amendment No. 7.DOCX](#)

[FY2023 Budget Amendment No. 7.pdf](#)

**3E. Approving and Authorizing the Purchase of One 2023 GMC Terrain AWD Vehicle from Alan Jay Fleet Sales In An Amount Not To Exceed \$28,952.00 Utilizing the Pricing of the City of Tallahassee Agreement No. 5179 as part of the Community Service Aid Program Implementation**

- Hector Gomez, Town Manager

Town administration is seeking Town Commission approval to piggyback contract between the City of Tallahassee Contract with Alan Jay Fleet Sales as shown in Attachment A - "Alan Jay Fleet Award Letter for Comp. Bidding City of Tallahassee Piggyback" and authorization to expend a total of \$28,952.00 towards the purchase of a 2023 GMC Terrain vehicle.

Approved on consent.

[Resolution Authorizing Approving 2023 Alan Jay GMC Vehicle Purchase.DOCX](#)

[Attachment A - "Alan Jay Fleet Award Letter for Comp. Bidding City of Tallahassee Piggyback"](#)

[Attachment B - Alan Jay Fleet Sales Quote 2023 GMC Terrain SLE AWD.pdf](#)

[Attachment C - Alan Jay Fleet Award Letter for Comp. Bidding City of Tallahassee Piggyback](#)

**3F. Surfside Heroes Appreciation Month - Shlomo Danzinger, Mayor**

To adopt a proclamation recognizing and honoring the many organizations who played a pivotal role in the aftermath of the tragic collapse of the Surfside condos on June 24, 2021.

Moved to be heard under item 5 (Resolutions/Proclamations).

A motion was made by Commissioner Meischeid to approve the item, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[CTS Proclamation Application 2023.pdf](#)

[Resolution No. 2022-2892-CTS First Responders-Family-Friends-June 24 Day.pdf](#)

[Surfside Heroes Proclamation 11x14 2023.pdf](#)

## 4. Ordinances

### Second Reading

#### **4A1. Pension Ordinance Addressing Housekeeping Items and Technical Corrections** - Hector Gomez, Town Manager

It is requested that the Commission approve the proposed Pension Ordinance on second reading. . The outside professionals employed by the Pension Board are available to answer any questions.

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

Town Manager Gomez introduced the item.

Town Attorney Arango explained the changes that were made.

Mayor Danzinger opened up the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

A motion was made by Commissioner Landsman to approve the ordinance on second reading, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

[Pension Ordinance.DOCX](#)

[Attachment A - Actuarial Impact Statement - May 2023.pdf](#)

#### **4A2. Amendment of Election Qualifying Dates Due to the March 19, 2024 Presidential Preference Primary** - Sandra N. McCready, MMC, Town Clerk

Town Administration recommends approval of this ordinance on second reading to adhere to the State's and Miami-Dade County's 2024 Election Schedule.

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

Town Manager Gomez introduced the item.

Town Clerk McCready explained what the ordinance entails and we will be piggybacking off the Miami Dade County elections and we must adhere to those regulations.

Mayor Danzinger opened up the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

A motion was made by Vice Mayor Rose to approve the ordinance on second reading, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

[Attachment A - Miami-Dade County Ballot Issue Deadlines - 2024.pdf](#)  
[Ordinance Amending Qualifying Dates.docx](#)

**4A3. Zoning Code Correction: Front Setback Standards** - Hector Gomez, Town Manager

Staff recommends that the ordinance be approved on second reading to provide that a minimum of 50 percent of the front yard setback area will be landscaped.

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

Town Manager Gomez introduced the item.

Mayor Danzinger opened up the floor to public comments.

The following individual from the public spoke:  
George Kousoulas suggested changes to the ordinance.

Mayor Danzinger closed the floor to public comments.

Vice Mayor Rose spoke regarding the different impacts that will exist.

Town Manager Gomez addressed the comments made and as it pertains to the artificial turf.

Mayor Danzinger spoke regarding the different ideas and the permeable material that can be used.

Commissioner Velasquez spoke regarding boulders being counted towards the permeable material.

Town Planner Frankel addressed the comments made by the Commission.

Town Attorney Arango stated that you need a date certain to avoid re-advertisement.

A motion was made by Vice Mayor Rose to table the item, seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.



A motion was made by \_\_\_\_\_ to approve the ordinance on second reading, seconded by \_\_\_\_\_. The motion carried with a \_\_\_\_\_ vote.

[Attachment A - Front Yard Restrictions](#)

[Ordinance Amending Sec. 90-61 - Setback Paving Standards - SR 4-28-23.docx](#)

**4A4. Zoning Code Correction - Roof Deck Stairway Height** - Hector Gomez, Town Manager

Staff recommends approval of the ordinance as presented, as it is in the Town's interest to resolve the conflict regarding rooftop elements in favor of the Florida Building Code.

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

Town Manager Gomez introduced the item and explained this was another zoning ambiguity and explained the changes.

Town Attorney Recio provided an overview and explained the changes being made and read the new language.

Mayor Danzinger left the dais.

Vice Mayor Rose opened up the floor to public comments.

There were no public speakers.

Vice Mayor Rose closed the floor to public comments.

A motion was made by Commissioner Meischeid to approve the ordinance on second reading, seconded by Commissioner Landsman. The motion carried with a 4-0 vote with Mayor Danzinger absent from the dais.

[Attachment A - Roof Stair Stairs Limitations in the Zoning Code](#)

[Ordinance Amending Sec. 90-50.2 Roof Deck Provisions - SR 4-28-23.docx](#)

**4A5. Stormwater Management Regulatory Mechanism for Enforcement** - Hector Gomez, Town Manager

For the Town Commission to adopt the ordinance on second reading, as modified,

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

Mayor Danzinger returned to the dais.

Town Manager Gomez introduced the item.

Town Attorney Arango provided the changes on page 212, line 551 and 557 and read the changes.

Mayor Danzinger opened up the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

A motion was made by Vice Mayor Rose to approve the ordinance on second reading, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.  
[Ordinance Stormwater Compliance.DOCX](#)

## First Reading

### **4B1. Zoning Code Correction - Balcony Projections** - Hector Gomez, Town Manager

Staff recommends approval of this ordinance to clarify the zoning code language and relocate the balcony requirement to the applicable section of the code.

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

Town Manager Gomez introduced the item.

Town Attorney Recio provided an overview of the item and they are resolving it where it makes sense.

Mayor Danzinger opened up the floor to public comments.

The following individual from the public spoke:  
George Kousoulas spoke regarding the item.

Mayor Danzinger closed the floor to public comments.

Commissioner Meisheid asked Town Attorney Recio what he thought regarding Mr. Kousoulas' recommendation.

Town Attorney Recio stated that there were 2 things Mr. Kousoulas proposed and read what he proposed. He stated that part is a great clarification, and the other part is a policy decision and provided his concern which is the title of the ordinance. He stated that they would then have to come back for first reading with a new title.

A motion was made by Vice Mayor Rose to approve the ordinance on first reading as written with the changes suggested by Mr. Kousoulas, seconded by Commissioner Meisheid.

Vice Mayor Rose rescinded his motion and Commissioner Meischeid rescinded her second.

A motion was made by Vice Mayor Rose to table the item till later tonight, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

A motion was made by Vice Mayor Rose to untable the item, seconded by Commissioner Landsman. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

Town Attorney Arango stated the change they can make without having to change the title of the ordinance and read the change into the record which was to remove the word "that", change the word "apply" to "applied" and remove the word "only".

A motion was made by Vice Mayor Rose to approve the ordinance with the change stated by Town Attorney Arango which is to add on line 51 the following after side setback to insert "including the modified side setback", remove lines 52 and 53, and remove the word "that", change the word "apply" to "applied" and remove the word "only", seconded by Commissioner Meischeid. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

[Ordinance - Balcony Overhangs, H120.docx](#)

#### **4B2. Zoning Code Correction - Design Requirements for Front Yard Fences and Gates - Hector Gomez, Town Manager**

Staff recommends approval of this ordinance in order to clarify the acceptable design of front yard fences and gates in single-family zoning districts and to allow for the compatibility of another ordinance removing front yard fences, gates and walls from Planning and Zoning Board review.

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

Town Manager Gomez introduced the item.

Mayor Danzinger opened up the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger provided his comments on the item and possibly adding some language to expedite the item and giving the Town Planner certain authority to approve without having to go before the Planning and Zoning Board.

Town Manager Gomez addressed the comments made by the Commission.

Town Planner Frankel addressed the comments made by the Commission and Town Manager.

Mayor Danzinger addressed the comments made by the Town Planner and Town Manager and the way it is written seems too loose.

Further discussion took place among the Commission and staff regarding the specifics of this item and what should be going before the Planning and Zoning Board.

A motion was made by Commissioner Landsman to approve the ordinance on first reading, seconded by Commissioner Meisheid. The motion carried with a 4-0 vote with Commissioner Velasquez absent.

[Sec. 90-56. Fences walls and hedges.docx](#)

[Ord Amend Section 90-56 Fences, Walls and Gates.docx](#)

**4B3. Zoning Code Correction - Garage Conversion Criteria** - Hector Gomez, Town Manager

Staff recommends approval of this ordinance in order to clarify the acceptable design of garage conversions in single-family zoning districts and to allow for the compatibility of another ordinance removing front garage conversions from Planning and Zoning Board review.

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

Town Manager Gomez introduced the item.

Mayor Danzinger opened up the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

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

[Ordinance - Garage Conversions.docx](#)

[Zoning Code with section highlighted](#)

**4B4. Zoning Code Correction - Applicability of Planning and Zoning Board Review** - Hector Gomez, Town Manager

Staff recommends removing the following property alterations from Planning and Zoning Board review. If approved, these additional items would be added to Sec. 90-19.7 and reviewed for compatibility with the zoning code by staff only:

- Front Yard Fences and gates
- Garage Conversions
- Carports
- Window Signs in SD-B40
- Business District SD-B40 Awnings
- Wall Opening (window and door) changes on existing homes not visible from a public right-of-way

- Rear Yard Pools
- Rear Yard Decks
- Rooftop Mechanical Equipment
- Ground-level mechanical not visible from a public right-of-way

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

Town Manager Gomez introduced the item.

Town Attorney Recio provided the clarification of the underlining from line 58-68 and stated that the language should all be underlined which indicates it is new language.

Mayor Danzinger opened up the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Commissioner Velasquez asked where is the ambiguity.

Town Manager Gomez stated there is no ambiguity it was brought up in January.

A motion was made by Commissioner Landsman to approve the ordinance on first reading as written with the change of underlining the new language on lines 58-68, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

[Sec. 90-19. Single family and two family development review process.docx](#)  
[Ordinance - Applicability of PZB Review.docx](#)

## 5. Resolutions and Proclamations

***If the public wishes to speak on any matters in this section of the agenda, they must inform the Town Clerk by completing a speaker card and they will be recognized to speak at the beginning of this section.***

### **5A. Water Meter System Badger Utility Encoders Phase II Conversion Implementation - Hector Gomez, Town Manager**

Town administration is seeking Town Commission approval for a purchase of Badger utility encoders for Phase II and authorization to amend existing contract with Badger Meter and expend a not to exceed amount of \$100,127.50 for Purchase. The procurement is being made per Town Code section 3-13 as the product is sole source due to it being the only product compatible with the Town water metering hardware.

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

Town Manager Gomez introduced the item.

Mayor Danzinger opened up the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

Commissioner Velasquez asked if they come with batteries and if there is any way to get some that are hardwired.

Town Manager Gomez stated they do have batteries and they are cellular based and explained how they work. He stated that hardwired and electrical feed on a meter box could present some issues and the concern that they have live electricity and the flooding in town.

A motion was made by Commissioner Meisheid to approve the resolution, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[Resolution Approving Phase II Cellular Water Meter Plan and First Amendment to PSA with Badger Meter, Inc..DOCX](#)

[Exhibit A - Badger Meter Proposal Dated April 20, 2023"](#)

[Exhibit B - First Amendment - Badger Meter for Phase II Water Encoder Work.DOCX](#)

**5B. Memorandum of Understanding between the Town of Surfside and the Fraternal Order of Police (FOP) Local 135 to be Consistent with the Ordinance under Agenda Item 4A1 - "Pension Ordinance Addressing Housekeeping Items and Technical Corrections". - Hector Gomez, Town Manager**

It is recommended that the Town Commission approve and ratify the attached Memorandum of Understanding (MOU) between the Town and the Fraternal Order of Police (FOP) Local 135.

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

Town Manager Gomez introduced the item and stated this item is similar to item 5C (Memorandum of Understanding Between the Town of Surfside and the American Federation of State, County, and Municipal Employees (AFSCME) Council 79 to be Consistent with the Ordinance under Agenda Item 4A1 - "Pension Ordinance Addressing Housekeeping Items and Technical Corrections"). He stated that tonight adopted item 4A1 (Pension Ordinance Addressing Housekeeping Items and Technical Corrections).

Mayor Danzinger opened up the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

A motion was made by Commissioner Meisheid to approve the resolution,



seconded by Commissioner Landsman. The motion carried with a 5-0 vote.  
[Reso Approving MOU with FOP Retirement Benefits.DOCX](#)  
[Exhibit A - FOP - MOU April 2023.pdf](#)

**5C. Memorandum of Understanding Between the Town of Surfside and the American Federation of State, County, and Municipal Employees (AFSCME) Council 79 to be Consistent with the Ordinance under Agenda Item 4A1 - "Pension Ordinance Addressing Housekeeping Items and Technical Corrections" - Hector Gomez, Town Manager**

It is recommended that the Town Commission approve and ratify the attached Memorandum of Understanding (MOU) between the Town and American Federation of State, County, and Municipal Employees (AFSCME) Council 79.

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

Town Manager Gomez introduced the item.

Mayor Danzinger opened up the floor to public comments.

There were no public speakers.

Mayor Danzinger closed the floor to public comments.

A motion was made by Commissioner Landsman to approve the resolution, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

[Reso Approving MOU with AFSCME Retirement Benefits.DOCX](#)  
[Exhibit A - AFSCME MOU.pdf](#)

**5D.) Resolution Amending Commission Travel Policy**

Mayor Danzinger introduced the item and stated the approved expenses in the resolution and there are other organizations that would benefit the Town and to modify to add the National Conferences of Mayor.

Commissioner Velasquez stated that he is asking to make the changes to the resolution and she has not seen the resolution.

Town Attorney Arango stated that they can bring a resolution to ratify adding the National Conferences of Mayor.

A motion was made by Vice Mayor Rose to approve the expense for the National Conferences of Mayor and bring back a resolution ratifying and amending the Town Travel Policy, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

**6. Good and Welfare (Set for approximately 8:15 p.m.)**  
***Public comments for subjects or items not on the agenda.***

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Rodrigo Bottori spoke regarding plastic fisherman and thanked the Town and Tourist Board for supporting the event. He suggested trash bins at the end of the street ends.

George Kousoulas talked about special commission meetings and mentioned that they are difficult to schedule which make it difficult for the commissioners and the public.

Frank MacBride thanked Parks and Recreation Director Milian on the Hawthorne Tot Lot and the exercise equipment. He spoke regarding the cones and the stripes for no parking. He spoke regarding speeding scooters. He spoke regarding loosing personnel like a Code Enforcement Officer for \$10,000 to Miami Springs and we should look at paying the employees better. He spoke regarding stop signs being blocked by cars and trucks parked in front of the stop signs. He spoke regarding teacher appreciation week and to recognize the beach teachers with a proclamation.

Marissa Jacobson spoke regarding the Town needing to step up and provide survival swimming lessons for children. She encouraged the Town to hire a company to provide survival swimming lessons for children.

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger addressed the comments made by the public and likes the ideas of the trash bins.

Vice Mayor Rose thanked the public speakers and addressed the comments made by the public.

Commissioner Landsman addressed the comments made by the public.

Commissioner Meischeid addressed the comments made by the public.

Commissioner Velasquez addressed the comments made by the public.

## **7. Town Manager and Town Attorney Reports**

### **7A. Town Manager's Report - Hector Gomez, Town Manager**

Town Manager Gomez provided the Town Manager's Report.

Commissioner Landsman asked if Mr. Kilsheimer has had any communication with NIST.

Town Manager Gomez addressed the comment made by Commissioner Landsman and they did have a call with NIST and they will have some information released on June 15th.

Town Attorney Recio provided an update and gave the prerequisites and all the onsite materials have been sent to Mr. Kilsheimer and are being tested and the

offsite materials is still being worked on with NIST.

A motion was made by Vice Mayor Rose to approve the Town Manager's Report, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

[2023-05 May Town Manager's Report.pdf](#)

**7B. Town Attorney's Report - Town Attorney Lillian Arango**

Town Attorney Arango provided the Town Attorney's Report as well as the litigation update on the cases which includes the Solimar case, Shannon Gallagher and Victor May case.

A motion was made by Vice Mayor Rose to approve the Town Attorney's Report, seconded by Commissioner Meisheid. The motion carried with a 5-0 vote.

[Town Attorney's Report.docx](#)

**8. Unfinished Business and New Business**

**9. Mayor, Commission and Staff Communications**

**9A. Capital Improvement Project Department - Hector Gomez, Town Manager**

Town Manager is seeking Town Commission approval to commence the process to create the new Capital Improvement Project (CIP) Department.

Town Manager Gomez provided an overview of the item and the specifics of this request.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:  
George Kousoulas

Mayor Danzinger closed the floor to public comments.

Mayor Danzinger asked what would happen 5 or 10 years from now and asked if he sees this being a department that can be sustained.

Town Manager Gomez stated that all capital improvement projects are a 5-year process and provided a summary.

Mayor Danzinger thanked Town Manager Gomez and staff.

Vice Mayor Rose thanked Town Manager Gomez for bringing this forward and mentioned the projects.

Commissioner Velasquez spoke regarding the projects and cost of the projects.

A motion was made by Vice Mayor Rose to approve the Capital Improvement Project Department, seconded by Commissioner Landsman. The motion carried with a 5-0

vote.

A motion was made by Vice Mayor Rose to cancel the regularly scheduled 5:30 p.m. meetings and start the regular meeting at 6:00 p.m. next month, seconded by Commissioner Meischeid. The motion carried with a 4-1 vote with Commissioner Velasquez voting in opposition.

**9B. Synthetic Turf in the Zoning Code** - Hector Gomez, Town Manager

**Suggested Action:** Staff requests that the Town Commission provide direction on the potential expansion of the allowance for synthetic turf under the zoning code. The following are points of potential conflict with the zoning code that require direction:

- Compatibility with the Florida Friendly Landscaping requirements
- Compatibility with other landscape requirements (e.g. number of required trees and shrubs per lot)
- Use in H120 zoning district, especially east of the Bulkhead Line. Current Code requires all areas east of the Ocean Bulkhead Line to be landscaped with only native dune species.
- Use in H30C and H40 zoning districts
- Use in Town-owned Right-of-way
- Permitting and Inspection process to ensure permeability and quality of synthetic turf
- Process to address current non-compliant properties

**Staff Recommendations:**

If the Town Commission desires a greater allowance for synthetic turf in the rear and side yards of a property, staff recommends allowing the turf to be counted towards the minimum pervious lot coverage but not the other minimum landscaping requirements.

If the Town Commission desires a greater allowance for synthetic turf in the front or secondary frontage of a property, staff recommends allowing the turf to be counted towards the minimum pervious lot coverage but not the other minimum landscaping requirements and requiring a barrier (i.e. hedges) where the synthetic turf abuts natural materials.

Staff also recommends requiring additional drainage systems in the right-of-way areas in front of properties where synthetic turf is present. A drain-field constructed in conjunction with artificial turf would be beneficial to the Town's drainage stormwater management system. This would consist of 4 ft drain field filled with 57 rock and covered in filter fabric. This condition would allow for synthetic turf to be in the right-of-way while providing for additional stormwater capacity to reduce street flooding.

Staff recommends requiring properties with existing non-permitted synthetic turf to complete the permitting and inspection process to ensure design and permeability standards are met. This may mean that some existing synthetic turf may need to be removed depending on what Code changes the Town Commission approves. The Town will seek to enter into a compliance agreement with each impacted property.

Moved to be heard after item 3 (Consent Agenda).

Town Manager Gomez introduced the item.

Mayor Danzinger stated that they will be separating it from backyard and front yard.

A motion was made by Vice Mayor Rose for purposes of discussion, seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Town Planner Frankel provided an overview of the item and a presentation providing some clarity and will request direction from the Commission.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

George Kousoulas stated this is a tricky issue and stated that there should be areas not allowed like the bulkhead line.

Diana Gonzalez spoke regarding the item and the issue she has been dealing with since 2016. She has synthetic turf and needs it due to her allergies.

Jared Margolis spoke regarding the item and stated his artificial turf drains better than grass.

David Forbes stated that the Surf Club is constantly replacing the grass and since they have changed it to artificial turf they have had no issues, no bugs or animals. He stated if they can do it in their major areas why can't some of the residents with a smaller piece of yard put it in their home. He believes on the sides and backyards they should be able to put artificial turf.

Mayor Danzinger closed the floor to public comments.

Vice Mayor Rose stated that it should be allowed on the side and rear. He spoke regarding following the manufacturer's instructions and specifications.

A motion was made by Vice Mayor Rose to approve new installation of artificial synthetic grass on the rear and side of the yard following the manufacturers specifications, minimum drainage requirement, for it to count towards permeability and pervious area permits must be pulled, seconded by Commissioner Landsman.

Commissioner Velasquez supports this and agrees with the Vice Mayor.

Vice Mayor Rose addressed some of the homes on the presentation and what would be allowed. He spoke regarding adding hedges and provided his idea for the front. He stated this is moving forward for new installations.

Commissioner Velasquez spoke regarding the comment made by Vice Mayor Rose.

Commissioner Landsman stated that this is for new installations and new permits. He stated the hedges is a good idea. He will be fine that the right of way be a separate strip in case they have to do anything on the right of way they can do the work needed. It could be synthetic but must be a separate strip in the event it has to be removed.

Commissioner Meischeid will support the synthetic material in front but without adding hedges.

Mayor Danzinger spoke regarding the public right of way and if the owner puts it in knowing that the Town has to come in and dig it up, they should still be responsible for replacing it. He spoke regarding the hedges, and there should be options and choices. He spoke regarding the percentage of synthetic turf allowed and there should be compliments of live landscaping.

Town Manager Gomez addressed the comments made regarding the right of way as it relates to public works.

Commissioner Velasquez agrees that it should be the responsibility of the homeowner to replace whatever the Town has to tear up on the right of way.

Public Works Director Stokes addressed the questions and comments regarding the right of way and the possibility of having to dig in the event they have to do any work on drainage.

Further discussion took place among the Commission and staff regarding the material on the right of way and whose responsibility it would be to replace the material in the event the Town has to do any work and specifications on how the turf is to be installed.

A motion was made by Vice Mayor Rose to allow synthetic turf in the front of the home by using manufacturer's specifications, minimum drainage, and obtain permit from the Town; if in the right of way, pull Public Works permit and require appropriate covenant/agreement from homeowner; if not in the right of way, provide for separation with a landscape buffer such as a hedge, or fence/wall to differentiate between living material and turf with a buffer or with grass in the swale, seconded by Commissioner Meischeid. The motion carried with a 5-0 vote.

Code Enforcement Director Santos-Alborna addressed the properties that currently have artificial turf. She stated that these regulations were already in place and they started enforcing them in 2017. She provided an overview of the history of the code and properties that are in violation.

Mayor Danzinger asked what the life span is on the turf.

Town Manager Gomez stated it depends on the manufacturer.

Vice Mayor Rose stated he is supportive of grandfathering these properties in but they need to prove they have proper drainage.

Commissioner Meischeid would like to see accountability and following rules of landscape percentage and who determines when they need to change it.

Commissioner Landsman stated that they need to have some language to determine if the homeowner has drainage and if they have them rip everything up and replace

it, that is not grandfathering them in.

Commissioner Velasquez also stated that once they have to change it they need to comply with the new rules and provisions.

Town Planner Frankel stated that it would be beneficial to put a date of the grandfathering.

Town Manager Gomez stated that the latest case he believes was in April.

Code Enforcement Director Santos-Alborna stated the most recent case was in April. She stated it is currently very difficult to comply with the code and obtain the permits.

A motion was made by Commissioner Landsman effective today, May 9, 2023, any property previously having installed front yard synthetic grass is grandfathered and can be left alone with the requirement to come into the Town and sign a Right of Way Encroachment Agreement and obtain a Right of Way Permit and must be replaced as suggested by manufacturers specifications and per the code; those properties have 90 days from adoption of the second reading of the ordinance to come in and obtain the permit, seconded by Commissioner Velasquez. The motion carried with a 5-0 vote.

Code Enforcement Director Santos-Alborna clarified the 15 properties that currently exist.

[Attachment A - Code Compliance Synthetic Turf Cases](#)

[Attachment B - Zoning Code Section on Synthetic Turf.docx](#)

[Attachment C - Code Compliance Synthetic Turf case photos](#)

## 10. Adjournment

There being no further business to discuss before the Commission, a motion was made by Commissioner Landsman to adjourn the meeting at 10:07 p.m., seconded by Vice Mayor Rose. The motion carried with a 5-0 vote.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Shlomo Danzinger, Mayor

Attest:

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Sandra N. McCready, MPA, MMC  
Town Clerk





**Town of Surfside**  
**Special Town Commission Meeting**  
**MINUTES**  
**May 10, 2023**  
**9:00 AM**  
Commission Chambers

**1. Opening**

**1.A Call to Order**

Mayor Danzinger called the meeting to order at 9:00 a.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 Fred Landsman, Commissioner Marianne Meischheid (arrived at 9:04 a.m.) and Commissioner Nelly Velasquez (arrived at 9:05 a.m.)

Also Present: Town Manager Hector Gomez, Town Attorney Lillian Arango and Town Attorney Tony Recio.

**1.C Pledge of Allegiance**

Chief Healy provided the pledge of allegiance.

**2. Mayor, Commission and Staff Communication**

**2.A Discussion on recently adopted Senate Bill 102 "Live Local Act" Codified at Chapter 2023-17, Law of Florida (the "Act") - Lillian Arango & Tony Recio, Town Attorneys**

Town Commission to discuss and analyze the impacts of the Senate Bill 102 "Live Local Act".

Town Attorney Recio provided an overview of the recently adopted Senate Bill 102. He walked the Commission through the Act and some areas that they might want to address and narrow the discussion. This Bill talks about affordable housing that are affordable to households that are at 120% AMI and explained how it applies as well as the AMI that will be used is the numbers of Miami Dade County. He stated that H40 is not considered mixed use. He spoke regarding the comprehensive plan and other uses that are allowed based on certain provisions in our code and explained

those. He spoke regarding the different categories that are mentioned in our code. He stated that the act preempts density and height, but they have to abide by the other requirements that are generally applicable for the districts that residential uses are allowed. He stated those are things that need to be looked at and determine if there is sufficient parking and setbacks.

Commissioner Velasquez asked regarding density and does that mean that they can build how many they want.

Town Attorney Recio addressed the comments made and they must adhere to regulations and stated those regulations. It is the highest that is allowed in your code and comprehensive plan in your commercial area.

Mayor Danzinger clarified that there is only one that would be affected which is the SB40 on Collins. He stated that they should assume if someone would knock down a building and build, should they address the setbacks. He spoke regarding needing more walking space and breathing space and there are certain things that can be put in place to make it more and less palpable.

Commissioner Velasquez asked if there is a minimum lot size in the commercial district that they are then allowed to build.

Town Attorney Recio stated there is no minimum lot width or size nor a maximum.

Mayor Danzinger asked regarding a specific lot and parcel.

Town Attorney Recio stated there is no maximum lot size either.

Mayor Danzinger opened the floor to public comments.

The following individual from the public spoke:

George Kousoulas stated the Town Attorney is giving a great explanation and stated what they could be facing.

Mayor Danzinger closed the floor to public comments.

Commissioner Landsman stated this is a good idea to have this discussion. He spoke regarding possible changes that would be made and how it impacts the development of a project to be viable. He stated that he would not want to discourage people from working or living here. He asked if they could limit the assembly of lots.

Town Attorney Recio addressed the comments made and stated one way is to impose a maximum lot size for that district.

Vice Mayor Rose asked if they are opening themselves up for error and possibly having an issue if your neighbor wants to join two lots.

Town Attorney Recio addressed the comments made and he would be concerned with lots already assembled but for all the other lots that are smaller parcels and

separate parcels, you cannot guarantee you can put it next to your neighbor.

Vice Mayor Rose addressed the comments made by Mr. Kousoulas and stated there are some holes in this bill.

Mayor Danzinger spoke regarding the parking issue at hand and they will have to satisfy parking. He spoke about different areas that need to be expanded including parking and sidewalks. He spoke regarding other cities that are taking this Bill on and the impact as well as the cost. He stated that parking is very important and provided some solutions.

Town Attorney Recio stated he thinks it is a great first step in reevaluating the parking requirements and spoke regarding the parking trust fund. He explained how many spaces are per unit and applies town-wide.

Mayor Danzinger suggested that they cannot buy into the Parking Trust Fund and that they cannot combine lots and if they do want to combine the lots, they must obtain commission approval.

Commissioner Velasquez believes that the Parking Trust Fund should be eliminated and if they want to build, they should provide sufficient parking. She asked if the lots could be aggregated.

Town Attorney Recio addressed the comments made by Commissioner Velasquez as to the aggregation of lots.

Further discussion among the Commission and the Town Attorney took place regarding possible solutions and suggestions on changes to be made.

Mayor Danzinger spoke regarding setbacks and height limitations and setting a lot size as a maximum subject to commission approval and space restrictions. He asked regarding if there are double or parting walls.

Town Attorney Recio provided a summary and addressed the comments made.

Mayor Danzinger suggested setting a maximum for a single lot size. He stated that any structure that is built over 40 feet is subject to the H120 regulations or must obtain commission approval.

Commissioner Velasquez spoke regarding the lot requirements.

Mayor Danzinger spoke regarding mixed use and impact fees and suggested piggybacking off of another city.

Commissioner Landsman asked regarding FDOT having an issue with buildings coming to Harding Avenue and do they have any say on the restrictions.

Town Attorney Recio stated that FDOT will have an impact and they will get to review it.

Commissioner Velasquez spoke regarding the impact of large stores to the Town and what does "subject to commission approval" mean.

Town Attorney Recio explained to Commissioner Velasquez what that meant.

Town Attorney Recio gave the commission the following recap. To impose a maximum lot width and lot size and work with the Town Planner to do an inventory of what is out there and come up with a size for only SB40 unless you go through a special exemption/ special site plan approval by commission; can't exceed a maximum size (to be determined) for mixed use without a special exception/site plan approval from the commission and no longer to pay into the parking trust fund for new construction of mixed use projects without a Special Exception/Site Plan approval from the commission; if building is over 40 feet in height impose H120 setbacks to the entire building (Average or Wedding Cake), subject to Special Exception/Site Plan approval from the commission; and define mixed-use, H40 description of residential and hotel definition.

A motion was made by Vice Mayor Rose to approve the recommended changes stated by Town Attorney Recio, seconded by Commissioner Landsman. The motion carried with a 4-1 vote with Commissioner Meischeid voting in opposition.

[Memo to Municipalites Re Senate Bill 102 - Live Local Act- \(April 12, 2023\).pdf](#)

[SB 102.pdf](#)

[SB 102 Affordable Housing \(Summary\).pdf](#)

[90-40 Zoning Map.png](#)

[Comprehensive Plan - excerpts.pdf](#)

### 3. Adjournment

There being no further business to discuss before the Commission, a motion was made by Vice Mayor Rose to adjourn the meeting at 10:22 a.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Shlomo Danzinger, Mayor

Attest:

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Sandra N. McCready, MPA, MMC  
Town Clerk



**Town of Surfside  
Special Town Commission Meeting  
MINUTES  
May 17, 2023  
2:00 PM  
Commission Chambers**

**1. Opening**

**1.A Call to Order**

Mayor Danzinger called the meeting to order at 2:07 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 Fred Landsman, Commissioner Marianne Meisheid and Commissioner Nelly Velasquez.

Also Present: Town Manager Hector Gomez and Town Attorney Lillian Arango.

**1.C Pledge of Allegiance**

Chief Healy provided the pledge of allegiance.

**2. Mayor, Commission and Staff Communication**

**2.A Resolution Approving Employment Agreement between the Town of Surfside and Town Manager Hector Gomez - Shlomo Danzinger, Mayor**

It is recommended that the Town Commission approves the attached employment agreement in the form attached to the resolution as Exhibit "A".

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

Mayor Danzinger stated that at the April meeting they discussed bringing before the Commission an employment agreement and explained the process that took place.

Mayor Danzinger reminded the commission and the public of the decorum statement and stated that he will not be fighting throughout the meeting.

Mayor Danzinger stated it would be nice to make a motion to pass this but knows there is input from the commission.

A motion was made by Commissioner Velasquez to approve the resolution with a modification to the salary from \$220,000 to \$185,000 a year for the Town Manager and there should be an increase limit from 3 to 5% every time there is a review. The motion died for lack of a second.

A motion was made by Vice Mayor Rose to approve the resolution with the salary as indicated in the contract of \$220,000, seconded by Mayor Danzinger.

Vice Mayor Rose stated that the Town conducted an extensive research and that it is not correct for a commissioner to come and make a change at the last minute on the starting salary. He spoke regarding the salary range. He stated that the terms are similar to what the previous town manager had, and we deserve to take care of our town manager and that is why he believes it should be approved as is since it was negotiated in good faith.

Commissioner Landsman asked Town Attorney Arango since at the meeting they discussed a range that was included and published with a minimum salary at \$220,000 and interviews were done, if they are legally obligated to offer the minimum salary of \$220,000 as posted.

Town Attorney Arango stated the salary range and recruitment process was discussed and the commission approved it at a subsequent meeting. She stated that they did publish the position with that salary range. She further explained the previous process and what has been done. She stated that they are not legally bound to abide by the salary range and if they choose to change the salary range it would be at the discretion of the commission.

Commissioner Landsman stated he is on the record for having expressed his concern for posting the position at that range with this being a potential outcome and he was outvoted. He stated that Mr. Gomez is doing a great job and is currently at \$185,000. He stated that in his experience seeing they posted the position at that salary range and accepting the position, in his experience they must accept the salary range. That is how they advertised it and for now to come and change that and saying that you are below the salary range we published is not correct. He believes they are obligated to stay with the minimum of \$220,000.

Commissioner Meisheid also believes that Mr. Gomez is doing a great job and also believes that since they advertised from \$220,000 to \$265,000, they are obligated to stay with the minimum range. She stated that after speaking with the Town Attorney, they are not handcuffed, and they could go based on experienced and come in at a lower salary range. She stated her recommendation would be \$185,000 with a cost-of-living raise.

Commissioner Velasquez stated that Mr. Gomez does not have the experience as a town manager like the other candidates and spoke regarding his experience. She stated that is why she believes that his salary should be \$185,000 and is fine with the cost-of-living increases.

Mayor Danzinger stated that regardless if it is legal or not, it is not ethical. They put

out an advertisement for a certain amount and you should honor that even if it is with another candidate. He spoke regarding Mr. Gomez' experience and all the projects he is working hard on. He stated this is not a charity case and it is what Mr. Gomez can offer the Town. He stated that he beat out 140 candidates. He stated that they should act in good faith and stick to the amount that was published.

Mayor Danzinger opened the floor to public comments.

The following individuals from the public spoke:

Ben Jacobson stated he is shocked with some of the comments made by this Commission and has never seen this happen when they publish one amount and now, they want to give an amount below what was being advertised. He spoke regarding what happened with Mr. Hyatt when he did not get the increase he wanted his work product went down. He is against bringing down the salary below what is being advertised of \$220,000. He stated anything that is brought up with an issue in Town, Mr. Gomez takes care of it immediately.

Mayor Danzinger closed public comments.

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

[Hector Gomez - Town Manager Agreement - Redacted.pdf](#)

### 3. Adjournment

There being no further business to discuss, a motion was made by Vice Mayor Rose to adjourn the meeting at 2:28 p.m., seconded by Commissioner Landsman. The motion carried with a 5-0 vote.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Shlomo Danzinger, Mayor

Attest:

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Sandra N. McCreedy, MPA, MMC  
Town Clerk





**TOWN OF SURFSIDE  
SPECIAL PENSION BOARD MEETING**

Tuesday, April 4, 2023 – 11:00 a.m.

9293 Harding Avenue – Manny Crawford Conference Room

**MINUTES**

**Pension Board Members**

Gary Golding  
Yamileth “Yami” Slate-McCloud  
Valentine Whittaker  
Sgt. Julio Torres  
Hector Gomez

**Town of Surfside Consultants**

Adam Klausner, Klausner & Kaufman  
Shelly Jones, GRS Consulting  
Javier Collazo, Finance Director  
Mayte Gamiotea, Third Party Administrator  
Frantza Duval, Recording Clerk

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

The meeting was called to order by Gary Golding at 11:20 a.m.  
All of the above noted Pension Board members and Consultants were present with the exception of Valentine Whittaker and Julio Torres.

Shelly Jones attended the meeting via telephone.

Also in attendance was Sandra McCready, Town Clerk and Evelyn Herbello, Deputy Clerk.

**2. DROP Plan**

Yamileth Slate-McCloud stated that prior to the meeting she requested the agenda title to be labeled as DROP vested rights and service retirement allowance as she would be speaking on a few items.

Yamileth Slate-McCloud advised that as a result of the Pension board approved retirement presentation it generated some questions from the employees. Town employees inquired as to what was the earliest normal retirement date for DROP purposes. Yamileth Slate-McCloud stated that as per Town code 2-193 that an “eligible member may participate in the DROP for a maximum of 60 months from the date the member reaches his or her earliest normal retirement date.” She advised that as the language is

currently written some employees would've lost the opportunity to join the DROP and/or lost time to participate in the Plan.

Employees who signed up to the DROP are under the impression that they have up to 60 months from the date they enter the DROP.

Yamileth Slate-McCloud advised that if nothing is changed it affects a few employees, as it reduces their time within the DROP. Currently two employees who believe they have more time in the DROP would have to separate on June 30, 2023.

Yamileth Slate-McCloud advised that the quickest fix is to remove the word earliest from the ordinance. She also suggested that all forms that have to go before an employee should list all the pertinent applicable dates on the form. She advised that changes to the ordinance would require two ordinance readings and an impact statement.

Yamileth Slate-McCloud read the following ordinance sections into the record:

***Sec. 2-193. - Deferred retirement option plan.***

*A deferred retirement option plan ("DROP") is hereby created as follows:*

(1) *Eligibility. A member of the plan who reaches normal retirement age shall be eligible to participate in the DROP ("eligible member"). An eligible member may participate in the DROP for a maximum of 60 months from the date the member reaches his or her earliest normal retirement date. Anything herein to the contrary notwithstanding, if an eligible member has reached his or her normal retirement date on or before the date the DROP plan is implemented, then the eligible member shall have 60 days from the date the DROP plan is implemented to elect in writing to participate in the DROP for the maximum DROP participation period of 60 months.*

(2) *Participation.*

*a. An eligible member may elect to become a participant in the DROP ("participant") with 30 days advance written notice to the town and the board during the applicable DROP period; however, in no event shall the DROP period be extended beyond the 60 months from the date the police officer or dispatcher member is first eligible to participate in the DROP. As a condition of participating in the DROP, the eligible member must agree to terminate town employment at the conclusion of the DROP period and must submit a letter of resignation to the town, which letter shall be coupled with an interest and shall be irrevocable, prior to entering the DROP.*

(7) *Distribution of DROP account.*

*a. Within 30 days following the participant's termination of the employment or death, the participant's entire DROP account balance shall be distributed to the participant (or in the event of the death, to the participant's designated beneficiary or estate) in a cash lump sum, unless the participant elects to have all or any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the participant. Regardless of the option selected by the participant, the board has the right to accelerate or defer payments to comply with the Internal Revenue Code. The DROP is intended to comply*

*with the Internal Revenue Code and the board shall take no action which would jeopardize the tax qualification of the plan.*

Yamileth Slate-McCloud made a motion to change the following language under Section 2-193 under item 1 to remove the word earliest from the eligibility section, under item 2 strike-through the word police officers and dispatcher, item 7 strike-through 30 days to 120 and to have the language be retroactive. Yamileth Slate-McCloud moved; Gary Golding seconded the motion. The motion passed unanimously.

Shelly Jones advised that there would no financial impact in changing the language.

Yamileth Slate-McCloud also reintroduced pending items that the Board had previously approved as a recommendation pending any other pension ordinance changes needed to go before the Town Commission.

Yamileth Slate-McCloud read the following ordinance:

**Sec. 2-176. - Service retirement allowance.**

*(a) Normal retirement date. Each member who retires or otherwise terminates employment with the town on or after his normal retirement date, as determined below, shall be entitled to receive a service retirement annuity in the amount provided in subsection (c) of this section. Effective January 1, 2020, the normal retirement date for each member shall be the first day of the month coincident with or next following the earlier of:*

- (1) For members who are police officers and retired on or before February 1, 2020:*
  - a. The attainment of age 52 and the completion of 20 years of creditable service; or*
  - b. The attainment of age 62 and the completion of five years of creditable service; or*
  - c. The completion of 25 years of creditable service.*
  - d. The completion of 15 years and four months of service if hired on a full-time basis in March, 2003.*
- (2) For members who are police officers and retire on or after February 1, 2020:*
  - a. The attainment of age 50 and the completion of 20 years of creditable service; or*
  - b. The attainment of age 59 and the completion of five years of creditable service; or*
  - c. The completion of 25 years of creditable service.*
  - d. The completion of 15 years and four months of service if hired on a full-time basis in March, 2003.*

Yamileth Slate-McCloud advised that both sentences in item 1 and 2 read the same date. She advised that it needs to be corrected so that item one reads January 31, 2020 and item two reads February 1, 2020 to reflect the previously approved changes.

(3) *For members who are not sworn law enforcement officers, the earliest of:*

- a. The attainment of age 50 and the completion of 20 years of service;*
- b. The attainment of age 52 and the completion of 15 years of service; or*
- c. The attainment of age 55 and the completion of ten years of service.*

On or after January 1, 2020 should be added under item 3 title to make it clear.

(4) For the town manager: The attainment of age 64 and the completion of 7 years of creditable service, who shall be deemed fully vested upon the completion of seven years of creditable service, notwithstanding any provision of this Code to the contrary.

Yamileth Slate-McCloud advised that under item number 4, the Actuarial study was previously approved by the board in 2022. This would align the Town Manager tier to increase the multiplier to 3.5 (same as sworn officers) and reduce the age requirement to 52.

**Sec. 2-176. - Service retirement allowance.**

*(b) Early retirement date. The early retirement date of each member shall be the first day of the month coincident with or next following the earlier of:*

- (1) The completion of 20 years of creditable service; or*
- (2) The attainment of age 55 and the completion of 15 years of creditable service.*

Yamileth Slate-McCloud advised that under item two the early retirement age is 55. She stated that after speaking to the Actuarial, Shelly Jones shelly confirmed that the statement is true for sworn members. She advised that general employees can normal retire at the age of 55 with 10 years of service. She suggested maybe adding another line defining early retirement age for non-sworn members.

Yamileth Slate-McCloud advised that item (b)(1) should probably read the completion of 20 years of creditable service for all members.

Yamileth Slate-McCloud advised that item (b)(2) should read the attainment of age 55 and the completion of 15 years of creditable service for sworn members only.

*Each member who retires from service on or after his early retirement date shall be entitled to receive a service retirement annuity in the amount provided in subsection (c) of this section. Early retirement benefits shall commence on the date which would have been the member's normal retirement date had he continued in employment with the town. Alternatively, and at the option of the member, reduced early retirement benefits may commence at an earlier date, but no earlier than the attainment of age 55, with the reduction being equal to one-half of one percent for each month by which the benefit commencement date precedes the date which would have been the member's normal retirement date had he continued in employment with the town.*

Yamileth Slate-McCloud advised that the above paragraph should be changed as well.

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*(h) General limitation on benefits.*

*(1) In no event may a member's annual benefit exceed the lesser of:*

*a. Ninety thousand dollars (adjusted for cost of living in accordance with Internal Revenue Code (IRC) section 415(d), but only for the year in which such adjustment is effective); or*

*b. One hundred percent of the member's average annual compensation for the member's three highest paid consecutive years; however, benefits of up to \$10,000.00 a year can be paid without regard to the 100 percent limitation if the total retirement benefits payable to a member under all defined benefit plans (as defined in IRC section 414(j)) maintained by the town for the present and any prior year do not exceed \$10,000.00 and the town has not at any time maintained a defined contribution plan (as defined in IRC section 414(i)) in which the employee was a member.*

*(2) If the member has less than ten years of creditable service with the town (as defined in IRC section 415(b)(5)), the applicable limitation in subsection (h)(1)a or subsection (h)(1)b of this section shall be reduced by multiplying such limitation by a fraction, not to exceed one. The numerator of such fraction shall be the number of years, or part thereof, of creditable service with the town; the denominator shall be ten years.*

*(3) For purposes of this subsection, the "annual benefit" means a benefit payable annually in the form of a straight life annuity with no ancillary or incidental benefits and with no member or rollover contributions. To the extent that ancillary benefits are provided, the limits set forth in subsections (h)(1)a and (h)(1)b of this section will be reduced actuarially using an interest rate assumption equal to the greater of five percent or the interest rate used in the most recent annual actuarial valuation, to reflect such ancillary benefits.*

*(4) If distribution benefits begin before age 62, the dollar limitation as described in subsection (h)(1)a of this section shall be reduced actuarially using an interest rate assumption equal to the greater of five percent or the interest rate used in the most recent annual actuarial valuation; however, retirement benefits shall not be reduced below \$75,000.00 if payments of benefits begins at or after age 55 and not below the actuarial equivalent of \$75,000.00 if payment of benefits begins before age 55. If retirement benefits begin after age 65, the dollar limitation of subsection (h)(1)a of this section shall be increased actuarially using an interest assumption equal to the lesser of five percent or the interest rate used in the most recent annual actuarial valuation.*

*(5) For purposes of this subsection, the "average annual compensation for a member's three highest paid consecutive years" shall mean the member's greatest aggregate compensation during the period of three consecutive years in which the individual was an active member of the plan.*

Yamileth Slate-McCloud advised that since changes are being made, the following section: *(h) General limitation on benefits* needs to be updated. She advised that any language pertaining to IRS laws should be changed to reflect the current applicable IRS laws.

**Sec. 2-182. - Vested rights; effect of salary payments, deductions for plan.**

*(a) Members who are not police officers, by virtue of the payment of the contributions required to be paid to the plan, receive a vested interest in the accrued benefits earned by such members upon completion of ten years of creditable service, regardless of age. The vested interest in the accrued benefits earned by all employees who are or become members on or after February 1, 2003 varies by completion of years of creditable service, regardless of age, as follows:*

*If separated from service, such vested members shall be entitled to a service retirement annuity commencing on the attainment of 65, provided such members have not received a refund of their contributions to the plan.*

Yamileth Slate-McCloud advised that the age was changed to 55 and is applicable to general employees and senior management staff who are fully vested. She stated additional language needs to be added to reflect the change.

Yamileth Slate-McCloud reiterated that all documents and forms needs to be updated. She advised that at least two of the options have a financial impact previously presented and approved the Pension Board.

Mayte Gamiotea advised that the Gustavo Gonzalez wanted to entered the DROP Plan effective April 1, 2023, but given the changes she inquired if she could use the old forms. It was agreed that the forms could still be used given that no changes have been made yet.

**3. Public Participation**

None.

**4. Trustees' Comments/Concerns**

None.

**5. Public Comment**

None.

**6. Next Regular Scheduled Meeting Date**

- **May 2, 2023**

**7. Adjournment**

There being no further business to come before the Board, the meeting unanimously adjourned at 12:28 p.m. with the motion made by Gary Golding; receiving a second from Hector Gomez.

Accepted this 10<sup>th</sup> day of May, 2023

Yamileth Slate-McCloud  
Member (Print)

Yamileth Slate-McCloud  
Signature

Attest:

Frantza Duval  
Frantza Duval  
Recording Clerk





**Town of Surfside  
Parks and Recreation Committee  
MINUTES  
April 17, 2023  
5:30 PM  
Community Center Fish Bowl**

**1. Call to Order/Roll Call**

The meeting was called to order by Chair Logan at 5:34 p.m.

The following members were present: Chair Retta Logan, Vice Chair Frank MacBride, Committee Member Marta Olchyk, Committee Member Becky Manuel and Committee Member Christopher Cook.

Also Present: Commission Liaison Vice Mayor Jeff Rose, Town Manager Hector Gomez and Parks and Recreation Director Tim Milian.

**2. Agenda and Order of Business**

**3. Commission Liaison Report**

No Commission Liaison Report was provided.

**4. Approval of Minutes**

**4.A February 27, 2023 Parks and Recreation Committee Meeting Minutes - Deputy Town Clerk Evelyn Herbello**

A motion was made by Committee Member Olchyk to approve the February 27, 2023 Parks and Recreation Committee Meeting Minutes, seconded by Committee Member Manuel. The motion carried with a 5-0 vote.

[February 27, 2023 Parks and Recreation Committee Meeting Minutes.pdf](#)

**5. Discussion Items**

**5.A Introduction of Bill Nunez, YMCA Executive Director - Camps and Afterschool Programs - Parks and Recreation Director Tim Milian - Parks and Recreation Director Tim Milian**

Parks and Recreation Director Milian introduced YMCA Executive Director, Bill Nunez who spoke regarding what the YMCA will be doing for the Town.

Mr. Nunez provided an overview and update on the camps and afterschool programs that the YMCA will be providing for the Town.

Several Committee Members asked questions of Mr. Nunez regarding what the YMCA will be doing and the schedule of events.

Mr. Nunez and Parks and Recreation Director Milan addressed the questions by the Committee Members.

**5.B 96th Street Park Update - Parks and Recreation Director Tim Milian - Parks and Recreation Director Tim Milian**

Parks and Recreation Director Milian provided an update on the 96th Street Park construction. He stated that they are still looking at having the project completed after the new year.

Town Manager Gomez spoke regarding the work currently being done which includes proper piping for drainage and the trees being saved. He explained to the Committee Members what will be taking place.

**5.C New Projects Update - Parks and Recreation Director Tim Milian - Parks and Recreation Director Tim Milian**

Parks and Recreation Director Milian provided an update on the new projects including 96th Street Park and Hawthorne Tot Lot, which is almost done. He spoke regarding the tot lot surface being a poured in surface and the different colors and layers. He stated that they will be doing the fitness equipment installation starting tomorrow. He spoke regarding possibly having a ribbon cutting and small ceremony on April 30th and will have some giveaways, ice cream trucks, story telling and characters.

Chair Logan asked if this past week's weather and flooding impacted the time line of the project.

Parks and Recreation Director Milian stated that it did not and they are on track with the timeline.

Vice Chair MacBride asked if the entrance dimension are the same.

Parks and Recreation Director Milian stated they are the same dimension. He spoke regarding the map design and layout of the fitness equipment. He stated that they will be doing a ribbon cutting and ceremony for that on April 28th.

Vice Chair MacBride asked if the equipment will have instructions on how to use them.

Parks and Recreation Director Milian stated that they will have some form of signage that will state what apparatus it is and what core body parts it works out. He stated that 96th Street Park will be different because it is customized.

Committee Member Cook asked regarding the security cameras.

Parks and Recreation Director Milian stated that the security cameras are being installed and a resident was complaining that the cameras were pointing at his house. He stated that they are not pointed at the house and strictly to the equipment. He stated that IT has done extensive work and gone out to make sure they have corner to corner and end to end coverage and nobody's house.

Chair Logan stated that she saw they put out the information on the pickle court.

Parks and Recreation Director Milian stated that they have received some push back from the tennis community. He stated that he explained to the community that the tennis court will remain and the pickle court will not impact the tennis courts. He also stated that they changed the hours of pickle ball and what they are doing is tailoring their hours for pickle ball based on usage.

Committee Member Manuel asked if the lines of pickle ball come off.

Parks and Recreation Director Milian stated they are painted on and explained that if you are a hardcore tennis player you know the difference. He stated that once the facility is complete the tennis court will go back to its original striping. He stated that they are in the design phase of the recreational center of the facility. He went over what the next step would be and advised the Committee that they would be placing this on the agenda for the May meeting.

Committee Member Manuel asked where the facility will be located.

Parks and Recreation Director Milian advised where the facility would be located and explained the control points for tennis and pickle ball.

Committee Member Cook asked if the gym was going to be outsourced.

Parks and Recreation Director Milian stated it will be manned by the Town and will get professional support when needed in buying the equipment.

Further discussion took place among the Committee Members and Parks and Recreation Director Milian regarding the 96th Street Park facilities and the new tennis building.

**5.D Splash Into Spring and Spring Egg Hunt Recap - Parks and Recreation Director Tim Milian - Parks and Recreation Director Tim Milian**

Parks and Recreation Director Milian provided a recap of the Splash Into Spring and the Spring Egg Hunt. He stated that due to 96th Street Park being closed they combined both events and approximately 500 people attended. They are already planning on next year's event.

**5.E Beach Safety Flyer for Hotels - Parks and Recreation Director Tim Milian - Parks and Recreation Director Tim Milian**

Parks and Recreation Director Milian provided an update on the item and stated that the Tourism and Communications Department is in the process of providing the hotels and condominiums with beach safety flyers.

**6. Public Comments**

Chair Logan opened the floor to public comments.

There were no speakers.

Chair Logan closed the floor to public comments.

**7. Next Meeting Date**

**7.A Next Meeting Date: May 15, 2023 at 5:30 p.m.** - Deputy Town Clerk Evelyn Herbello

Consensus was reached to hold the next meeting on May 15, 2023 at 5:30 p.m.

**8. Adjournment**

There being no further business to discuss, a motion was made by Committee Member Olchyk to adjourn the meeting at 6:22 p.m., seconded by Committee Member Manuel. The motion carried with a 5-0 vote.

Accepted this 15 day of MAY, 2023.

  
\_\_\_\_\_  
Retta Logan, Chair

Attest:

  
\_\_\_\_\_  
Evelyn Herbello, CMC  
Deputy Town Clerk



**Town of Surfside  
Charter Review Board  
MINUTES  
April 19, 2023  
5:30 PM  
Commission Chambers**

**1. Call to Order**

Chair Jacobson called the meeting to order at 5:38 p.m.

**2. Roll Call of Members**

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

Present: Chair Ben Jacobson, Board Member Ruben Bravo, Vice Chair Laurie Swedroe, and Board Member Peter Zuckerman.

Absent: Board Member Ezequiel Singer.

Also Present: Commission Liaison Commissioner Marianne Meisheid, Town Attorney Lillian Arango, Town Attorney Daniela Cimo, Town Manager Hector Gomez, Commissioner Fred Landsman and Mayor Shlomo Danzinger.

Chair Jacobson recognized the Town Clerk's during this week which is Municipal Clerk Week.

**3. Public Comments**

Chair Jacobson opened the floor to public comments.

The following individuals from the public spoke:

Gerardo Vildostegui spoke regarding election and the mayoral seat.

George Kousoulas spoke regarding introduced plurality instead of majority. He spoke regarding State Bill 1015.

Chair Jacobson closed the floor to public comments.

**4. Approval of Minutes**

**4.A March 22, 2023 Charter Review Board Meeting Minutes - Town Clerk Sandra N. McCready**

Minutes  
Charter Review Board  
Wednesday, April 19, 2023



A motion was made by Board Member Zuckerman to approve the March 22, 2023 Charter Review Board Meeting Minutes, seconded by Board Member Bravo. The motion carried with a 4-0 vote.

[March 22, 2023 Charter Review Board Meeting Minutes.pdf](#)

## 5. Discussion Items

### 5.A Article VI. Nominations and Elections

Town Clerk McCready stated that she took the liberty of circulating a survey monkey throughout the clerks of Miami Dade County, Broward County and Monroe County and she went over the different questions she provided in the survey.

Town Attorney Arango asked regarding the color coding.

Town Clerk McCready explained the color coding.

Board Member Zuckerman asked if the highest vote getter becomes Mayor.

Town Clerk McCready stated that the Mayor seat runs on its own.

Chair Jacobson spoke regarding the mayoral seat and how the voting takes place.

Town Clerk McCready spoke regarding the pricing for stand alone elections in comparison to piggy backing off the County election as well as vote by mail elections with no precincts. She also stated that they do not provide early voting but provided the quotes.

Board Member Zuckerman asked the difference between the positions of the Mayor and Commission.

Chair Jacobson explained the position of mayor in a municipality.

Town Attorney Arango read the duties of the Mayor as stated in the Charter and provided a summary and overview.

Board Member Zuckerman asked if there is something flawed with the way it is being done now.

Chair Jacobson stated that he usually likes to stick to how it is being done now.

Board Members went through the option of staggering terms.

Town Attorney Cimo went over what was discussed at the last meeting which was to move forward with staggered terms.

Board Members and staff went over the survey results and discussed staggering the terms and how to have more representation.

Chair Jacobson went over the time of election.

Town Clerk McCready stated that we have a stand alone election and every 4 years we have primary presidential and we piggy back off the County's election. She also stated that the previous Charter Review Board wanted a small vibe feel.

Board Member Zuckerman would prefer having the elections when the most amount of people will go out and vote and that is when you vote for higher seats like for congress and senate.

Board Member Bravo agrees with Board Member Zuckerman.

Chair Jacobson stated that you are readjusting the entire schedule.

Town Attorney Arango stated that it would be a substantial change and will have someone staying in office for longer at that initial time.

Further discussion took place among the Board regarding having a stand alone election versus a piggy back election in November, the turnout of voters at those elections and getting the most amount of voters out.

Consensus was reached to table this portion until later.

Town Attorney Arango stated that Article VI has corresponding Florida Statutes that regulates many portions of this Article and identified areas where Florida Statutes varies in some areas here and provided those sections.

A motion was made by Vice Chair Swedroe that where there is a conflict with the Florida Statutes to clean the charter and remove that language, seconded by Board Member Zuckerman. The motion carried with a 4-0 vote.

Town Attorney Arango spoke regarding Section 97.041 of the Florida Statutes.

Chair Jacobson reiterated that anywhere the Florida Statutes supersedes the Charter, then that section in the charter is to be removed or corrected.

Chair Jacobson spoke regarding the qualifying fee and signatures.

Board Member Zuckerman stated that what he sees more important is how to get more people to come out to vote.

Consensus was reached to leave the qualifying fee at \$25.00.

Town Clerk McCready clarified the information that Mr. Vildostegui stated during his public comments. She stated that it was not in 2014 but instead it was in 1994 and explained how they ran. She also stated that in 2008 they had them run at large but had seats.

Chair Jacobson asked if the Town Attorney will come back with a final report with all their motions this Board has made.

Town Attorney Arango stated yes.

Town Attorney Arango gave an overview of the ballots and stated it is an antiquated system.

Mayor Danzinger suggested having requirements for running for office.

A motion was made by Board Member Zuckerman to eliminate Section 103 and replace it with Florida Statutes and/or County regulations that govern the ballot portion of the election, seconded by Board Member Bravo. The motion carried with a 5-0 vote.

Chair Jacobson asked what is a resident.

Town Attorney Arango stated that it would be a different article.

Chair Jacobson stated that there is nothing that states what constitutes a resident.

Mayor Danzinger stated that it states that your intent to move here or be a resident. He stated that it is not clear.

Town Attorney Arango stated that it is in Article II, Section 6 and read that section.

Further discussion took place among the Board and staff regarding the murkiness of that section where it states the individual's intent to live and they would like to make it stricter.

Town Attorney Arango stated that they will look at charters in other municipalities and do some research on that.

A motion was made by Chair Jacobson to tighten the restrictions on residency requirement on a more fair approach that is enforceable and an enforcement process that allows it to be enforced, seconded by Board Member Bravo. The motion carried with a 4-0 vote.

A motion was made by Board Member Zuckerman to remove Section 104, seconded by Vice Chair Swedroe. The motion carried with a 4-0 vote.

Town Attorney Arango gave an overview of Section 105.

A motion was made by Board Member Zuckerman to remove Section 6 "Secret Ballot", seconded by Board Member Bravo. The motion carried with a 4-0 vote.

Town Attorney Arango stated you would need to research on only giving them emergency powers until the election is certified.

A motion was made by Chair Jacobson to have the Town Attorney to come back with language solution for the certification of the election and the powers of the new and old commission, seconded by Board Member Bravo. The motion carried with a 4-0 vote.



Town Attorney Arango stated that they did not identify any other provisions on Section 105.

Town Attorney Arango stated that Section 106 (Poll Watchers) does conflict with Florida Statutes and have it follow the Florida Statutes.

[ARTICLE VI. Nominations and Elections.docx](#)

### **5.B Article VII. Recall**

Chair Jacobson stated this article has been superceded.

Vice Chair Swedroe spoke regarding the percentage of voter turnout.

Town Attorney Arango provided a summary and overview of the item and introduced Article VII Section regarding Recall and what the Florida Statutes states.

[ARTICLE VII. Recall.docx](#)

### **5.C Article VIII. Initiative and Referendum**

Town Attorney Arango provided a summary and overview of the item and introduced Article VIII Section regarding Initiative and Referendum.

Town Attorney Arango stated that there is a footnote on Article VIII which has been superceded and is different from Florida Statutes and the County Charter contains information. She stated this is antiquated and is superceded by Florida Statutes.

[ARTICLE VIII. Initiative and Referendum.docx](#)

## **6. Future Meetings**

Consensus was reached on availability.

Board Member Zuckerman will not be available on May 3, 2023.

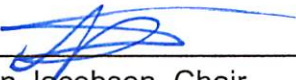
Town Clerk McCready went over the new dates.

## **7. Adjournment**

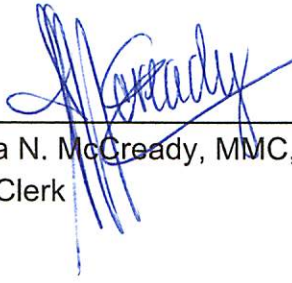
There being no further business to discuss before the Board, a motion was made by Vice Chair Swedroe to adjourn the meeting at 6:45 p.m., seconded by Board Member Zuckerman. The motion carried with a 4-0 vote.

Respectfully submitted,

Accepted this 3 day of May, 2023.

  
\_\_\_\_\_  
Ben Jacobson, Chair

Attest:



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Sandra N. McCready, MMC, MPA  
Town Clerk



**Town of Surfside  
Planning and Zoning Board Meeting  
MINUTES  
April 27, 2023  
6:00 PM  
Town Commission Chambers**

**1. Call to Order/Roll Call**

The meeting was called to order by Chair Baumel at 6:06 p.m.

Deputy Town Clerk Herbello called the roll with the following members present:

Present: Chair Carolyn Baumel, Board Member Jonathan Edderai, Alternate Board Member Grace Rais and Alternate Board Member Michael Szafranski (arrived at 6:37 p.m.)

Absent: Vice Chair David Forbes, Board Member Lindsey Lecour and Board Member Ruben Bravo.

Also Present: Commission Liaison Commissioner Fred Landsman, Mayor Shlomo Danzinger, Vice Mayor Jeff Rose, Commissioner Marianne Meisheid, Town Attorney Tony Recio, Town Planner Judith Frankel, and Building Official James McGuinness.

**2. Town Commission Liaison Report**

Commission Liaison Commissioner Fred Landsman provided the Commission Liaison Report. He spoke regarding the recent legislature Senate Bill 102 and House Bill 627 and the Governor signed the bill into law. He provided an overview and summary of each bill.

**3. Approval of Minutes**

**3.A March 30, 2023 Planning and Zoning Board Meeting Minutes** - Deputy Town Clerk Evelyn Herbello

A motion was made by Board Member Edderai to approve the March 30, 2023 Planning and Zoning Board Meeting Minutes, seconded by Alternate Board Member Rais. The motion carried with a 3-0 vote.

[March 30, 2023 Planning and Zoning Board Meeting Minutes.pdf](#)

**4. Ordinances**

**4.A Zoning Code Correction - Roof Deck Stairway Height - Hector Gomez, Acting Town Manager**

**Suggested action:** Staff recommends that roof deck stair railings be permitted to extend above the maximum roof height for the zoning district as provided in Sec. 90-44 in order to allow for compatibility with the Florida Building Code. (See Attachment A) Specifically, Sec. 90-50.2 should be amended to allow roof deck stair railings in the H30A and H30B districts to extend above the roofline in accordance with the restrictions set out in Sec. 90-44.

Staff recommends approval of the ordinance.

Deputy Town Clerk Herbello read the title of the ordinance into the record.

Town Planner Frankel introduced the item and provided the specifics. She stated the language that the Commission added to the first reading of this ordinance.

Chair Baumel stated that this has been going through the first reading of the Commission and this is where the South Florida Building Code requires a different standard than the Town's Zoning Code.

Town Attorney Recio clarified the item and stated this has been expanded to include all structures on the roof top. He stated this is clarifying and filling in the gaps and ambiguities. He stated what the rules state not in regards to this application.

Chair Baumel opened the floor to public comments.

The following individual from the public spoke:

Ellen Kopple asked regarding her neighbor and the height of their parapet.

Cynthia Borkoski spoke regarding understory and they had a referendum on voting on a hedge height and why they did not have a referendum as well for the understory and make the public aware that it is another level.

Chair Baumel closed the floor to public comments.

Town Attorney Recio stated that the roof deck provisions have been in the code for over 10 years and the rooftop requirement have also been in the code for more than 10 years. He addressed the comments made regarding the understory and the 30-foot height requirement has been the maximum and has not been altered in anyway. He stated the understory ordinance went through a very public noticing process.

Alternate Board Member Rais asked regarding the cap of the roof deck and the railing. She said it is nice that it is following the South Florida Building Code.

Chair Baumel stated it is not intended to be an additional living space or a party space.

A motion was made by Board Member Edderai to recommend that the Town Commission pass this ordinance on second reading, seconded by Alternate Board Member Rais. The motion carried with a 3-0 vote.



**4.B Zoning Code Correction: Front Setback Standards** - Hector Gomez, Acting Town Manager

**Suggested action:** Staff recommends that Sec. 90-61(1) be amended to provide that "Not less than 50 percent of the front yard shall be landscaped". This occurs now due to the restriction in the same code section that no more than 50% of the front yard may be paved.

The Planning and Zoning Board should consider including pebbles, gravel and/or other stones as an allowed groundcover material when incorporated in the required landscaping.

Deputy Town Clerk Herbello read the title of the ordinance into the record.

Town Planner Frankel introduced the item and provided the specifics.

Mayor Danzinger explained how this ordinance came forward and stated what the code currently stated and what the clarification is for the remaining 20%.

Chair Baumel opened the floor to public comments.

The following individuals from the public spoke:

George Kousoulas spoke regarding the gap and stated how it could be cleared up.

Chair Baumel closed the floor to public comments.

Chair Baumel thanked the Mayor and the other Commissioners present.

Town Attorney Recio clarified the change that was made.

A motion was made by Alternate Board Member Rais to recommend that the Town Commission pass this ordinance on second reading, seconded by Board Member Edderai. The motion carried with a 3-0 vote.

[Attachment A: Front Yard Restrictions](#)

[Ordinance Amending Sec. 90-61-Setback Paving Standards.docx](#)

**5. Applications**

Town Attorney Recio advised the Board that the applicant for item 5K (8801 Emerson Avenue) would like to request a deferral of this item. The applicant would like the item deferred to the May 24, 2023 Planning and Zoning Board Meeting.

A motion was made by Board Member Edderai to defer item 5K (8801 Emerson Avenue) to the May 24, 2023 Planning and Zoning Board Meeting, seconded by Alternate Board Member Rais. The motion carried with a 4-0 vote.

Town Attorney Recio read the quasi-judicial statement into the record.

Town Attorney Recio asked Deputy Town Clerk Herbello to confirm notice requirements.

Deputy Town Clerk Herbello confirmed notice requirements were met by the applicants.

Town Attorney Recio polled the Board Members.

Chair Baumel had a conversation with the applicant for item 5E (9425 Bay Drive) prior to them having an application submitted.

No other Board Member had any communication with any of the applicants.

**5.A 8911 Dickens Avenue- Carport - Judith Frankel, Town Planner**

**Suggested Action:** Staff finds that the proposed canopy complies with the zoning code and recommends approval with the following condition:

- Per sec. 90-58 (2) the canopy shall be no more than 10 feet in height.

Town Planner Frankel introduced the item and provided the staff recommendations.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

A motion was made by Alternate Board Member Szafranski to approve the application with staff recommendations, seconded by Board Member Edderai. The motion carried with a 4-0 vote.

[8911 Dickens Carport Agenda Packet](#)

**5.B 1340 Biscaya Drive - Window openings - Judith Frankel, Town Planner**

**Suggested Action:** Staff finds that the proposed window alterations comply with the Zoning Code and recommend approval of this application.

Town Planner Frankel introduced the item and provided the staff recommendations.

Dean Kotzin, representing the applicant provided an overview of the application.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.



A motion was made by Alternate Board Member Rais to approve the application with staff recommendations, seconded by Alternate Board Member Szafranski. The motion carried with a 4-0 vote.

[1340 Biscaya Drive Survey](#)

[1340 Biscaya Agenda Packet Revised.pdf](#)

**5.C 1420 Biscaya Drive - Front Yard Fence/Gate, Rooftop Deck, Rooftop Mechanical** - Town Planner Judith Frankel

**Suggested Action:** Staff finds that the front yard fence with gates, the rooftop deck and rooftop mechanical equipment as proposed generally meet the Zoning Code. If the Planning and Zoning Board determines the design is appropriate, approval should include the following condition:

- **Per Sec. 90-67.3**, Screening of the generator must be provided at the height of the equipment for visual and auditory purposes.

Town Planner Frankel introduced the item and provided the staff recommendations.

Building Official McGuinness provided his staff recommendations.

Roberto Rivero, representing the applicant provided an overview of the project.

Chair Baumel stated that it was previously brought before this Board, and they complied with all the recommendations and requirements requested.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Alternate Board Member Rais asked regarding the aluminum post on the plan and it looks like wood and asked if the materials are present in the rest of the house.

Mr. Rivero stated that they are present in the other portions of the house.

A motion was made by Board Member Edderai to approve the application with staff recommendations, seconded by Alternate Board Member Rais. The motion carried with a 4-0 vote.

[Attachment A: Images and Tables](#)

[1420 BISCAYA DR-FRONT WALL - ROOF TOP PRESENTATION PACKAGE.pdf](#)

[1420 BISCAYA DRIVE-SURVEY.pdf](#)

[1420 Biscaya Rooftop Generator Specifications](#)

**5.D 9432 Bay Drive - 2nd Floor Addition (After-the-Fact)** - Judith Frankel, Town Planner

**Suggested Action:** Staff finds the application meets the Zoning Code. The Planning

and Zoning Board should determine whether the new addition's design is consistent with the existing structure. If the design is determined to be appropriate, Staff recommends approval.

If approval is granted the applicant must apply for an after-the-fact building permit to ensure constructions standards were met.

Town Planner Frankel introduced the item and provided the staff recommendations.

Marcia Thorbor, applicant was there for any questions.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Alternate Board Member Rais asked regarding the after the fact permits and provided her comments on the application.

A motion was made by Alternate Board Member Rais to approve the application with staff recommendations, seconded by Alternate Board Member Szafranski. The motion carried with a 4-0 vote.

[Attachment A: Images and Tables](#)

[9432 Bay Drive ATF Addition Agenda Packet](#)

#### **5.E 9425 Bay Drive - Addition - Town Planner Judith Frankel**

**Suggested Action:** Staff finds the application meets the Zoning Code. The Planning and Zoning Board should determine whether the new addition's design is consistent with the existing structure. The proposed addition is different in style from the existing home. The addition will have a flat roof at two different heights, while the existing roof is peaked. However, the application proposes adding wall treatments to the existing portion of the front façade to carry through the style.

If the design is determined to be consistent by the Planning and Zoning Board, Staff recommends approval.

Town Planner Frankel introduced the item and provided the staff recommendations.

Building Official McGuinness provided his staff recommendations.

Greg Polly, representing applicant provided an overview of the project.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.



Alternate Board Member Rais provided her comments on the project.

Alternate Board Member Szafranski stated this house is a perfect example of the 50% rule and this helps keep these houses as a one story instead of a two story.

Chair Baumel stated that porcelain was not introduced in the design guidelines. She stated that people were using the porcelain when the design guidelines were written. She is appreciative to the applicant that they have a property that they can work with.

Dania Mendell, applicant explained her project and they want to stay here with their growing family.

A motion was made by Board Member Edderai to approve the application with staff recommendations, seconded by Alternate Board Member Szafranski. The motion carried with a 3-1 vote with Alternate Board Member Rais voting in opposition.

[Attachment A: Images and Tables](#)  
[9425 Bay Drive Agenda Package.pdf](#)

**5.F 9456 Abbott Avenue - Addition** - Town Planner Judith Frankel

**Suggested Action:** Staff finds the application mainly meets the Zoning Code. The Planning and Zoning Board should determine whether the new addition's overall design and window style is consistent with the existing structure. If the design is determined to be appropriate, Staff recommends approval with the below conditions:

- Setback from the north property to the new addition must be verified to be 5 feet. A 24-inch roof overhang is permitted.
- At the time of permitting, it shall be verified that the garage space is to remain as storage. If the space is intended to be habitable living space the finished floor must be elevated to match the rest of the home.

Town Planner Frankel introduced the item and provided the staff recommendations. She stated this item was deferred from the last month and stated that the changes requested were made and the application meets the zoning code.

Building Official McGuinness provided his staff recommendations.

Alphonso Sierra, representing the applicant provided an overview of the project and the changes made from the last meeting.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Alternate Board Member Rais provided her comments and stated that this project is unique and brought mixed feelings.

Chair Baumel believes they have taken an early mid-century style and trying to transition it into something more modern. She spoke regarding the roof line and respects their work.

A motion was made by Alternate Board Member Szafranski to approve the application with staff recommendations, seconded by Board Member Edderai. The motion carried with a 4-0 vote.

[Attachment A: Images and Tables revised](#)  
[9456 Abbott Ave Revised Packet](#)

#### **5.G 9064 Harding Avenue - 2nd Floor Addition - Town Planner Judith Frankel**

**Suggested Action:** Staff finds the application meets the Zoning Code. The Planning and Zoning Board should determine whether the new addition's overall design is consistent with the existing structure. If the design is determined to be appropriate, Staff recommends approval with the below condition:

- **Per Sec. 90-47,** Roof overhangs and eaves may be no more than 24-inches. Measurement must be provided for the north side eave of the addition.
- The window location on the east elevation of the addition must be adjusted on Sheets A-2.02 and A-2.02A to reflect the change made to Sheet A-3.02 and the renderings.

Town Planner Frankel introduced the item and provided the staff recommendations. She stated this item was deferred from the last meeting.

Building Official McGuinness provided his staff recommendations.

Roberto Marquez, applicant spoke regarding the application and the renderings were provided.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Alternate Board Member Rais provided her comments and stated she had some concerns with the roof.

Mr. Marquez addressed the comments made by Alternate Board Member Rais.

Chair Baumel stated that he is working with the existing home and trying to make it cohesive. She stated that the roof lines work. She would like to see something more in the front.

A motion was made by Board Member Edderai to approve the application with staff recommendations, seconded by Alternate Board Member Szafranski. The motion



carried with a 4-0 vote.

[Attachment A: Images and Table.pdf](#)

[9064 Harding Avenue Agenda Packet.pdf](#)

**5.H 8918 Froude Avenue - Garage Conversion and Addition** - Town Planner Walter Keller

**Suggested Action:** Staff finds the application generally complies with the Zoning Code. The Planning and Zoning Board should determine whether the garage conversion and the new additions and overall exterior appearance and window style is consistent with the existing structure. If the design is determined to be appropriate, Staff recommends approval subject to the following comments.

- Provide dimensions on the rear addition and the height of the covered terrace
  
- Identify the color of the new metal roof
  
- Identify the proposed landscape material in the 2-foot-wide landscape strip in front of the former garage door
  
- Planning and Zoning Board Design approval for the proposed exterior treatment of the renovated and expanded residence including the roof color and material.
  
- Install 2 Florida Friendly Street trees in the front yard adjacent to the east property line.
  
- Obtain permits for relocation or removal of any existing trees.

Consultant Town Planner Keller introduced the item and provided the staff recommendations.

Building Official McGuinness provided his staff recommendations.

Steven Cohen, representing the applicant provided an overview of the project.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Alternate Board Member Rais provided her comments on the application.

Chair Baumel spoke regarding the covering of the brick. She stated she does not like the wood and would have preferred the whole thing to be stucco. She spoke regarding the design and stated you would not see that type of wood.

A motion was made by Alternate Board Member Szafranski to approve the application with staff recommendations, seconded by Alternate Board Member Rais. The motion carried with a 4-0 vote.

[Attachment A: Tables and Images](#)

[8919 Froude Survey .pdf](#)

[8918 Froude Avenue Agenda Packet.pdf](#)

#### 5.1 **500 94th Street - Addition** - Judith Frankel, Town Planner

**Suggested Action:** Staff finds the application meets the Zoning Code. The Planning and Zoning Board should determine whether the new addition's overall design is consistent with the existing structure. While renderings have not been provided by the applicant, the materials and design style of the additions can be seen in the existing home.

If the design is determined to be appropriate, Staff recommends approval with the below conditions:

- **Per Sec. 90-47**, Roof overhangs and eaves may be no more than 24-inches. Measurement must be provided for the east side eaves of the addition.

Town Planner Frankel introduced the item and provided the staff recommendations. She advised the Board that she did advise the applicant regarding the Board wanting renderings. She stated that they will be replacing the entire roof with the same type of tile.

Building Official McGuinness provided his staff recommendations.

Damian Rodriguez, representing the applicant spoke on the project.

Chair Baumel opened the floor to public comments.

There were no public speakers.

Chair Baumel closed the floor to public comments.

Chair Baumel stated they have a great property.

Alternate Board Member Rais asked if this packet was incomplete.

Chair Baumel stated that is what Town Planner Frankel stated that there is an



additional cost for renderings.

Mr. Rodriguez stated that there were corrections made to the packet. He stated what the goal was for this project. He stated the color is an espresso blend. He stated that the overhang will match the existing structure.

Alternate Board Member Szafranski asked if renderings were required.

Town Planner Frankel stated that renderings are not required for additions.

Alternate Board Member Rais stated that there is not enough information.

Town Planner Frankel spoke regarding the existing windows.

Chair Baumel stated she went over this with Town Planner Frankel. She stated this is an allowable space on the existing house.

Further discussion took place among the Board members regarding the lack of drawings and the addition as to how it is being constructed.

Alternate Board Member Szafranski agrees that they need drawings and more information. He would like some renderings.

Mr. Rodriguez addressed the comments made by the Board members.

Juan Valdez, applicant addressed the Board Members concerns and comments. He also stated that he is dire need of a new roof.

After a lengthy discussion among the Board Members and Mr. Rodriguez, the following motion was made.

A motion was made by Alternate Board Member Szafranski to approve the application with staff recommendations to include elevations shall be labeled properly, have a roof plan, showing the north arrow, front entry-out lookers to be removed, call out materials on elevations, windows to match existing, front porch, roof height and appearance-consistent with design of the house, pitch height elevations of the roof and consistency with design of existing house, seconded by Alternate Board Member Rais. The motion carried with a 4-0 vote.

[Attachment A: Images and Tables](#)

[500 94th Street Addition Agenda packet](#)

**5.J 9332 Carlyle Avenue - New Two-Story Single-Family Residence - Town Planner Walter Keller**

**Staff Recommendation:** Staff finds this application meets the Zoning Code subject to the comments below.

- **Per Sec.90-49.5(b)**, verify the carport and enclosed stairs do not exceed more than 10% of the lot size.

- **Per the Florida Building Code**, provide flood vents on opposite walls in the enclosed stairs of the understory.
- Provide additional detail of the height of the stairs on the roof (note, this is currently being processed as a proposed ordinance).
- **Per Sec. 90-47**, The calculation of the second-floor square footage must include any spaces not “open to the sky”. The roof deck and stairs connection path must be included in the total calculation for the second floor.
- **Per Ordinance No. 22-1730**, provide additional detail on the rooftop mechanical screening and its visibility from the street.
- **Per Sec. 90-54.2(a)**, verify (and dimension) the 5-foot minimum setback to the pool, pool structure and pool deck from the rear property line.
- Correct the Site Plan on Sheet A-201 to delete the additional 68 SF of pool decking not on the Landscape Plan.
- **Per Ordinance No. 22-1729**, 40% of required pervious/landscaping must be a Florida Friendly landscaping species as identified by the University of Florida.
- **Per Sec. 90-89.1**, Zoysia grass is not an approved sod.
- **Per Sec. 90-97**, a tree removed or relocated will require a tree removal permit from Miami-Dade County.

Consultant Town Planner Keller introduced the item and provided the staff recommendations.

Building Official McGuinness provided his staff recommendations.

George Kousoulas, representing the applicant provided an overview of the project.

Chair Baumel opened the floor to public comments.

The following individuals from the public spoke:

Jeff Kopple spoke regarding the project and stated that it seems that when plans like this are presented, all consideration is given to the proposed homeowner and very little to the impact it will have to the people that already live there.

Ellen Kopple spoke regarding the project and reiterated her husband's comments.

Todd Kaufman is a neighbor of this project and looks forward to the health of the 100-year-old Ficus tree and spoke regarding the pool and retaining wall.

Town Planner Frankel addressed Mr. Kopple's questions.

Mr. Kousoulas responded to Mr. Kopple's question as it relates to the retaining wall.

Town Planner Frankel addressed the comments made by Mr. Kaufman.

Chair Baumel closed the floor to public comments.

Alternate Board Member Rais provided her comments on the project.

Town Attorney Recio clarified what the property owners can put up as it relates to hedges. He stated that the code allows a taller hedge on a case by case basis as per the design review guidelines.

Mr. Kousoulas stated that they would be happy to do so.

After a lengthy discussion among the Board Members, Mr. Kousoulas and staff the following motion was made.

A motion was made by Alternate Board Member Rais to approve the application with staff recommendations and adding the ability to have higher hedges, seconded by Board Member Edderai. The motion carried with a 4-0 vote.

[Attachment A: Tables and Images](#)  
[9332 Carlyle Avenue Agenda Packet](#)

**5.K 8801 Emerson Avenue - New Two-Story Single-Family Residence - Judith Frankel, Town Planner**

**Staff Recommendation:** The Planning and Zoning Board should determine whether the new home's design is "consistent with and in conformance with the design guidelines set forth in the Town Code". The general design for the property in this application appears to be well formulated and in consideration of the zoning code. However, there are several proposed elements where not enough information has been presented to determine compatibility with the zoning code. See **Attachment A** Tables for more detail.

These items of issue are listed below, but without greater data approval is not recommended at this time.

**Rooftop Elements:**

- **Per Sec. 90-67.3** rooftop mechanical elements require screening and dimensional information to ensure the equipment is not visible from the right-of-way.
- **Per Sec. 90-50.2** The roof deck must be setback at least 10 feet from all side of the roof edge.

**Fences and Gates:**

- **Per Sec 90-56.4**, a 4-foot-high front yard (Emerson Avenue) fence with surfaces above 2 feet having a maximum opacity of 50% may be permitted if granted design review and approval from the Planning and Zoning Board. Details on the length. Dimensions and opacity have not been provided. Secondary frontage (88<sup>th</sup> Street) fence must adhere to the same requirements unless the option presented in 90-56.5 is utilized.
- **Per 90-56.5** fences and ornamental wall on secondary frontages may have maximum opacity of 100 percent and a maximum height of six feet, as measured from grade, may project into or enclose the street side yard of a corner lot, provided:

1. The fence or wall is not placed in front of the front facade of the primary residential structure and extends beyond the plane of the front facade on only one side of the primary residential structure;
  2. The fence or wall is setback three feet from any property line;
  3. Shrubs shall be installed at the time the fence or wall is installed; and
  4. The shrubs shall be planted a minimum of 36 inches in height, shall be placed a maximum of 24 inches on center and shall cover the exterior of the fence or wall within one year after the final inspection of the fence.
    - If this option is chosen, the retaining wall must be set back 3 feet
- **Per 90-56**, A fence or ornamental wall not more than six feet in height, as measured from grade, may project into or enclose an interior side or rear yard only. As a retaining wall will be necessary for raising the grade of the rear yard, installation information must be provided for the retaining wall. Applicant is advised that the 6 ft maximum height for rear yard fences/walls is measured from the grade of the neighboring yards.

**Lot Coverage:**

- **Per Sec. 90-49.5**, A non-habitable understory may have a maximum enclosed area of no greater than 10% of the lot size. The pervious area under the home must equal or exceed 20% of the lot size, which is 1,370 SF in this case. This is in addition to the 35% pervious/landscaped area required for the lot. There must be a minimum of 2,397.5 SF of pervious/landscaped space on the lot area not covered by the first floor of the home. Pool decking may not count toward the pervious space.
- The understory space must be open. The elevations shown on Sheets A4 and A5 appear substantially closed.
- **Per Sec. 90-47.1** Every part of a required yard shall be open to the sky. A portion of the second floor on the north side of the home is fully covered by a solid roof and should be counted in the square footage of that floor. This may not be an issue as the second floor is below the 80% maximum.
- **Per Sec. 90-95**, for a corner lot a minimum of 6 trees and 35 shrubs is required. Information on tree and plant species is required to determine if 40% of species are Florida Friendly. In addition to the lot trees, street trees are required every 20 feet of property frontage.

Town Attorney Recio advised the Board that the applicant would like to request a deferral of this item. He would like the item deferred to the May 24, 2023 Planning and Zoning Board Meeting.

A motion was made by Board Member Edderai to defer this application to the May 24, 2023 Planning and Zoning Board Meeting, seconded by Alternate Board Member Rais. The motion carried with a 4-0 vote.



Attachment A: Images and Tables.pdf  
8801 Emerson Avenue Survey.pdf  
8801 Emerson Agenda Packet.pdf

## 6. Next Meeting Date

### 6.A Next Meeting Date: May 25, 2023 at 6:00 p.m. - Deputy Town Clerk Evelyn Herbello

Deputy Town Clerk Herbello advised the Board that May 25, 2023 is a religious holiday and provided the date of May 24, 2023 to hold the meeting.

Consensus of the Board was that they were available on May 24, 2023 to hold the meeting.

Deputy Town Clerk Herbello advised the Board of possibly having a meeting in July to handle the heavy load of applications being received. Most Board Members are not available in July. They suggested August and to look and see the amount of applications that will be received and later determine if a meeting will be needed in July or if there will need to be two meetings in August.

Alternate Board Member Szafranski asked if there are some items that will not have to come before them anymore.

Town Planner Frankel explained the items that will possibly not be coming before the Board after the Commission meets on those items which entails ordinances going before the Commission.

## 7. Discussion Items

### 7.A Perception of mass on the setbacks - Town Planner Judith Frankel

Town Planner Frankel asked if they could possibly table the discussion item until Board Member Lecour is here since she is the one that requested this discussion item.

Town Planner Frankel provided an overview of this item.

Chair Baumel stated that one of the applications would have never passed. She stated the things they are seeing are for them to discuss and she does not see it as much as a massing.

Alternate Board Member Rais spoke regarding the massing and what is the intention of what Board Member Lecour wanted.

Discussion took place among the Board Members and staff regarding the massing as well as what would count as part of the volume that makes up the second floor and it is a case-by-case basis.

Board Member Edderai left at 9:09 p.m.

**7.B Revisit the code Regarding Carbon Copy Homes.** - Town Planner Judith Frankel

Chair Baumel stated that you do not want to have carbon copy homes next to each other.

Alternate Board Member Rais spoke regarding carbon copy homes and provided an example.

Alternate Board Member Szafranski asked if there is a basis of rejecting carbon copy homes.

Town Attorney Recio stated that the code does state that and provided the section of the code.

Discussion took place among the Board members and staff regarding this item and which homes this would apply to.

Chair Baumel suggested that all applicants are required to have an architect or designer.

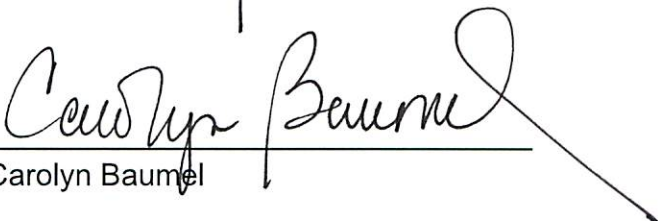
Consultant Town Planner Keller addressed the comments made by Chair Baumel.

**8. Adjournment**


There being no further business to discuss before the Board, a motion was made by Chair Baumel to adjourn the meeting at 9:39 p.m. The motion carried with a 3-0 vote.

Respectfully Submitted,

Accepted this 24<sup>th</sup> day of May, 2023.

  
\_\_\_\_\_  
Carolyn Baumel

Attest:

  
\_\_\_\_\_  
Sandra N. McCreedy, MMC, MPA  
Town Clerk



## MEMORANDUM

ITEM NO. 4A1.

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

**From:** Hector Gomez Town Manager

**Date:** June 13, 2023

**Subject:** **Zoning Code Correction - Applicability of Planning and Zoning Board Review**

---

Staff recommends removing the following property alterations from Planning and Zoning Board review. If approved, these additional items would be added to Sec. 90-19.7 and reviewed for compatibility with the zoning code by staff only:

- Front Yard Fences and gates
- Garage Conversions
- Carports
- Window Signs in SD-B40
- Business District SD-B40 Awnings
- Wall Opening (window and door) changes on existing homes not visible from a public right-of-way
- Rear Yard Pools
- Rear Yard Decks
- Rooftop Mechanical Equipment
- Ground-level mechanical not visible from a public right-of-way

At the December 2022 Planning and Zoning Board meeting an application was heard for a house that proposed adding a sliding glass door to the rear of the home. This was a small alteration that would not have been visible from the right-of-way. The Zoning Code requires any architectural changes to a home to be reviewed by the Planning and Zoning Board. At that meeting the Board expressed their desire to consider changing this requirement. Reviews for wall openings not visible from a public right-of-way may be completed by staff.

Additionally, Vice Mayor Rose at the January Town Commission meeting suggested amending the Zoning Code to reduce ambiguities. An example of this ambiguity is rear yard pools. At this time, rear yard pools are reviewed by staff only, but the Zoning Code does not call out rear yard pools as an exempt review.

At a joint special meeting of the Town Commission and the Planning and Zoning Board held

on January 31, 2023, it was determined that there are several types of zoning reviews that should be added to the list of applications exempt from Planning and Zoning Board review. At subsequent Planning and Zoning Board meeting, members have reiterated the need for this Code change.

At the May 24th Planning and Zoning Board meeting, the Board voted to recommend that the Town Commission approve the ordinance without fences and gates as an item that would not require Board review. The Board would like to continue to review all front yard fences.

[Ordinance\\_Re\\_Applicability\\_of\\_PZB\\_Review\\_-\\_SR.docx](#)

ORDINANCE NO. 23 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-19.7 OF SECTION 90-19 “SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS” TO MODIFY THE LIST OF APPLICATIONS EXEMPTED FROM PLANNING AND ZONING BOARD REVIEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

10       **WHEREAS**, Section 90-19 of the Code provides for design review approval of single-  
11 family and two-family homes and related structures by the Planning and Zoning Board (the  
12 “Board”); and

13       **WHEREAS**, the Code has been amended on several occasions to provide more  
14 specific criteria for design review evaluation of certain structures and home modifications  
15 in the single-family district; and

16       **WHEREAS**, the town planner is well equipped to address many different kinds of  
17 structures and home modifications without involving the Board; and

18       **WHEREAS**, at a joint special meeting of the Town Commission and the Board held  
19 on January 31, 2023, changes to the Zoning Code were addressed, including amending  
20 the list of applications exempted from design review by the Board; 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.



- 54 (6) Re-roofs.
- 55 (7) Trellis.
- 56 (8) Rooftop photovoltaic solar systems.
- 57 (9) Sheds.
- 58 (10) Front yard fences and gates with design review approval from town planner
- 59 (11) Garage conversions.
- 60 (12) Carports.
- 61 (13) Window Signs in SD-B40
- 62 (14) Business District SD-B40 Awnings
- 63 (15) Wall Opening (window and door) changes on existing homes not visible from a
- 64 public right-of-way
- 65 (16) Rear Yard Pools
- 66 (17) Rear Yard Decks
- 67 (18) Rooftop Mechanical Equipment
- 68 (19) Ground-level mechanical not visible from a public right-of-way

70 \* \* \*

71

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

76 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and  
 77 it is hereby ordained that the provisions of this Ordinance shall become and made a part of  
 78 the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be  
 79 renumbered or re-lettered to accomplish such intentions; and the word “Ordinance” may be  
 80 changed to “Section” or other appropriate word.

81

82 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of  
 83 ordinances or resolutions in conflict herewith are hereby repealed.

84

85 **Section 6. Effective Date.** This ordinance shall become effective upon adoption  
 86 on second reading.

87

88 **PASSED and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

89

90 **PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

91

92

93 On Final Reading Moved by: \_\_\_\_\_

94

95 On Final Reading Second by: \_\_\_\_\_

96

97 **First Reading:**  
98 Motion by: \_\_\_\_\_  
99 Second by: \_\_\_\_\_

100  
101  
102 **Second Reading:**  
103 Motion by: \_\_\_\_\_  
104 Second by: \_\_\_\_\_

105

106 **FINAL VOTE ON ADOPTION**  
107 **ATTEST:**

108  
109  
110  
111 \_\_\_\_\_  
112 Sandra N. McCreedy, MMC  
113 Town Clerk

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

116  
117  
118  
119 \_\_\_\_\_  
120 Weiss Serota Helfman Cole & Bierman, P.L.  
121 Town Attorney  
122





## MEMORANDUM

ITEM NO. 4A2.

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Hector Gomez Town Manager  
**Date:** June 13, 2023  
**Subject:** **Zoning Code Correction - Garage Conversion Criteria**

---

Staff recommends approval of this ordinance in order to clarify the acceptable design of garage conversions in single-family zoning districts and to allow for the compatibility of another ordinance removing front garage conversions from Planning and Zoning Board review.

**Background:** The Planning and Zoning Board has been responsible for the review of attached garages when property owners apply to convert them into habitable space. At a joint special meeting of the Town Commission and the Planning and Zoning Board held on January 31, 2023, it was determined that this type of application would be best reviewed at an administrative level. The ordinance presented here clarifies the appropriate design for converted attached garages to remove these applications from Planning and Zoning Board review.

At present, at least window is required to be located on the former garage door face of the home. This ordinance adds details for that window(s) to ensure a consistent home design. The window or windows must have the upper lintel beam level with the existing windows on the same face of the home. New windows must be in the same style and similar in proportions as the existing windows to provide a consistent look to the façade. This provides clear instruction to the property owner and the Town Planner reviewing the application. With this clarification this type of application will no longer need to be reviewed by the Planning and Zoning Board.

At the May 24th Planning and Zoning Board meeting, the Board voted to recommend that the Town Commission approve this ordinance.

[Ordinance\\_Re\\_Garage\\_Conversions\\_SR.docx](#)

ORDINANCE NO. 23 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-50. – “ARCHITECTURE AND ROOF DECKS” TO MODIFY REQUIREMENTS FOR GARAGE CONVERSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

10       **WHEREAS**, Section 90-50.1 of the Code provides for architectural guidelines for  
11 structures in Surfside; and

12       **WHEREAS**, Sub-Section 90-50.1(7) provides regulations for the conversion of a  
13 garage to habitable space; and

14       **WHEREAS**, garage conversions are currently allowed only with design review  
15 approval of the Planning and Zoning Board (the “Board”); and

16       **WHEREAS**, at a joint special meeting of the Town Commission and the Board held  
17 on January 31, 2023, changes to the Zoning Code were addressed, including to improve  
18 the efficiency of the Board by exempting garage conversions from design review by the  
19 Board; 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.



52 solid exterior wall and access to the former garage area must be provided  
53 from the main premises, in addition to any other permitted access. At least  
54 one window shall be provided. The window or windows shall have the upper  
55 lintel beam level with the existing windows on the same face of the home.  
56 New windows shall be in the same style and similar in proportions as the  
57 existing windows to provide a consistent look to the façade. If the garage  
58 entrance is located at the front or primary corner of the property, landscaping  
59 shall be provided along the base of the new exterior wall. When the  
60 installation of landscaping results in insufficient off-street parking, a  
61 landscaped planter shall be permitted in lieu of the required landscaping. It  
62 is intended hereby to prohibit and prevent any violation of the single-family  
63 classification and to minimize the burden upon the administrative forces of  
64 the town in policing and enforcing the provisions hereof. Changes to the  
65 appearance of the residence shall not constitute a change prohibited by the  
66 "home office" provision of this Code. If the exterior door of the garage  
67 conversion is no longer level with grade, stairs may be installed, and the  
68 exterior door must be accordingly corrected to comply with the Florida  
69 Building Code. The stairs shall be permitted to encroach no more than 24  
70 inches into the side or rear setbacks. The converted garage shall meet all  
71 requirements of the Florida Building Code, including finished floor elevation.  
72  
73

74 \* \* \*

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

79 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and  
80 it is hereby ordained that the provisions of this Ordinance shall become and made a part of  
81 the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be  
82 renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be  
83 changed to "Section" or other appropriate word.

84  
85 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of  
86 ordinances or resolutions in conflict herewith are hereby repealed.  
87

88 **Section 6. Effective Date.** This ordinance shall become effective upon adoption  
89 on second reading.

90  
91 **PASSED and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

92  
93 **PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023.  
94

95  
96 On Final Reading Moved by: \_\_\_\_\_

97  
98 On Final Reading Second by: \_\_\_\_\_

99  
100 **First Reading:**  
101 Motion by: \_\_\_\_\_  
102 Second by: \_\_\_\_\_

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105 **Second Reading:**  
106 Motion by: \_\_\_\_\_  
107 Second by: \_\_\_\_\_

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110 **FINAL VOTE ON ADOPTION**  
111 **ATTEST:**  
112  
113  
114 \_\_\_\_\_  
115 Sandra N. McCready, MMC  
116 Town Clerk

117  
118 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
119 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

120  
121  
122 \_\_\_\_\_  
123 Weiss Serota Helfman Cole & Bierman, P.L.  
124 Town Attorney  
125



## MEMORANDUM

ITEM NO. 4A3.

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

**From:** Hector Gomez Town Manager

**Date:** June 13, 2023

**Subject:** **Zoning Code Correction - Design Requirements for Front Yard Fences and Gates**

---

Staff recommends approval of this ordinance in order to clarify the acceptable design of front yard fences and gates in single-family zoning districts and to allow for the compatibility of another ordinance removing front yard fences, gates and walls from Planning and Zoning Board review.

**Background:** The Planning and Zoning Board has been responsible for the review of fences, gates and walls located in the front yard setbacks of properties. At a joint special meeting of the Town Commission and the Planning and Zoning Board held on January 31, 2023, it was determined that these items would be best reviewed at an administrative level. The ordinance presented here clarifies the appropriate design for front yard fences, gates and walls to reduce the number of these applications that will need to be heard by the Planning and Zoning Board.

Under this ordinance design review approval will first be sought from the town planner, who will review the proposed fence, gate or wall for design integrity and consistency with the design of the house on the property. If the town planner does not grant design review approval, the applicant will have the option to obtain design review approval from the Planning and Zoning Board.

The height restrictions will remain the same. Fences and gates will be permitted a maximum opacity of 50% except where there is a differing material for the first 2-feet of height. In that case the first 2-feet may be completely opaque. This allows for a fence to be placed on top of a low wall as a design option. Plastic and PVC front yard fencing will be prohibited.

This ordinance and the current zoning code does not treat fences and gates differently by zoning district. Entities along Collins Avenue are restricted to a 4-foot fence at their primary frontage property line, which may not be appropriate in all situations.

At the May 24th Planning and Zoning Board meeting, the Board voted to recommend that the Town Commission approve the ordinance without the allowance for staff only review. The Board would like to continue to review all front yard fences. There was a discussion regarding treating the commercial and multi-family zoning districts differently than the single-family zoning districts. The Board Chairperson also suggested creating a new ordinance to allow for fence height exceptions in special circumstance.

[Sec. 90-56. Fences walls and hedges.docx](#)

[Ord\\_Amend\\_Section\\_90-56\\_Fences\\_\\_Walls\\_and\\_Gates\\_SR.docx](#)



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Sec. 90-56. Fences, walls and hedges.

90-56.1.A. A fence or ornamental wall not more than six feet in height, as measured from grade, may project into or enclose an interior side or rear yard only. Notwithstanding anything to the contrary elsewhere in the code, for purposes of this section, grade is defined as the point of the ground immediately below the location of the fence or wall.

90-56.1.B. Construction fencing. Temporary construction fences are required by this ordinance unless otherwise determined by the Building Official. A construction fence permit shall be obtained from the Building Department prior to the fence being erected. Each fence constructed or maintained shall be constructed and anchored in accordance with the Florida Building Code.

- (a) Permit required. A permit application and a current survey of the site.
- (b) Permitted fence. Construction fences shall be designed in such a manner as to have all exposed materials finished, coated, covered or clad in or with materials such as paint, windscreens, canvases or similar materials, subject to the approval of the town manager or designee.
  - (1) The permitted construction fence shall be installed immediately upon removal of the temporary demolition fence. At no time shall the parcel remain without a protective barrier.
- (c) Any person or entity found to be in violation of this subsection shall be subject to fines as set forth in the schedule of fines adopted by resolution.
- (d) A temporary construction fence (as defined herein) shall be installed on the front, side, and rear property lines.
- (e) Permitted height. All construction fences shall be at least six feet high and no higher than eight feet.
- (f) Locked. The fence shall be kept locked when the property is unoccupied.
- (g) Prohibited fences.
  - (1) The following fences are not permitted, except as otherwise provided in the Code herein below:
    - a. Chain-link fences, unless:
      - 1. Chain-link fences with canvas (or similar material) backing or meshing may be permitted to be utilized as a temporary construction fence for a period of no longer than 18 months, provided they are neatly designed and maintained as approved by the building and zoning departments.
    - b. Barbed-wire fences.
    - c. Fences made of canvas material.
    - d. Any fences that fail to meet the requirement of the Florida Building Code.
- (h) Setbacks from property line on Harding Ave and Collins Ave. A temporary fence installed on the front of the property shall be situated six feet from the property line on Harding Avenue and Collins Avenue, unless specifically waived by the town manager. The setback area between the temporary fence and the property line shall contain a continuous extensively landscaped buffer which must be maintained in good healthy condition by the property owner. No temporary construction permit shall be issued unless a landscape plan is approved by the town for the buffer. Failure to maintain the landscaping will result in the town taking action to replace same and lien the property for the costs of landscaping.
- (i) Expiration of permit. A temporary construction fence permit issued under this chapter shall expire at the completion of construction at which time the temporary fence shall be removed in accordance with the terms of the Florida Building Code.

- 
- (j) Murals and graphics. Graphics and murals on temporary construction fencing are prohibited unless approved by the town manager for aesthetic enhancement of the fence and advertisement of the project to be constructed.
  - (k) Fees. The town manager or designee may impose fees as he/she may determine appropriate for the use of construction fences for advertisement purposes in accordance with the schedule promulgated by the building official.
  - (l) Access gates. All temporary construction fences shall contain access gates with a minimum clear opening width of 12 feet. Access gates must be provided at the front and rear of the enclosure. Gates must be kept unlocked during inspection hours.
  - (m) Temporary construction signs. Construction, erection, and maintenance of temporary construction signs shall be governed by Town of Surfside Sign Code.
  - (n) Appeals. Any decision made by the town manager or designee regarding graphics, advertisement, and murals on a temporary construction fence may be appealed to the town commission.
  - (o) Enforcement and penalties. The code compliance division and building departments shall be responsible for the enforcement of the provisions of this section. Any person or entity found to be in violation of this section shall be subject to fines as set forth in the schedule of fines adopted by resolution.

90-56.2 A fence or ornamental wall may be placed within the front yard or primary corner yard if granted design review approval by the planning and zoning board.

90-56.3 Fences or ornamental walls placed within a front yard or secondary frontage/corner yard are limited to function as spatial locators and shall not be substantial in appearance and shall adhere to height and opacity limitations as set forth in Table 90-56.4.

90-56.4 Front yard and corner yard fences and ornamental walls—Table.

Lot Frontage	Maximum Height (Feet)	Maximum Opacity (Percent)
Less than or equal to 50 ft in width	4 ft	All wall and fence surfaces above two (2) feet measured from grade shall maintain a maximum opacity of fifty (50) percent
Wider than 50 ft and less than 100 ft	4 ft + ½ ft per 10 feet of lot width exceeding 50 feet, maximum 5 ft	
Wider than or equal to 100 ft	4 ft + ½ ft per 10 feet of lot width exceeding 50 feet, maximum 6 ft	
Secondary frontage (corner only)	Shall adhere to the height and opacity limitations for corresponding lot frontage	

90-56.5 Modification of secondary frontage fence and ornamental wall regulations.

- (1) A fence or ornamental wall that has a maximum opacity of 100 percent and a maximum height of six feet, as measured from grade, may project into or enclose the street side yard of a corner lot, provided:
  - a. The fence or wall is not placed in front of the front facade of the primary residential structure and extends beyond the plane of the front facade on only one side of the primary residential structure;
  - b. The fence or wall is setback three feet from any property line;
  - c. Shrubs shall be installed at the time the fence or wall is installed; and
  - d. The shrubs shall be planted a minimum of 36 inches in height, shall be placed a maximum of 24 inches on center and shall cover the exterior of the fence or wall within one year after the final inspection of the fence.

90-56.6 When being installed as a safety feature for a swimming pool in a front or primary corner yard, a fence or ornamental wall shall be permitted at a maximum of four feet in height. The applicant shall demonstrate evidence relative to this hardship.

90-56.7 Reserved.

90-56.8 In order to prevent water ponding at the base of ornamental walls, the installation of weep holes or other similar drainage features shall be required. The number and spacing shall be determined per lot per review.

90-56.9 Hedges shall be no more than four feet in height in the front yard and side corner yards and ten feet in height in the rear and interior side yards, except as required by section 90-56.5(1). Hedges may be higher if granted approval by the design review board, on a case-by-case basis.

90-56.10 Under no circumstances is any fence, wall or hedge to be located on a corner lot in such a way as to conflict with the requirements of section 90-52 (Required clearances) or fire codes, including concealment of fire hydrants.

90-56.11 No fence, wall or hedge may be placed within the public right-of-way except that landscaped islands surrounded by circular driveways on lots no more than 115 feet in width shall be permitted, provided that it is understood by the property owner that the town does not waive its right to demand removal without notice as

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deemed necessary within the town's discretion and the town shall not be liable for any damages arising from such removal. Property owner shall install or plant such materials at own risk. All improvements, other than groundcovers, as defined in the landscape section, shall be placed on private property.

90-56.12 Fences and walls shall be constructed so that the finished side shall face out or away from the property upon which it is constructed, and all support posts and the unfinished side shall be on the inside facing the property upon which said fence or wall is constructed. All masonry fences or walls shall be constructed so as to have a finished surface, including concrete block walls which shall have a plastered finish on all sides above ground level. In the event that a wood fence is constructed against a significant obstacle on the adjoining property, such as a hedge or another fence, that line of fence against the obstacle may be constructed with posts on the outside of the fence provided that the horizontal rails are at least 50 percent covered by boards on the side facing away from the property on which the fence is constructed.

90-56.13 It shall be a violation under this article for any person to erect or maintain a structure to serve as a fence in manner that endangers the health, safety, and welfare of the public as described in this section and as determined by the town manager or designee.

90-56.14 The following fencing material shall be prohibited:

- (1) Chain-link and other wire fencing, except as permitted herein.
- (2) Loosely attached masonry products, such as concrete block, bricks or other similar products not bonded together by mortar or comparable adhesive.

90-56.15 No grandfathering of chain-link fences shall be permitted in the front yard or in the corner side yard. Grandfathering of chain-link fences shall be permitted in interior side yards or rear yards.

90-56.16 In all districts, the owner or his agent, shall be responsible for the maintenance, in perpetuity, of all landscaping material in good condition so as to present a healthy, neat and orderly appearance and clear of weeds, refuse and debris. Landscaping material shall be trimmed and maintained so as to meet all site distance requirements. Hedges planted along property lines shall be maintained and neatly trimmed to prevent growth extended across the property lone or otherwise encroaching on an adjacent property. In the event of any discrepancy as to whether healthy, neat and orderly appearance is being maintained shall be determined by the town manager or designee.

90-56.17 Temporary construction fences shall be permitted pursuant to standards provided in subsection 90-56.1.B.

(Ord. No. 1520, § 1, 4-14-09; Ord. No. 1529, § 2, 7-15-09; Ord. No. 1549, § 2, 3-9-10; Ord. No. 1558, § 2(Exh. A), 8-10-10; Ord. No. 1590, § 2, 8-15-12; Ord. No. 1593, § 2, 10-9-12; Ord. No. 1610, § 2, 12-10-13; Ord. No. 1620, § 2, 6-10-14; Ord. No. 18-1689, § 2, 9-12-18; Ord. No. 18-1691, § 2, 12-11-18)

Editor's note(s)—Ord. No. 1593, § 2, adopted Oct. 9, 2012, repealed a former § 90-56.1 which followed § 90-56 in this chapter and pertained to construction fencing and derived from Ord. No. 1549, § 2, 3-9-10; Ord. No. 1583, § 2, 1-17-12.

ORDINANCE NO. 23 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-56 “FENCES, WALLS AND HEDGES” TO MODIFY APPROVAL PROCEDURE AND REQUIREMENTS FOR FENCES AND WALLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

10       **WHEREAS**, Section 90-56 of the Code regulates fences and walls, and allows fences  
11 and walls in the front yard and side street yards subject to design review approval by the  
12 Planning and Zoning Board; and

13       **WHEREAS**, the Design Guidelines do not currently provide thorough guidance as to  
14 fences and walls; and

15       **WHEREAS**, the design review jurisdiction of the Board, when combined with the lack  
16 of meaningful guidance in the Design Guidelines, has led to inconsistent application of  
17 design review approval for fences and gates in the front and side street yards; and

18       **WHEREAS**, at a joint special meeting of the Town Commission and the Planning and  
19 Zoning Board held on January 31, 2023, changes to the Zoning Code were addressed,  
20 including amending the regulations applicable to fences and walls; 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.

21 **WHEREAS**, the Town Commission finds it in the best interest and welfare of the Town  
22 to modify the approval procedure and regulations pertaining to fences and walls in the  
23 front and side street yard; and

24 **WHEREAS**, the Town Commission held its first public hearing on May 9, 2023 and,  
25 having complied with the notice requirements in the Florida Statutes, approved the  
26 proposed amendments to the Code; and

27 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the  
28 Town, held its hearing on the proposed amendment to the Code on May 24, 2023 with due  
29 public notice and input, and recommended adoption of the proposed amendments to the  
30 Code; and

31 **WHEREAS**, the Town Commission has conducted a second duly noticed public  
32 hearing on these Code amendments as required by law on \_\_\_\_\_, 2023 and  
33 further finds the proposed changes to the Code are necessary and in the best interest of  
34 the Town.

35  
36 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
37 **TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:**

38  
39 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated  
40 herein by this reference:

41  
42 **Section 2. Town Code Amended.** Section 90-56 "Fences, walls and hedges" of  
43 the Code, is hereby amended as follows<sup>1</sup>:

44 **Sec. 90-56. Fences, walls and hedges.**

45 \* \* \*

46 90-56.2 A fence or ornamental wall, together with gates, may be placed within the  
47 front yard or primary corner yard if granted design review approval. Design review  
48 approval shall first be sought from by the town planner, who shall review the proposed  
49 fence or wall for design integrity and consistency with the design of the house on the  
50 property. If the town planner does not grant design review approval, the applicant may  
51 seek design review approval from the planning and zoning board based on design  
52 integrity and consistency with the design guidelines and the design of the other  
53 structures and landscaping on the property.

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<sup>1</sup> 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.



54 90-56.3 Fences or ornamental walls placed within a front yard or secondary  
 55 frontage/corner yard ~~are limited to function as spatial locators and~~ shall not be  
 56 substantial in appearance and shall adhere to height and opacity limitations as set forth  
 57 in Table 90-56.4.

58 90-56.4 Front yard and corner yard fences and ornamental walls—Table.

Lot Frontage	Maximum Height (Feet)	Maximum Opacity (Percent)
Less than or equal to 50 ft in width	4 ft	<del>All wall and fence surfaces above two (2) feet measured from grade shall not exceed</del> maintain a maximum opacity of fifty percent (50%) percent, <del>except where the lowest two feet of the wall or fence surface is constructed of a different material than the surface above two (2) feet from grade, the lowest two feet of the wall or fence may be completely opaque. Surfaces of gates shall not exceed a maximum opacity of fifty percent (50%).</del>
Wider than 50 ft and less than 100 ft	4 ft + ½ ft per 10 feet of lot width exceeding 50 feet, maximum 5 ft	
Wider than or equal to 100 ft	4 ft + ½ ft per 10 feet of lot width exceeding 50 feet, maximum 6 ft>	
Secondary frontage (corner only)	Shall adhere to the height and opacity limitations for corresponding lot frontage	

59  
 60 90-56.5 Modification of secondary frontage fence and ornamental wall regulations.

- 61 (1) A fence or ornamental wall that has a maximum opacity of 100 percent and a  
 62 maximum height of six feet, as measured from grade, may project into or enclose  
 63 the street side yard of a corner lot, provided:
- 64 a. The fence or wall is not placed in front of the front facade of the primary  
 65 residential structure and extends beyond the plane of the front facade on  
 66 only one side of the primary residential structure;
  - 67 b. The fence or wall is setback three feet from any property line;
  - 68 c. Shrubs shall be installed at the time the fence or wall is installed; and
  - 69 d. The shrubs shall be planted a minimum of 36 inches in height, shall be  
 70 placed a maximum of 24 inches on center and shall cover the exterior of  
 71 the fence or wall within one year after the final inspection of the fence.

72 ~~90-56.6 When being installed as a safety feature for a swimming pool in a front or~~  
 73 ~~primary corner yard, a fence or ornamental wall shall be permitted at a maximum of four~~  
 74 ~~feet in height. The applicant shall demonstrate evidence relative to this hardship.~~

75 \* \* \*

76 90-56.14 The following fencing material shall be prohibited:  
77 (1) Chain-link and other wire fencing, except as permitted herein.  
78 (2) Loosely attached masonry products, such as concrete block, bricks or other  
79 similar products not bonded together by mortar or comparable adhesive.  
80 (3) Plastic or PVC

81 \* \* \*

82  
83 **Section 3. Severability.** If any section, sentence, clause or phrase of this  
84 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,  
85 then said holding shall in no way affect the validity of the remaining portions of this  
86 Ordinance.

87 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and  
88 it is hereby ordained that the provisions of this Ordinance shall become and made a part of  
89 the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be  
90 renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be  
91 changed to "Section" or other appropriate word.

92  
93 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of  
94 ordinances or resolutions in conflict herewith are hereby repealed.

95  
96 **Section 6. Effective Date.** This ordinance shall become effective upon adoption  
97 on second reading.

98  
99 **PASSED** and **ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

100  
101 **PASSED** and **ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

102  
103  
104 On Final Reading Moved by: \_\_\_\_\_

105  
106 On Final Reading Second by: \_\_\_\_\_

107  
108 **First Reading:**

109 Motion by: \_\_\_\_\_

110 Second by: \_\_\_\_\_

111  
112  
113 **Second Reading:**

114 Motion by: \_\_\_\_\_

115 Second by: \_\_\_\_\_

116  
117  
118 **FINAL VOTE ON ADOPTION**

119 **ATTEST:**

120

121

122

123 \_\_\_\_\_  
Sandra N. McCready, MMC

124 Town Clerk

125

126 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**

127 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

128

129

130

131 \_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.

132 Town Attorney

133



## MEMORANDUM

ITEM NO. 4A4.

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Hector Gomez Town Manager  
**Date:** June 13, 2023  
**Subject:** **Zoning Code Correction - Balcony Projections**

---

Staff recommends approval of this ordinance to amend the zoning code by removing the balcony overhang provision (Sec. 90-47.7) and including the "modified side setback" in the balcony restrictions (Sec. 90-47.6).

**Background:** At a joint special meeting of the Town Commission and the Planning and Zoning Board held on January 31, 2023, this code section was identified as an area of ambiguity. Section 90-47.7 of the Code limits balcony overhangs from extending beyond the balcony below, which is inappropriate for building designs that provide a regular or average side setback as is an option in the code. It is also redundant in restricting balcony overhangs where the inclined side setback option already restricts the setbacks.

The Town Commission, voted to edit the proposed ordinance at first reading on May 9th, 2023. The version of the ordinance present here deletes the restriction on balcony overhangs from the code section 90-47.7. It also clarifies section 90-47.6 by including the modified side setback in the balcony restrictions for the H120 zoning district. This change eliminates the ambiguity.

At the May 24th Planning and Zoning Board meeting, the Board voted recommend approval of this ordinance to the Town Commission.

[Ordinance\\_Re\\_Balcony\\_Overhangs\\_\\_H120\\_SR.docx](#)

ORDINANCE NO. 23 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-47 “YARDS GENERALLY, ALLOWABLE PROJECTIONS” TO CLARIFY BALCONY OVERHANG LIMITATIONS APPLIED TO INCLINED SIDE SETBACKS IN H120; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

10       **WHEREAS**, Section 90-47 of the Code regulates setback projections, and allows  
11 balconies and other projections into required yards and setbacks; and

12       **WHEREAS**, Section 90-47.7 of the Code limits balcony overhangs extending beyond  
13 the balcony below, which is inappropriate for buildings that provide a regular or average  
14 side setback, but may be appropriate for an incline side setback building option; and

15       **WHEREAS**, the incline side setback option is only applicable to the H120 zoning  
16 district which is addressed in Sec. 90-47.6; and

17       **WHEREAS**, at a joint special meeting of the Town Commission and the Planning and  
18 Zoning Board held on January 31, 2023, changes to the Zoning Code were addressed,  
19 including amending the regulations applicable to balcony overhangs; and

20       **WHEREAS**, the Town Commission finds it in the best interest and welfare of the Town  
21 to modify the zoning code for clarity by grouping the H120 restrictions together; 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.

22 WHEREAS, the Town Commission held its first public hearing on May 9, 2023, and,  
23 having complied with the notice requirements in the Florida Statutes, approved the  
24 proposed amendments to the Code with changes; and

25 WHEREAS, the Planning and Zoning Board, as the local planning agency for the  
26 Town, held its hearing on the proposed amendment to the Code on May 24, 2023 with due  
27 public notice and input, and recommended adoption of the proposed amendments to the  
28 Code; and

29 WHEREAS, the Town Commission has conducted a second duly noticed public  
30 hearing on these Code amendments as required by law on \_\_\_\_\_, 2023 and  
31 further finds the proposed changes to the Code are necessary and in the best interest of  
32 the Town.

33

34 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE  
35 TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:

36

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

39

40 Section 2. Town Code Amended. Section 90-47 “Yards generally, allowable  
41 projections” of the Code, is hereby amended as follows<sup>1</sup>:

42

43 **Section 90-47. – Yards generally, allowable projections**  
44 \* \* \*

45 Sec. 90-47.6. In the H120 district, the following projections are permitted.

- 46 (1) When setbacks provide a minimum interior side setback of ten feet for  
47 the first 30 feet in height, with the width of each required interior side  
48 yard increased by one foot for every three feet of building height above  
49 30 feet in the H120 district, open unenclosed balconies may extend into  
50 a required primary front or secondary (corner) not more than eight feet,  
51 and may extend into a required interior side setback, including the  
52 modified side setback, not more than five feet ~~provided they do not~~  
53 ~~extend more than 90% over the footprint of the balcony immediately~~  
54 ~~below.~~ Open unenclosed balconies may extend from the rear of the  
55 building to a point 12 feet west of the bulkhead line.

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<sup>1</sup> 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.



- 56 (2) When average setbacks provide a 25 percent average side setback in the  
57 H120 district, open unenclosed balconies may extend into a required  
58 primary (front) setback not more than eight feet. Open unenclosed  
59 balconies may extend from the rear of the building to a point 12 feet west  
60 of the bulkhead line. Open unenclosed balconies may extend into a  
61 required secondary street (corner) or interior side setback as follows:  
62 (a) 50 percent of balcony length on any floor can project no more than  
63 50 percent of setback or ten feet, whichever is less; and  
64 (b) The remaining 50 percent of balcony length on any floor can  
65 project no more than five feet.

66 Notwithstanding the above, 75 percent of all balconies on any floor shall be  
67 located at least 15 feet from any secondary street (corner) or interior side  
68 property line.  
69

70 ~~90-47.7 In the H30C, H40, and H120 districts no more than 90 percent of a~~  
71 ~~balcony's footprint shall overhang the balcony on a lower level.~~

72

73

\* \* \*

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

78 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and  
79 it is hereby ordained that the provisions of this Ordinance shall become and made a part of  
80 the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be  
81 renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be  
82 changed to "Section" or other appropriate word.  
83

84 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of  
85 ordinances or resolutions in conflict herewith are hereby repealed.  
86

87 **Section 6. Effective Date.** This ordinance shall become effective upon adoption  
88 on second reading.  
89

90 **PASSED** and **ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

91

92 **PASSED** and **ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

93

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95 On Final Reading Moved by: \_\_\_\_\_

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97 On Final Reading Second by: \_\_\_\_\_

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**First Reading:**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

**Second Reading:**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

**FINAL VOTE ON ADOPTION**

**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:** Hector Gomez Town Manager  
**Date:** June 13, 2023  
**Subject:** **Synthetic Turf**

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Staff recommends review of the synthetic turf ordinance as presented in order to allow for a high quality and permeable synthetic turf option in the single-family home zoning districts.

On January 31st, 2023, the Town Commission and Planning and Zoning Board met in a joint workshop to address several ambiguities and problems in the zoning code. One of the issues discussed was the allowance for synthetic turf. At that meeting the Town Commission made two motions directing Staff to bring new ordinances regarding synthetic turf. The first approved motion was for synthetic turf allowance in the rear and side yards and the second approved motion was for synthetic turf in the front yard. Both ordinances would allow the synthetic turf to be counted as pervious lot area, which it presently cannot be considered. At the May 9th, 2023 Town Commission meeting, staff was directed to bring back an ordinance to allow for synthetic turf to be counted as pervious lot area for single-family zoned properties. The Town Commission also decided to allow the 14 properties with synthetic turf at their properties to keep their synthetic turf without applying for a permit. These are reflected in the proposed ordinance. See **Attachment B** for the properties that would be grandfathered under this ordinance.

**History:** Prior to January 2020 Town code completely prohibited the use of artificial materials for the purpose of landscaping. Since 2017, Code Compliance has cited 26 properties for the presence of synthetic turf. Several of these properties chose to remove the synthetic turf, but others kept the non-compliant material. There are currently 11 Code Compliance cases that are "on-hold" and four that are in an "open" status.

In February 2018, the Town Commission discussed the issue of synthetic turf. At that meeting the Commission voted to maintain the prohibition on synthetic turf. There were 12 open cases at that time. Property owners with synthetic turf were allowed a 2-year grace period to bring the property into compliance. Refer to **Attachment A** - "Code Compliance Synthetic Turf Cases".

In January 2020 the Town Commission passed an ordinance allowing synthetic turf in excess landscaping areas and provided a one-year period for property owners to come into compliance. This meant that once the required percentage of landscaping is satisfied (35% for Single-family zones and 20% in multi-family zones) for the property, synthetic turf could be installed within other spaces not required to be landscaped. That ordinance also dictated material specifications, installation system and design standards for the synthetic turf. Since this issue has been part of an on-going debate some of the non-compliant properties are waiting for a final determination before seeking compliance. Other homeowners have seen the synthetic turf in Town and assume that it is permitted. This has caused confusion. Clear guidelines would help alleviate the issue.

Lastly, **Attachment C** provides detail for how synthetic turf is to be implemented in the Town Right of Way.

[Ordinance Synthetic Turf .DOCX](#)

[Attachment A: Synthetic Grass Code Cases since 2017](#)

[Attachment B: Open Code Cases](#)

[Attachment C: ROW Synthetic Turf Detail](#)

ORDINANCE NO. 23 - \_\_\_\_\_

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING ARTICLE VIII "LANDSCAPE REQUIREMENTS" OF CHAPTER 90, TO ADDRESS SYNTHETIC TURF, SPECIFICALLY SECTIONS 90-85.2 "DEFINITIONS"; 90-87 "INSTALLATION OF LANDSCAPING AND IRRIGATION"; 90-90.1 "FLORIDA FRIENDLY"; AND 90-95 "SINGLE-FAMILY H30A AND H30B DISTRICT LANDSCAPE REQUIREMENTS"; FURTHER PROVIDING REQUIREMENTS FOR PROPERTIES WITH PREVIOUSLY INSTALLED SYNTHETIC TURF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

10       **WHEREAS**, Section 90-87 of the Code provides for the installation of synthetic turf in  
11 all zoning districts with standards and requirements, but prohibits synthetic turf from being  
12 counted toward the minimum landscaped area requirements; and

13       **WHEREAS**, synthetic turf of high quality may be permeable and reduce yard  
14 maintenance in high traffic areas; and

15       **WHEREAS**, because the rear and interior sides of a residential yard in the H30A and  
16 H30B districts are generally used for open space and recreation, are not typically visible  
17 from the public street, and are easily and commonly delineated from the neighboring

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.

18 properties through fences or hedges, synthetic turf may be permitted provided minimum  
19 landscape requirements are met; and

20 **WHEREAS**, the front yard, corner yard, and secondary frontage side in the H30A and  
21 H30B districts are generally visible from the public street and adjacent to the public right-  
22 of-way, and, therefore, require heightened standards for installation of synthetic turf; and

23 **WHEREAS**, “artificial turf” and “synthetic turf” are excluded from the current definitions  
24 of “Landscape/Landscaping” and “pervious area” in Section 90-85.2; and

25 **WHEREAS**, current requirements for single family and duplex lots in Section 90-90.1  
26 require at least 40% of the landscape and 40% of required trees and shrubs to be Florida  
27 Friendly; and

28 **WHEREAS**, the definitions in Section 90-85.2 which exclude the counting of synthetic  
29 turf towards requirements together with the Florida Friendly requirements, render  
30 installation of synthetic turf unfeasible even though it is permitted under Section 90-87;  
31 and

32 **WHEREAS**, improvements are permitted in the public right-of-way (which includes the  
33 swale area adjacent to residential front yards) only with a permit from the Town’s Public  
34 Works Department, and any extension of synthetic turf into this area will require  
35 compliance with other requirements and conditions, including additional drainage to  
36 mitigate the reduction in permeability cause by replacement of natural turf; and

37 **WHEREAS**, at a joint special meeting of the Town Commission and the Planning and  
38 Zoning Board held on January 31, 2023, changes to the Zoning Code were addressed,  
39 including amending the synthetic turf restrictions; and

40 **WHEREAS**, at a Town Commission meeting held on May 9<sup>th</sup>, 2023, the Town  
41 Commission directed that in the residential districts synthetic turf be permitted on the  
42 interior sides and rear of residential properties, with certain restrictions; and

43 **WHEREAS**, at the same Commission meeting on May 9, 2023, the Town Commission  
44 further addressed the installation of synthetic turf in the (i) front yard, corner, and  
45 secondary frontage sides; and (ii) extending into the public right-of-way adjacent to the  
46 residential yard; and

47 **WHEREAS**, Section 90-87(15) currently provides requirements for previously  
48 installed synthetic turf; and the Town Commission desires to clarify the regulations



49 applicable to unpermitted previously installed synthetic turf in front yards existing as of  
50 May 9, 2023 (as documented by the Town Code Compliance Department as to open and  
51 unresolved cases in the Report included with this agenda item), including requiring a right-  
52 of-way permit and encroachment agreement, where applicable; and

53 **WHEREAS**, the Town Commission finds it in the best interest and welfare of the Town  
54 to continue to regulate synthetic turf, including design, installation, and maintenance  
55 standards ; and

56 **WHEREAS**, the Town Commission held its first public hearing on \_\_\_\_\_, 2023 and  
57 \_\_\_\_\_ the proposed amendments to the Code having complied with the notice  
58 requirements in the Florida Statutes; and

59 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the  
60 Town, held its hearing on the proposed amendment to the Code on \_\_\_\_\_,  
61 2023 with due public notice and input, and recommended \_\_\_\_\_ of the proposed  
62 amendments to the Code; and

63 **WHEREAS**, the Town Commission has conducted a second duly noticed public  
64 hearing on these Code amendments as required by law on \_\_\_\_\_, 2023 and  
65 further finds the proposed changes to the Code are necessary and in the best interest of  
66 the Town.

67  
68 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
69 **TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:**

70  
71 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated  
72 herein by this reference:

73  
74 **Section 2. Town Code Amended.** Section 90-85.2 “Definitions,” of Article VIII,  
75 “Landscape Requirements,” of Chapter 90 of the Code, is hereby amended as follows:

76 *90-85.2 Definitions.*

77 \* \* \*

78

---

<sup>1</sup> 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.

79 *Landscape/landscaping* means:

80 (1) When used as a noun, this term shall mean living plant materials such  
81 as grasses, groundcover, shrubs, vines, trees or palms and nonliving  
82 durable materials commonly used in environmental design such as, but not  
83 limited to, walls or fences, aesthetic grading or mounding, but excluding  
84 pavers, paving, ~~artificial turf~~, turf block, rocks and structures. Artificial turf  
85 installed in accordance with the requirements of Section 90-87(15) may be  
86 counted towards minimum landscape requirements.

87  
88 (2) When used as a verb, this term shall mean the process of installing or  
89 planting materials commonly used in landscaping or environmental design.

90  
91 *Pervious areas* means any portion of the ground unobstructed by a non  
92 landscape planting surface ~~or synthetic turf~~ which prevents or slows down the  
93 natural seepage of water into the ground. Artificial turf installed in accordance  
94 with the requirements of Section 90-87(15) may be counted towards minimum  
95 pervious area requirements.

96 \* \* \*

97  
98  
99 **Section 3. Town Code Amended.** Section 90-87 of the Code "Installation of  
100 landscaping and irrigation" is hereby amended as follows:

101 **Sec. 90-87. Installation of landscaping and irrigation.**

102 \* \* \*

103 (15) Synthetic turf.

104 a. Synthetic turf may be permitted on all properties subject to the requirements and  
105 procedures set forth in this section.

106 b. Synthetic turf ~~shall not~~ may be counted towards the minimum required pervious area  
107 coverage for H30A and H30B provided it complies with this subsection and all other  
108 requirements of this Code. landscaped areas, buffers, foundation plantings or landscape  
109 islands. In all other zoning districts synthetic turf may be permitted in accordance with  
110 this subsection, but shall not be counted towards the minimum required landscaped  
111 areas, buffers, foundation plantings or landscape islands.

112 c. Synthetic turf shall comply with all of the following design standards and shall:

113 i. Simulate the appearance of live turf, organic turf, grass, sod or lawn, and shall  
114 have a minimum eight-year "no fade" warranty.

- 115 ii. Be of a type known as cut pile infill with pile fibers of a minimum height of 1.75  
116 inches and a maximum height of 2.5 inches.
- 117 iii. Have a minimum face weight of 75 ounces per square yard.
- 118 iv. Be manufactured from polyethylene monofilament, dual yarn system, and  
119 manufactured in the United States.
- 120 v. Have backing that is permeable.
- 121 vi. Be lead free and flame retardant.
- 122 d. Synthetic turf shall comply with all of the following installation standards and shall:
- 123 i. Be installed by a state-licensed general contractor in a manner prescribed by  
124 the manufacturer.
- 125 ii. Be installed over a subgrade prepared to provide positive drainage and an evenly  
126 graded, porous crushed rock aggregate material that is a minimum of three inches  
127 in depth.
- 128 iii. Be anchored at all edges and seams consistent with the manufacturer's  
129 specifications.
- 130 iv. Not have visible seams between multiple panels.
- 131 v. Have seams that are joined in a tight and secure manner.
- 132 vi. Have an infill medium consisting of clean silica sand, small rocks or other  
133 mixture. Rubber pellets are prohibited. Pursuant to The provided manufacturer's  
134 specifications ~~that shall state that the infill:~~
- 135 1. Be brushed into the fibers to ensure that the fibers remain in an upright  
136 position;
- 137 2. Provide ballast that will help hold the turf in place: and
- 138 3. Provide a cushioning effect.
- 139 e. Synthetic turf shall comply with all of the following additional standards:
- 140 i. Areas of living plant material shall be installed and/or maintained in conjunction  
141 with the installation of synthetic turf. Trees and shrubs ~~Living plant material~~ shall be  
142 provided per the minimum code requirements.

143 ii. Synthetic turf shall be separated from planter areas and tree wells by a  
144 concrete mow strip, bender board or other barrier with a minimum four-inch  
145 thickness to prevent the intrusion of living plant material into the synthetic turf.

146 iii. In the front yard, corner yard, or secondary frontage:

147 a. When entirely within private property. Synthetic turf shall be separated  
148 from the public right-of-way area by a vertical visual barrier at the  
149 property line, such as a hedge or fence. Any area outside the property  
150 line shall be landscaped with ground cover or living turf in the swale of  
151 the right-of-way.

152 b. When extending into public right-of-way. Synthetic turf installed within  
153 private property which also extends into the public right-of-way shall not  
154 require the vertical barrier at the property line, but shall require (1) a  
155 Public Works permit which may include additional conditions and  
156 requirements, including enhanced drainage mitigation to the satisfaction  
157 of the Public Works Director to account for impact on the public right-of-  
158 way; and (2) a Right-of-Way Encroachment Agreement in form and  
159 substance acceptable to the Town Manager and Town Attorney.  
160 Synthetic Turf must conform to the Detail in Figure 1 “Town of Surfside  
161 Back of Curb French Drain Standard” dated May 2, 2023 as contained in  
162 the Town’s Public Works Manual available on the Town’s website and  
163 with the Town Clerk, as may be amended by the Town from time to time.

164 iii. Irrigation systems proximate to the synthetic turf shall be directed so that no  
165 irrigation affects the synthetic turf.

166 f. Synthetic turf shall comply with all of the following maintenance standards and shall:

167 i. Be maintained in an attractive and clean condition, and shall not contain holes,  
168 tears, stains, discoloration, seam separations, uplifted surfaces or edges, heat  
169 degradation or excessive wear.

170 ii. Be maintained in a green fadeless condition and free of weeds, debris, and  
171 impressions.

172 iii. Synthetic turf must lay flat and resemble live grass.

173 iv. Synthetic turf installed within the public right-of-way shall be reviewed by the  
174 Public Works Department, and synthetic turf installed on private property shall be  
175 reviewed by the Code Compliance Department, at least every 3 year from the date  
176 of issuance of the right-of-way permit or building permit, respectively, for  
177 compliance with these maintenance standards and conditions of the respective  
178 permits.

179

- 180 g. The following uses are prohibited:
- 181 i. Synthetic turf in the public rights-of-way or swales, except as may be permitted  
 182 and maintained in accordance with this subsection.
- 183 ii. Synthetic turf shall not be used as a screening material where screening is  
 184 required by the Code.
- 185 h. All uses of synthetic turf shall require a building permit. The building permit application  
 186 shall include, at a minimum, all of the following information:
- 187 i. A complete landscape plan showing the area of synthetic turf, area of living plant  
 188 material, and area and method of separation between these areas. Minimum  
 189 landscape requirements shall include minimum required trees and shrubs and  
 190 pervious area calculations.
- 191 ii. Details regarding existing or proposed irrigation proximate to the synthetic turf.
- 192 iii. Brand and type of synthetic turf, including all manufacturer specifications, ~~and~~  
 193 warranties, and product lifespan.
- 194 iv. A scaled cross section and details of the proposed materials and installation,  
 195 including but not limited to subgrade, drainage, base or leveling layer, and infill.
- 196 v. A survey of the property with a signed affidavit from the property owner that no  
 197 changes have occurred since the date of the survey.
- 198 i. ~~Previously installed synthetic turf. Within one year of the effective date of the ordinance~~  
 199 ~~from which this section derived, all owners of property where synthetic turf has previously~~  
 200 ~~been installed shall submit proof satisfactory to the town that the property is in compliance~~  
 201 ~~with this section. If the town determines such proof of compliance satisfactory, the~~  
 202 ~~synthetic turf may continue to remain on the property. Properties with previously~~  
 203 ~~unpermitted Synthetic Turf existing as of May 9, 2023, as documented by the Town's Code~~  
 204 ~~Compliance Department may retain their synthetic turf located on private property subject~~  
 205 ~~to compliance with all maintenance standards in this subsection. For unpermitted~~  
 206 ~~synthetic turf installed in the public right-of-way, an adjacent property owner shall be~~  
 207 ~~required within 90 days of the adoption of this ordinance (July , 2023) to obtain a public~~  
 208 ~~works permit and comply with all requirements of this subsection for installation and~~  
 209 ~~maintenance of synthetic turf in the public right-of-way. Failure to ecomply with the~~  
 210 ~~permitting requirements of this subsection within the 90-day period one year of the~~  
 211 ~~effective date of the ordinance from which this section derived shall constitute a continued~~  
 212 violation of the Code and the property owner shall be required to immediately remove the  
 213 synthetic turf from the right-of-way.

214 \* \* \*

216 **Section 4. Town Code Amended.** Section 90-90.1 “Florida Friendly,” of Article  
217 VIII, “Landscape Requirements,” of Chapter 90 of the Code is hereby amended as follows:

218 \* \* \*

219 **90-90.1 Florida Friendly.**

220 (1) A minimum of ~~20 percent of the pervious area on single family and duplex~~  
221 ~~dwelling must be in Florida Friendly landscape, except that as of the effective date~~  
222 ~~of the ordinance codified in this subsection, the pervious area of 40 percent of~~  
223 required trees and shrubs for all new single family and duplex dwelling construction  
224 shall provide at least 40 percent be Florida Friendly landscape Landscaping species  
225 and 40 percent of required trees and shrubs.

226 (2) A minimum of 40 percent of the pervious area of multifamily dwellings must be  
227 Florida Friendly ~~landscape~~ Landscaping.

228 (3) A minimum of 50 percent of the pervious area of all other development uses  
229 must be in Florida Friendly ~~landscape~~ Landscaping.

230 \* \* \*

231 **Section 5. Town Code Amended.** Section 90-95 “Single-family H30A and  
232 H30B district landscape requirements,” of Article VIII, “Landscape Requirements,” of  
233 Chapter 90 of the Code, is hereby amended as follows:

234  
235 **Sec. 90-95. - Single-family H30A and H30B district landscape requirements.**

236 All new H30A and H30B dwellings shall conform to the following minimum  
237 landscaping requirements:

238 \* \* \*

240  
241 *General landscape treatment:* Trees, turf grass, groundcover, shrubs and other  
242 decorative landscape material, and artificial turf installed in accordance with Section  
243 90-87(15), shall be used to cover all disturbed ground not covered by building and  
244 paving, subject to the Florida Friendly landscape requirements of this Code.

245 \* \* \*

247 **Section 6. Severability.** If any section, sentence, clause or phrase of this  
248 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,  
249 then said holding shall in no way affect the validity of the remaining portions of this  
250 Ordinance.

251 **Section 7. Inclusion in the Code.** It is the intention of the Town Commission, and  
252 it is hereby ordained that the provisions of this Ordinance shall become and made a part of



253 the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be  
254 renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be  
255 changed to "Section" or other appropriate word.  
256

257 **Section 8. Conflicts.** Any and all ordinances and resolutions or parts of  
258 ordinances or resolutions in conflict herewith are hereby repealed.  
259

260 **Section 9. Effective Date.** This ordinance shall become effective upon adoption  
261 on second reading.  
262

263 **PASSED and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.  
264

265 **PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023.  
266

267 On Final Reading Moved by: \_\_\_\_\_  
268

269 On Final Reading Second by: \_\_\_\_\_  
270  
271

272 **First Reading:**

273 Motion by: \_\_\_\_\_

274 Second by: \_\_\_\_\_  
275

276 **Second Reading:**

277 Motion by: \_\_\_\_\_

278 Second by: \_\_\_\_\_  
279  
280

281 **FINAL VOTE ON ADOPTION**

282 **ATTEST:**  
283  
284  
285

286 \_\_\_\_\_  
287 Sandra N. McCready, MMC  
288 Town Clerk  
289

290 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
291 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**  
292  
293

294 \_\_\_\_\_  
295 Weiss Serota Helfman Cole & Bierman, P.L.  
296 Town Attorney  
297

	Case #	Date opened	Address	Property Owner	Status	Location of Artificial Grass	Notes
1	170381	6/1/2017	9216 BYRON AVE	RUBEN VALDIVIA RUBEN VALDIVIA LIVING TRUST	On-Hold	Front yard, ROW	
2	180226	2/27/2018	9416 CARLYLE AVE	DEBRA BARRIENTOS & JOSE VALERA	Closed		Artificial grass removed
3	180227	2/27/2018	9325 DICKENS AVE	DIANA E GONZALEZ	On-Hold	Front yard, ROW	
4	180228	2/27/2018	9317 DICKENS AVE	WILLIAM M FLECK ALLISON D FLECK	Closed		Artificial grass removed
5	180229	2/27/2018	9064 BYRON AVE	SINDY POSSO & IVAN SUSSMAN	On-Hold	Front yard, ROW	
6	180230	2/27/2018	8950 HAWTHORNE AVE	PAULA SPERDUTO & H ANTHONY	Closed		Artificial grass removed
7	180231	2/27/2018	8850 HAWTHORNE AVE	LOURDES DIAZ-CARVAJAL	Closed		Artificial grass removed
8	180233	2/27/2018	8810 FROUDE AVE	JEAN PIERRE MALTAIS TRS ET ALL	Closed		Artificial grass removed
9	180234	2/27/2018	1100 88 ST	GREEN HOUSE 88 ST LLC C/O OLIVIER ROCHE	On-Hold	Front yard, ROW, side yard	
10	180235	2/27/2018	708 88 ST	LESLIE ALAN ROZENCWAIG ESQ TRS FRANK FAMILY TRUST	On-Hold	Front yard, ROW, side yard	
11	180268	3/8/2018	9380 BAY DR	YITZAK STERN & DEBORAH STERN	Closed		Artificial grass removed
12	181093	12/6/2018	8926 GARLAND AVE	JOSE CARLOS DE MIER & W YOLANDA GONZALEZ	On-Hold	Front yard, ROW, side yard	
13	190248	3/4/2019	9449 COLLINS AVE	BEACH HOUSE HOTEL LLC	On-Hold	Back yard	
<b>These properties below installed the artificial grass with the current code</b>							
14	200077	5/19/2020	9200 COLLINS AVE	HDP TLD PARTNERS LLC	Closed - Adjudicated		Artificial grass removed/Paid fines
15	200144	5/20/2020	500 SURFSIDE BLVD	ARLENE RAIJMAN	On-Hold	Front,side, back yards- Not on ROW	SM stopped fines- put on hold
16	200199	5/21/2020	1000 88 ST	JARED & ALLISON MARGOLIS	Lien Released/Case Closed		Building permit obtained/Paid Fines
17	200282	6/1/2020	9401 COLLINS AVE	AZURE CONDO ASSOCIATION	Closed		Building permit obtained/Paid Fines
18	200565	10/12/2020	9008 BYRON AVE	MARCO TAGLIATTI SYLVIA NOVELLI	Closed		Building permit obtained
19	211797	11/19/2021	9309 BYRON AVE	RAYMOND SANTIAGO & CLARE MARIA SANTIAGO	On-Hold	Front yard, ROW, side yard	SM put on hold- fines continue
20	220137	1/28/2022	8866 ABBOTT AVE	JUSTIN A SCHULTZ & TAYLER A SCHULTZ	On-Hold	Front yard	Has not gone to SM
21	220195	2/17/2022	9124 ABBOTT AVE	JAY M ROSEN & LAUREN R ROSEN	Closed		Artificial grass removed
22	221693	11/4/2022	9001 COLLINS AVE	SC HOTEL PROPERTY LLC	Closed		Building permit obtained
23	230115	1/25/2023	1036 88 ST	CHARLES L ELDREDGE & W YVONNE	Open	Front yard, ROW	
24	230217	2/9/2023	8858 EMERSON AVE	MARCOS DIGLIODO TRICIA DIGLIODO	Open	Back yard	
25	230455	3/9/2023	924 88 ST	LINDEN & MICHELLE NELSON	Open	Front yard	
26	230471	3/12/2023	824 SURFSIDE BLVD	DANIEL WAISMAN, ET ALL	Open	Front,side, back yards- Not on ROW	

11 cases "on-hold"  
4 cases "open"  
12 cases "closed"

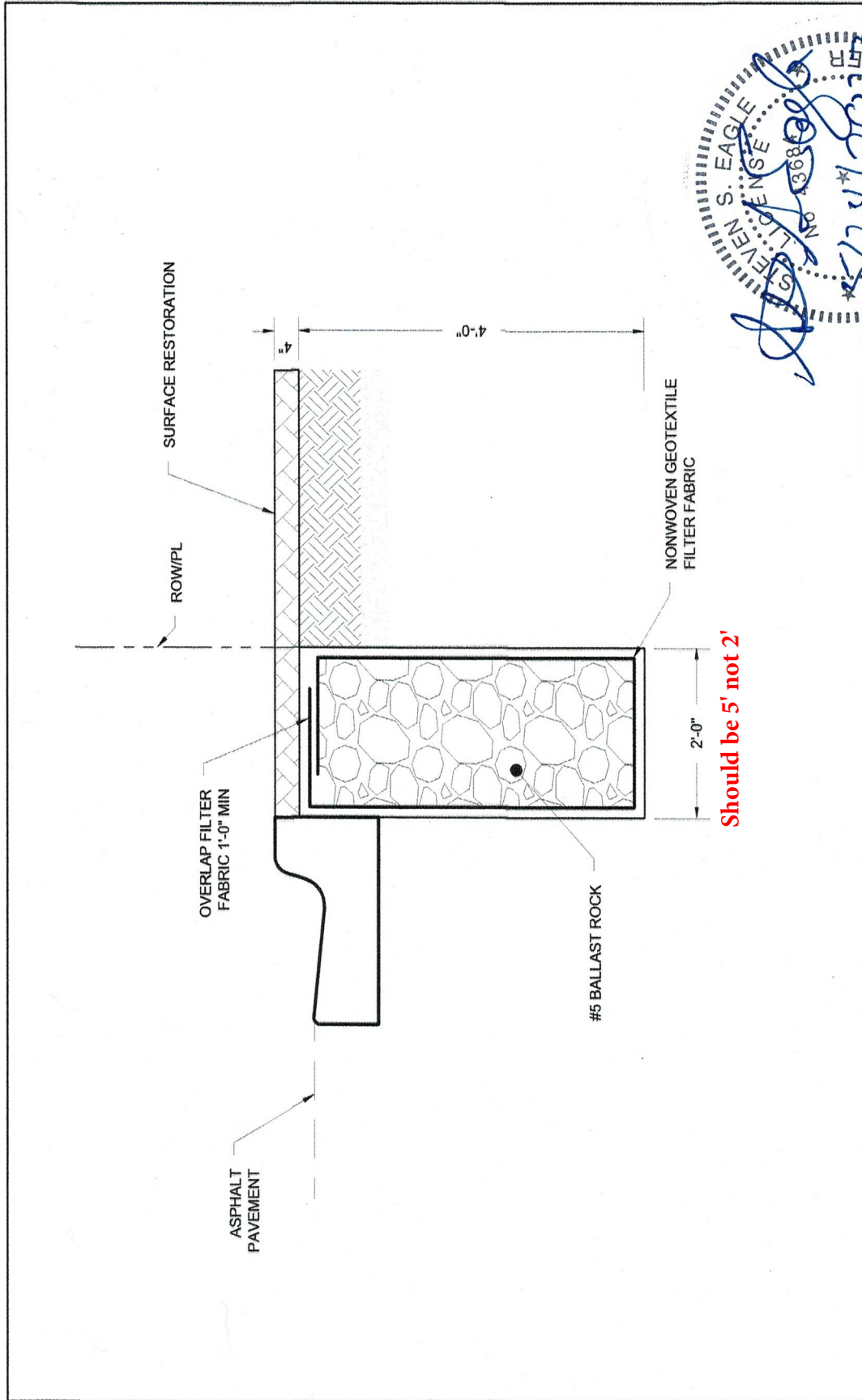
2/13/2018 \*TOWN COMMISSION DISCUSSED THIS ITEM ON EITHER ALLOWING ARTIFICIAL GRASS BY CHANGING THE CODE OR TO LEAVE CODE AS IS. AT THE TOWN COMMISSION MEETING ON FEBRUARY 13, 2018 TOWN COMMISSION VOTED ON LEAVING CODE AS IS AND GIVING PROPERTY OWNERS WITH ARTIFICIAL GRASS ON THEIR PROPERTIES A 2-YEAR PERIOD TO BRING THE PROPERTY INTO COMPLIANCE.  
1/14/2020 \* TOWN COMMISSION ADOPTED A REVISED ORDINANCE ON 1-14-2020 THAT ALLOWS ARTIFICIAL GRASS ON PROPERTIES, AND PROVIDES A ONE-YEAR PERIOD TO OBTAIN A BUILDING PERMIT.

## Code Compliance "on hold" Synthetic Turf Cases

	Case #	Date opened	Address	Property Owner	Status	Location of Artificial Grass	Notes
1	170381	6/1/2017	9216 BYRON AVE	RUBEN VALDIVIA RUBEN VALDIVIA LIVING TRUST	On-Hold	Front yard, ROW	
2	180227	2/27/2018	9325 DICKENS AVE	DIANA E GONZALEZ	On-Hold	Front yard, ROW	
3	180229	2/27/2018	9064 BYRON AVE	SINDY POSSO & IVAN SUSSMAN	On-Hold	Front yard, ROW	
4	180234	2/27/2018	1100 88 ST	GREEN HOUSE 88 ST LLC C/O OLIVIER ROCHE	On-Hold	Front yard, ROW, side yard	
5	180235	2/27/2018	708 88 ST	LESLIE ALAN ROZENCWAIG ESQ TRS FRANK FAMILY TRUST	On-Hold	Front yard, ROW, side yard	
6	181093	12/6/2018	8926 GARLAND AVE	JOSE CARLOS DE MIER & W YOLANDA GONZALEZ	On-Hold	Front yard, ROW, side yard	
7	190248	3/4/2019	9449 COLLINS AVE	BEACH HOUSE HOTEL LLC	On-Hold	Back yard	
<b>These properties below installed the artificial grass with the current code</b>							
8	200144	5/20/2020	500 SURFSIDE BLVD	ARLENE RAIJMAN	On-Hold	Front,side, back yards- Not on ROW	SM stopped fines- put on hold
9	211797	11/19/2021	9309 BYRON AVE	RAYMOND SANTIAGO & CLARE MARIA SANTIAGO	On-Hold	Front yard, ROW, side yard	SM put on hold- fines continue
10	220137	1/28/2022	8866 ABBOTT AVE	JUSTIN A SCHULTZ & TAYLER A SCHULTZ	On-Hold	Front yard	Has not gone to SM
11	230115	1/25/2023	1036 88 ST	CHARLES L ELDREDGE & W YVONNE	Open	Front yard, ROW	
12	230217	2/9/2023	8858 EMERSON AVE	MARCOS DIGLIODO TRICIA DIGLIODO	Open	Back yard	
13	230455	3/9/2023	924 88 ST	LINDEN & MICHELLE NELSON	Open	Front yard	
14	230471	3/12/2023	824 SURFSIDE BLVD	DANIEL WAISMAN, ET ALL	On-Hold	Front,side, back yards- Not on ROW	
15	230717	4/26/2023	9140 HARDING AVE	ALBA M BAIZA & GLORIA HERNANDEZ & BRUCE BAIZA	Open	Front yard	



# TOWN OF SURFSIDE BACK OF CURB FRENCH DRAIN STANDARD DETAIL



**Should be 5' not 2'**

FRENCH DRAIN DETAIL  
N.T.S.



## MEMORANDUM

ITEM NO. 4B2.

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Hector Gomez, Town Manager  
**Date:** June 13, 2023  
**Subject:** Zoning Code Amendment: Restaurants in H120 as an Accessory Use

Staff recommends consideration of this ordinance, as an accessory restaurant is no less compatible with multifamily residential than it is with a hotel and may be beneficial to the Town's residents and visitors by providing alternative dining options. Additional dining locations may further enliven the waterfront district by allowing for greater walkable destinations.

At the April 2023 Town Commission meeting, it was suggested that restaurants be permitted as an accessory use to multi-family residential buildings in the H120 zoning districts. Hotels in the H120 district are permitted to house and operate restaurants as an accessory use provided that sufficient parking is provided, and all other building requirements are met. This ordinance would allow the same for multi-family buildings in the H120 district.

The Comprehensive Plan for the Town does not allow standalone restaurants in this district. The ordinance, if approved, will only permit restaurants as an accessory use to a multi-family building. The accessory use may only encompass 5% of the total floor area for the building. This condition ensures that the primary property use remains as residential. Additionally, the ordinance proposes this accessory use be a conditional use, which will require Town Commission approval. Through this process the Town Commission can review restaurant plans for compatibility.

See **Attachment A** for the current permitted uses by zoning district.

[Ordinance Amending H120 Uses to Add Restaurant](#)

[Attachment A: Current Zoning Code Regulated Uses by District](#)

ORDINANCE NO. 23 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-41 “REGULATED USES” TO ALLOW A RESTAURANT ACCESSORY TO A MULTIFAMILY USE IN THE H120 DISTRICT AS A CONDITIONAL USE SUBJECT TO REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

5       **WHEREAS**, the Town Commission of the Town of Surfside (“Town Commission”)  
6 finds it periodically necessary to amend its Code of Ordinances (“Code”) in order to update  
7 regulations and procedures to maintain consistency with state law, to implement municipal  
8 goals and objectives, to clarify regulations and address specific issues and needs that may  
9 arise; and

10       **WHEREAS**, Section 90-41 of the Code regulates uses in each zoning district; and

11       **WHEREAS**, the H120 district permits multifamily uses and hotels, but only permits  
12 restaurants as accessory to a hotel; and

13       **WHEREAS**, the current use structure results in the inclusion of hotel uses as part a  
14 development project in order to include a restaurant option for the project’s residents and  
15 members of the public; and

16       **WHEREAS**, the Town Commission finds that an accessory restaurant is as  
17 compatible with multifamily residential as it is with a hotel, and may be beneficial to the  
18 Town’s residents and visitors by providing alternative dining options provided certain  
19 safeguards are generally applicable and can be further tailored to particular buildings on  
20 a case by case basis; 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.

21       **WHEREAS**, at a regular meeting of the Town Commission held on April 18, 2023, the  
22 Commission instructed the Town staff to prepare an ordinance to allow restaurant uses as  
23 accessory to multifamily residential uses in the H120 district subject to conditional use  
24 approval; and

25       **WHEREAS**, the Town Commission finds it in the best interest and welfare of the Town  
26 to allow restaurant uses as accessory to multifamily residential uses in the H120 district  
27 subject to conditional use approval; and

28       **WHEREAS**, the Town Commission held its first public hearing on \_\_\_\_\_ and,  
29 having complied with the notice requirements in the Florida Statutes, approved the  
30 proposed amendment to the Code; and

31       **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the  
32 Town, held a public hearing on the proposed amendment to the Code on  
33 \_\_\_\_\_, 2023 with due public notice and input, and recommended \_\_\_\_\_  
34 of the proposed amendment to the Code; and

35       **WHEREAS**, the Town Commission has conducted a second duly noticed public  
36 hearing on these Code amendments as required by law on \_\_\_\_\_, 2023 and  
37 further finds the proposed changes to the Code are necessary and in the best interest of  
38 the Town.

39  
40       **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
41 **TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:**

42  
43       **Section 1. Recitals.** The above Recitals are true and correct and are incorporated  
44 herein by this reference:

45  
46       **Section 2. Town Code Amended.** Section 90-41 “Regulated uses” of the Code,  
47 is hereby amended as follows<sup>1</sup>:

48       **Sec. 90-41. Regulated uses.**

49       Applicability and validity of tables. Nothing shall be used to misconstrue or  
50 reinterpret the provisions, limitations and allowances made here in.

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<sup>1</sup> 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.



- 51 (a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within  
 52 the district in which they are located and are deemed to be consistent with the  
 53 comprehensive plan. These uses are permitted as of right, subject to the required  
 54 permits and procedures described in this section. Permitted uses require final site  
 55 plan review and approval for compliance with the standards applicable to a  
 56 particular permitted use as provided in this zoning code.  
 57 (b) *Permits required.* Except as explicitly provided herein, no use designated as a  
 58 permitted use in this chapter shall be established until after the person proposing  
 59 such use has applied for and received all required development permits.  
 60 (c) *Table—Regulated uses.*

	H30A	H30B	H30C	H40	H120	SD-B40
<b>Residential Uses</b>						
Detached single-family	P(1)	P(1)	P(1)	P(1)	P(1)	-
Duplex	-	-	P	P	P	-
Multi-dwelling structure	-	-	P	P	P	-
Townhouse	-	-	P	P	P	-
<b>Lodging uses</b>						
Hotel	-	-		P(7, 31, 32, 33, 34)	P(7)	-
Suite-Hotel	-	-		P(7, 31, 32, 33, 34)	P(7)	-

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62

\* \* \*

<b>Food Services</b>						
Bakeries	-	-	-	-	-	P(8)
Candy and nut shops			-	-	-	P(13)
Caterers	-	-	-	-	-	P
Confectionary and ice cream stores	-	-	-	-	-	P(13)
Delicatessens	-	-	-	-	-	P(13)
Fruit shops			-	-		P(13)
Grocery and meat stores or supermarkets	-	-	-	-	-	P(13)
Liquor stores	-	-	-	-	-	P(13)
Restaurants	-	-	-	-	CU(36)	P(13)
Outdoor dining facilities					CU(36)	P(24)

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Key: P: Permitted    Blank: Not Permitted    (#): Refer to Notes    CU: Conditional Use

\* \* \*

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(d) *Uses table notes.*

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- (36) A restaurant with or without outdoor dining may be permitted as a conditional use accessory to multifamily residential uses in the H120 district provided:
  - a. The restaurant is a full-service restaurant providing table service employing server staff to take orders and deliver food;
  - b. Restaurant use(s) (including outdoor dining area) may comprise no more than 5% of the multifamily project’s total floor area;
  - c. The building includes sufficient parking to provide one parking space for every four seats in the restaurant (including outdoor dining area) without diminishing the parking provided for the multifamily dwellings below current requirements, as amended from time to time;
  - d. The building provides access to such parking through a valet service that provides sufficient queuing to avoid impacting Collins Avenue;
  - e. Outdoor dining areas shall not operate outdoor speakers and shall close all activities no later than 11 PM;
  - f. Lighting for outdoor dining areas shall be internally oriented so as to avoid any spillover or impact onto adjacent residential areas.
  - g. One wall sign of up to 20 square feet may be permitted for the restaurant use(s) with Planning and Zoning Board approval provided it is smaller and less prominent than the primary sign for the residential building; and
  - h. Other conditions and requirements as may be imposed by the Town Commission.

\* \* \*

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

98 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and  
99 it is hereby ordained that the provisions of this Ordinance shall become and made a part of  
100 the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be  
101 renumbered or re-lettered to accomplish such intentions; and the word “Ordinance” may be  
102 changed to “Section” or other appropriate word.

103  
104 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of  
105 ordinances or resolutions in conflict herewith are hereby repealed.  
106

107 **Section 6. Effective Date.** This ordinance shall become effective upon adoption  
108 on second reading.  
109

110 **PASSED and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.  
111

112 **PASSED** and **ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_, 2023.

113

114

115 On Final Reading Moved by: \_\_\_\_\_

116

117 On Final Reading Second by: \_\_\_\_\_

118

119 **First Reading:**

120 Motion by: \_\_\_\_\_

121 Second by: \_\_\_\_\_

122

123

124 **Second Reading:**

125 Motion by: \_\_\_\_\_

126 Second by: \_\_\_\_\_

127

128

129 **FINAL VOTE ON ADOPTION**

130 **ATTEST:**

131

132

133 \_\_\_\_\_

134 Sandra N. McCready, MMC

135 Town Clerk

136

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

139

140

141 \_\_\_\_\_

142 Weiss Serota Helfman Cole & Bierman, P.L.

143 Town Attorney

144

Sec. 90-41. Regulated uses.

Applicability and validity of tables. Nothing shall be used to misconstrue or reinterpret the provisions, limitations and allowances made here in.

- (a) Purpose. Permitted uses are considered to be fundamentally appropriate within the district in which they are located and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right, subject to the required permits and procedures described in this section. Permitted uses require final site plan review and approval for compliance with the standards applicable to a particular permitted use as provided in this zoning code.
- (b) Permits required. Except as explicitly provided herein, no use designated as a permitted use in this chapter shall be established until after the person proposing such use has applied for and received all required development permits.
- (c) Table—Regulated uses.

	H30A	H30B	H30C	H40	H120	SD-B40
<b>Residential Uses</b>						
Detached single-family	P(1)	P(1)	P(1)	P(1)	P(1)	-
Duplex	-	-	P	P	P	-
Multi-dwelling structure	-	-	P	P	P	-
Townhouse	-	-	P	P	P	-
<b>Lodging uses</b>						
Hotel	-	-		P(7, 31, 32, 33, 34)	P(7)	-
Suite-Hotel	-	-		P(7, 31, 32, 33, 34)	P(7)	-
<b>Office Uses and Professional Services</b>						
Banks	-	-	-	-	-	P
Business and professional offices	-	-	-	-	-	P
Currency exchange	-	-	-	-	-	P
Delivery service	-	-	-	-	-	P(9)
Employment agencies	-	-	-	-	-	P(9, 17)
General ticket agencies			-	-		P
Interior decorator	-	-	-	-	-	P
Loan or mortgage office	-	-	-	-	-	P(9)
Medical or dental clinic	-	-	-	-	-	P(9)
Medical marijuana dispensary	-	-	-	-	-	P(30)
Psychic reading, advising, and consulting, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation, or fortune telling	-	-	-	-	-	P(9)
Radio or television station or studio	-	-	-	-	-	P(9)
Savings and loan associates	-	-	-	-	-	P
Secretarial service, mailing, bookkeeping, court reporter	-	-	-	-	-	P(9)

Stocks and bond brokers	-	-	-	-	-	P
Taxi agency	-	-	-	-	-	P(9)
Telegraph station	-	-	-	-	-	P
Telephone exchange	-	-	-	-	-	P
Title company	-	-	-	-	-	P(9)
Travel agency	-	-	-	-	-	P
Veterinary office	-	-	-	-	-	CU(25)
<b>Retail and General Commercial Uses</b>						
Antique shops	-	-	-	-	-	P
Appliances	-	-	-	-	-	P
Art and photograph galleries	-	-	-	-	-	P
Art dealers	-	-	-	-	-	P
Art supplies	-	-	-	-	-	P
Beauty/personal services	-	-	-	-	-	P(19)
Health club or studio	-	-	-	-	-	P(16,19)
Books and newspaper	-	-	-	-	-	P
Cigars and tobacco	-	-	-	-	-	P
Coin-operated machines			-	-		P(15)
Department stores	-	-	-	-	-	P
Drug stores	-	-	-	-	-	P(30)
Dry cleaning and laundry agency	-	-	-	-	-	P(10)
Dry goods			-	-		P
Flowers and plants	-	-	-	-	-	P
Furniture	-	-	-	-	-	P(14)
Furrier	-	-	-	-	-	P
Gift shops			-	-		P
Hardware, paint and wallpaper	-	-	-	-	-	P
Jewelry	-	-	-	-	-	P
Locksmith	-	-	-	-	-	P(11)
Luggage			-	-		P
Men's, women's, children's clothing	-	-	-	-	-	P
Millinery	-	-	-	-	-	P
Office machines and supplies	-	-	-	-	-	P
Pet supplies			-	-		P
Photographers and camera stores	-	-	-	-	-	P
Pottery	-	-	-	-	-	P
Sale of televisions, radios, phonograph and recording equipment	-	-	-	-	-	P
Sheet music and musical instruments			-	-		P
Shoe repair	-	-	-	-	-	P(20)
Shoes	-	-	-	-	-	P
Sporting goods			-	-		P
Stationery and greeting cards	-	-	-	-	-	P
Structured parking facility	-	-	CU(23)	-	CU(23)	-

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(Supp. No. 46)

Sundries	-	-	-	-	-	P
Tailor	-	-	-	-	-	P
Toys	-	-	-	-	-	P
Video tapes sales and rentals	-	-	-	-	-	P(12)
<b>Food Services</b>						
Bakeries	-	-	-	-	-	P(8)
Candy and nut shops			-	-		P(13)
Caterers	-	-	-	-	-	P
Confectionary and ice cream stores	-	-	-	-	-	P(13)
Delicatessens	-	-	-	-	-	P(13)
Fruit shops			-	-		P(13)
Grocery and meat stores or supermarkets	-	-	-	-	-	P(13)
Liquor stores	-	-	-	-	-	P(13)
Restaurants	-	-	-	-	-	P(13)
Outdoor dining facilities						P(24)
<b>Educational Services</b>						
Dance or music instruction studios	-	-	-	-	-	P(9, 16)
Institutions, educational or philanthropic, including museums						CU
Driving school offices			-	-		P(9, 21)
Modeling school, language school, or athletic instruction	-	-	-	-	-	P(9)
Public schools	-	-	P	P	-	-
<b>Places of Assembly</b>						
See RLUIPA Map and Ordinance 07-1479	-	-	P	-	-	P
<b>Civic Uses</b>						
Parks and open space	P	P	P	P	P	-
Playgrounds	P	P	P	P	P	-

Key: P: Permitted    Blank: Not Permitted    (#): Refer to Notes    CU: Conditional Use

Uses	Municipal	Community Facilities
Library	P	P
Parks & Open Space	P	P
Playgrounds	P	P
Community Center	P	P
Gymnasiums	P	P
Town Offices	P	P
Police Facilities	P	P
Pump Stations	CU(23)	CU(23)
Parking	P	-
Electric Vehicle Charging Station	P(29)	P(29)

Key: P: Permitted    Blank: Not Permitted    (#): Refer to Notes    CU: Conditional Use

Accessory uses	H30A	H30B	H30C	H40	H120	SD-B40
Boat docks + moorings	P(2)	-		-	-	-
Game courts	P(2)	P(2)	P(2)	P(2)	P(2)	-
Home Bar-B-Q grills	P(2)	P(2)	P(2)	P(2)	P(2)	-
Laundry/service rooms	-	-	P(5)	P(5)	P(5)	-
Office spaces	-	-		P(3)	P(3)	-
Recreational rooms	-	-	P(4)	P(4)	P(4)	-
Subordinate buildings	-	-		-	-	P(18)
Swimming pools	P(2)	P(2)	P(2)	P(2)	P(2)	-
Hotel Swimming pools	-	-	CU(2)	CU(2)	CU(2)	-
Vending machines	-	-	P(6)	P(6)	P(6)	-
Bar	-	-	-	-	CU(2)	P
Outdoor dining facilities	-	-	-	CU	CU	-
Electric Vehicle Charging Station	P(27)	P(27)	P(28)	P(28)	P(28)	P(29)
Pet grooming	-	-	-	-	-	P(35)
Structured parking facility	-	-	-	P(35)	-	-

Key: P: Permitted    Blank: Not Permitted    (#): Refer to Notes    CU: Conditional Use

(d) Uses table notes.

- (1) Detached single-family dwellings, subject to the following restrictions and limitations, as follows:
  - a. No structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose which is designed, arranged or intended to be used or occupied for any purpose other than as a one-family residence, including every customary use not inconsistent therewith.
  - b. Every use not specifically authorized and permitted is prohibited and nothing herein shall authorize or be construed to permit the renting of a room or a portion of the property or improvement; or, to permit the use of any part of the premises as a business, office or establishment for the purpose of carrying on any business or the practice of rendering personal, trade or professional services, except as provided under the "Home Office" provision of this Code.
  - c. An accessory or subordinate building, attached or detached from the main premises in a single-family district, shall be construed to permit the use of such building for the purposes of garages, cabanas, storage and home workshops (non-commercial). However, nothing herein shall authorize or be construed to permit the occupancy or the use of any accessory building or structure, as a place of abode or dwelling, and no cooking or kitchen facilities shall be permitted.
- (2) Shall be for private-use only limited to residents and guests only and not public access.
- (3) Shall be limited to an area of not more than two percent of the gross floor area of the building for administration of rental units in a building containing ten or more living units.
- (4) Shall be limited to lounges, card rooms and auxiliary kitchens which are solely for the use of residents and guests.



- 
- (5) Shall be for the use of residents and guests of a multiple-family dwelling and shall not be for public access. Coin-operated laundry machines may be utilized.
  - (6) Shall be allowable only inside buildings containing ten or more living units or guest rooms.
  - (7) May provide a beauty/personal services, dining room, and coffee shop, bar or cocktail lounge, telegraph office, tobacco, candy, and newsstand, automobile rentals where rental vehicles are not kept on premises, ready to wear shops, travel agencies, gift and sundry shops, coin operated machines, washing machines, and marble, coin or amusement machines (other than gambling devices), and diet and health spas providing services solely to guests; provided, however, that such facilities may be entered only from the inside of the structure and there shall be no window or evidence of such facilities from outside the hotel or motel.
  - (8) Shall conform to the following restrictions and conditions:
    - a. That no baking shall be done on the premises for other retail or wholesale outlets.
    - b. That ovens or oven capacity is limited in total usable baking space, not to exceed in volume 18 standard pans of 18 by 26 inches in width and length.
    - c. That adjoining properties shall be safeguarded and protected from exhaust fan or other obnoxious noises and odors at all times.
    - d. That all baking will be done by the use of electric or natural gas (not bottled gas) ovens only.
    - e. All machinery and equipment shall be entirely confined within the main building.
    - f. That the hours of baking operation shall be limited to those hours between 6:00 a.m. and 9:00 p.m.
    - g. That the entire store area shall be fully air-conditioned as required for comfort.
    - h. That baking shall not be permitted within 20 feet of the store front, and shall be separated from the sales area by a partition or counter.
  - (9) Shall only be allowed above the first floor. This shall apply to all service agency categories.
  - (10) Provided all machinery which provides cleaning or laundry services shall be separated from customer areas by a partition or counter and no customers shall be permitted to use such machinery. In addition, all dry cleaning machinery shall be non-ventilated, sealed system type machinery in which "Fluorocarbon R-113" type solvents are used.
  - (11) Shall not be visible from sidewalk or street and shall not be permitted fronting Harding Avenue.
  - (12) Provided all tapes sold are prerecorded, and all tapes are rated either G, PG, PG-13, or R.
  - (13) Provided that no sales shall be made through an open window to any street, alley, driveway or sidewalk.
  - (14) Provided no repairing or servicing of furniture is permitted on the premises.
  - (15) Coin-operated machines for dispensing goods or services are permitted, except that washing machines, dryers and other laundry-related equipment are prohibited. No coin-operated games of chance are permitted, but coin-operated games of skill are permitted within establishments solely dispensing liquor, for consumption on the premises only; provided, however, that not more than three such games of skill are permitted in any such establishment, and that such games shall not be used for wagering nor for the awarding of prizes of any value.

- 
- (16) Shall only be allowed above the first floor and such studios meet all of the following restrictions and conditions:
- a. That the premises be air conditioned and soundproofed.
  - b. That no dance instruction or dancing shall be visible from any sidewalk, street or alley.
  - c. That the opening and closing hours for such studios may be established by the town commission at its discretion at any time.
- (17) Shall only be allowed above the first floor and such use shall maintain at all times sufficient office space to accommodate all applicants for employment using their services and obviate the congregating or loitering of such applicants in any hallway or on any sidewalk.
- (18) Shall be any subordinate building or use which is clearly incidental to and customary in connection with the main building or use, provided there shall be no open storage of products and materials, including garbage and debris, on any lot.
- (19) Services including tanning, hair removal (except for shaving normally associated with barbershops) and licensed therapeutic massage shall not be visible from the public right-of-way.
- (20) Provided no machinery for providing repairs shall be visible from the sidewalk or street and no shoe repair shop shall be permitted on Harding Avenue.
- (21) Provided such use shall be limited to offices only, and shall not be interpreted in any manner as permitting the conduct of any such school's or schools' business, activities or functions upon the public streets of the town.
- (22) A bar accessible from the pool or pool deck for use solely by guests of hotels and their guests in the H120 district. In all cases, it shall be the exclusive responsibility of the owner, operator, tenant or user of the property to assure that neither the sale nor consumption of beverages shall occur or be allowed to occur off the property or on any portion of the property lying east of the bulkhead line.
- (23) The annual permit requirements in Section 90-23.6 are not applicable to this use. A unity of title and a covenant shall run with the land if a Structured Parking Facility is located on a different lot from the main facility. So long as the main lot remains developed, the parking lot shall remain.
- (24) Outdoor dining facilities on private property shall be permitted subject to all applicable zoning code requirements. Outdoor dining facilities that are on public right-of-way shall be solely subject to the open air cafe requirements provided in chapter 18 of this Code of Ordinances.
- (25) Veterinary office is a facility for the diagnosis and treatment of pet animals.
- Pet animals are defined as dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds and fish retained for the purposes of being kept as a household pet.
- Veterinary offices approved by conditional use are subject to the following:
- a. Animals shall be walked on the premises in an enclosed area and all waste shall be disposed of immediately.
  - b. No overnight boarding shall be permitted.
  - c. Soundproofing shall be required and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.
  - d. No malodor shall be perceptible at the boundary of the premises.
  - e. All waiting rooms and patient areas shall not be visible from the public right-of-way.

- 
- f. A minimum of ten percent of the floor area of the establishment shall provide retail sales located at the front of the establishment.
  - g. Grooming shall be permitted as an ancillary use to a veterinary service.
  - h. There shall be a minimum distance separation of 400 feet between veterinary offices.
  - i. A violation of any of the conditions described in subsection 90-41(d)(25)a.— h., or a violation of the standards of review in section 90-23.2 or a violation of additional conditions required by the town commission, shall result in the rescinding of the conditional use permit after the conditional use permit holder has been notified of these deficiencies. An administrative decision to revoke the conditional use permit may be appealed to the town manager within 30 days of the date of the revocation. The town manager shall schedule an informal hearing with the applicant and the town manager's decision shall be rendered in writing within ten days of the meeting. Any decision made by the town manager regarding conditional use permits may be appealed to the town commission.
- (26) Provided that no animals including without limitation dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock shall be sold on the premises.
  - (27) Electric vehicle charging stations shall be limited to personal use and shall not be used for purposes of wholesale or retail sales. All components of the electric vehicle charging station shall be wall mounted and completely concealed from view. The station shall be elevated or designed so that all electrical components are 12 inches above the 100-year floodplain.
  - (28) Electric vehicle charging stations shall contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall be elevated or designed so that all electrical components are 12 inches above the 100-year floodplain.
  - (29) Electric vehicle charging stations shall be limited to electric vehicle charging level 2 or level 3 electric vehicle charging stations only and contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall include the following: (a) voltage and amperage levels; (b) usage fees, if any; (c) safety information; and (d) contact information to report issues relating to the operation of the equipment. The station shall be elevated or designed so that all electrical components are 12 inches above the 100-year floodplain.
  - (30) The following uses shall be separated from similar existing uses, or similar approved but unbuilt uses, within the town limits, by the minimum distances specified below, measured from front door to front door:
    - a. For purposes of this calculation, front door shall mean the primary public access to the business which shall not include any alley, rear or secondary access point.
    - b. Medical marijuana dispensary: eight hundred fifty (850) feet.
    - c. Drug stores: eight hundred fifty (850) feet.
  - (31) H40 hotel properties south of 93rd Street. May provide a beauty/personal services, restaurant, coffee shop, bar or lounge, gift and sundry shops and health spas provided, however, that such facilities may be entered only from the inside of the structure and there shall be no window or evidence of such facilities from outside the hotel. Ballrooms and banquet facilities shall be prohibited.

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(32) Meeting rooms in hotels on H40 properties south of 93rd Street. Event and/or meeting room space shall be based on no greater than 15 square feet per the total number of rooms of the hotel and shall have a capacity of no greater than 100 people.

(33) H40 hotel properties south of 93rd Street. Standalone structured parking facilities shall be prohibited. Accessory uses shall be integrated into the parking facility.

(34) H40 hotel properties south of 93rd Street. Exemptions:

All properties designated by the county historic preservation board and all properties that legally received development orders as of the date of adoption of the ordinance from which this subsection derived (November 12, 2019) are exempt from the requirements and restrictions in subsections (31) to (33) of this section.

(35) Pet grooming may be permitted as accessory to pet supplies provided:

- a. Animals shall be walked on the premises in an enclosed area and all waste shall be disposed of immediately.
- b. No overnight boarding shall be permitted.
- c. Soundproofing shall be required and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.
- d. No malodor shall be perceptible at the boundary of the premises.
- e. Pet sales or pet adoption services are prohibited.
- f. There shall be a minimum distance separation of 1,200 feet between pet supplies stores offering pet grooming and 400 feet between a pet supplies store offering pet grooming services and a veterinary office offering pet grooming services.

(e) Surface parking lots owned, operated, and maintained by the town may be located in any zoning category except H30A and H30B.

(Ord. No. 1504, § 2(Exh. A), 5-13-08; Ord. No. 1514, § 2, 4-14-09; Ord. No. 1551, § 2, 3-13-10; Ord. No. 1558, § 2(Exh. A), 8-10-10; Ord. No. 1561, § 2, 10-12-10; Ord. No. 1563, § 2, 11-9-10; Ord. No. 1566, § 2, 1-18-11; Ord. No. 1572, § 2, 4-12-11; Ord. No. 1601, § 2, 4-9-13; Ord. No. 1608, § 2, 10-8-13; Ord. No. 1611, § 1, 2-11-14; Ord. No. 1617, § 2, 3-11-14; Ord. No. 17-1666, § 3, 12-12-17; Ord. No. 19-1705, § 2, 11-12-19; Ord. No. 21-1715, § 2, 2-9-21)



## MEMORANDUM

ITEM NO. 4B3.

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

**From:** Hector Gomez, Town Manager

**Date:** June 13, 2023

**Subject:** **Creation of Chapter 76 "Public Rights-of-way" in the Town Code of Ordinances**

---

Town staff recommends approving this ordinance in order to provide clarity on allowances and permitting process for Town right-of-way encroachments and creating a mechanism for Public Works Right of Way permit fee structure.

At a Town Commission meeting held on May 9, 2023, the Town Commission discussed the preparation of an ordinance to regulate limited non-utility facilities, improvements, and encroachments (such as synthetic turf) within appropriate locations within public rights-of-way. The encroachment would be allowed provided a permit is obtained and the requestee complies with established requirements, including the execution of a Right-of-Way Encroachment Agreement. Refer to **Attachment A**. The ordinance presented here creates a new chapter in the Town of Surfside Code of Ordinances to address regulations in the Town-owned right-of-way areas. Chapter 76 "Public Rights-of-Way" will state the Town's regulations to manage the placement and maintenance of non-utility facilities, improvements, and encroachments within the Town's public rights-of-way. This new Chapter also provides for a methodology and permit process for the placement and installation of facilities, improvements and encroachments in these areas.

[Ordinance Rights-of-Way Creating Chapter 76.DOCX](#)

[Attachment A - Property Owners Encroachment Agreement 2023.docx](#)

ORDINANCE NO. 23 - \_\_\_\_\_

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY CREATING A NEW CHAPTER 76 “PUBLIC RIGHTS-OF-WAY” TO ESTABLISH RULES AND REGULATIONS TO MANAGE THE PLACEMENT AND MAINTENANCE OF NON-UTILITY FACILITIES, IMPROVEMENTS, AND ENCROACHMENTS WITHIN PUBLIC RIGHTS-OF-WAY; AMENDING SECTION 90-56.11 OF SECTION 90-56 “FENCES, WALLS, AND HEDGES” TO CONSOLIDATE REGULATIONS FOR FENCES, WALLS, HEDGES, PLANT MATERIALS, AND IMPROVEMENTS WITHIN THE RIGHT-OF-WAY IN THE NEW CHAPTER 76; PROVIDING FOR SEVERABILITY; PROVIDING FOR SEVERABILITY; INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

5       **WHEREAS**, the Town Commission of the Town of Surfside (“Town Commission”)  
6 finds it periodically necessary to amend its Code of Ordinances (“Code”) in order to update  
7 regulations and procedures to maintain consistency with state law, to implement municipal  
8 goals and objectives, to clarify regulations and address specific issues and needs that may  
9 arise; and

10       **WHEREAS**, the Town’s public rights-of way, which include public streets (and their  
11 associated swales), alleys, easements, street ends, and pedestrian paths are a valuable  
12 public asset that must be preserved and maintained unobstructed for the free flow of  
13 pedestrians and traffic, necessary utility and infrastructure improvements, and  
14 telecommunications facilities serving vital communication needs; 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.

15           **WHEREAS**, the Town Commission of the Town of Surfside (the “Town”) desires to  
16 clearly provide in the Town’s Code of Ordinances (the “Code”) by creating Chapter 76  
17 “Public Rights-of-Way” for regulations to manage the placement and maintenance of non-  
18 utility facilities, improvements, and encroachments within the Town’s public rights-of-way,  
19 and provide for a methodology and permit process for the placement and installation of  
20 facilities, improvements and encroachments thereon; and

21           **WHEREAS**, it is the intent of the Town to promote the public health, safety and  
22 general welfare by: providing allowances for the placement and maintenance of non-utility  
23 and telecommunications facilities in appropriate locations within rights-of-way, including  
24 without limitation the public streets, alleys, easements, and pedestrian paths within the  
25 Town; and adopting and administering reasonable rules and regulations not inconsistent  
26 with state and federal law; and

27           **WHEREAS**, Section 56.11 of Section 90-56 “Fences, Walls and Hedges” of the  
28 Town Code currently provides for some restrictions on the placement of fences, walls and  
29 hedges, and plant and groundcover in the public rights-of-way, and the Town Commission  
30 wishes to revise these provisions and incorporate them into the new Chapter 76  
31 regulations comprehensively addressing all encroachments and facilities placed in the  
32 public right-of-way; and

33           **WHEREAS**, at the Town Commission meeting on May 9, 2023, the Town Commission  
34 generally discussed regulations related to the placement of improvements and  
35 encroachments within appropriate locations of the public rights-of-way, provided a permit  
36 is obtained and the owner complies with established requirements, including the execution  
37 of a Right-of-Way Encroachment Agreement; and

38           **WHEREAS**, the Town Commission finds it in the best interest and welfare of the Town  
39 to regulate the public–rights-of-way and the placement of maintenance of facilities and  
40 encroachments thereon; and

41           **WHEREAS**, the Town Commission held its first public hearing on \_\_\_\_\_, 2023 and  
42 \_\_\_\_\_ the proposed amendments to the Code having complied with the notice  
43 requirements in the Florida Statutes; and

44           **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the  
45 Town, held its hearing on the proposed amendments to the Code on \_\_\_\_\_,



46 2023 with due public notice and input, and recommended \_\_\_\_\_ of the proposed  
47 amendments to the Code; and

48 **WHEREAS**, the Town Commission has conducted a second duly noticed public  
49 hearing on these Code amendments as required by law on \_\_\_\_\_, 2023 and  
50 further finds the proposed changes to the Code are necessary and in the best interest of  
51 the Town.

52  
53 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**  
54 **TOWN OF SURFSIDE, FLORIDA<sup>1</sup>:**

55  
56 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated  
57 herein by this reference:

58  
59 **Section 2. Town Code Amended.** The Town Code is hereby amended to create  
60 a new Chapter 76 “Public Rights-of-Way” as follows:

61. **Sec. 76-1. - Short title.**

62 This Chapter and ordinance shall be known and may be cited as the Town of Surfside  
63 Public Rights-of-Way Ordinance.

64. **Sec. 76-2. - Intent and purpose.**

65 It is the intent of the Town to promote the public health, safety and general welfare by  
66 protecting and maintaining the Town’s public rights-of way, which are a valuable public  
67 asset, free of obstructions for the free flow of pedestrians and traffic, necessary utility and  
68 infrastructure improvements and facilities, by establishing reasonable rules and  
69 regulations necessary to manage the placement and maintenance of non-utility facilities,  
70 improvements, and encroachments within the Town’s public rights-of-way, and minimizing  
71 disruption to the public rights-of-way, and providing for a methodology and permit process  
72 to allow facilities, improvements and encroachments thereon a limited and permitted basis.

73  
74 **Sec. 76-3. Definitions**

75  
76 For purposes of this Chapter, the following terms, phrases, words and their derivations  
77 shall have the meanings given. Where not inconsistent with the context, words used in  
78 the present tense include the future tense, words in the plural number include the

---

<sup>1</sup> 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.

79 singular number, and words in the singular number include the plural number. The words  
80 "shall" and "will" are mandatory, and "may" is permissive. Words not otherwise defined  
81 shall be construed to mean the common and ordinary meaning.

82  
83 "Encroachment" is any building, structure, facility, improvement, item, landscape or  
84 hardscape element, or other obstruction that is placed in, on, under, over, upon, or across  
85 the at-grade surface of any public right-of-way, street, alley or easement, or any work  
86 within the public right-of-way (including, preexisting and unpermitted as of the date of this  
87 Ordinance), except for those structures, facilities, improvements or items placed by the  
88 Town, or telecommunications or utility facilities regulated pursuant to Chapter \_\_\_\_\_.  
89 Examples of encroachments include, but are not limited to, pavers, driveways, drains,  
90 mailboxes, fences, walls, trash collection bins, trees, bushes, hedges, shrubs and other  
91 vegetative and non-vegetative mater, including synthetic turf.

92

93 "In public right-of-way" shall mean in, on, over, under or across the public right-of-way.

94 "Place or maintain" or "placement or maintenance or placing or maintaining" shall mean  
95 to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy,  
96 locate or relocate.

97

98 "Property Owner," "Applicant," or "Occupant" shall mean the owner or occupant of private  
99 property abutting an encroachment within the public right-of-way.

100

101 "Right-of-way" shall mean a public right-of-way, public utility easement, highway, street,  
102 street end, bridge, tunnel or alley for which the town is the authority that has jurisdiction  
103 and control and may lawfully grant access to pursuant to applicable law, and includes  
104 the surface, the airspace over the surface and the area below the surface. "Public right-  
105 of-way" shall not include private property. "Public right-of-way" shall not include any real  
106 or personal town property except as described above and shall not include town  
107 buildings, fixtures, poles, conduits, facilities or other structures or improvements,  
108 regardless of whether they are situated in the public right-of-way.

109

110 "Right-of-way Encroachment Agreement" shall mean an agreement and covenant  
111 running with the property executed by a property owner in favor of the Town whereby  
112 the Town grants permission for an encroachment to be placed or maintained on the Town  
113 public right-of-way in accordance with the Right-of-Way Permit issued by the Town, and  
114 whereby the property owner agrees to the conditions of and requirements for placement  
115 and maintenance of the encroachment on the public right-of-way.

116 "Right-of way permit" shall mean a permit issued by the Town's Public Work's  
117 Department or Director permitting the placement and maintenance of an Encroachment  
118 in the Town's public right-of-way, which may include conditions and requirements of the  
119 placement and/or maintenance of such facilities.

120

121  
122  
123 **Sec. 76-4 - Encroachments and facilities on or in the Public Right-of-Way.**  
124

125 (a) Encroachments. No Encroachment, as defined herein, shall be permitted to be placed  
126 or maintained in, on, under, over, upon, or across the public right-of-way, except as approved by  
127 the Town Public Works Department or Director by Right-of-Way Permit pursuant to this section.  
128 Applications for a Right-of-Way Permit within the public right-of-way shall be governed by this  
129 Chapter.  
130

131 (b) Application. An application for a Right-of-Way Permit for an Encroachment shall be  
132 submitted to the Town Public Work's Department by the property owner/applicant in the form  
133 prescribed by the Town and shall pay an application fee, as may be established by resolution, at  
134 the time of submission of the application. The Town Public Works Department or Director may  
135 grant a Right-of-Way Permit for an Encroachment upon a finding that:  
136

137 a. The proposed Encroachment will not unreasonably restrict or obstruct the public  
138 right-of-way;

139 b. The proposed Encroachment will not be detrimental to the health, safety or  
140 welfare of the Town, and the rights of ingress and egress of the surrounding  
141 property owners, and the rights and obligations of utility and telecommunication  
142 providers will not be impacted or obstructed and

143 c. The proposed Encroachment will not be visually or aesthetically impactful to  
144 the Town or surrounding neighborhood or community character.  
145

146 No permit for work or the placement and maintenance of an Encroachment on the Town  
147 public-right-of-way described in this subsection (b) shall be issued unless a written application  
148 for the issuance of a Right-of-Way Permit is submitted to the Town Public Works Director in  
149 accordance with the following:  
150

151 a. The written application shall state the name and address of the applicant,  
152 the nature, location and purpose of the work, the date of proposed  
153 commencement and date of proposed completion of the work, and such  
154 other information as may be required by the Town Public Works Director.  
155

156 b. The application shall be accompanied by plans showing the proposed  
157 facilities and work, the location of the work and cross-sectional drawings  
158 showing existing underground facilities and utilities, and proposed  
159 installations, and such other information as may be required by the Town  
160 Public Works Director.  
161

162 c. As a condition of granting a Right-of-Way Permit, the Town public  
163 Works Director may impose reasonable conditions governing the location,  
164 placement, or maintenance of Encroachment on the public right-of-way,  
165 including the payment of fees and costs or the provision of improvements

166 on the public right-of-way, including improvements intended to mitigate  
167 impacts to the right-of-way, such as without limitation, drainage facilities.

169 d. The granting of a Right-of-Way Permit to permit an Encroachment shall  
170 be discretionary with the Town Public Works Director and the Town  
171 reserves the right to deny an application for reasonable or good cause.

172  
173 (c) Right-of-Way Encroachment Agreement. As a condition of a Right-of-Way Permit  
174 permitting the Encroachment, the Town Public Works Director shall require the applicant to  
175 execute a Right-of-Way Encroachment Agreement, in form and substance acceptable to the Town  
176 Manager and Town Attorney, imposing such requirements and conditions as deemed necessary  
177 or prudent, including, but not limited to, requiring insurance and security, providing that the  
178 Right-of-Way Permit may be revoked and the Encroachment may be removed, at the will of the  
179 Town Public Works Director, and providing for any other conditions that the Town Public Works  
180 Director may deem necessary to protect the interests of the Town.

181  
182 (d) Any Right-of-Way Permit granted by the Town Public Works Director to create,  
183 preserve or maintain an Encroachment on the public right-of-way, and any and all unpermitted  
184 Encroachments preexisting as of the date of this Ordinance, constitute a mere revocable permit  
185 or permission by the Town regarding the temporary use of Town right-of-way, which permit or  
186 permission is revocable at will. The granting of any such Right-of-Way Permit or unpermitted  
187 Encroachments preexisting as of the date of this Ordinance do not provide a property owner or  
188 applicant with any property rights, vested or otherwise, in any portion of any property in or upon  
189 which such Encroachment rests or occurs, nor is any right of use granted beyond that which is  
190 specifically provided for herein.

191 (e) The Town Public Works Director may terminate permission for any Encroachment by  
192 notifying, in writing, the abutting property owner or occupant to remove any such Encroachment  
193 based on the Town Public Works Director's determination that it is in the public interest to have  
194 the Encroachment terminated and removed. The Town Public Works Director shall establish a  
195 reasonable time for termination or removal pursuant to the procedures set forth in subsection (f)  
196 below.

197 (f) The Town Public Works Director is hereby authorized and empowered to notify, in  
198 writing, the abutting property owner or occupant who has created, caused or maintained an  
199 Encroachment and to direct said owner or occupant to remove or alleviate the Encroachment. The  
200 following procedures shall apply:

201 a. Such notice shall be by regular mail and registered or certified mail, addressed  
202 to the property owner, occupant or agent of the owner at his or her last known  
203 address, and shall be posted visibly on the property.

204 b. Upon the failure, neglect or refusal of any property owner or occupant notified  
205 pursuant to this section to remove or eliminate the Encroachment described therein  
206 within the time limits stated in the notice, or to obtain permission from the Town  
207 Public Works Director to maintain said Encroachment, the Town Public Works

208 Director may authorize the removal of said Encroachment without any further  
209 notice to the property owner or occupant.

210 c. The procedures of this subsection shall also apply upon the Town Public Works  
211 Director's revocation of any Right-of-Way Permit granted for the creation or  
212 maintenance of an Encroachment. The cost of any such removal conducted by or  
213 at the direction of the Town shall be billed to the property owner and upon the  
214 Town's failure to receive payment of the bill within thirty (30) days of its receipt,  
215 the charges for such services shall be a lien against the abutting property which  
216 lien may be foreclosed as provided by law. The procedures set forth in this  
217 subsection are in addition to, and not in lieu of, any and all other enforcement  
218 procedures available to the Town under this Code or by law.

219 (g) The failure of the Town Public Works Director to require removal of any  
220 Encroachment existing without a Right-of-Way Permit or to act within any specific time period  
221 to remove Encroachments after notice is provided pursuant to subsection (f) above, shall not serve  
222 as a waiver by or an estoppel against the Town's right and authority to require the removal of any  
223 such Encroachments at any time the Town deems it desirable or appropriate to do so.

224 (i) In the event of a public emergency, such as a hurricane, tropical storm, flood or any  
225 other act of God, or any other condition that merits immediate removal of the Encroachment, the  
226 requirements of this section may be waived and the Town Public Works Director may authorize  
227 the removal of any Encroachment without prior notice, and without regard to the notice provisions  
228 set forth in subsection (f).

229  
230 (j) The Town Public Works Director shall have the power to prohibit or limit the  
231 placement of new Encroachments within the public right-of-way, if there is insufficient space to  
232 accommodate all of the requests to place or maintain Encroachments in that area, for the  
233 protection of existing facilities, or to accommodate Town plans for public improvements or  
234 projects that the Town Public Works Director determines are in the public interest and to the  
235 extent not prohibited by applicable law.

236  
237 (k) The Town Public Works Director may waive the permitting procedure of this section  
238 in cases of extreme emergency. The term "emergency" shall mean a condition that affects the  
239 public's health, safety or welfare, which includes an unplanned out-of-service condition of a pre-  
240 existing service.

241  
242 (l) A permittee under this section shall take appropriate measures to ensure that during the  
243 performance of the permitted work, traffic conditions as nearly normal as practicable shall be  
244 maintained, provided that the Town Public Works Director may permit the closing of streets to  
245 traffic for a period of time prescribed by him or her if in his or her opinion it is necessary. The  
246 permittee shall route and control traffic as directed by the police department.

247  
248 (m) A permittee under this section shall not interfere with any existing utility or  
249 telecommunications facilities without the written authorization of the Town Public Works  
250 Director and the owner of such facilities. Prior to the interruption of any telecommunications or

251 utility service, reasonable notice must be given to the public through the use of newspapers or  
252 electronic media, except that repairs, maintenance, or removal of Encroachments determined by  
253 the Town Public Works Director to be of an emergency nature pursuant to subsection (h) are not  
254 subject to this notification procedure.

255  
256 (n) A permittee under this section shall at all times, and at its own expense, preserve and  
257 protect from injury any adjoining property by providing proper foundations and taking other  
258 measures suitable for such purpose.

259  
260 (o) Any public or private property which is affected by an encroachment must be  
261 preserved from damage during the operation and restored to its original or better condition upon  
262 completion or cessation of the work. All damage resulting from work under this subsection shall  
263 be repaired by the permittee.

264  
265 (p) Any person who may cause any damage to a public right-of-way is liable to the Town  
266 for the damages and is responsible to the Town for the actual cost to repair Town property. The  
267 Town may recover all costs to repair damage to Town property, including reasonable attorney's  
268 fees and costs.

269  
270 (q) The Town Public Works Director may suspend a permit issued under this section, or  
271 deny an application for a new or subsequent permit under this section, for failure to satisfy permit  
272 conditions or requirements set forth in this section, including without limitation, failure to take  
273 reasonable safety precautions, or failure to restore any affected property. After the suspension or  
274 denial of a permit pursuant to this section, the Town Public Works Director shall provide written  
275 notice to the permittee.

276  
277 (r) Prior to issuance of a permit, the applicant shall provide assurance that such owner and  
278 all persons or entities performing work (and those acting on its behalf) have adequate insurance,  
279 which shall be such insurance coverage as the Town deems necessary depending upon the nature  
280 of the Encroachment.

281  
282 (s) Security. As required by the Public Works Director, each applicant may be required to  
283 obtain a performance bond or a letter of credit to ensure the performance of its responsibilities  
284 under this subsection, including sufficient funds to cover removal of Encroachments or facilities.  
285 The amount of the performance bond or letter of credit shall be in the amount determined by the  
286 Town to be 100 percent of the removal cost of the Encroachment. The bond or letter of credit  
287 shall be in a form acceptable to the Town Manager and Town Attorney.

288  
289 \* \* \*

290  
291 **Section 3. Town Code Amended.** Section 90-56.11 of Section 90-56 "Fences,  
292 Walls and Hedges" of the Code is hereby amended as follows:

293 \* \* \*

295 ~~90-56.11 No Fences, walls or hedges may be placed within the public right-of-way~~  
296 ~~shall be regulated by and in accordance with the requirements of Chapter 76 of this~~  
297 ~~Code, except that landscaped islands surrounded by circular driveways on lots no more~~  
298 ~~than 115 feet in width shall be permitted, subject to all requirements of Chapter 76 of the~~  
299 ~~Code, provided that it is understood by the property owner that the town does not waive~~  
300 ~~its right to demand removal without notice as deemed necessary within the town's~~  
301 ~~discretion and the town shall not be liable for any damages arising from such removal.~~  
302 ~~Property owner shall install or plant such materials at own risk. Property owner shall~~  
303 ~~install or plant such materials at own risk. All improvements, other than groundcovers,~~  
304 ~~as defined in the landscape section, shall be placed on private property.~~

305  
306  
307  
308

\* \* \*

309 **Section 4. Severability.** If any section, sentence, clause or phrase of this  
310 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,  
311 then said holding shall in no way affect the validity of the remaining portions of this  
312 Ordinance.

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

318  
319  
320  
321

**Section 6. Conflicts.** Any and all ordinances and resolutions or parts of  
ordinances or resolutions in conflict herewith are hereby repealed.

322 **Section 7. Effective Date.** This ordinance shall become effective upon adoption  
323 on second reading.

324

**PASSED and ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

326

**PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

328

329

On Final Reading Moved by: \_\_\_\_\_

331

On Final Reading Second by: \_\_\_\_\_

333

**First Reading:**

335 Motion by: \_\_\_\_\_

336 Second by: \_\_\_\_\_

337

338

339 **Second Reading:**  
340 Motion by: \_\_\_\_\_  
341 Second by: \_\_\_\_\_  
342

343  
344 **FINAL VOTE ON ADOPTION**  
345 **ATTEST:**  
346

347  
348 \_\_\_\_\_  
349 Sandra N. McCready, MMC  
350 Town Clerk

351  
352 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
353 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**  
354

355  
356 \_\_\_\_\_  
357 Weiss Serota Helfman Cole & Bierman, P.L.  
358 Town Attorney  
359





## RIGHT-OF-WAY ENCROACHMENT AGREEMENT

Owner(s):

---

---

---

Property Folio No. \_\_\_\_\_

---

The Above Blank Space Is for Recording Purposes.

- COMMERCIAL (check if applicable)**
- RESIDENTIAL (check if applicable)**

### **RIGHT-OF-WAY ENCROACHMENT AGREEMENT**

**THIS AGREEMENT** is made and entered this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between \_\_\_\_\_, whose mailing address is \_\_\_\_\_, hereinafter referred to as “OWNER”, and the Town of Surfside, a Florida municipal corporation, hereinafter referred to as “TOWN”.

### **RECITALS**

**WHEREAS**, OWNER [is/are] the fee simple owner(s) of certain real property located within the Town of Surfside, Miami Dade County, Florida with a property address of \_\_\_\_\_ Surfside, Florida and more particularly described as (insert the full legal description for the property as maintained by the Miami-Dade County Property Appraiser’s Office. See [www.miamidade.gov](http://www.miamidade.gov) for more information) (hereinafter the “Property”):

---

**WHEREAS**, OWNER’S Property is located adjacent to certain TOWN public right-of-way, street end, sidewalk, swale, alley, easement or other such public right-of-way; and

**WHEREAS**, OWNER desires to place, construct, install, and/or maintain upon TOWN’s public right-of- way, street end, sidewalk, swale, alley, easement, or other such public right-of-way the following (place an **X** next to the type of encroachment and brief description):

\_\_\_\_\_Special driveway approach(es) (type): \_\_\_\_\_

\_\_\_\_\_Artificial Turf

\_\_\_\_\_Mailboxes

\_\_\_\_\_Landscaping

\_\_\_\_\_Irrigation system

\_\_\_\_\_Electrical (lighting)

\_\_\_\_\_ Other (describe):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

thereby, encroaching into the Town’s public right-of-way, street end, sidewalk, swale, alley, easement or other such public right-of-way; and

**WHEREAS**, the TOWN is willing to allow OWNER to encroach into TOWN’s public right-of-way, street end, sidewalk, swale area, easement or other such public right-of-way pursuant to the Right-of Way Permit issued by the TOWN and attached hereto as Exhibit “A”, without prejudice to the TOWN’s right to have the encroachment removed at the OWNER’s sole cost and expense; and

**WHEREAS**, OWNER understands that at any time the TOWN may require OWNER to remove the aforesaid encroachment from the TOWN public right-of-way, street end, sidewalk, swale area, easement or other such public right-of-way.

**NOW, THEREFORE**, in consideration for the mutual covenants contained herein and as further consideration for the TOWN approving OWNER's request to encroach upon TOWN's public right-of-way, street end, sidewalk, swale area, easement or other such public right-of-way, the sufficiency of which is hereby acknowledged by the Parties hereto, the Parties agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein as if repeated in their entirety.
2. The TOWN hereby grants permission for the above-described encroachment upon the Town's public right-of-way, street end, sidewalk swale area, easement or other such public right-of-way pursuant to the Right-of-Way permit attached hereto as Exhibit "A" provided that said encroachment shall be in accordance with plans and specifications on file or to be filed with and approved by the TOWN.

[Optional] In consideration of the Right-of Permit issued by the TOWN, the OWNER shall provide the following:

\_\_\_\_\_  
\_\_\_\_\_ .

3. At any time, the TOWN may require either the permanent or temporary removal of said encroachment and OWNER for himself/herself as well as their successors in interest agree that at such time as the TOWN requires temporary or permanent removal of the aforesaid encroachment, OWNER will do so promptly and at their own expense. OWNER further agrees that if he/she/they should fail to remove the encroachment within thirty (30) days after the TOWN mails a written request to OWNER requiring removal of the encroachment, then the TOWN may remove the aforesaid encroachment and impose the cost of said removal as a special assessment lien against the Property — such special assessment lien shall be in parity or coequal with the lien of all state, county, district and Town taxes, and superior in dignity to all other liens, titles, encumbrances, and claims. In the event of an emergency, the TOWN shall have the right to remove the encroachment without notice to OWNER and without any obligation or liability to OWNER for damage to the encroachment.
4. To the fullest extent permitted by Laws and Regulations, OWNER hereby agree(s) to defend, indemnify, and hold harmless the TOWN and its commissioners, directors, attorneys, appointed officials, manager, administrators, consultants, agents, and employees from and against all claims, damages, losses, and expenses direct, indirect, or consequential (including but not limited to fees and charges of

attorneys and other professionals and court and arbitration costs) arising out of or resulting from the installation and/or maintenance of the encroachment and caused, in whole or in part, by any willful, intentional, reckless, or negligent act and/or omission of OWNER or any person, employee, agent, or third party acting on OWNER's behalf (including any contractor, subcontractor, or any person or organization directly or indirectly employed by any of them or anyone for whose acts any of them may be liable).

5. In any and all claims against the TOWN or any of its consultants, agents, or employees by any employee of OWNER or any employee of any person, employee, agent, or third party acting on OWNER's behalf (including contractors, subcontractors, or any person or organization directly or indirectly employed by any of them or anyone for whose acts any of them may be liable), the indemnification obligation under the above Paragraph shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for OWNER or by or for any person, employee, agent, or third party acting on OWNER's behalf (including contractors, subcontractors, or other persons or organizations directly or indirectly employed by any of them or anyone for whose acts any of them may be liable) under workers' or workman's compensation acts, disability benefit acts, other employee benefit acts or any other service of law. Moreover, nothing in this Indemnification and Hold Harmless provision shall be considered to increase or otherwise waive any limits of liability or to waive any immunity established by Florida Statutes, case law, or any other source of law. This indemnification provision shall survive the termination of any TOWN permit or Agreement with the TOWN, however terminated. Nothing contained herein shall be construed as a waiver of any immunity or limitation of liability the TOWN may have under the doctrine of sovereign immunity in Section 768.28, Florida Statutes. Inclusive in this Indemnity provision is the agreement to fully indemnify the Town of Surfside from any claims or actions alleged to have been caused by the TOWN's acts or omissions. OWNER shall maintain insurance, which will provide for the indemnity provision provided herein.
6. For the purposes of this Agreement, OWNER shall obtain insurance liability policies naming the TOWN as an additional insured on a primary and non-contributory basis that comply with the Town of Surfside Insurance Requirements and OWNER shall evidence this insurance to the Town of Surfside. Evidence of insurance will not be approved unless all of the requirements have been met to the satisfaction of the Town of Surfside. Moreover, said insurance shall be maintained until the encroachment is removed and failure to maintain such insurance shall constitute a material breach of this Agreement that may result in the Town requiring removal of the encroachment at OWNER's sole cost and expense.

7. All individuals signing this Agreement have the legal authority and capacity to enter into this Agreement.
8. As further part of this Agreement, it is hereby understood and agreed that any official inspector of the Town of Surfside, or its agents duly authorized, may have the privilege at any time during normal working hours to enter and inspect the Property to determine whether the requirements of the Town of Surfside Code, the Building and Zoning regulations, the Right-of-way Permit and the conditions herein agreed to are fully complied with.
9. This Agreement shall be recorded by the TOWN at OWNER's sole expense and shall inure to the benefit of and be binding upon OWNER's successors, heirs, executors, administrators, representatives, assigns, and all other persons or entities acquiring an interest thereunder, and this Agreement shall be a restrictive covenant concerning the use, enjoyment, and title to the Property and shall constitute a covenant running with the land.
10. In the event the terms of this Agreement are not being complied with, in addition to other remedies available, the TOWN is hereby authorized to withhold any further permits and to refuse to make any inspections or grant any approvals on the Property until such time as there is full compliance with this Agreement.
11. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida and all applicable and duly adopted ordinances, regulations, and policies of Miami-Dade County and the TOWN now in effect and those hereinafter adopted.
12. The location for settlement of any claims, controversies, disputes, arising out of or relating, directly or indirectly, to any part of this Agreement or any breach hereof, shall be in Miami-Dade County, Florida.
13. OWNER agrees that he/she shall be liable for reasonable attorney's fees incurred by TOWN, if TOWN is required to take any actions, through litigation or otherwise, to enforce this Agreement.
14. TOWN, shall be entitled as a matter of right to an injunction issued by any court of competent jurisdiction restraining any violation of this Agreement as well as recovery of  
any and all costs and expenses sustained or incurred by TOWN in obtaining such an injunction including, without limitation, reasonable attorney's fees.
15. This Agreement constitutes the entire Agreement between the Parties with respect to the specific matters contained herein and supersedes all previous discussions, understandings, and agreements. Any amendments to or waivers of the provisions

contained herein shall be made by the Parties in writing.

16. If any sentence, phrase, paragraph, provision or portion of this Agreement is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed an independent provision and such holding shall not affect the validity of the remaining portions hereto.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK;  
SIGNATURE AND NOTARY PAGES FOLLOW]

**IN WITNESS WHEREOF**, the Parties have executed this Agreement on the day and year first written above.

**AS TO OWNER(S):**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_

\_\_\_\_\_  
Print Name & Title (if applicable)

\_\_\_\_\_  
Print Name & Title (if applicable)

**Notarization of Owner's/Owners' Execution**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, on this \_\_ day of \_\_\_\_, 20 \_\_\_\_, by \_\_\_\_\_, who is personally known to me or has produced a \_\_\_\_\_ as identification.

My Commission Expires:

\_\_\_\_\_

Notary Public, State of Florida

**IN WITNESS WHEREOF**, the Parties have executed this Agreement on the day and year first written above.

TOWN OF SURFSIDE, a Florida municipal corporation

\_\_\_\_\_  
Town Manager

**ATTEST:**

\_\_\_\_\_  
Town Clerk

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

\_\_\_\_\_  
Town Attorney

**Notarization of Town's Execution**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, on this \_\_ day of \_\_\_\_, 20\_\_, by \_\_\_\_\_, as Town Manager, of the Town of Surfside, Florida, a Florida Municipal Corporation, who is personally known to me or has produced a \_\_\_\_\_ as identification.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Florida



**EXHIBIT “A”**

**(Attach Copy of Right-of-Way Permit)**



## MEMORANDUM

ITEM NO. 5A.

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

**From:** Hector Gomez, Town Manager

**Date:** June 13, 2023

**Subject:** **Authorization to Contract with Kimley-Horn and Associates, Inc. (Kimley-Horn) for the Project Agreement for Design Services pertaining to Surfside Boulevard Beautification Project from Bay Drive to Harding Avenue**

91st Street from Harding Avenue to Bay Drive is also known as Surfside Boulevard and is one of Surfside's significant residential roadways as it was established with the beginning of the Town as an interconnection corridor between Surfside and Indian Creek Village. Town administration is seeking to improve roadway infrastructure, aesthetic and walkability associated with the Surfside Beautification Project.

Over the years, the Town has secured various funding for the Surfside Beautification Improvement Project are as follows:

- \$500,000 contribution from the Surf Club development
- \$50,000 contribution from Indian Creek Village
- \$250,000 State funding
- \$250,000 from Fund Balance

The Town has negotiated a proposal with Kimley-Horn and Associates, Inc. (Kimley-Horn) (see attached Exhibit A - Kimley-Horn Proposal dated May 17, 2023) that includes planning, design, permitting and bid document development.

The Town is seeking to retain Kimley-Horn for the Surfside Beautification Project per negotiated proposal.

[Resolution Approve Proposal & Project Agreement with Kimley Horn - Surfside Blvd. Improvements](#)

[Exhibit A - Kimley-Horn Proposal dated 5/17/2023](#)

[Exhibit B - Kimley-Horn - Project Agreement - Surfside Boulevard Beautification Project.DOCX](#)

**RESOLUTION NO. 2023-\_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING THE PROPOSAL AND PROJECT AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. PURSUANT TO THE CONTINUING SERVICES AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE SURFSIDE BOULEVARD BEAUTIFICATION PROJECT FROM BAY DRIVE TO HARDING AVENUE; PROVIDING FOR AUTHORIZATION AND IMPLEMENTATION; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (the “Town”) received state funding (the “Grant Award”) to provide roadway improvements along Surfside Boulevard from Harding Avenue to Bay Drive (the “Project”); and

**WHEREAS**, the Project is proposed to be partially funded by the Grant Award and consists of improving roadway infrastructure, aesthetic, and walkability associated with Surfside Boulevard from Harding Avenue to Bay Drive; and

**WHEREAS**, the Town is in need of planning, design, permitting, and bid document services for the Project; and

**WHEREAS**, the Town has allocated funding for the design of the Project in the Fiscal Year 2023-2023 budget; and

**WHEREAS**, pursuant to Section 287.055, Florida Statutes (also known as the Consultants’ Competitive Negotiation Act), the Town has retained the services of Kimley-Horn and Associates, Inc. (the “Consultant”) for professional engineering services, in accordance with the Continuing Services Agreement effective April 2, 2021, for such services (the “CSA”); and

**WHEREAS**, in accordance with the provisions of the CSA, the Consultant has provided a proposal for the Project attached hereto as Exhibit “A” and the Town and

Consultant have agreed to enter into a specific Project Agreement (the “Agreement”) attached hereto as Exhibit “B”, authorizing the Consultant to provide planning, design, permitting, and bid document development services for the Project (the “Services”); and

**WHEREAS**, the Proposal and Agreement, attached hereto as Exhibits “A” and “B”, respectively, provide for a scope of services detailing the Services to be provided by the Consultant, as well as a schedule for the performance and compensation for the Services for a total lump sum fee of \$122,700; and

**WHEREAS**, pursuant to the CSA, the Town Commission wishes to approve the Proposal attached hereto as Exhibit “A” and the Agreement attached hereto as Exhibit “B”, in substantially the form attached, and authorize the expenditure of such funds; and

**WHEREAS**, the Town Commission finds that this Resolution is 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 of Proposal and Agreement.** The Proposal attached hereto as Exhibit “A” and the Agreement for the Services with the Consultant, in substantially the form attached hereto as Exhibit “B”, are hereby approved.

**Section 3. Authorization.** The Town Manager is hereby authorized to execute the Agreement attached hereto as Exhibit “B” with the Consultant for the Services and subject to final approval by the Town Manager and Town Attorney as to form, content,

and legal sufficiency. The Town Manager is further authorized to expend funds in an amount not to exceed \$122,700.

**Section 4. Implementation.** The Town Manager and Town Officials are authorized to take any and all necessary action to implement the Agreement and the purposes of this Resolution.

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

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2023.

Motion By: \_\_\_\_\_

Second By: \_\_\_\_\_

**FINAL VOTE ON ADOPTION:**

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

\_\_\_\_\_  
Shlomo Danzinger, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra McCreedy, 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



May 17, 2023

Mr. Hector Gomez, Public Works Director  
Town of Surfside  
9293 Harding Avenue  
Surfside, Florida 33154

**RE: *Surfside Boulevard Beautification Project  
Town of Surfside, FL***

Dear Mr. Gomez:

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant"), in connection with the Town of Surfside "Continuing Professional Engineering Services Agreement RFQ No. 2020-06" is pleased to submit this letter agreement (the "Agreement") to Town of Surfside ("Client" or "Town") for providing professional services associated with the Surfside Boulevard Beautification Project.

## **Project Understanding**

The Town of Surfside have received state funding to provide roadway improvements along Surfside Boulevard from Harding Avenue to Bay Drive. The possible improvements include storm water, roadway infrastructure, aesthetic and hazard mitigation enhancements including landscaping and undergrounding of utilities. The existing residential roadway corridor is a 2-lane undivided roadway with on street parking that is approximately 0.5 miles in length. The professional services associated with this project include planning, design, permitting, and bid document development. A roadway survey is to be provided by the Town. Any additional surveying or limited construction phase services can be provided under a separate scope of services.

## **Scope of Services**

Kimley-Horn will provide the services specifically set forth below.

### **TASK 1 – KICK OFF MEETING**

Kimley-Horn will conduct a kick-off site visit to observe existing conditions and assess potential design integration with surrounding spaces. Kimley-Horn will also attend one (1) kick-off meeting with the Town to discuss the project, desired project elements, and to review the project timeline and milestones.

During this task, Kimley-Horn will perform the following:

- Contact utility owners and request any available information depicting the locations and configuration of existing utilities within and around the project limits.
- Meet with specific utility owners to discuss potential future infrastructure projects that may impact the corridor.

### **TASK 2 – CONCEPTUAL DESIGN**

Kimley-Horn will provide the following conceptual design services:

- As part of this Task, the Kimley-Horn will prepare conceptual roadway plans depicting the proposed roadway improvements. Kimley-Horn will utilize high resolution aerials and any available survey information the Town has on file.

- Kimley-Horn will facilitate a meeting with the Town to present the base map, discuss design parameters, and coordinate project expectations. Kimley-Horn will prepare the agenda, as needed.
- Consultant will prepare up to two conceptual designs for the corridor, plan view of the project area, identifying proposed storm water improvements, roadway infrastructure improvements, aesthetic and hazard mitigation enhancements including landscaping and under-grounding of utilities. Concepts will be presented as:
  - Up to two plan view concepts of the Project area.
  - Section drawings, sketches, or vignettes will be prepared in support of the plan views to aid in communicating design intent.
- Kimley-Horn will present the concepts to the Town for selection of a scheme for further development.
- After Town selection of a desired concept (or elements of concepts), Consultant will prepare a rendered concept plan view of the project area, identifying project elements along with illustrative section drawings in support of the design. Submitted materials will be prepared to be compatible with digital presentation methods.
- Kimley-Horn will submit the Conceptual Design exhibits to the Town and attend up to two virtual meetings, if needed, to review.
- Kimley-Horn will present the conceptual design package at one Council meeting.

### **TASK 3 – EVENING PARKING COUNT**

Kimley-Horn will prepare a parking demand count for the project limits prior to the start of construction activity. Kimley-Horn will conduct one weekday evening parking count and one weekend evening parking count. The weekday evening parking count will be performed on a Tuesday, Wednesday, or Thursday, between 2 AM and 4 AM. The weekend evening parking count will be performed on one Saturday, between 2 AM and 4 AM.

### **TASK 4 – (60%) DESIGN PLANS**

Kimley-Horn shall prepare 60% Design Plans for the proposed improvements based on the concept approved by the Town during Task 2. We anticipate the plan set will include the following sheets:

- Cover Sheet
- General Notes
- Roadway Plans
  - Kimley-Horn will prepare roadway plans that will include dimension control and roadway layout. These plans will include pavement limits, curbing, drainage, concrete areas, and spot elevations for the roadway and green areas.
- Roadway Details
  - Kimley-Horn will prepare detail sheets showing the paving, drainage system, and erosion control details for the roadway plans. The intent is to reference City, County and/or FDOT standard details.
- Demolition Plans
  - Kimley-Horn will prepare a demolition plan for the project which will indicate paving and utility removal/relocation for the proposed improvements.
- Erosion Control Plan
  - Kimley-Horn will prepare an erosion control plan for the site. The plan will indicate erosion control measures to be implemented by the contractor prior to disturbing the site.

- **Signing and Marking Plans**

Kimley-Horn will show proposed project signage and striping with associated details.

The effort for this task includes one (1) submittal at 60% to the Town for review. The effort for this task includes addressing one (1) round of ordinary and reasonable comments at the submittal stage. Subsequent modifications resulting from significant project changes directed by the Town shall be considered an Additional Service.

This task will include preparation of drainage calculations and report for submittal to Miami-Dade County Department of Regulatory and Economic Resources as listed in Task 5.

Kimley-Horn will also provide an updated Opinion of Probable Construction Costs at the 60% submittal for the proposed improvements.

## **TASK 5 – PERMITTING**

Kimley-Horn will prepare permit applications with supporting documentation to the following jurisdictional regulatory agencies. Kimley-Horn will address up to two (2) rounds of comments for the regulatory agency submittals identified below.

1. **Miami-Dade County Traffic Engineering Division**
  - a. Roadway, paving, and traffic control systems for access
  - b. Signing and marking
2. **Miami-Dade County Department of Regulatory and Economic Resources**
  - a. Drainage
3. **National Pollutant Discharge Elimination System (NPDES):**
  - a. Notice of Intent
  - b. Preparation of Storm Water Pollution Prevention Plans (SWPPP) – City’s Contractor shall complete the necessary application and submittal to obtain the general permit. The City’s contractor shall be responsible for obtaining, maintaining, and operating the construction site according to the EPA and NPDES guidelines.

No other agency approvals are included in this scope of services other than those identified above. Kimley-Horn does not guarantee the issuance of permits or approvals. If permits are issued for this project, the conditions and expiration dates are the sole responsibility of the Town. Kimley-Horn is not responsible for extending time limited entitlements or permits. The Town shall provide all permit fees.

## **TASK 6 – FINAL CONTRACT DOCUMENTS**

Once the Town has approved the 60% construction documents, these will be used as the basis for preparing the final contract documents. Contract or “Front End” documents will be provided by the Town and reviewed by Kimley-Horn for conformance with the design plans.

During this task, Kimley-Horn will perform the following:

- Revise the drawings listed in Task 5 per the Town and permitting agency comments.
- Determine anticipated construction time for contract purposes.
- Update the engineer’s opinion of probable construction costs.
- Prepare a bid form that will list the separate pay items, estimated quantities, and units.
- Provide the Town with a project description to be included in the Town’s Front End documents.

## **TASK 7 – BIDDING ASSISTANCE**

It is our understanding that the Town will use a competitive bidding process to hire a contractor to construct the improvements. The Consultant shall consult with and advise the Town and act as its representative for the proposed improvements during the bidding process. This task is limited to attendance at a pre-bid



meeting and issuance of addenda in response to contractor questions. Once bids are received, the Consultant shall review the bids and prepare a bid tabulation sheet for use in making the recommended award.

## TASK 8 – COORDINATION

Kimley-Horn will coordinate with the Client and project teams for other active projects within the project area. The anticipated active projects during this task are the 91<sup>st</sup> Avenue Drainage Improvements and 91<sup>st</sup> Avenue Utilities Undergrounding projects.

Kimley-Horn will prepare for and attend meetings or conference calls with the Client, project team, public meetings, project workshops, and/or other regulatory agencies at the Client’s request. These services will be provided for an anticipated period of 6 months during the preliminary design phase. Due to the uncertain nature of coordination efforts, this task includes up to 40 hours of effort. Additional coordination efforts can be provided as an additional service.

## Additional Services

The following services are not included in the scope of services, but can be provided as additional services if authorized by you:

1. Topographic survey
2. Environmental surveys, studies, or reports
3. Temporary and/or permanent easement development/acquisition
4. Overhead to underground utility conversion design and coordination
5. Limited Post Design Services

## Schedule

Kimley-Horn anticipates a 12-month project schedule. A mutually agreed upon schedule with deliverable timelines will be provided prior to the project kick-off meeting.

## Fee and Billing

Kimley-Horn will perform the Scope of Services in **Tasks 1-8** for the lump sum fee below. Individual task amounts are informational only.

Task No.	Description	Fee
1	Kick-Off Meeting	\$5,000
2	Conceptual Design	\$35,000
3	Evening Parking Count	\$1,200
4	(60%) Design Plans	\$45,000
5	Permitting	\$10,000
6	Final Contract Documents	\$15,000
7	Bidding Assistance	\$3,500
8	Coordination	\$8,000
<i>Total Lump Sum Fee</i>		<i>\$122,700</i>

Fees and expenses will be invoiced monthly based, as applicable, upon the percentage of services performed or actual services performed, and expenses incurred as of the invoice date. Payment will be due within 25 days of your receipt of the invoice.

## Closure

The terms and conditions of Town of Surfside "Continuing Professional Engineering Services Agreement", RFQ No. 2020-06, shall govern this scope of services.

We appreciate this opportunity to submit this proposal. Please contact Matt Brosman at 954-535-5109 if you have any questions.

Very truly yours,



Stefano Viola, P.E.  
**Vice President**



Matt Brosman, P.E.  
**Project Manager**

# **PROJECT AGREEMENT**

Between

**TOWN OF SURFSIDE, FL**

And

**Kimley-Horn and Associates, Inc.**

Project Name: Surfside Boulevard Beautification Project

## PROJECT AGREEMENT

Between

TOWN OF SURFSIDE, FL

And

KIMLEY-HORN AND ASSOCIATES, INC.

Project Name: Surfside Boulevard Beautification Project

Subject to the provisions contained in the “Continuing Services Agreement for Professional Engineering Services” (hereinafter referred to as the “Continuing Services Agreement”) between the **TOWN OF SURFSIDE, FL** (hereinafter referred to as “Town”) and **KIMLEY-HORN AND ASSOCIATES, INC.**, (hereinafter referred to as “Consultant”) dated April 2, 2021, which Continuing Services Agreement was competitively procured through Request For Qualifications (RFQ) No. 2020-06 in accordance with Section 287.955, Florida Statutes, this Project Agreement is made effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and authorizes the Consultant to provide the services as set forth below:

### SECTION 1. SCOPE OF SERVICES

1.1 Consultant shall provide **PLANNING, DESIGN, PERMITTING, AND BID DOCUMENT DEVELOPMENT SERVICES** for the Surfside Boulevard Beautification Project and complete the tasks that are identified and described in the Project Scope of Services and Schedule, attached hereto as Exhibit “A,” for the Town (the “Services”).

1.2 The Town may request changes that would increase, decrease, or otherwise modify the scope of services outlined under the Project Scope of Services and Schedule, attached hereto as Exhibit “A.” Such changes must be contained in a written change order executed by the parties in accordance with the provisions of the Continuing Services Agreement, prior to any deviation from the terms of the Project Agreement, including the initiation of any extra work.

### SECTION 2. DELIVERABLES

2.1 As part of the scope of services and project schedule, the Consultant shall provide the Town the Deliverables identified in the Project Scope of Services and Schedule, attached hereto as Exhibit “A.”

### SECTION 3. TERM/TIME OF PERFORMANCE/DAMAGE

3.1 Term. This Project Agreement shall commence on the date this instrument is fully executed by all parties and shall continue in full force and effect until terminated pursuant to Section 6 or other applicable provisions of this Project Agreement. The Town Manager, in his sole discretion, may extend the term of this Agreement through written notification to the Consultant. Such extension shall not exceed 90 days. No further extensions of this Agreement shall be effective unless authorized by the Town Manager.

3.2 Commencement. Services provided by the Consultant under this Project Agreement and the time frames applicable to this Project Agreement shall commence upon the date provided in a written Notice to Proceed (“Commencement Date”) provided to the Consultant by the Town. The Consultant shall not incur any expenses or obligations for payment to third parties prior to the issuance of the Notice to Proceed. Consultant must receive written notice from the Town Manager prior to the beginning the performance of services.

3.3 Contract Time. Upon receipt of the Notice to Proceed, the Consultant shall provide services to the Town on the Commencement Date, and shall continuously perform services to the Town, without interruption, in accordance with the time frames set forth in the "Scope of Services and Project Schedule", a copy of which is attached and incorporated into this Agreement as Exhibit "A". The number of calendar days from the Commencement Date, through the date set forth in the Project Schedule for completion of the Project or the date of actual completion of the Project, whichever shall last occur, shall constitute the Contract Time.

3.4 All limitations of time set forth in this Agreement are of the essence.

#### SECTION 4. AMOUNT, BASIS AND METHOD OF COMPENSATION

4.1 Compensation. Consultant shall be compensated for the provision of the Services in accordance with Exhibit "A" attached hereto. Consultant shall receive a lump sum fee of \$122,700.00

4.2 Reimbursable Expenses. The following expenses are reimbursable and will be billed at 1.1 x actual cost to cover administrative processing: Travel and accommodations, long distance telephone calls, , facsimile, courier services, mileage (at a rate approved by the Town), photo and reproduction services. All document reproductions are also reimbursable, at a rate approved by the Town.

#### SECTION 5. BILLING AND PAYMENTS

##### 5.1 Invoices

5.1.1. Compensation and Reimbursable Expenses. Consultant shall submit invoices which are identified by the specific project number on a monthly basis in a timely manner. These invoices shall identify the nature of the work performed, the phase of work, and the estimated percent of work accomplished in accordance with the Payment Schedule attached hereto as Exhibit "A", attached hereto and made part of this Agreement. Invoices for each phase shall not exceed amounts allocated to said phase plus reimbursable expenses accrued during each phase. The statement shall show a summary of fees with accrual of the total and credits for portions paid previously.

5.1.2. Florida Prompt Payment Act. The Town shall pay the Contractor in accordance with the Florida Prompt Payment Act after approval and acceptance of the Services by the Town Manager.

5.2 Disputed Invoices. In the event that all or a portion of an invoice submitted to the Town for payment to the Consultant is disputed, or additional backup documentation is required, the Town shall notify the Consultant within fifteen (15) working days of receipt of the invoice of such objection, modification or additional documentation request. The Consultant shall provide the Town within five (5) working days of the date of the Town's notice. The Town may request additional information, including but not limited to, all invoices, time records, expense records, accounting records, and payment records of the Consultant. The Town, at its sole discretion, may pay to the Consultant the undisputed portion of the invoice. The parties shall endeavor to resolve the dispute in a mutually agreeable fashion.

5.3 Suspension of Payment. In the event that the Town becomes credibly informed that any representations of the Consultant, provided pursuant to Subparagraph 5.1, are wholly or partially inaccurate, or in the event that the Consultant is not in compliance with any term or condition of this Project Agreement, the Town may withhold payment of sums then or in the future otherwise due to the Consultant until the inaccuracy, or other breach of Project Agreement, and the cause thereof, is corrected to the Owner's reasonable satisfaction.

5.4 Retainage. The Town reserves the right to withhold retainage in the amount of ten percent (10%) of any payment due to the Consultant until the project is completed. Said retainage may be withheld at the sole discretion of the Town and as security for the successful completion of the Consultant's duties and responsibilities under the Project Agreement.

5.5 Final Payment. Submission to the Consultant's invoice for final payment and reimbursement shall constitute the Consultant's representation to the Town that, upon receipt from the Town of the amount invoiced, all obligations of the Consultant to others, including its consultants, incurred in connection with the Project, shall be paid in full. The Consultant shall deliver to the Town all documents requested by the Town evidencing payments to any and all subcontractors, and all final specifications, plans, or other documents as dictated in the Scope of Services and Deliverable. Acceptance of final payment shall constitute a waiver of all claims against the Town by the Consultant.

## SECTION 6. TERMINATION/SUSPENSION

6.1 For Cause. This Agreement may be terminated by either party upon five (5) calendar days written notice to the other should such other party fail substantially to perform in accordance with its material terms through no fault of the party initiating the termination. In the event that Consultant abandons this Agreement or causes it to be terminated by the Town, the Consultant shall indemnify the Town against any loss pertaining to this termination. In the event that the Consultant is terminated by the Town for cause and it is subsequently determined by a court by a court of competent jurisdiction that such termination was without cause, such termination shall thereupon be deemed a termination for convenience under Section 6.2 and the provision of Section 6.2 shall apply.

6.2 For Convenience. This Agreement may be terminated by the Town for convenience upon fourteen (14) calendar days' written notice to the Consultant. In the event of such termination a termination, the Consultant shall incur no further obligations in connections with the Project and shall, to the extent possible terminate any outstanding subconsultant obligation. The Consultant shall be compensated for all services performed to the satisfaction of the Town and reimbursable expenses incurred prior the date of termination. In such event, the Consultant shall promptly submit to the Town its invoice for final payment and reimbursement which invoice shall comply with the provisions of Section 5.1. Under no circumstances shall the Town make payment of profit to the Consultant for services which have not been performed.

6.3 Assignment upon Termination. Upon termination of this Project Agreement, a copy of all work product of the Consultant shall become the property of the Town and the Consultant shall within ten (10) working days of receipt of written direction from the Town, transfer to either the Town or its authorized designee, a copy of all work product in its possession, including but not limited to designs, specifications, drawings, studies, reports and all other documents and data in the possession of the Consultant pertaining to this Project Agreement. Upon the Town's request, the Consultant shall additionally assign its rights, title and interest under any subcontractor's agreements to the Town.

6.4 Suspension for Convenience. The Town shall have the right at any time to direct the Consultant to suspend its performance, or any designated part thereof, for any reason whatsoever, or without reason, for a cumulative period of up to thirty (30) calendar days. If any such suspension is directed by the Town the Consultant shall immediately comply with same. In the event the Town directs a suspension of performance as provided herein, through no fault of the Consultant, the Town shall pay the Consultant as full compensation for such suspension the Consultant's reasonable cost, actually incurred and paid, of demobilization and remobilization.

[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGE FOLLOWS.]

**IN WITNESS WHEREOF**, the parties hereto have caused this Project Agreement to be executed the day and year as first stated above

**TOWN:**

ATTEST:

TOWN OF SURFSIDE, FLORIDA, a  
Florida Municipal Corporation

\_\_\_\_\_  
TOWN CLERK

By: \_\_\_\_\_  
Hector Gomez, Town Manager

Date: \_\_\_\_\_

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

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

**CONSULTANT:**

KIMLEY-HORN AND ASSOCIATES, INC.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

WITNESSES:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

**EXHIBIT “A”**

**PROJECT SCOPE OF SERVICES AND SCHEDULE AND  
PAYMENT SCHEDULE**

[TO BE INSERTED]





## MEMORANDUM

ITEM NO. 7A.

**To:** Honorable Mayor, Vice-Mayor and Members of the Town Commission  
**From:** Hector Gomez, Town Manager  
**Date:** June 13, 2023  
**Subject:** **Town Manager's Report**

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[June 2023 Town Manager's Report.pdf](#)



## TOWN MANAGER'S REPORT

JUNE 13, 2023

### I. TOWN DEPARTMENTS

#### *Building Department*

**A. Foundation work for the 96<sup>th</sup> Park main building substantially complete**

– The concrete auger-cast piles have been completed and the pile caps are now being formed up for pouring on June 12, 2023. The Building Permit for the Main Community Building has been issued and the project will go vertical with the construction of the main building after pile cap and grade beam completion.

**B. Building Permit issued to demolish the Surf House Condominium** – This demolition will preserve the Northwest corner of the building at ground level in order to retain existing setbacks on this corner lot. All components of the Construction Site Safety Ordinance have been and will be met for the duration of this demolition.

**C. Foundation Only permit for the new 12 story building formerly known as the Hillcrest has been issued** – The new modern 12 story structure, to be called Surf Club Residences North going forward, will now commence deep soil mixing and auger-cast pile installation.

**D. Building Department Permit and Inspection Numbers** – As of May 31, 2023, the department numbers, which are **(50% above last month's numbers)** are as follows:

- Building Permits issued - 130
- Inspections performed - 247
- Lien search - 12
- TCOs/COs issued – 3

#### *Code Compliance Division*

**A.** As of May 31, 2023, the total number of open cases being managed is 179. Of these cases, 66 are actively working towards compliance; 17 cases are on-hold; 14 cases are in the Special Master hearing queue; 14 cases are in post-hearing status; 20 code cases have been issued liens and remain unpaid; 48 code cases have service liens and

remain unpaid. All properties with unpaid liens are sent reminder letters to contact us to reach a resolution. The Code Compliance staff has conducted an approximate of 171 inspections from April 25, 2023, to May 31, 2023.

**B.** The Division presented ten cases to the Special Magistrate on Wednesday Ma 17, 2023.

**C.** Collected Civil Penalty Fines – Unresolved 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, reach a settlement agreement with the Town, or request a Mitigation of Fines Hearing.

The following is a summary by fiscal year of the fine amounts collected by the Town:

- FY 23: As of May 31, 2023, 56 cases have paid/settle for a total monetary collection of \$ 30,255.70.
- FY 22: 98 cases paid/settle for a total monetary collection of \$95,201.54.
- FY 21: 86 cases paid/settled for a total collection of \$39,464.

**D.** The Code Compliance Division has assisted the Finance Department by conducting 19 Code lien searches from April 22, 2023 to May 31, 2023.

**E.** The Code Compliance Division continues to assist the Town Clerk's Office with public records requests.

### ***Community Services/Tourism & Public Communications Department***

**A. Second Surfside Remembrance Event** – Tourism and Communications is taking the lead on logistical planning and liaising with a number of different vendors for the upcoming remembrance event. The Team is coordinating tents, stage and seating as well as flower arrangements and messaging. The team is also updating and preparing creative assets including street banners, signage, site map, program and more. Additionally, the Team coordinated the pick-up of the Wall of Hope memorial items from HistoryMiami Museum with the assistance of Public Works and has gone through all of the boxes to identify what is usable for the event-day exhibition which the team is also helping with.

**B. Town Website Refresh** – Tourism and Communications and the CGA web team have been working on the refreshed Town website project. Department homepages are in the finishing stages after the team created custom graphics for each in order to create a more welcoming and visual user experience. The Team is meeting with various departments to comb through their respective sections and will soon be reviewing with the Town Manager with the hopes of launching later this month.

**C. Tourist Board Special Events Consultant** – Tourism and Communications has released the RFP for the Tourist Board's Special Events Consultant. The position will handle smaller scale and pop-up events for the Board that will be a part of the expanding special events lineup.

**D. Summer Sundays Season Starts** – With the closing of the block party season, the Tourist Board will now turn its attention to the signature summer event, Summer Sundays (formerly First Fridays). Moved to Sundays in order to attract more visitors, the event features a pop-up beach club, kids' activities, live music, snacks, drinks & more!

**E. Resident Brochure** – Tourism and Communications is working on a resident brochure that will include an overview of all Town Hall services and information on Surfside's parks and facilities. Target release date is next month, July.

**F. Town Social Media** – Tourism and Communications has been promoting the Town's new social media accounts and coordinating content. So far, 25 posts have been added featuring content from a variety of departments. Instagram is currently the most followed platform with 340 followers.

### ***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. Fraternal Order of Police (FOP)** – The Town administration held Two Executive Sessions with the Town Commission. A collective bargaining meeting was scheduled for June 1, 2023.

**B. Positions Filled** – Code Compliance Officer I, Building Permit Clerk III, and Recreation Leader I (PT).

**C. Interviews** – Interviews for Certified Police Officer, Communications Operator, Lifeguard PT / Seasonal, and Recreation Leader I, were conducted.

**D. Risk Management** – Submitted claims, responded to adjuster questions, and coordinated appraisal regarding to damaged Town property and Town liability related claims.

**E. Background/Offer/New Hire Orientation** – Prepared offer of employment letters. Conducted/coordinated background investigations, pre-employment physicals, and psychological evaluations when applicable. Facilitated, the employment orientation for new hires, and conducted level 2 background screening (AHCA) of Parks and Recreation new hires and program instructors.

**F. EEOC Complaints** – Awaiting on response from EEOC with regards to complaint filed by former employee, Malarie Dauginikas.

**G. Workers Comp** – Provided assistance to staff, responded to adjuster's questions and FLC's attorney regarding workers comp matters.

**H. Safety and Wellness Initiatives** – The Staff Health and Wellness Fair was held on June 8, 2023. Provided staff with information regarding weekly webinars and classes for mental health support, nutrition, fitness, support groups, community health initiatives and exercise classes.

### ***Finance Department***

Monthly Budget to Actual Summary as of April 30, 2023 – *Attachment "A"*

### ***Parks and Recreation Department***

**A. Facilities/Hours of operation** – Parks and Recreation (P&R) continues to assist in the oversight of construction of 96<sup>th</sup> Street Park. P&R is overseeing the following facilities: The Community Center, the Beach Lifeguard Tower, Hawthorne Tot Lot, and the Dog Park. The Tennis Center continues to operate with court reservations during prime hours. Hours for the pickleball programming have been adjusted after staff reviewed the usage. Hours have been adjusted to maximize tennis and pickleball 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. Pool hours are from 7:00 a.m. 8:00 p.m. for month of June and the Lifeguard Tower form 9:00 a.m. - 6:00 p.m.

**B. Hawthorne Tot Lot update** – The park is now in full open operations. The re-opening ceremony held on Sunday, May 21, 2023. The new Hawthorne Tot Lot plaque was revealed during the ceremony.

**C. Beach End Fitness Equipment Installation** – The fitness equipment is completed and to date has been a very popular addition to the beach hard pack.

**D. After Care Program Update** – Staff is in weekly communication with the YMCA and Summer Camp registration is in full swing. The YMCA held a meet and greet for all parents on Thursday May 18, 2023. This was a very productive meeting for parents and staff with a very good turnout. Summer Camp will begin June 12, 2023.

**E. Programming** – Spring programming session has ended. Staff continues to look for ways to enhance programming and ensure the needs of the community are met.

**F. Events** – Hawthorne Tot Lot re-opening ceremony was very popular. Was held on Sunday May 21. Memorial Day Ceremony was held on May 29. One of the larger crowds for this event. The Mayor was the MC and the 2nd infantry was again a popular part of this event.

**G. Beach Chair Service** – Beach Chair Service continues to be very popular with Surfside residents. Beach Time Max has been outstanding during the startup of the program. We continue to receive overwhelming positive feedback on the vendor and the program. The service continues to operate as scheduled. The hours have been expanded for the Month of June to 6pm.

**H. Tennis Center Recreation Facility** – The Recreation and Fitness Center is in the design phase. The design concept was present to the Parks and Recreation Committee during the May 15, P&R Committee meeting. There was also public outreach during this meeting. The Architectural firm was on hand and did a Power Point presentation to the Committee and public. Public input was received and will be reviewed for future design and equipment options. The overall feedback was very positive from the residents in attendance.

### ***Planning Department***

Development Application Process (2012 – Present) – *Attachment "B"*

### ***Police Department***

#### **A. Police Department Statistics (May 1 – May 24, 2023)**

- Traffic Citations – 379
- Parking Citations – 526
- Arrests – 8
- Dispatch Events – 1,087
- Incident/Crime Reports – 55

#### **B. Click It or Ticket Campaign**

Seat belts have been proven to be one of the best ways to save your life in a crash. Yet, many still don't buckle up. Worse still, not wearing a seat belt is a habit that will pass on to impressionable youth who, in turn, will think it is safe to not buckle up. The Click It or Ticket campaign focuses on safety education, strong laws, and law enforcement support to save lives.

The National Seat Belt Enforcement Mobilization media campaign began on May 15, 2023 and runs through June 4, 2023. The national seat belt enforcement mobilization

began on May 22, 2023. The Police Department is once again participating in this significant event.

**C. Police Events/Community Outreach**

- The Police Department will host an Active Shooter and Hurricane Season Presentation training for all civilian employees on June 6<sup>th</sup> and 7<sup>th</sup>, 2023 in the Commission Chambers. The training will be taught by Captain Antonio Marciante and Sergeant Jay Matelis.
- Sergeant Alejandro Lorente and Sergeant Jay Matelis will attend the FBI Executive Leadership Course in Fort Lauderdale from June 12<sup>th</sup> to June 16<sup>th</sup>, 2023.
- The Surfside Police Department will host three community blood drives on June 14, June 25 and June 28, 2023 from 11:00 a.m. – 4:30 p.m. in the Town Hall municipal parking lot.
- Sergeant Marian Cruz will graduate from the University of Louisville Southern Police Institute Command Officers Development Course on June 23, 2023.
- The Town will host two Remembrance Ceremonies for the 2<sup>nd</sup> Anniversary of the Champlain Towers South Building collapse on June 24, 2023. The first memorial will take place at the actual time of the collapse and the second ceremony will begin at 10:00 a.m. The Police Department will assist security at both memorials.
- The monthly Coffee with the Cops – June 29, 2023 at 10:00 a.m. at Starbucks.

**II. SEE CLICK FIX REPORT**

Requests filtered by request category that have been created 05/01/2023 - 05/31/2023

Request Category	Created in period	Closed in period	Average days to close
Code Compliance (Violation)	1	1	0.6
Dog Stations (P & R)	0	0	
Drainage/Flooding (PW)	0	0	
Graffiti (PW)	1	0	
Hawthorne Tot-Lot (P & R)	2	2	2
Other	1	0	
Police (Safety Concern)	3	3	1.4
Solid Waste (Residential) (PW)	0	0	
Street lights (PW)	0	0	
Beach Patrol	0	0	
Parking Issue	2	2	3
Construction Issues	1	1	2

**III. TOWN PROJECTS**

Projects Detail Sheets – *Attachment "C"*

Respectfully submitted by:

A handwritten signature in black ink, appearing to read 'Hector Gomez', with a small mark resembling the number '46' at the end of the signature.

---

Hector Gomez, Town Manager



**TOWN OF SURFSIDE, FLORIDA**  
**MONTHLY BUDGET TO ACTUAL SUMMARY**  
**FISCAL YEAR 2023**  
**As of APRIL 30, 2023**  
**58% OF YEAR EXPIRED (BENCHMARK)**

Page

1 of 3

GOVERNMENTAL FUNDS	ACTUAL	ANNUAL BUDGET	% BUDGET
<b>GENERAL FUND - 001</b>			
REVENUE	\$ 16,231,197	\$21,293,192	76%
EXPENDITURES	14,580,369	\$21,293,192	68%
Net Change in Fund Balance	1,650,828		
Fund Balance-September 30, 2022 (Unaudited)	15,743,982		
Fund Balance-April 30, 2023 (Reserves)	<u>\$ 17,394,810</u>		
			<b>A</b>
			<b>B</b>
<b>TOURIST RESORT FUND - 102</b>			
REVENUE	\$ 3,672,521	\$6,857,455	54%
EXPENDITURES	3,052,976	\$6,857,455	45%
Net Change in Fund Balance	\$ 619,545		
Fund Balance-September 30, 2022 (Unaudited)	6,340,662		
Fund Balance-April 30, 2023 (Reserves)	<u>\$ 6,960,207</u>		
			<b>C</b>
			<b>D</b>
<b>POLICE FORFEITURE FUND - 105</b>			
REVENUE	\$ -	\$48,400	0%
EXPENDITURES	\$ 3,423	\$48,400	7%
Net Change in Fund Balance	\$ (3,423)		
Fund Balance-September 30, 2022 (Unaudited)	172,082		
Fund Balance-April 30, 2023 (Reserves)	<u>\$ 168,659</u>		
<b>TRANSPORTATION SURTAX FUND - 107</b>			
REVENUE	\$ 153,858	\$528,356	29%
EXPENDITURES	\$ 359,114	\$528,356	68%
Net Change in Fund Balance	(205,256)		
Fund Balance-September 30, 2022 (Unaudited)	409,259		
Fund Balance-April 30, 2023 (Reserves)	<u>\$ 204,003</u>		
<b>BUILDING FUND - 150</b>			
REVENUE	\$ 677,045	\$1,673,327	40%
EXPENDITURES	1,157,280	\$1,673,327	69%
Net Change in Fund Balance	(480,235)		
Fund Balance-September 30, 2022 (Unaudited)	3,079,893		
Fund Balance-April 30, 2023 (Reserves)	<u>\$ 2,599,658</u>		
<b>CAPITAL PROJECTS FUND - 301</b>			
REVENUE	\$ 5,933,514	\$18,087,627	33%
EXPENDITURES	10,700,786	\$18,087,627	59%
Net Change in Fund Balance	(4,767,272)		
Fund Balance-September 30, 2022 (Unaudited)	12,354,395		
Fund Balance-April 30, 2023 (Reserves)	<u>\$ 7,587,123</u>		

**NOTES:**

1) Many revenues for April 2023 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** The total unaudited balance of \$15,743,982 includes \$7,704,488 committed for operations & maintenance, hurricane/natural disaster, budget stabilization and capital. The balance of \$8,039,494 is unassigned fund balance (reserves).

**B** Includes \$8,721,494 committed for operations & maintenance, hurricane/natural disaster, budget stabilization, and capital. The balance of \$8,673,316 is unassigned fund balance (reserves).

**C** The total unaudited balance of \$6,340,662 includes \$720,285 committed for hurricane/natural disaster, budget stabilization, and capital. The balance of \$5,620,377 is unassigned fund balance (reserves).

**D** Includes \$849,846 committed for hurricane/natural disaster, budget stabilization, and capital. The balance of \$6,110,361 is unassigned fund balance (reserves).

PROPRIETARY FUNDS	ACTUAL	ANNUAL BUDGET	% BUDGET
<b>WATER &amp; SEWER FUND - 401</b>			
REVENUE	\$ 2,567,705	\$5,131,739	50%
EXPENDITURES	2,304,663	\$5,131,739	45%
Change in Net Position	263,042		
Unrestricted Net Position-September 30, 2022 (Unaudited)	(944,589)		
Unrestricted Net Position-April 30, 2023 (Reserves)	\$ (681,547)		
<b>MUNICIPAL PARKING FUND - 402</b>			
REVENUE	\$ 1,168,754	\$1,616,544	72%
EXPENDITURES	780,595	\$1,616,544	48%
Change in Net Position	388,159		
Unrestricted Net Position-September 30, 2022 (Unaudited)	2,292,492		
Unrestricted Net Position-April 30, 2023 (Reserves)	\$ 2,680,651		
<b>SOLID WASTE FUND - 403</b>			
REVENUE	\$ 1,233,889	\$1,910,784	65%
EXPENDITURES	1,186,376	\$1,910,784	62%
Change in Net Position	47,513		
Unrestricted Net Position-September 30, 2022 (Unaudited)	(192,856)		
Unrestricted Net Position-April 30, 2023 (Reserves)	\$ (145,343)		
<b>STORMWATER FUND - 404</b>			
REVENUE	\$ 568,673	\$5,250,749	11%
EXPENDITURES	820,365	\$5,250,749	16%
Change in Net Position	(251,692)		
Unrestricted Net Position-September 30, 2022 (Unaudited)	2,992,167		
Unrestricted Net Position-April 30, 2023 (Reserves)	\$ 2,740,475		
<b>FLEET MANAGEMENT FUND - 501</b>			
REVENUE	\$ 1,174,639	\$1,525,537	77%
EXPENDITURES	1,334,787	\$1,525,537	87%
Change in Net Position	(160,148)		
Unrestricted Net Position-September 30, 2022 (Unaudited)	1,349,421		
Unrestricted Net Position-April 30, 2023 (Reserves)	\$ 1,189,273		

*Andria Meiri*

Andria Meiri, Budget Officer

*Hector Gomez*

Hector Gomez, Town Manager

**Town of Surfside**  
**Net Funds Historical Balances**  
**Period 2019 - April 2023**

FUND	9/30/2019	9/30/2020	9/30/2021	9/30/2022	4/30/2023	CAGR <sup>(a)</sup>
General	\$ 14,984,105	\$ 18,286,748	\$ 21,091,150	\$ 15,743,982	\$ 17,394,810	1.7%
Tourist Resort	1,640,525	2,109,658	4,264,457	6,340,662	6,960,207	56.9%
Police Forfeiture	105,725	168,289	221,034	172,082	168,659	17.6%
Transportation Surtax	328,377	442,856	569,453	409,259	204,003	7.6%
Building	2,563,517	1,991,388	1,904,548	3,079,893	2,599,658	6.3%
Capital Projects	3,048,582	4,899,128	5,894,823	12,354,395	7,587,123	59.4%
Water & Sewer	(2,367,098)	(1,733,610)	(1,389,877)	(944,589)	(681,547)	35.8%
Municipal Parking	1,198,948	1,293,993	1,657,883	2,292,492	2,680,651	24.1%
Solid Waste	641,636	219,615	(271,836)	(192,856)	(145,343)	-167.0%
Stormwater	3,200,132	3,205,050	3,581,622	2,992,167	2,740,475	-2.2%
Fleet Management	585,363	825,468	1,091,020	1,349,421	1,189,273	32.1%
<b>Total</b>	<b>\$ 25,929,812</b>	<b>\$ 31,708,583</b>	<b>\$ 38,614,277</b>	<b>\$ 43,596,908</b>	<b>\$ 40,697,969</b>	<b>11.9%</b>

(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.

Last updated on 5/31/2023

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	<b>DRG</b> - 7/31/2012, 8/23/12, site plan amendment: 5/16/16, 8/4/16, 3/9/17, 5/11/17 <b>P&amp;Z</b> - Original site plan: 9/27/12, site plan amendment: 8/31/17 <b>TC</b> - Original site plan: 10/15/12, site plan amendment: 10/10/17 <b>Site Plan Ext</b> -	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. Awaiting CO
7/20/2012 9450 Collins Ave	The Shul - New multiuse glass atrium and adjoining learning center (3 stories)	<b>DRG</b> - 2/11/13, 3/27/13, 7/9/13 <b>P&amp;Z</b> - 2/27/14 <b>TC</b> - 10/28/14 <b>Site Plan Ext</b> -	3 story expansion of 8,558.9 square feet		None	None	14-509	Issued	Work is well underway as permitted in three phases: Phase I is the new school which is currently substantially complete and operating with a TCO as Phase I. Phase II is the multi-use glass atrium. Phase III is the remodel of the old section of the building.
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	<b>DRG</b> - 9/4/15, 3/9/17, 9/17/17, 2/9/21 <b>P&amp;Z</b> - 12/7/17, 2/11/21, 4/29/21 <b>TC</b> - 2/13/2018, 4/13/21, 6/8/21 Scheduled <b>Site Plan Ext</b> - 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	Permit Issued	Construction of new 12 story condominium is fully underway. Currently pouring upper levels of structure.
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	<b>DRG</b> - Original submittal: 3/10/16, 4/27/16 Revised submittal: 6/27/18, 8/28/18, 11/1/18 <b>P&amp;Z</b> - Original approval: 7/18/16, Revised approval: 11/29/18 <b>TC</b> - Original approval: 11/10/16, Approved 2/26/19 <b>Site Plan Ext</b> - Request submitted to extend approval due to emergency declaration (Hurri. Dorian). Additional COVID and TS Elsa extensions - Permit Due Date 2/4/24. <b>New Request</b> submitted to extend approval due to emergency declarations Hurricane Ian and Subtropical Storm Nicole) - <b>New Permit Due Date to 5/28/25</b>	250 units	Request is for 205 units	None	None	21-1412BC	Foundation-Only Permit ready to issue.	Foundation Only permit application has been reviewed and approved for issuance (after extensive reviews to confirm compliance with the Site Plan Approval). Permit issuance awaits selection of a G.C. by Eden South LLC. 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. Foundation permit applied for.
5/4/2016 8955 Collins Ave	Residential Condominiums	<b>DRG</b> - 6/20/16, 7/27/16 <b>P&amp;Z</b> - 10/27/16 11/10/16 <b>TC</b> - 11/10/2016 <b>Site Plan Ext</b> -	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.	<b>DRG</b> - 8/23/22 <b>P&amp;Z</b> - 8/25/22 <b>TC</b> - 11/29/22			None	None		Applied for on-site management trailer	DRG agreed to send to Planning and Zoning Board. P&Z recommended approval to the Town Commission. Approved at the 11/29/22 Town Commission Meeting. Some clearing of landscaping April 2023.

**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	
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 <b>Sec. 90-33(3)</b> of the Town Code.	DRG - 6/19/17, 8/24/17, 9/28/17, May 2022 P&Z - 2/22/18, 4/26/18, 5/31/18, 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. <b>Site Plan Amendment -</b> Density Reduction from 34 to 19 Units Other interior, exterior and construction revisions.	None	Demo permit (retaining NW corner) applied for and issued; Applied for Temp. Const. Fencing; No Building Permit applied for yet. Revising Landscaping Plan and driveway.	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. Pool and pool deck may remain in historic location with repairs as necessary due to the Architecturally Significant status of the site.	
Original Submittal: 1/06/2015 Revised submittals: 8/03/2016, 12/23/2016, 03/09/2018, 10/29/2018 9/25/2020 8851 Harding Avenue	18 multi-family units	DRG - 01/22/15, 08/18/16, 01/23/17, 03/23/18, 11/29/2018 Meeting Pending, 2/25/21 P&Z - 01/31/19 P&Z recommended approval (Requires P&Z Reconsider) 2/25/21 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 ; after 5/26/23 the site plan is null and void since no permit has been applied for.	Site Plan Approval 5/26/21; Per Sec. 90-20.3 after 24 months from the date the final site plan is approved a building permit for a principal building has not been issued and remains in effect, the site plan shall be null and void.	
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	Complete	Construction of ramp complete	
1/7/2020 8926 Collins Avenue	Arte request to have FPL vault encroach into landscape buffer.	DRG - N/A P&Z - 1/30/20 TC - 2/11/20 Site Plan Ext -			Landscape buffer	Approved	Complete	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 spreadsheet.	
11/18/2021 9165 Collins Ave (formerly the Hillcrest now Surfclub Residences North	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	None	Demolition of Hillcrest is complete. Applied for Foundation-Only Permit.	DRG recommended 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. TC approved Site Plan on 4-12-22. Foundation-Only permit under review by staff.	
4/27/2022 8809 Harding Avenue	Site Plan Application for 8 Townhouse Units	DRG - September 27th 2022 P&Z - September 29, 2022 TC - Set for 11/29/22	33 Units	Proposing 8 units	None. Preliminary review comments were prepared at the request of the Applicant. Actual Site Plan submission for September 29th P & Z.		Applied for permit 1/27/23, under review at present. Unity of Title and ROW Dedication to be finalized. FPL transformer location identified, no variance needed.	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. Resubmission for 9/29/22 P & Z with DRG on 9/27/22. P&Z approved site plans with addition of street trees. Met with Development team on 10/27/22. Town Commission approved at 11/29/22 TC meeting.	
10/1/2016, 5/6/21, 9/1/22 9116 Harding Ave (AKA 303 Surfside Blvd.)	303 Surfside - 4 Townhouses (2018) 303 Surfside - 6 Townhouses (2021) and (2022)	DRG - 11/2/16, 2/7/17, 5/18/17, 6/21 TBD P&Z - 6/27/18, 6/21, 10/27/22 TC - 4/14/2018 New approval 2/14/23 Site Plan Ext -	6 units Due to 15% reduction for aggregation	6 units	None	None	Has not applied for permit yet	Submitted plans on 9/1/22 and were reviewed at the P&Z on 12/15/22 with a DRG held on 10/17/22. Concerns with density at the site; pulled from 10/27/22 P&Z agenda. Density issues resolved 11/28/22, 6 units allowed. Approved at 12/15/22 P&Z. Approved by TC on February 14th, 2023.	
12/15/22 9100 Collins - Market Hall	Part of Surf Club complex - Office space for hotel staff, office/business center for hotel guests, market hall (cafe and market), underground parking and roof top tennis court	DRG - 10/17/22 P&Z - 12/15/22 TC - 2/14/2023	68 units	No residential	None	None	Has not applied for permit yet	Approved by P&Z at 12/15/22 meeting. Approved by TC on February 14th, 2023	
8/29/22 200 96th Street	Surf Harbor, LLC. Proposed 3 story Office Building with at grade parking garage. Application for new construction of a 3-story office bldg. including parking garage at grade and roof deck (15,790 SF of office space)	DRG - TBD P&Z - TBD TC - TBD On-hold as office is not an allowable use under the Comp Plan. Project would need ability to use the Parking Trust Fund			Will require Zoning Change			Application, plans and check submitted for 3 story Office Building. Proposed plans require possible Land Use Plan Amendment and rezoning. Site will need access to the Parking Trust Fund to comply with parking requirements. Discussions underway to determine needed activities in order to process application. Lawyers discussed plans with Mayor, Commissioner and Town Staff. Aim to seek Zoning change.	



**Downtown Walkability Improvements**



**Current Project Phase**

Design phase

**Project Contact Information**

Department	Planning
Director	Judith Frankel
Engineer of Record	Marlin Engineering, Inc.
Architect of Record	N/A

**Funding**

<i>Total Study Cost</i>	\$50,000
<i>Design and Implementation strategy cost*</i>	\$120,000

*\* Approved by Resolution at Dec. 13th Town Commission meeting*

**Scope**

The 2 blocks of Harding Avenue from 94<sup>th</sup> Street to 96<sup>th</sup> Street provide the entrance to the Town for those arriving from the north. It is also the commercial hub for residents and is visited by vehicles, pedestrians and bicyclists. The corridor carries through traffic traveling south along busy A1A. An evaluation of the feasibility of providing wider sidewalks in this section of Harding Avenue to support safety, provide a more walkable experience for shoppers and slow vehicle speeds has been conducted. Marlin Engineering presented findings to the Town Commission in September 2022. The second phase will be designing and procurement for the alternative chosen by the Commission.

**Project Timeline**

	<u>Phase Start</u>	<u>Phase End</u>
<i>Notice to Proceed</i>	<i>January 2022</i>	<i>January 1, 2022</i>
<i>Planning Study</i>	<i>January 2022</i>	<i>September 2022</i>
<i>Design Phase *</i>	<i>December 2022</i>	<i>July 2023</i>
<i>Permitting and Implementation*</i>	<i>May 2023</i>	<i>September 2023</i>
<i>Results review and planning*</i>	<i>July 2023</i>	<i>September 2023</i>

**Project Update**

The Study included a literature review, data collection, existing conditions analysis, public outreach and 3 alternatives. Video cameras monitored pedestrian, bicyclists and vehicles in the downtown during peak season. Parking occupancy counts were collected for weekday and weekend conditions. Surveys collected from 162 public and 18 businesses. At the November, 2022 Town Commission meeting, Alternative 1 was chosen from three improvement alternatives that were presented. Alternative 1 installs aesthetically designed crosswalks and parklets along Harding Avenue. Funds for design and implementation strategy were approved by Resolution No. 2022-2956 at the December 13, 2022 Town Commission Meeting. The initial meeting with the Downtown Vision Advisory Committee DVAC was held on January 1 , 2023. The Committee was supportive of the proposal. They also asked that refinishing the sidewalks be included in the plan. The next DVAC meeting was held on June 6, 2023. An updated will be presented at the June Town Commission meeting. Refer to the attached schedule.

ID	Task Name	Duration	Start	Finish	Predecessors	Successors	Feb '23	Mar '23	Apr '23	May '23	Jun '23	Jul '23	Aug '23	Sep '23	Oct '23	Nov '23	Dec '23	Jan '24	Feb '24	Mar '24	Apr '24	May '24	Jun '24	Jul '24	Aug '24
1	Kickoff MEETING	1 day	Mon 4/10/23	Mon 4/10/23																					
2	<b>CONCEPT DEVELOPMENT PHASE</b>	<b>46 days</b>	<b>Fri 5/5/23</b>	<b>Fri 7/7/23</b>																					
3	PREPARE CONCEPT PLANS	16 days	Fri 5/5/23	Fri 5/26/23		6																			
4	<i>PUBLIC OUTREACH/ MEETING</i>	1 day	Tue 5/30/23	Tue 5/30/23		5FS+9 days																			
5	<i>MEETING WITH COMMISSION</i>	1 day	Tue 6/13/23	Tue 6/13/23	4FS+9 days	9FS+6 days																			
6	INITIAL UTILITY CONTACT (SEND PLANS TO UAOs)	5 days	Mon 5/29/23	Fri 6/2/23	3	7																			
7	RECEIVE UTILITY MARKUPS	25 days	Mon 6/5/23	Fri 7/7/23	6																				
8	<b>60% DESIGN PHASE</b>	<b>76 days</b>	<b>Thu 6/22/23</b>	<b>Thu 10/5/23</b>																					
9	PREPARE 60% ROADWAY PLANS	40 days	Thu 6/22/23	Wed 8/16/23	5FS+6 days	10																			
10	<i>MARLIN QA/QC REVIEW</i>	5 days	Thu 8/17/23	Wed 8/23/23	9	11																			
11	<b>SUBMIT 60% PLANS</b>	<b>1 day</b>	<b>Thu 8/24/23</b>	<b>Thu 8/24/23</b>	<b>10</b>	<b>12</b>																			
12	TOWN REVIEW 60% PLANS	10 days	Fri 8/25/23	Thu 9/7/23	11	13,18,15,16																			
13	RESPOND TO 60% COMMENTS	10 days	Fri 9/8/23	Thu 9/21/23	12	14																			
14	<i>PUBLIC OUTREACH/ MEETING</i>	1 day	Fri 9/22/23	Fri 9/22/23	13																				
15	PREPARE PERMIT APPLICATIONS (if needed)	20 days	Fri 9/8/23	Thu 10/5/23	12																				
16	<i>COORDINATION MEETING WITH FDOT</i>	<b>1 day</b>	<b>Fri 9/8/23</b>	<b>Fri 9/8/23</b>	12																				
17	<b>90% DESIGN PHASE</b>	<b>103 days</b>	<b>Fri 9/8/23</b>	<b>Tue 1/30/24</b>																					
18	PREPARE 90% PLANS	30 days	Fri 9/8/23	Thu 10/19/23	12	19																			
19	<i>MARLIN QA/QC 90% PLANS REVIEW</i>	5 days	Fri 10/20/23	Thu 10/26/23	18	20																			
20	<b>SUBMIT 90% PLANS</b>	<b>1 day</b>	<b>Fri 10/27/23</b>	<b>Fri 10/27/23</b>	<b>19</b>	<b>21</b>																			
21	TOWN REVIEW 90% PLANS	10 days	Mon 10/30/23	Fri 11/10/23	20	22																			
22	RESPOND TO 90% COMMENTS	10 days	Mon 11/13/23	Fri 11/24/23	21	24																			
23	<b>100% DESIGN PLANS</b>	<b>47 days</b>	<b>Mon 11/27/23</b>	<b>Tue 1/30/24</b>																					
24	<i>PREPARE 100% PLANS</i>	10 days	Mon 11/27/23	Fri 12/8/23	22	25																			
25	<i>MARLIN QA/QC 100% PLANS REVIEW</i>	5 days	Mon 12/11/23	Fri 12/15/23	24	26																			
26	<b>SUBMIT 100% PLANS</b>	<b>1 day</b>	<b>Mon 12/18/23</b>	<b>Mon 12/18/23</b>	<b>25</b>	<b>27</b>																			
27	<i>SUBMIT PLANS FOR FDOT PERMIT</i>	20 days	Tue 12/19/23	Mon 1/15/24	26	29																			
28	<b>FINAL SUBMITTAL</b>	<b>11 days</b>	<b>Tue 1/16/24</b>	<b>Tue 1/30/24</b>																					
29	<i>RESPOND TO FDOT COMMENTS &amp; FINALIZE PLANS</i>	10 days	Tue 1/16/24	Mon 1/29/24	27	30																			
30	<b>SUBMIT FINAL PLANS</b>	<b>1 day</b>	<b>Tue 1/30/24</b>	<b>Tue 1/30/24</b>	<b>29</b>																				

Task Summary Inactive Summary Manual Summary Rollup Finish-only Manual Progress ]  
Critical Task Inactive Task Manual Task Manual Summary Manual Progress ]  
Milestone Inactive Milestone Duration-only Start-only Manual Progress ]





## 96th Street Park

### Picture



### Current Project Phase

Construction phase

### Project Contact Information

Department	Public Works
Director	Randy Stokes
Architect of Record	Savino Miller Design
Project Management	300 Engineering
General Contractor	Lunacon Construction

### Funding

Contract Amount (contracted) *	, 44,20
Budget Approval Date	September 28, 2022
Commission Authorization to Expend Date	November 15, 2022

### Scope

The Town has finalized the design of 96<sup>th</sup> Street Park and is currently finalizing the permits required to commence the construction phase. RFP 2022-05 was advertised with bids received and evaluated.

The project is a full park re-development with a 2-story multi-use structure, an artificial turf field, and play ground area. A kayak launch component has also been incorporated.

### Project Timeline

Procurement and Selection  
Permitting  
Construction (est.)  
Commissioning (est.)

### Phase Start

August 2022  
March 2022  
January 2023  
January 2024

### Phase End

November 2022  
January 2023  
January 2024  
February 2024

### Project Update

Foundation work for the 96th Street Park main building substantially complete.



Activity ID	Activity Name	Original Duration	Start	Finish	Total Float	2023												2024	
						Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
<b>Surfside 96th Street Park Baseline Schedule_R5v1</b>						16-Jan-24													
<b>Milestone</b>						16-Jan-24													
<b>General Milestones</b>						16-Jan-24													
BL011000	Notice To Proceed (NTP Acquired)	0	17-Jan-23		0	◆ Notice To Proceed (NTP Acquired)													
BL011010	Site Mobilization	0	13-Feb-23		53	◆ Site Mobilization													
BL011050	Testing and Commissioning Start	0	02-Dec-23		45	◆ Testing and Commissioning Start													
BL011060	Apply for CO Inspection	0	15-Dec-23		0	◆ Apply for CO Inspection													
BL011062	Inspector on Site	0	16-Dec-23		0	◆ Inspector on Site													
BL011070	Substantial Completion	0		17-Dec-23	0	◆ Substantial Completion													
BL011080	Project Final Completion	0		16-Jan-24	0	◆ Project Final Completion													
<b>Client Milestones</b>						16-Jan-24													
BL011020	2-Storey building construction Start	0	14-Apr-23		278	◆ 2-Storey building construction Start													
BL011026	Landscaping Start	0	20-Jun-23		210	◆ Landscaping Start													
BL011039	Kayak Launch Start	0	23-Aug-23		146	◆ Kayak Launch Start													
BL011030	Playground Equipments Installation Start	0	12-Oct-23		96	◆ Playground Equipments Installation Start													
BL011040	Kayak Launch Complete	0		20-Oct-23	88	◆ Kayak Launch Complete													
BL011035	Playground Equipments Installation Complete	0		27-Nov-23	50	◆ Playground Equipments Installation Complete													
BL011025	2-Storey building construction Complete	0		15-Dec-23	32	◆ 2-Storey building construction Complete													
BL011027	Landscaping Complete	0		16-Jan-24	0	◆ Landscaping Complete													
<b>Work Summary</b>						16-Jan-24													
BL14710	Construction Day 1 to Substantial Completion	298	20-Feb-23	15-Dec-23	32	Construction Day 1 to Substantial Completion													
BL14720	Punchlist Duration	30	17-Dec-23	16-Jan-24	0	Punchlist Duration													
<b>Statutory Requirements/Permits</b>						05-Aug-23, Statutory Requirements/Permits													
BL15320	Submit and Acquire Trailer Permit	24	17-Jan-23	13-Feb-23	46	Submit and Acquire Trailer Permit													
BL15330	Submit and Acquire Demolition Permit	35	23-Jan-23	03-Mar-23	42	Submit and Acquire Demolition Permit													
BL15350	Submit and Acquire Master Building Permit	30	23-Jan-23	25-Feb-23	15	Submit and Acquire Master Building Permit													
BL15340	Submit and Acquire Perimeter Fence Permit	25	27-Jan-23	24-Feb-23	16	Submit and Acquire Perimeter Fence Permit													
BL15410	Submit and Acquire Foundation Permit	30	27-Feb-23	01-Apr-23	32	Submit and Acquire Foundation Permit													
BL15420	Submit and Acquire Window and Store front Permit	35	06-Apr-23	17-May-23	72	Submit and Acquire Window and Store front Permit													
BL15380	Submit and Acquire Plumbing Permit	32	06-May-23	14-Jun-23	97	Submit and Acquire Plumbing Permit													
BL15400	Submit and Acquire Roofing Permit	30	06-May-23	12-Jun-23	101	Submit and Acquire Roofing Permit													
BL15430	Submit and Acquire Elevator Permit	30	06-May-23	12-Jun-23	102	Submit and Acquire Elevator Permit													
BL15450	Submit and Acquire Fire Suppression Permit	32	26-May-23	06-Jul-23	80	Submit and Acquire Fire Suppression Permit													
BL15370	Submit and Acquire Electrical Permit	32	15-Jun-23	25-Jul-23	86	Submit and Acquire Electrical Permit													
BL15360	Submit and Acquire Kayak Launch Permit	22	26-Jun-23	21-Jul-23	44	Submit and Acquire Kayak Launch Permit													
BL15390	Submit and Acquire Mechanical Permit	24	26-Jun-23	24-Jul-23	60	Submit and Acquire Mechanical Permit													
BL15440	Submit and Acquire Fire Alarm Permit	35	26-Jun-23	05-Aug-23	79	Submit and Acquire Fire Alarm Permit													
BL15460	Submit and Acquire Doors Permit	15	26-Jun-23	13-Jul-23	87	Submit and Acquire Doors Permit													
<b>Engineering / Shop Drawings</b>						22-Jul-23, Engineering / Shop Drawings													
<b>Submittals</b>						05-Jul-23, Submittals													
<b>Land Development and Playground</b>						30-Jun-23, Land Development and Playground													
BL011180	Submit Shop drawings for Storm Drainage Works	5	16-Feb-23	21-Feb-23	46	Submit Shop drawings for Storm Drainage Works													
BL011190	Submit Shop drawings for Sewerage Works	5	27-Feb-23	03-Mar-23	50	Submit Shop drawings for Sewerage Works													
BL011200	Submit Shop drawings for Electrical Works	5	27-Feb-23	03-Mar-23	69	Submit Shop drawings for Electrical Works													
BL011090	Submit Shop drawings for Compact Fill and Grading Works	12	03-Mar-23	16-Mar-23	171	Submit Shop drawings for Compact Fill and Grading Works													
BL011210	Submit Shop drawings for Potable Water Works	5	03-Mar-23	08-Mar-23	78	Submit Shop drawings for Potable Water Works													
BL011110	Submit Shop drawings for Additional Trees	12	22-Mar-23	05-Apr-23	67	Submit Shop drawings for Additional Trees													
BL011150	Submit Shop drawings for Irrigation	12	25-Mar-23	08-Apr-23	108	Submit Shop drawings for Irrigation													
BL011120	Submit Shop drawings for Palm Trees	12	27-Mar-23	10-Apr-23	66	Submit Shop drawings for Palm Trees													
BL011230	Submit Shop drawings for Fence & Gate	12	01-Apr-23	15-Apr-23	164	Submit Shop drawings for Fence & Gate													
BL011100	Submit Shop drawings for Playground Equipment	21	26-Apr-23	20-May-23	0	Submit Shop drawings for Playground Equipment													

- █ Remaining Level of Effort
- █ Actual Level of Effort
- █ Actual Work
- █ Remaining Work
- █ Critical Remaining Work
- ◆ Milestone
- Summary

**Surfside 96th Street Park Baseline Schedule\_R5v1**



Activity ID	Activity Name	Original Duration	Start	Finish	Total Float	2023												2024				
						Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb			
BL011220	Submit Shop drawings for Basketball Court	12	06-May-23	20-May-23	112																	
BL011160	Submit Shop drawings for Pavements and Curbs	21	16-May-23	10-Jun-23	32																	
BL011140	Submit Shop drawings for SOD, Melch and others	21	31-May-23	26-Jun-23	93																	
BL011130	Submit Shop drawings for Shrubs and Grass Cover	21	05-Jun-23	30-Jun-23	83																	
BL011170	Submit Shop drawings for Rubberized Surface	21	05-Jun-23	30-Jun-23	59																	
<b>2-Storey Building Construction</b>		<b>116</b>	<b>17-Feb-23</b>	<b>05-Jul-23</b>	<b>110</b>																	
<b>Kayak Launch Docking Station</b>		<b>12</b>	<b>16-May-23</b>	<b>31-May-23</b>	<b>40</b>																	
BL011560	Submit Shop drawings for Kayak Launching Platform	12	16-May-23	31-May-23	16																	
BL011570	Submit Shop drawings for Ramp	12	16-May-23	31-May-23	40																	
BL011580	Submit Shop drawings for Floating Dock	12	16-May-23	31-May-23	32																	
<b>Review and Approval</b>		<b>127</b>	<b>22-Feb-23</b>	<b>22-Jul-23</b>	<b>107</b>																	
<b>Land Development and Playground</b>		<b>124</b>	<b>22-Feb-23</b>	<b>19-Jul-23</b>	<b>104</b>																	
BL11720	Client/AE Review and Approval for Storm Drainage Works	6	22-Feb-23	28-Feb-23	46																	
BL11730	Client/AE Review and Approval for Sewerage Works	6	04-Mar-23	10-Mar-23	50																	
BL11740	Client/AE Review and Approval for Electrical Works	6	04-Mar-23	10-Mar-23	69																	
BL11750	Client/AE Review and Approval for Potable Water Works	6	09-Mar-23	15-Mar-23	78																	
BL11630	Client/AE Review and Approval for Compact Fill and Grading Works	18	17-Mar-23	06-Apr-23	171																	
BL11650	Client/AE Review and Approval for Additional Trees	18	05-Apr-23	26-Apr-23	67																	
BL11690	Client/AE Review and Approval for Irrigation	18	08-Apr-23	29-Apr-23	108																	
BL11660	Client/AE Review and Approval for Palm Trees	15	10-Apr-23	27-Apr-23	66																	
BL11770	Client/AE Review and Approval for Fence & Gate	18	15-Apr-23	06-May-23	164																	
BL11760	Client/AE Review and Approval for Basketball Court	18	20-May-23	12-Jun-23	112																	
BL11640	Client/AE Review and Approval for Playground Equipment	6	20-May-23	27-May-23	0																	
BL11700	Client/AE Review and Approval for Pavements and Curbs	15	10-Jun-23	29-Jun-23	32																	
BL11680	Client/AE Review and Approval for SOD, Melch and others	18	26-Jun-23	18-Jul-23	93																	
BL11670	Client/AE Review and Approval for Shrubs and Grass Cover	15	30-Jun-23	19-Jul-23	83																	
BL11710	Client/AE Review and Approval for Rubberized Surface	15	30-Jun-23	19-Jul-23	59																	
<b>2-Storey Building Construction</b>		<b>119</b>	<b>03-Mar-23</b>	<b>22-Jul-23</b>	<b>107</b>																	
BL11780	Client/AE Review and Approval for Concrete - Slab & Beams	12	03-Mar-23	16-Mar-23	28																	
BL12040	Client/AE Review and Approval for Elevator	12	08-Mar-23	21-Mar-23	8																	
BL11790	Client/AE Review and Approval for Concrete - Columns & Shear Wa	18	13-Mar-23	01-Apr-23	16																	
BL11800	Client/AE Review and Approval for Concrete - Stairs	15	16-Mar-23	01-Apr-23	17																	
BL11880	Client/AE Review and Approval for Roof Thermal Moisture Protection	12	17-Mar-23	30-Mar-23	202																	
BL12060	Client/AE Review and Approval for Plumbing Works	12	20-Apr-23	04-May-23	30																	
BL12080	Client/AE Review and Approval for Electrical Works	18	20-Apr-23	11-May-23	10																	
BL11870	Client/AE Review and Approval for Cabinets and Countertops	18	25-Apr-23	16-May-23	146																	
BL11940	Client/AE Review and Approval for Aluminium Louvers	12	25-Apr-23	09-May-23	138																	
BL11970	Client/AE Review and Approval for Ceiling Works	12	25-Apr-23	09-May-23	102																	
BL12000	Client/AE Review and Approval for Interior Painting	12	25-Apr-23	09-May-23	97																	
BL12090	Client/AE Review and Approval for Fire Alarm Works	12	26-Apr-23	10-May-23	33																	
BL11840	Client/AE Review and Approval for Structural Metal Works	18	01-May-23	20-May-23	45																	
BL11920	Client/AE Review and Approval for Aluminium Windows and Storefr	18	01-May-23	20-May-23	67																	
BL11930	Client/AE Review and Approval for Glass Railing	18	01-May-23	20-May-23	124																	
BL12070	Client/AE Review and Approval for HVAC Works	12	05-May-23	19-May-23	10																	
BL11820	Client/AE Review and Approval for Architectural Concrete	15	06-May-23	24-May-23	89																	
BL11810	Client/AE Review and Approval for Concrete - Equipment Pads and	18	10-May-23	01-Jun-23	128																	
BL11960	Client/AE Review and Approval for Drywall Works	12	10-May-23	24-May-23	46																	
BL11980	Client/AE Review and Approval for Floor Finishes	12	10-May-23	24-May-23	86																	
BL11850	Client/AE Review and Approval for Embedded Metal Works	18	20-May-23	12-Jun-23	35																	
BL12010	Client/AE Review and Approval for Exterior Painting	18	20-May-23	12-Jun-23	47																	
BL12050	Client/AE Review and Approval for Fire Suppression Works	12	20-May-23	05-Jun-23	7																	
BL11890	Client/AE Review and Approval for Metal Frames and Doors	15	31-May-23	17-Jun-23	74																	

- █ Remaining Level of Effort
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### Surfside 96th Street Park Baseline Schedule\_R5v1



Activity ID	Activity Name	Original Duration	Start	Finish	Total Float	2023												2024				
						Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb			
BL11900	Client/AE Review and Approval for Wood Frames and Doors	18	31-May-23	22-Jun-23	89																	
BL11990	Client/AE Review and Approval for Wall Tiling Works	18	31-May-23	22-Jun-23	56																	
BL12030	Client/AE Review and Approval for Toilet Accessories	18	31-May-23	22-Jun-23	110																	
BL11910	Client/AE Review and Approval for Door Hardwares	12	05-Jun-23	20-Jun-23	131																	
BL11830	Client/AE Review and Approval for Masonry & Veneer Works	18	20-Jun-23	12-Jul-23	97																	
BL12020	Client/AE Review and Approval for Signages	12	30-Jun-23	15-Jul-23	90																	
BL11860	Client/AE Review and Approval for Misc. Metal Works	15	05-Jul-23	22-Jul-23	92																	
<b>Kayak Launch Docking Station</b>		<b>18</b>	<b>31-May-23</b>	<b>22-Jun-23</b>	<b>40</b>																	
BL12100	Client/AE Review and Approval for Kayak Launching Platform	18	31-May-23	22-Jun-23	16																	
BL12110	Client/AE Review and Approval for Ramp	18	31-May-23	22-Jun-23	40																	
BL12120	Client/AE Review and Approval for Floating Dock	18	31-May-23	22-Jun-23	32																	
<b>Procurement / Material Deliveries</b>		<b>174</b>	<b>01-Mar-23</b>	<b>23-Sep-23</b>	<b>87</b>																	
<b>Procurement and Purchase Orders</b>		<b>142</b>	<b>01-Mar-23</b>	<b>16-Aug-23</b>	<b>98</b>																	
<b>Land Development and Playground</b>		<b>130</b>	<b>01-Mar-23</b>	<b>02-Aug-23</b>	<b>104</b>																	
BL12260	Procurement of Materials and Purchase Order for Storm Drainage W	10	01-Mar-23	11-Mar-23	46																	
BL12270	Procurement of Materials and Purchase Order for Sewerage Works	10	11-Mar-23	22-Mar-23	50																	
BL12280	Procurement of Materials and Purchase Order for Electrical Works	10	11-Mar-23	22-Mar-23	69																	
BL12290	Procurement of Materials and Purchase Order for Potable Water Wo	10	16-Mar-23	27-Mar-23	78																	
BL12170	Procurement of Materials and Purchase Order for Compact Fill and (	12	07-Apr-23	20-Apr-23	171																	
BL12190	Procurement of Materials and Purchase Order for Additional Trees	12	26-Apr-23	10-May-23	67																	
BL12200	Procurement of Materials and Purchase Order for Palm Trees	12	27-Apr-23	11-May-23	66																	
BL12230	Procurement of Materials and Purchase Order for Irrigation	12	29-Apr-23	13-May-23	108																	
BL12310	Procurement of Materials and Purchase Order for Fence & Gate	12	06-May-23	20-May-23	164																	
BL12180	Procurement of Materials and Purchase Order for Playground Equip	32	27-May-23	07-Jul-23	0																	
BL12300	Procurement of Materials and Purchase Order for Basketball Court	12	12-Jun-23	27-Jun-23	112																	
BL12240	Procurement of Materials and Purchase Order for Pavements and C	12	29-Jun-23	14-Jul-23	32																	
BL12220	Procurement of Materials and Purchase Order for SOD, Melch and c	12	18-Jul-23	01-Aug-23	93																	
BL12210	Procurement of Materials and Purchase Order for Shrubs and Grass	12	19-Jul-23	02-Aug-23	83																	
BL12250	Procurement of Materials and Purchase Order for Rubberized Surfa	12	19-Jul-23	02-Aug-23	59																	
<b>2-Storey Building Construction</b>		<b>128</b>	<b>17-Mar-23</b>	<b>16-Aug-23</b>	<b>98</b>																	
BL12320	Procurement of Materials and Purchase Order for Concrete - Slab &	12	17-Mar-23	30-Mar-23	28																	
BL12580	Procurement of Materials and Purchase Order for Elevator	120	22-Mar-23	11-Aug-23	8																	
BL12420	Procurement of Materials and Purchase Order for Roof Thermal Moi	12	31-Mar-23	13-Apr-23	202																	
BL12330	Procurement of Materials and Purchase Order for Concrete - Colum	12	03-Apr-23	15-Apr-23	16																	
BL12340	Procurement of Materials and Purchase Order for Concrete - Stairs	12	03-Apr-23	15-Apr-23	17																	
BL12600	Procurement of Materials and Purchase Order for Plumbing Works	85	04-May-23	15-Aug-23	30																	
BL12480	Procurement of Materials and Purchase Order for Aluminium Louver	12	09-May-23	23-May-23	138																	
BL12510	Procurement of Materials and Purchase Order for Ceiling Works	12	09-May-23	23-May-23	102																	
BL12540	Procurement of Materials and Purchase Order for Interior Painting	12	09-May-23	23-May-23	97																	
BL12630	Procurement of Materials and Purchase Order for Fire Alarm Works	65	10-May-23	28-Jul-23	33																	
BL12620	Procurement of Materials and Purchase Order for Electrical Works	60	11-May-23	24-Jul-23	10																	
BL12410	Procurement of Materials and Purchase Order for Cabinets and Cou	12	16-May-23	31-May-23	146																	
BL12610	Procurement of Materials and Purchase Order for HVAC Works	65	19-May-23	07-Aug-23	10																	
BL12380	Procurement of Materials and Purchase Order for Structural Metal W	12	22-May-23	05-Jun-23	45																	
BL12460	Procurement of Materials and Purchase Order for Aluminium Window	12	22-May-23	05-Jun-23	67																	
BL12470	Procurement of Materials and Purchase Order for Glass Railing	12	22-May-23	05-Jun-23	124																	
BL12360	Procurement of Materials and Purchase Order for Architectural Conc	12	24-May-23	08-Jun-23	89																	
BL12500	Procurement of Materials and Purchase Order for Drywall Works	12	24-May-23	08-Jun-23	46																	
BL12520	Procurement of Materials and Purchase Order for Floor Finishes	12	24-May-23	08-Jun-23	86																	
BL12350	Procurement of Materials and Purchase Order for Concrete - Equipn	12	01-Jun-23	15-Jun-23	128																	
BL12590	Procurement of Materials and Purchase Order for Fire Suppression \	60	05-Jun-23	16-Aug-23	7																	
BL12390	Procurement of Materials and Purchase Order for Embedded Metal V	12	12-Jun-23	27-Jun-23	35																	

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**Surfside 96th Street Park Baseline Schedule\_R5v1**







Activity ID	Activity Name	Original Duration	Start	Finish	Total Float	2023												2024						
						Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb					
BL13110	Material Deliveries for Toilet Accessories	16	07-Jul-23	26-Jul-23	110																			
BL13160	Material Deliveries for Electrical Works	30	24-Jul-23	28-Aug-23	10																			
BL12910	Material Deliveries for Masonry & Veneer Works	31	26-Jul-23	31-Aug-23	97																			
BL13170	Material Deliveries for Fire Alarm Works	32	28-Jul-23	05-Sep-23	33																			
BL13100	Material Deliveries for Signages	21	29-Jul-23	23-Aug-23	90																			
BL12940	Material Deliveries for Misc. Metal Works	12	05-Aug-23	19-Aug-23	92																			
BL13150	Material Deliveries for HVAC Works	27	07-Aug-23	08-Sep-23	10																			
BL13120	Material Deliveries for Elevator (Long Lead Item)	35	12-Aug-23	22-Sep-23	8																			
BL13140	Material Deliveries for Plumbing Works	30	15-Aug-23	20-Sep-23	30																			
BL13130	Material Deliveries for Fire Suppression Works	32	16-Aug-23	23-Sep-23	7																			
<b>Kayak Launch Docking Station</b>		<b>65</b>	<b>07-Jul-23</b>	<b>22-Sep-23</b>	<b>32</b>																			
BL13180	Material Deliveries for Kayak Launching Platform	40	07-Jul-23	23-Aug-23	16																			
BL13190	Material Deliveries for Ramp	35	07-Jul-23	17-Aug-23	40																			
BL13200	Material Deliveries for Floating Dock	65	07-Jul-23	22-Sep-23	32																			
<b>Construction</b>		<b>359</b>	<b>23-Jan-23</b>	<b>16-Jan-24</b>	<b>0</b>																			
<b>Land development and Playground</b>		<b>359</b>	<b>23-Jan-23</b>	<b>16-Jan-24</b>	<b>0</b>																			
<b>Enabling Works</b>		<b>146</b>	<b>23-Jan-23</b>	<b>17-Jun-23</b>	<b>213</b>																			
<b>Demolition Works</b>		<b>24</b>	<b>14-Feb-23</b>	<b>13-Mar-23</b>	<b>42</b>																			
BL13210	Site Clearing	6	14-Feb-23	20-Feb-23	46																			
BL13220	Demolition of Existing Playground Equipments	7	04-Mar-23	11-Mar-23	43																			
BL13230	Demolition of Existing Building	8	04-Mar-23	13-Mar-23	42																			
BL13240	Demolition Works complete	0		13-Mar-23	42																			
<b>Tree Relocation and Disposition</b>		<b>107</b>	<b>23-Jan-23</b>	<b>09-May-23</b>	<b>0</b>																			
BL13250	Tree Protection Installation	23	23-Jan-23	17-Feb-23	0																			
BL13260	Root Pruning (Trees inside the perimeter of Bldg. foundation)	90	08-Feb-23	08-May-23	0																			
BL13270	Tree Relocation	1	08-May-23	09-May-23	0																			
<b>Earthworks</b>		<b>82</b>	<b>14-Mar-23</b>	<b>17-Jun-23</b>	<b>171</b>																			
BL14730	Layout and Staking	12	14-Mar-23	27-Mar-23	204																			
BL14740	Cut and Fill	13	05-May-23	19-May-23	171																			
BL14750	Subgrade bedding for Concrete Sidewalk and Vehicular Path	6	20-May-23	26-May-23	171																			
BL14760	Subgrade bedding for Playground Surface	4	27-May-23	01-Jun-23	171																			
BL14770	Limerock Base for Playground Surface	3	02-Jun-23	05-Jun-23	171																			
BL14780	Asphaltic Concrete,Curb, Sidewalk Restoration Works	11	06-Jun-23	17-Jun-23	171																			
<b>Underground Utilities</b>		<b>70</b>	<b>20-Mar-23</b>	<b>09-Jun-23</b>	<b>178</b>																			
<b>Storm Drainage Works</b>		<b>31</b>	<b>20-Mar-23</b>	<b>24-Apr-23</b>	<b>51</b>																			
BL13290	Excavation	8	20-Mar-23	28-Mar-23	46																			
BL13300	Bedding	2	29-Mar-23	30-Mar-23	46																			
BL13310	Storm Drainage Pipe Laying	3	31-Mar-23	03-Apr-23	46																			
BL13320	Catch Basin Installation	12	04-Apr-23	17-Apr-23	51																			
BL13330	Back Filling and Compaction	6	18-Apr-23	24-Apr-23	51																			
<b>Sewerage Works</b>		<b>28</b>	<b>04-Apr-23</b>	<b>05-May-23</b>	<b>107</b>																			
BL13340	Excavation	8	04-Apr-23	12-Apr-23	46																			
BL13350	Bedding	2	13-Apr-23	14-Apr-23	46																			
BL13360	Concrete Box Installation	9	15-Apr-23	25-Apr-23	46																			
BL13370	Pipe Laying	3	26-Apr-23	28-Apr-23	107																			
BL13380	Back Filling and Compaction	6	29-Apr-23	05-May-23	107																			
<b>Electrical Works</b>		<b>38</b>	<b>26-Apr-23</b>	<b>09-Jun-23</b>	<b>178</b>																			
BL13390	Trenching	6	26-Apr-23	02-May-23	46																			
BL13410	Conduit Installation	3	03-May-23	05-May-23	46																			
BL13420	Wire Pulling	4	06-May-23	10-May-23	46																			
BL13430	Backfilling and Compaction	6	11-May-23	17-May-23	97																			
BL13440	Foundation for Lighting Poles	11	18-May-23	31-May-23	178																			

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Activity ID	Activity Name	Original Duration	Start	Finish	Total Float	2023												2024				
						Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb			
BL13500	Lighth Poles Installation	8	01-Jun-23	09-Jun-23	178																	
<b>Potable Water Works</b>		25	11-May-23	09-Jun-23	178																	
BL13450	Trenching	5	11-May-23	16-May-23	46																	
BL13460	Water Line Installation	4	17-May-23	20-May-23	46																	
BL13470	Valves and fittings Installation	9	22-May-23	01-Jun-23	46																	
BL13480	Backfilling and Compaction	6	02-Jun-23	08-Jun-23	46																	
BL13490	Meters Installation	1	09-Jun-23	09-Jun-23	178																	
<b>Landscaping and Irrigation Works</b>		179	09-Jun-23	16-Jan-24	0																	
<b>Softscaping Works</b>		179	09-Jun-23	16-Jan-24	0																	
BL13510	Ground Levelling	9	09-Jun-23	20-Jun-23	46																	
BL13520	Additional Trees and Palms Installation	6	14-Aug-23	21-Aug-23	0																	
BL13530	Grass and Shrubs Installation	9	19-Dec-23	30-Dec-23	0																	
BL13540	Sand Dunes / Cordgrass Installation	10	30-Dec-23	12-Jan-24	0																	
BL13550	Mulch and Jute Mesh Installations	6	30-Dec-23	08-Jan-24	0																	
BL13560	Root Barriers and Aluminium Edges Installation	6	08-Jan-24	16-Jan-24	0																	
<b>Hardscaping Works</b>		97	21-Aug-23	19-Dec-23	12																	
<b>Multi Purpose Field / Rubberized Surface</b>		97	21-Aug-23	19-Dec-23	0																	
BL13570	Concrete Sidewalk - ROW	13	21-Aug-23	06-Sep-23	0																	
BL13580	Concrete Sidewalk - Vehicular Crossing	11	06-Sep-23	19-Sep-23	0																	
BL13590	Concrete w/ Shell Aggregate - Park Path	6	19-Sep-23	26-Sep-23	0																	
BL13600	Coquina Installation - Plaza and Kayak Path	6	26-Sep-23	03-Oct-23	61																	
BL13630	Concrete Kerb Installation	8	26-Sep-23	05-Oct-23	0																	
BL13610	Rubberized Surface Installation - Playground	7	27-Nov-23	05-Dec-23	0																	
BL13620	Wood Fiber Flooring at Exercise Equipments Installation	12	05-Dec-23	19-Dec-23	0																	
<b>Basketball Court</b>		22	21-Aug-23	16-Sep-23	87																	
BL13640	Ground Leveling	2	21-Aug-23	23-Aug-23	87																	
BL13650	Concrete Flooring Installation	6	23-Aug-23	30-Aug-23	87																	
BL13660	Basketball Goals and Painting Works	3	30-Aug-23	02-Sep-23	87																	
BL13670	Sports Netting Installation	2	30-Aug-23	01-Sep-23	90																	
BL13680	Water Mister Installation	1	02-Sep-23	05-Sep-23	87																	
BL13700	Lightning Detection Installation	2	02-Sep-23	06-Sep-23	87																	
BL13690	Drinking Fountain Installation	1	05-Sep-23	06-Sep-23	87																	
BL13710	Metal Picket Fence and Gates Installation	9	06-Sep-23	16-Sep-23	87																	
<b>Irrigation Works</b>		24	05-Oct-23	03-Nov-23	56																	
BL13720	Irrigation Line Layout	2	05-Oct-23	07-Oct-23	0																	
BL13730	Waterway and Pipe laying	3	07-Oct-23	12-Oct-23	0																	
BL13740	Sprinkler Heads Installation	3	20-Oct-23	24-Oct-23	39																	
BL13750	Device and Controls Installation	6	24-Oct-23	31-Oct-23	56																	
BL13760	Line Connection to Watersupply and ELVs	3	31-Oct-23	03-Nov-23	56																	
<b>Park Equipments and Site Furnitures Installation</b>		35	12-Oct-23	27-Nov-23	0																	
BL13770	Benches and Chairs Installation	4	12-Oct-23	17-Oct-23	0																	
BL13780	Tables Installation	3	17-Oct-23	20-Oct-23	0																	
BL13790	Bike Rack Installation	4	20-Oct-23	25-Oct-23	0																	
BL13800	Trash and Recycle Receptacle Installation	2	20-Oct-23	23-Oct-23	0																	
BL13810	Berliners Installation	14	23-Oct-23	08-Nov-23	0																	
BL13820	Playground Equipment Installation	12	08-Nov-23	27-Nov-23	0																	
BL13830	Fitness and Exercise Equipments Installation	6	08-Nov-23	16-Nov-23	6																	
<b>Community Building</b>		202	14-Apr-23	15-Dec-23	24																	
<b>Foundation</b>		172	14-Apr-23	06-Nov-23	54																	
BL13840	Layout and Staking	7	14-Apr-23	21-Apr-23	15																	
BL13850	Pile Driving	4	09-May-23	13-May-23	0																	
BL13855	Excavation and Pile Cap Installation	8	13-May-23	23-May-23	0																	

■ Remaining Level of Effort    ◆ Milestone  
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## Surfside 96th Street Park Baseline Schedule\_R5v1





Activity ID	Activity Name	Original Duration	Start	Finish	Total Float	2023												2024					
						Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb				
BL13856	Compaction	3	23-May-23	26-May-23	0						■												
BL13860	Formworks Installation for Slab on Grade	8	05-Oct-23	16-Oct-23	54																		
BL13870	Rebar Installation for Slab on Grade	10	16-Oct-23	27-Oct-23	54																		
BL13880	Cast-in-place for Slab on Grade	2	27-Oct-23	30-Oct-23	54																		
BL13890	Waterproofing/Bitumen Protection Application	3	02-Nov-23	06-Nov-23	54																		
<b>Structure</b>		<b>101</b>	<b>26-May-23</b>	<b>26-Sep-23</b>	<b>0</b>																		
BL13905	Scaffolding, Shoring and other preparatory works for Columns	3	26-May-23	31-May-23	0																		
BL13910	Rebar Installation for Columns, Stairs and Shearwalls (GF to 2nd Le	8	31-May-23	09-Jun-23	0																		
BL13920	Formworks Installation for Columns, Stairs and Shearwalls (GF to 2n	8	09-Jun-23	20-Jun-23	0																		
BL13930	Scaffolding and Shoring for 2nd Floor Slab	2	20-Jun-23	22-Jun-23	0																		
BL13940	Formworks Installation for Beam and Slab (2nd Level)	8	22-Jun-23	01-Jul-23	0																		
BL13950	Rebar Installation for Beam and Slab (2nd Level)	7	01-Jul-23	11-Jul-23	0																		
BL13960	Monolithic Cast-in-place for Coumns at Ground and Slab at 2nd Lev	1	11-Jul-23	12-Jul-23	0																		
BL13965	Scaffolding, Shoring and other preparatory works for Columns	2	20-Jul-23	22-Jul-23	0																		
BL13970	Rebar Installation for Columns, Stairs and Shearwalls (2nd Level to	8	22-Jul-23	01-Aug-23	0																		
BL13980	Formworks Installation for Columns, Stairs and Shearwalls (2nd Leve	7	01-Aug-23	09-Aug-23	0																		
BL13962	Start Shoring Removal for Ground Level	0	05-Aug-23		16																		
BL13985	Scaffolding and Shoring for Roof Slab	2	09-Aug-23	11-Aug-23	0																		
BL15260	Formworks Installation for Beam and Slab (Roof)	7	11-Aug-23	19-Aug-23	0																		
BL15270	Rebar Installation for Beam and Slab (Roof)	8	19-Aug-23	29-Aug-23	0																		
BL15275	Structural Metal Installation for Weight Bearing	7	22-Aug-23	30-Aug-23	0																		
BL15280	Monolithic Cast-in-place for Coumns at 2nd Level and Slab at Roof	1	30-Aug-23	31-Aug-23	0																		
BL15285	Start Shoring Removal for 2nd Level	0	26-Sep-23		0																		
<b>Interior Works</b>		<b>104</b>	<b>09-Aug-23</b>	<b>15-Dec-23</b>	<b>24</b>																		
<b>Ground Level</b>		<b>104</b>	<b>09-Aug-23</b>	<b>15-Dec-23</b>	<b>24</b>																		
<b>Substrate</b>		<b>25</b>	<b>28-Aug-23</b>	<b>27-Sep-23</b>	<b>0</b>																		
BL14020	CMU Wall Installation	16	28-Aug-23	16-Sep-23	0																		
BL14025	Drywall Partition Framing Installation	14	05-Sep-23	21-Sep-23	0																		
BL14030	Gypsumboard Installation	11	11-Sep-23	23-Sep-23	0																		
BL14050	Touching up and Patching	3	23-Sep-23	27-Sep-23	0																		
<b>MEPF Works</b>		<b>68</b>	<b>28-Aug-23</b>	<b>18-Nov-23</b>	<b>12</b>																		
<b>HVAC</b>		<b>59</b>	<b>08-Sep-23</b>	<b>18-Nov-23</b>	<b>7</b>																		
BL14060	Supports and Brackets Installation	10	08-Sep-23	20-Sep-23	10																		
BL14070	Ducting Works Installation	12	13-Sep-23	27-Sep-23	17																		
BL14080	Vents and Devices Installation	6	11-Nov-23	18-Nov-23	7																		
<b>Plumbing and Sanitary</b>		<b>49</b>	<b>20-Sep-23</b>	<b>18-Nov-23</b>	<b>12</b>																		
BL14090	Supports and Brackets Installation (Rough-ins)	11	20-Sep-23	03-Oct-23	30																		
BL14100	Pipe Installation	8	26-Sep-23	05-Oct-23	30																		
BL14110	Final Fix Installation	6	11-Nov-23	18-Nov-23	12																		
<b>Fire Suppression</b>		<b>24</b>	<b>23-Sep-23</b>	<b>23-Oct-23</b>	<b>30</b>																		
BL14120	Supports and Brackets Installation	10	23-Sep-23	05-Oct-23	7																		
BL14130	Pipe Installation	12	28-Sep-23	13-Oct-23	9																		
BL14140	Sprinkler head and Fire Extinguishers Installation	8	13-Oct-23	23-Oct-23	30																		
<b>Electrical</b>		<b>51</b>	<b>28-Aug-23</b>	<b>28-Oct-23</b>	<b>25</b>																		
BL14150	Supports and Brackets Installation (Rough-ins)	14	28-Aug-23	14-Sep-23	10																		
BL14160	Duct and Trays Installation	14	14-Sep-23	30-Sep-23	29																		
BL14170	Cable Laying and Wire Pulling	13	30-Sep-23	17-Oct-23	29																		
BL14210	Outlets, Lighting and other Devices Installation	6	21-Oct-23	28-Oct-23	25																		
<b>Fire Alarm</b>		<b>22</b>	<b>05-Oct-23</b>	<b>01-Nov-23</b>	<b>20</b>																		
BL14180	Supports and Brackets Installation	8	05-Oct-23	16-Oct-23	7																		
BL14190	Wiring Installation	8	16-Oct-23	25-Oct-23	20																		
BL14200	Smoke detectors and Device controls Installation	6	25-Oct-23	01-Nov-23	20																		

- █ Remaining Level of Effort
- █ Actual Level of Effort
- █ Actual Work
- █ Remaining Work
- █ Critical Remaining Work
- ◆ Milestone
- ▬ Summary

### Surfside 96th Street Park Baseline Schedule\_R5v1







Activity ID	Activity Name	Original Duration	Start	Finish	Total Float	2023												2024	
						Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
BL14900	Pipe Installation	9	03-Nov-23	15-Nov-23	1														Pipe Installation
BL14910	Sprinkler head and Fire Extinguishers Installation	6	15-Nov-23	22-Nov-23	1														Sprinkler head and Fire Extinguishers Installation
<b>Electrical</b>		39	11-Oct-23	30-Nov-23	1														30-Nov-23, Electrical
BL14920	Supports and Brackets Installation (Rough-ins)	10	11-Oct-23	23-Oct-23	1														Supports and Brackets Installation (Rough-ins)
BL14930	Duct and Trays Installation	12	23-Oct-23	06-Nov-23	1														Duct and Trays Installation
BL14940	Cable Laying and Wire Pulling	11	06-Nov-23	20-Nov-23	1														Cable Laying and Wire Pulling
BL14980	Outlets, Lighting and other Devices Installation	6	20-Nov-23	30-Nov-23	1														Outlets, Lighting and other Devices Installation
<b>Fire Alarm</b>		22	28-Oct-23	28-Nov-23	1														28-Nov-23, Fire Alarm
BL14950	Supports and Brackets Installation	9	28-Oct-23	08-Nov-23	1														Supports and Brackets Installation
BL14960	Wiring Installation	7	08-Nov-23	17-Nov-23	1														Wiring Installation
BL14970	Smoke detectors and Device controls Installation	6	17-Nov-23	28-Nov-23	1														Smoke detectors and Device controls Installation
<b>Architectural Finishes</b>		96	18-Aug-23	15-Dec-23	24														15-Dec-23, Architectural Finishes
<b>Ceiling</b>		13	08-Nov-23	28-Nov-23	2														28-Nov-23, Ceiling
BL14810	Ceiling Grid Installation	11	08-Nov-23	22-Nov-23	2														Ceiling Grid Installation
BL14990	Ceiling Panel Board Installation	8	15-Nov-23	28-Nov-23	2														Ceiling Panel Board Installation
<b>Wall</b>		17	26-Oct-23	16-Nov-23	0														16-Nov-23, Wall
BL15000	Wall Primer Painting	11	26-Oct-23	08-Nov-23	0														Wall Primer Painting
BL15020	Wall Tiles Installation	8	26-Oct-23	04-Nov-23	4														Wall Tiles Installation
BL15010	Wall Final Painting	12	01-Nov-23	16-Nov-23	0														Wall Final Painting
<b>Floor</b>		19	09-Nov-23	06-Dec-23	8														06-Dec-23, Floor
BL15030	Floor Surface Preparation	11	09-Nov-23	27-Nov-23	0														Floor Surface Preparation
BL15040	Floor Tiles Installation	11	20-Nov-23	06-Dec-23	8														Floor Tiles Installation
BL15050	Floor Epoxy Finish	10	20-Nov-23	05-Dec-23	0														Floor Epoxy Finish
BL15060	Floor Terrazzo Finish	8	20-Nov-23	02-Dec-23	2														Floor Terrazzo Finish
<b>Doors and Windows</b>		96	18-Aug-23	15-Dec-23	0														15-Dec-23, Doors and Windows
BL15220	Aluminium Window Frames Installation	8	18-Aug-23	28-Aug-23	21														Aluminium Window Frames Installation
BL15230	Glass Window Installation	5	28-Aug-23	02-Sep-23	21														Glass Window Installation
BL15070	Door Frame/Jambs Installation	15	23-Oct-23	09-Nov-23	18														Door Frame/Jambs Installation
BL15080	Door Leaf Installation	6	05-Dec-23	12-Dec-23	0														Door Leaf Installation
BL15090	Ironmongery Works	3	12-Dec-23	15-Dec-23	0														Ironmongery Works
<b>Misc Works</b>		12	30-Nov-23	14-Dec-23	25														14-Dec-23, Misc Works
<b>Other Specialties</b>		12	30-Nov-23	14-Dec-23	25														14-Dec-23, Other Specialties
BL15180	Wood Veneer Countertop Installation	12	30-Nov-23	14-Dec-23	25														Wood Veneer Countertop Installation
BL15210	Toilet Accessories Installation	6	30-Nov-23	07-Dec-23	7														Toilet Accessories Installation
BL15160	Aluminium Screen Wall and Gate	5	02-Dec-23	08-Dec-23	2														Aluminium Screen Wall and Gate
BL15200	Internal Signages Installation	2	02-Dec-23	05-Dec-23	9														Internal Signages Installation
BL15170	Sump Pit Cover and Frame Installation	6	04-Dec-23	11-Dec-23	2														Sump Pit Cover and Frame Installation
BL15150	Aluminium Guard Rail Installation	6	06-Dec-23	13-Dec-23	2														Aluminium Guard Rail Installation
BL15190	Glass Railing Installation	5	07-Dec-23	13-Dec-23	2														Glass Railing Installation
<b>Exterior Works</b>		81	31-Aug-23	11-Dec-23	4														11-Dec-23, Exterior Works
BL14460	Stucco Application	20	31-Aug-23	25-Sep-23	17														Stucco Application
BL15300	Equipment Pad Construction	6	08-Sep-23	15-Sep-23	73														Equipment Pad Construction
BL15290	Architectural Facade (Precast Concrete) Installation	8	25-Sep-23	04-Oct-23	17														Architectural Facade (Precast Concrete) Installation
BL14470	Painted Smooth Stucco Finish	15	04-Oct-23	23-Oct-23	17														Painted Smooth Stucco Finish
BL14490	TPO Roof Membrane Application	15	06-Oct-23	25-Oct-23	4														TPO Roof Membrane Application
BL14500	Flashing and Sheet Metals Installation	12	20-Oct-23	03-Nov-23	4														Flashing and Sheet Metals Installation
BL14480	Resin-Based Paint Coat	25	23-Oct-23	22-Nov-23	17														Resin-Based Paint Coat
BL14510	Rain Water Collectors and Downspouts Installation	18	03-Nov-23	29-Nov-23	4														Rain Water Collectors and Downspouts Installation
BL14520	Caulking	10	29-Nov-23	11-Dec-23	4														Caulking
<b>Kayak Launch Docking Station</b>		48	23-Aug-23	20-Oct-23	68														20-Oct-23, Kayak Launch Docking Station
BL14530	Area clearing	2	23-Aug-23	25-Aug-23	16														Area clearing
BL14540	Timber Piling and Concrete Piling	8	25-Aug-23	05-Sep-23	16														Timber Piling and Concrete Piling

█ Remaining Level of Effort    ◆ Milestone  
█ Actual Level of Effort    ◄ Summary  
█ Actual Work  
█ Remaining Work  
█ Critical Remaining Work

### Surfside 96th Street Park Baseline Schedule\_R5v1



Activity ID	Activity Name	Original Duration	Start	Finish	Total Float	2023												2024					
						Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb				
BL14550	Wooden Joist Installation	6	05-Sep-23	12-Sep-23	16																		
BL14560	Deck Installation	3	12-Sep-23	15-Sep-23	16																		
BL14570	Wooden Railing Installation	2	15-Sep-23	18-Sep-23	95																		
BL14580	Gangway Installation	12	15-Sep-23	29-Sep-23	16																		
BL14590	Aluminium Gangway with Rub Rail Installation	10	29-Sep-23	12-Oct-23	16																		
BL14600	Floating Dock Installation	7	12-Oct-23	20-Oct-23	16																		
<b>Testing/Commissioning and Punchout</b>		<b>123</b>	<b>16-Sep-23</b>	<b>16-Jan-24</b>	<b>0</b>																		
BL14645	Storm Water Pollution Prevention Program	12	16-Sep-23	29-Sep-23	51																		
BL14620	Services Connection for HVAC Works	14	20-Nov-23	09-Dec-23	2																		
BL14650	Services Connection for Fire Alarm Works	15	20-Nov-23	11-Dec-23	1																		
BL14610	Services Connection for Electrical Works	12	22-Nov-23	09-Dec-23	1																		
BL14640	Services Connection for Fire Suppression Works	12	22-Nov-23	09-Dec-23	1																		
BL14630	Services Connection for Plumbing and Sanitary Works	3	01-Dec-23	05-Dec-23	2																		
BL14660	Pre-testing and Commissioning	7	02-Dec-23	11-Dec-23	1																		
BL14615	Elevator Testing and Inspection	6	04-Dec-23	11-Dec-23	1																		
BL14670	Final Testing and Commissioning	4	11-Dec-23	15-Dec-23	1																		
BL14680	Creation of Punchlist	5	17-Dec-23	22-Dec-23	0																		
BL14690	Completion of Punchlist Rectifications	25	22-Dec-23	16-Jan-24	0																		

█ Remaining Level of Effort    ◆ Milestone  
█ Actual Level of Effort    ── Summary  
█ Actual Work  
█ Remaining Work  
█ Critical Remaining Work

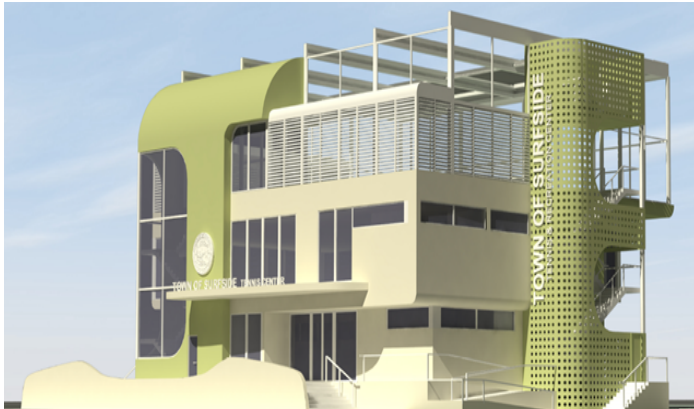
## Surfside 96th Street Park Baseline Schedule\_R5v1





## Tennis and Recreation Center Project

### Picture



### Current Project Phase

Design and Engineering

### Project Contact Information

Department	Public Works
Director	Randy Stokes
Engineer of Record*	The Corradino Group
Architect of Record*	William Lane Architect

### Funding

<i>Total Budgeted</i>	\$2,045,000
<i>Budget Approval Date</i>	September 28, 2022
<i>Commission Authorization to Expend Date</i>	November 2022 Commission Meeting

\* - Additional funding will be required at a later date.

### Scope

Design and build a 2-story Tennis and Recreation Center facility where the current Tennis center is located. The project is to include a roof level pickleball courts, community gymnasium with equipment, office space and flex space for community programming.

### Project Timeline

*Design Team Procurement*  
*Design and Engineering (est.)*  
*Construction Procurement (est.)*  
*Construction (est.)*

### Phase Start

*September 2022*  
*December 2022*  
*October 2023*  
*March 2025*

### Phase End

*November 2022*  
*December 2023*  
*February 2024*  
*March 2026*

### Project Update

The Corradino Group contract executed and the initial project design meeting was held in January 2023. The purchase order has been issued. The project is on schedule. Town met with Architect Bill and provided initial comments for design implementation. Project renderings have been completed and are being reviewed by Town staff. Landscape architect has been approved at the April 2023 Town Commission meeting. On May 15, 2023, members of the public joined the Parks & Recreation Committee at their monthly meeting for the unveiling of the design concept moving forward for the new building. The public was encouraged to provide feedback on the design which seeks to expand the center into a new, multi-story, multi-use facility under Parks and Recreation.



## Town-wide Traffic Study

### Picture



### Current Project Phase

Planning Phase

### Project Contact Information

Department	Public Works Randy
Director	Stokes
Engineer of Record	The Corradino Group
Architect of Record	N/A
Project Management	The Corradino Group

### Funding

<i>Total Budgeted</i>	\$204,500
<i>Budget Approval Date</i>	FY22 Budget Amd. No. 7
<i>Commission Authorization to Expend Date</i>	July 12, 2022

### Scope

An objective of the Town Commission and Town Administration is to increase traffic calming throughout the Town and increase pedestrian safety. The previous Town-wide traffic study was performed in 2012 and it warranted various safety features to be installed. For example, the majority of the speed control traffic bumps and traffic roundabouts were a result of recommendations from the 2012 traffic study. It is recommended to update the traffic study every ten years in order to capture new conditions as a result of changes in population growth and development. The Corradino Group has previously provided traffic engineering services to the Town and was retained for negotiations in order to provide a scope of services for a Town-wide traffic study.

### Project Timeline

	<u>Phase Start</u>	<u>Phase End</u>
<i>Traffic Data Collection</i>	<i>September 2022</i>	<i>November 2022</i>
<i>Traffic Operation Analysis</i>	<i>December 2022</i>	<i>January 2023</i>
<i>Traffic Calming Analysis</i>	<i>December 2022</i>	<i>October 2023</i>
<i>Safety Review</i>	<i>December 2022</i>	<i>October 2023</i>
<i>Traffic Calming Improvement Plan</i>	<i>March 2023</i>	<i>November 2023</i>
<i>Community Outreach Meeting</i>	<i>October 2023</i>	<i>November 2023</i>

### Project Update

During September 2022, the first set of traffic data collection occurred with a second set to occur for other areas in 2023. Currently, consultant is obtaining crash report data records for all agencies. Consultant was brought in for a project update to be provided to the Town Commission in November 2022. Refer to the project schedule provided. Bay Drive & 96th Street exit is closed due to the commencement of the 96th St Park project.

MONTHS FROM NTP																
Task	Task Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	Traffic Data Collection			**												
2	Traffic Data Collection- Supplemental					**										
3	Traffic Operational Analysis														**	
4	Traffic Calming Analysis											**				
5	Safety Review														**	
6	Traffic Calming Improvement Plan															**
7	Community Outreach Meeting														**	
8	Traffic Study Technical Memorandum															**

\* Purchase Order was issued on 08/05/2022. NTP month one is September 2022 when the traffic data collection commenced.





## 91<sup>st</sup> Street - "Surfside Boulevard" Beautification Project

### Picture



### Current Project Phase

Design Buyout

### Project Contact Information

Department	Public Works
Director	Randy Stokes
Engineer of Record	TBD
Architect of Record	TBD
Project Management	TBD

### Funding

Total Budgeted	1,050,000
Budget Approval Date	September 28, 2022

Commission Authorization  
to Expend Date

### Scope

Through various sources, the Town has obtained funds with the intent to beautify the current 91<sup>st</sup> Street also known as Surfside Boulevard. The project beautification scope of services is to be determined but will follow after major utilities project occur in the area.

### Project Timeline

Procuring of Engineering (est.)  
Plan and Study  
Engineering & Design (est.)  
Permitting (est.)  
Grant Agreement and Funding

### Phase Start

December 2022  
February 2023  
October 2023  
November 2023  
December 2022

### Phase End

January 2023  
October 2023  
November 2023  
January 2024  
February 2024

### Project Update

Town is seeking to retain Kimley-Horn and Associates, Inc. for design services.



# Town-Wide Utilities Undergrounding Project

## Picture

**TOWN OF SURFSIDE**  
**UNDERGROUNDING OF UTILITIES**  
**PHASE 1 - UTILITY COORDINATION PLANS**

CITY PROJECT NO. FY 21-00473  
 KCI PROJECT NO. 482021474.00  
 DECEMBER 07, 2021

TOWN OFFICIALS	
COMMISSIONER	TRISA PAUL
MANAGER	CHARLES HOFER
ENGINEER	BLANKEN HOLLOWAY
PLANNING	BELLY HELANDER

LIST OF SHEETS	
COVER SHEET / INDEX	
GENERAL LAYOUT PLAN	
ELECTRICAL AND COMMUNICATIONS PLANS	
STREET LIGHTING PLANS	

**LOCATION MAP**  
NO SCALE

FOR THE PURPOSE OF THESE DRAWINGS, IT IS ASSUMED THAT THE "UTILITY COORDINATION PLANS" HAVE BEEN OBTAINED FROM THE RESPECTIVE UTILITIES. IT IS THE RESPONSIBILITY OF THE USER TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED BY THE UTILITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RESPECTIVE UTILITIES AND AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RESPECTIVE UTILITIES AND AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RESPECTIVE UTILITIES AND AGENCIES.

**PREPARED BY:**  
**ENGINEERS | PLANNERS | SCIENTISTS**  
**CONSTRUCTION MANAGERS**  
 6000 St. Andrews Avenue • Fort Lauderdale, FL 33309  
 954.576.1818 • www.kci.com

**PUBLIC WORKS DEPARTMENT**  
 8280 HAVENING AVE.  
 SURFSIDE, FL 33556  
 Phone: (904) 961-4880

**811**  
 Know what's below.  
 Call before you dig.

PRELIMINARY  
NOT FOR

## Current Project Phase

Engineering and Design Phase

## Project Contact Information

Department	Public Works
Director	Randy Stokes
Engineer of Record	KCI Technologies
Architect of Record	N/A
Project Management	Town of Surfside

## Funding

Total Budgeted*	\$37,178,512
Budget Approval Date**	Varies

Commission Authorization to Expend Date: Various agreements have been approved to date

\* - Budget figure is based on Surfside Executive Summary estimate

\*\* - Various agreements have been approved to date.

## Scope

The project consists of the undergrounding all current above ground utilities throughout Town. These utilities include electrical mains, feeders, communications and residential drop connections. The project debt issuance was approved through voter referendum during the 2022 General Elections. The Town has executed various agreements with different providers in order to perform the design phase of the project. The project is under the project management of HPF Associates.

During November 2022 regular Town Commission meeting, the Town provided various street lighting fixture options. Town Commission requested that the Town bring back 7 additional options.

## Project Timeline

Design Phase (Phase II)  
 Procurement (est.)  
 Construction Phase I (est.)

## Phase Start

May 2022  
 May 2023  
 April 2024

## Phase End

September 2023  
 December 2023  
 TBD

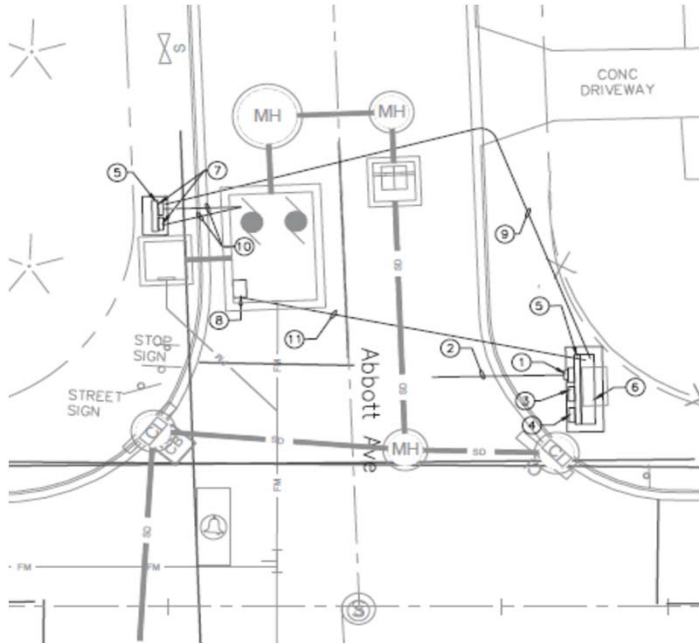
## Project Update

Town is evaluating design phase progress of communication providers. HPF Associates resigned from project management support.



## Abbott Avenue Drainage Improvements

### Picture



### Current Project Phase

Procurement Phase

### Project Contact Information

Department	Public Works
Director	Randy Stokes
Engineer of Record	Keith Engineering
Architect of Record	NA
Project Management	NAis

### Funding

<i>Total Budgeted*</i>	3,850,000
<i>Budget Approval Date</i>	September 28, 2022
<i>Commission Authorization to Expend Date</i>	TBD - Administration will seek authorization to expend upon awarding work to contractor

\* - Construction and CEI budget

### Scope

The project is currently in its design and permitting phase. The construction will entail the addition of two new pump stations with respective force main in order to alleviate flooding on Abbott Avenue from 90<sup>th</sup> Street to 94<sup>th</sup> Street.

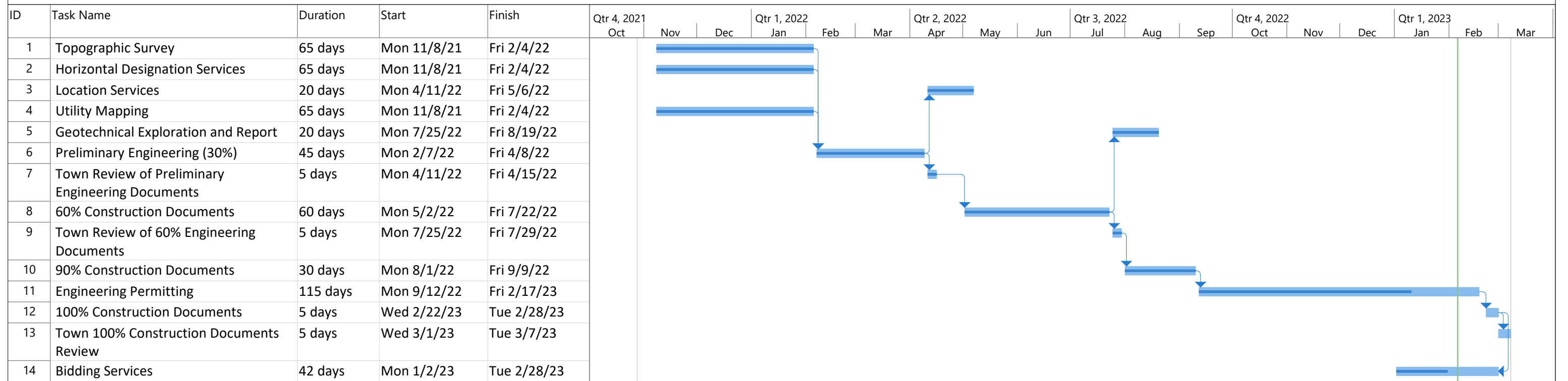
### Project Timeline

	<u>Phase Start</u>	<u>Phase End</u>
<i>Engineering and Design</i>	<i>March 2022</i>	<i>December 2022</i>
<i>Permitting</i>	<i>August 2022</i>	<i>January 2023</i>
<i>Procurement (est.)</i>	<i>March 2023</i>	<i>June 2023</i>
<i>NTP for Construction (est.)</i>	<i>July 2023</i>	<i>NA</i>
<i>Construction (est.)</i>	<i>July 2023</i>	<i>May 2024</i>

### Project Update

Project cost is beyond Town budgeted value. Engineering solutions will be presented to the Town Commission during June 2023 meeting.





Project: 11494.01 - Abbott Ave Date: Mon 2/6/23	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			



## Town Drainage Improvement and Flood Hazard Mitigation Plan

### Picture

**TOWN OF SURFSIDE  
DRAINAGE IMPROVEMENT &  
FLOOD HAZARD MITIGATION  
TOWN HALL**

Join the Department of Public Works along with the engineering team during our next Town Hall to discuss flooding and stormwater drainage improvements. Public feedback will be solicited!



**Thursday, October 27, 2022  
6:30 PM  
Hybrid Meeting**

<b>ADDRESS</b> 9301 Collins Ave, Fishbowl Room, Surfside, FL 33154	<b>ZOOM</b> Meeting ID: 830 8298 9107 Passcode: 274109
--	--



### Current Project Phase

Planning Phase information gap alignment and modeling

### Project Contact Information

Department	Public Works
Director	Hector Gomez
Engineer of Record	Kimley Horn
Architect of Record	N A
Project Management	Kimley Horn

### Funding

<i>Total Budgeted</i>	255,000
<i>Budget Approval Date</i>	September 23, 2021
<i>Commission Authorization to Expend Date</i>	June 14, 2022 Commission Meeting

### Scope

The stormwater master plan, which is partially grant funded, will create a comprehensive Town infrastructure planning document geared towards understanding Town localized flooding issues and provide a project bank of projects for the Town to implement as part of the Capital Improvement Plan.

### Project Timeline

*Data Collection and Analysis*  
*Stormwater Model*  
*Adaptation Strategy*  
*Master Plan*

### Phase Start

*July 2022*  
*November 2022*  
*March 2023*  
*May 2023*

### Phase End

*November 2022*  
*February 2023*  
*May 2023*  
*August 2023*

### Project Update

A public outreach workshop is scheduled for July 13, 2023. Refer to engineer schedule provided for deliverables.

	2022												2023																																												
	July	August				September				October				November				December				January				February				March				April				May				June				July				August							
	25	1	8	15	22	29	5	12	19	26	3	10	17	24	31	7	14	21	28	5	12	19	26	2	9	16	23	30	6	13	20	27	6	13	20	27	3	10	17	24	1	8	15	22	29	5	12	19	26	3	10	17	24	31	7	14	21
<b>Task 1.0 Collect, Review, and Analyze Current Mapping Data</b>																																																									
<b>1.1</b>	<b>Project Administration</b>																																																								
1.1.1	Project Kickoff Meeting																																																								
1.1.2	Progress Meetings																																																								
1.1.3	Town Council Meetings (TBD)																																																								
<b>1.2</b>	<b>Policy Planning And Public Coordination</b>																																																								
<b>1.3</b>	<b>Data Collection and Documentation</b>																																																								
1.3.1	Initial Data Collection and Review																																																								
1.3.2	Preliminary Data Gaps Map																																																								
1.3.3	Field Visits (4 weeks field time)																																																								
<b>1.4</b>	<b>Model Recommendations And Analysis</b>																																																								
1.4.1	Analysis and Technical Memorandum																																																								
1.4.2	Project DEM																																																								
<b>Task 2.0 Produce a Stormwater Model</b>																																																									
<b>2.1</b>	<b>Existing Conditions Model</b>																																																								
2.1.1	Model Development																																																								
2.1.2	Design Storm Model Runs																																																								
<b>Task 3.0 Develop the Adaptation Strategy</b>																																																									
<b>3.1</b>	<b>Alternatives Analysis</b>																																																								
3.1.1	Needs Assessment																																																								
3.1.2	Alternatives Analysis																																																								
3.1.3	Design Storm Model Runs																																																								
<b>3.2</b>	<b>Future Conditions Analysis</b>																																																								
3.2.1	Baseline Future Conditions Model																																																								
3.2.2	Improvements Future Conditions Models																																																								
<b>Task 4.0 Stormwater Master Plan</b>																																																									
4.1	Alternatives Selection																																																								
4.2	Preliminary Opinion of Probable Costs																																																								
4.3	Capital Improvement Plan																																																								
4.4	Final Technical Memo																																																								



## Collins Avenue Water Main Design and Permitting

### Picture



### Current Project Phase

Engineering and Design Phase

### Project Contact Information

Department	Public Works
Director	Hector Gomez
Engineer of Record	Nova Consulting
Architect of Record	N/A
Project Management	Nova Consulting

### Funding

<i>Total Budgeted</i>	\$340,206
<i>Budget Approval Date</i>	September 28, 2022
<i>Commission Authorization to Expend Date</i>	August 9, 2022

### Scope

The current undersized water main on Collins Avenue is past its use life and requires upsizing with replacement. The Town sought and obtained a grant for design services for the project. The water main currently services all the facilities along the Collins Avenue corridor.

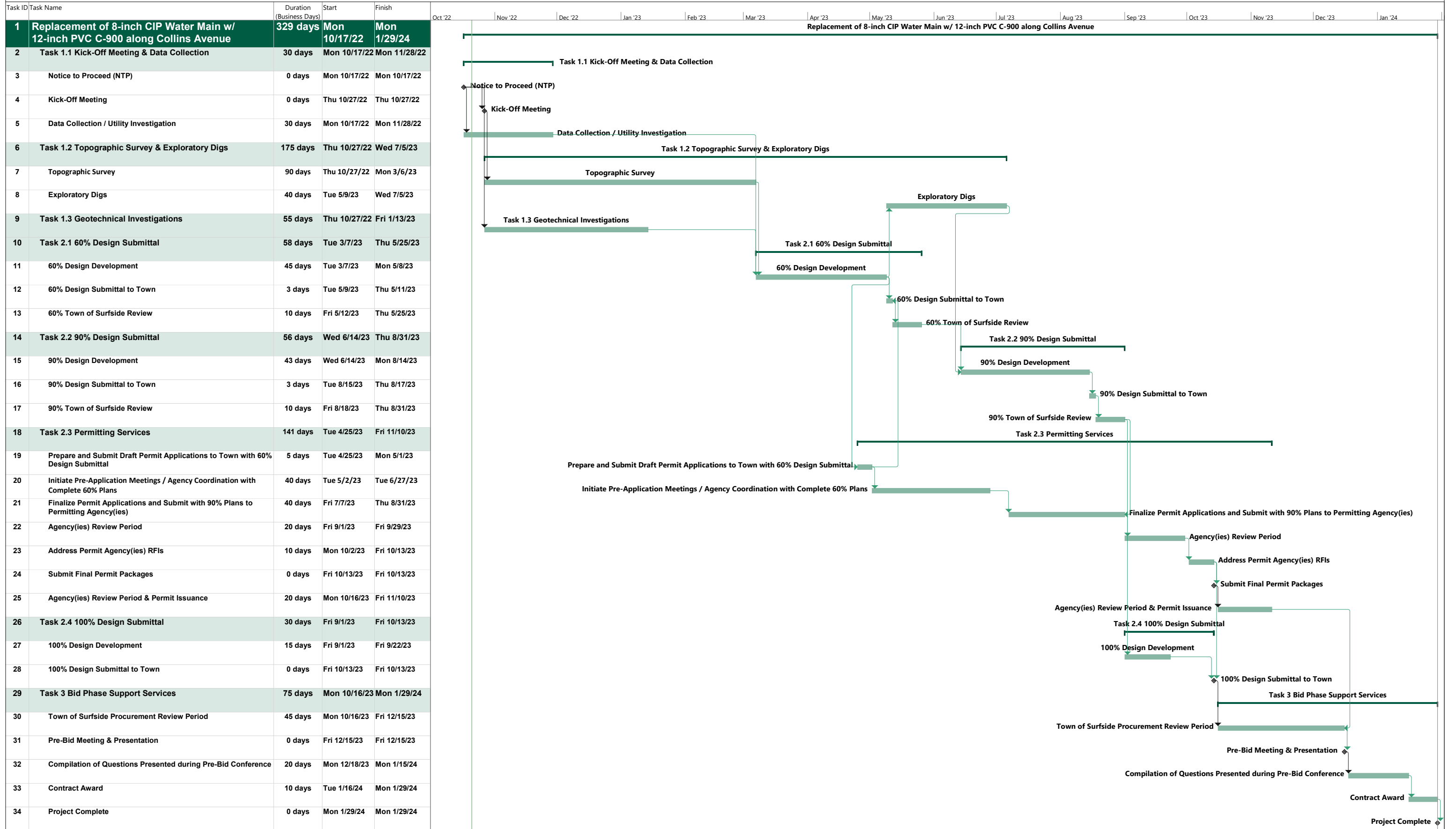
### Project Timeline

	<u>Phase Start</u>	<u>Phase End</u>
<i>Survey and Geotechnical</i>	<i>November 2022</i>	<i>July 2023</i>
<i>60% Design</i>	<i>March 2023</i>	<i>May 2023</i>
<i>90% Design</i>	<i>June 2023</i>	<i>September 2023</i>
<i>Permitting</i>	<i>April 2023</i>	<i>November 2023</i>
<i>Procurement Phase (est.)</i>	<i>TBD</i>	<i>TBD</i>
<i>Constuction (est) - TBD</i>	<i>TBD</i>	<i>TBD</i>

### Project Update

The Town provided Nova Consulting a Purchase Order to commence work during October 2022. The purchase order and funding is only up to the procurement phase of the project. No construction funding has been allocated at this time. Construction phase can not be estimated until construction funding is secured. Nova Consulting commenced survey and is verifying field conditions scope of work.

Town of Surfside: Public Works Division - Replacement of Approximately 5,920 LF of Existing 8-inch CIP Water Main with 12-inch PVC C-900 Pipe along Collins Avenue



Project: Replacement of 8-inch CIP w/ 12-inch PVC C-900 along Collins Avenue  
Date: Fri 10/21/22

Task Split Milestone Summary





## A/C Replacement Units - Community Center

### Picture



### Current Project Phase

Procurement phase

### Project Contact Information

Department	Parks and Recreation
Director	Tim Milian
Engineer of Record	N/A
Architect of Record	N/A

### Funding

Total Budgeted	\$140,000
Budget Approval Date	September 28, 2022
Commission Authorization to Expend Date	TBD

### Scope

The current AC units at the Community Center has a lifespan of over 10 years. The units are heavily corroded and has extensive wear and tear. The units often breaks down resulting high repair costs. The Town will be procuring new units for the entire community center including the concession stand, lifeguard office, fish bowl, and shark tank. These new units will meet EPA regulations. The cost includes: new Trane condensers with coal coatings, climate changing AHU with SS Drain pan, Coil casing, energy recovery ventilators, new aluminum I-beams to help prevent dirt and debris from corroding the units.

### Project Timeline

Procurement

Notice to Proceed and Kick off (est.)

Construction/Replacement (est.)

### Phase Start

April 2023

July 2023

August 2023

### Phase End

June 2023

July 2023

October 2023

### Project Update

Parks and Recreation Department is seeking proposals.



## Dune Resiliency and Beautification Upgrade

### Picture



### Current Project Phase

Scoping Phase

### Project Contact Information

Department	Public Works
Director	Hector Gomez
Engineer of Record	TBD
Architect of Record	TBD
Project Management	TBD

### Funding

Total Budgeted	\$72,000
Budget Approval Date	September 28, 2022
Commission Authorization to Expend Date	TBD

### Scope

The Commission tasked Town administration to promote both dune beautification and resiliency improvements. Town administration is seeking engineering and design services in order to meet the objective in a manner that is Florida Friendly and promotes the natural plant diversity of the dunes.

### Project Timeline

	Phase Start	Phase End
Procuring of Engineering	December 2022	March 2023
Plan and Study (est.)	March 2023	October 2023
Design (est.)	October 2023	November 2023
Permitting (est.)	November 2023	January 2024
Grant Agreement and Grant Funding (est.)	December 2022	February 2024
Construction (est.)	March 2024	December 2024

### Project Update

Town engaged one of the pool engineering firms (Kimley Horn) to develop a scope of services for this task which was approved by Town Commission at its March 2023 Commission meeting. Town obtained approval for Florida Department of Environmental Protection (FDEP) grant funding and will soon engage in grant agreement process. More detail on project timeline and budget will be known as the grant agreement process progresses. Town executed proposal with Kimley Horn. Survey scope of work to commence in May 2023.

Dune Resiliency and Beautification Project Schedule									
Task	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23
Task 1 - Kickoff Meeting									
Task 2 - Topographic Survey									
Task 3 - Construction Plans									
60% Plan preparation									
Final Plan preparation									
Task 4 - Permit Coordination									
Project Coordination									





**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: Hector Gomez, Town Manager**

**DATE: June 5, 2023**

**SUBJECT: Office of the Town Attorney Report for June 13, 2023 Regular  
Commission Meeting**

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**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:**

May 3, 2023 – Charter Review Board Meeting

May 9, 2023 – Regular Town Commission Meeting

May 10, 2023 – Special Town Commission Meeting – Senate Bill 102, Live Local Act

May 17, 2023 – Special Town Commission Meeting – Town Manager Employment Agreement

May 24, 2023 – Planning and Zoning Board Meeting

June 5, 2023 – Tourist Board Meeting

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 contracts, agreements and supporting documents.

Various members of the Firm have and continue to assist the Town in the aftermath of the CTS Collapse, including ongoing causation investigations at the CTS Site and off-site facilities, and interaction with KCE Engineering (Allyn Kilsheimer) and NIST representatives. Efforts also include legal assistance with a CTS memorial site.

### **Commission Support:**

Attorneys of the firm have continued to work with the members of the Town Commission, and Board and Committee members, to provide Ethics guidance and opinions, including Sunshine Law and Public Records, and address concerns and research specific issues and legislative and policy initiatives, and are always available, either in the office or by phone or email. We appreciate your support as we continue our sixth year of service and work in implementing the Mayor and Town Commission's policy directives.

### **Staff Support:**

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 and complaints; police funding, 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 implementation of the AFSCME Florida Council 79 for Town civilian employees; collective bargaining negotiations and agreement with the FOP; Town Manager recruitment process and employment agreement; EEOC complaints, and employee complaints of discrimination; resident ethics complaints and inquiries; various procurements and service provider contracts for Town Departments and the Tourist Board, including procurement and contracts associated with design and construction at 96<sup>th</sup> Street Park and Abbott Avenue drainage project; Beach Furniture Services at Community Center; Zoning Code clarifications and ordinances; implementation of utilities undergrounding project; Computer Aided Dispatch (CAD) software for Police Department; and Agreement with AVI-SPL for upgrades to the Commission Chambers and control room; and assessing the impacts of recent Florida Legislation impacting the Town, including SB 102, Live Local Act.

## **Key Issues and Action Items:**

The workload has been diverse and has included specific issue support to every department. Key issues and action items since the Commission's election have included:

- 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, LLC 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 LLP 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.FIs000003 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 24<sup>th</sup> “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
- 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 87<sup>th</sup> Terrace and 88<sup>th</sup> 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
- Resolution Providing for Ratification of the Collective Bargaining Agreement between AFSCME Florida Council 79, American Federation of State, County, and Municipal Employees, AFL-CIO and the Town of Surfside in effect from October 1, 2022 through September 30, 2025
- Resolution Adopting the Final Millage Rate For the Fiscal Year commencing October 1, 2022 and ending September 30, 2023
- Resolution Adopting A Final Budget for the Fiscal Year commencing October 1, 2022 and ending September 30, 2023

- Resolution Establishing A Sister City Relationship with the Region Of Shomron, Israel to Promote Educational, Informational, Cultural and Economic Exchanges
- Resolution Approving A Utility Work By Highway Contractor Agreement with the State of Florida Department Of Transportation (FDOT) for Utility Valve Adjustments to Town-Owned Utility Facilities on State Road A1A in Connection with FDOT Project No. 443899
- Resolution Approving and Authorizing Expenditure of Funds to AT&T for Quotation Development and Engineering Preparation Charges required in connection with Preparation of Special Construction Estimates for the Utilities Undergrounding Project
- Resolution Approving Budget Amendment No. 1 for FY 2023 Budget
- Resolution Approving an Agreement with Atlantic Pipe Services, LLC For Pipe and Manhole Lining, Renewal, And Rehabilitation Services Utilizing the Terms and Conditions of the St. Johns County, Florida, Contract No. 21-Mcc-Atl-13188
- Resolution Approving an Agreement with GM Sports Tennis, LLC for the Town's Youth Tennis Program
- Resolution Approving an Agreement with Alves Sports Group LLC for the Town's Youth Soccer Program
- Resolution Approving the Purchase of Printing and Mailing Services for the Town Gazette
- Resolution Approving a Project Agreement with 300 Engineering Group, P.A. for Manhole Rehabilitation Construction Administration and Inspection Services pursuant to the Continuing Services Agreement for Professional Engineering Services
- Resolution Approving and Authorizing the Purchase of Four (4) 2022 Ford F-150 Vehicles from Walker Ford Co Inc. for the Town's Public Works and Parks and Recreation Departments
- Resolution Approving and Authorizing the Purchase of Stormwater Pump Repair Services from the Florida Department of Transportation (FDOT) Approved Vendor Xylem Water Solutions USA, Inc.
- Resolution Approving the Appointment of Richard Gendler LLC as the Special Master for the Town and the Code Compliance Department
- Resolution Approving a Donation to the Pelican Harbor Seabird Station in Support and Sponsorship of Their Program
- Resolution Approving State Legislative Priorities for 2023
- Ordinance Amending Section 90-15 of Zoning Code to Modify Membership Qualification Requirements for Planning & Zoning Board
- Resolution Approving the Purchase of Portable Radios and Related Services from Motorola Solutions, Inc. for the Town's Police Department
- Resolution Approving and Authorizing the Expenditure of Funds in an Amount Not To Exceed \$40,000 to Engage Marlin Engineering for a Zoning Code and Design Guidelines Update
- Resolution Approving the Purchase of a Schwarze Industries Street Sweeper Model A4 Storm from Tampa Crane & Body Acquisition, LLC using Sourcewell Contract No. 093021-SWZ



- Resolution Approving and Authorizing the Purchase of Nine (9) 2023 Ford Police Interceptor Utility Vehicles, Together With (I) Emergency Lighting Equipment, (II) Graphics, (III) Radio Equipment, and (IV) Radio Programming for Each Police Vehicle
- Resolution Approving and Accepting a Grant Award Agreement with the State of Florida Department of State, Division of Arts and Culture, for the Champlain Towers South Memorial
- Resolution Approving and Accepting a Matching Grant Agreement with the State of Florida Department of Environmental Protection (FDEP) for the Surfside Abbott Avenue Stormwater Improvements Project
- Resolution Approving the Purchase of Phase 2 Services From Kofile Technologies, Inc. for Preservation, Archival, and Digitization of Historical Town Documents
- Resolution Approving an Agreement with Beachside Events LLC for Third Thursdays Event Series Production Services
- Resolution Approving an Agreement with Beachside Events LLC for Music of the Beach Event Series Production Services
- Resolution Approving and Authorizing the Town Manager to enter into an Agreement with Playcore Wisconsin, Inc. D/B/A Gametime for Purchase and Installation of New Playground Equipment and Related Surfacing and Outdoor Fitness Equipment for Hawthorne Tot Lot Park
- Resolution Approving a Project Agreement with The Corradino Group, Inc. to Provide Building Design and Permitting Services for the Surfside Tennis Center Reconstruction Project
- Resolution Approving and Authorizing the Town Manager to Enter into an Agreement with Playcore Wisconsin, Inc. D/B/A Gametime for the Purchase and Installation of Outdoor Fitness Equipment at Town Beach Ends
- Resolution Approving an Agreement with Beach Time Max, LLC for Beach Furniture Service Operations at the Community Center
- Resolution Approving the Purchase and Expenditure of Turtle-Friendly Solar Powered Bollards from First Light Technologies LTD for Hardpack
- Resolution Selecting and Awarding a Contract for Construction to Lunacon Engineering Group, Corp. for Construction of 96th Street Park Pursuant to RFP No. 2022-05
- Resolution Approving a Project Agreement with 300 Engineering Group, P.A., Pursuant to the Continuing Services Agreement for 96th Street Park Construction Management and Owner Representation Services
- Resolution Approving and Authorizing the Expenditure of Funds in an Amount Not To Exceed \$120,000 to Engage Marlin Engineering, Inc. for Phase 2 of the Downtown Walkability and Design Study

- Resolution and License Agreement with the State of Florida Department of Transportation (FDOT) for Use of the Town Right-of-Way on 88<sup>th</sup> Street and Veterans Park in Connection with Crosswalk Improvements at the Intersection of 88<sup>th</sup> Street and State A1A Harding Avenue (FDOT Project No. 443899)
- Resolution Approving Budget Amendment No. 3 for The Fiscal Year 2023 Budget
- Resolution Approving and Authorizing the Pump Station Purchase from Barney's Pumps Inc. in an amount not to exceed \$26,507.00.
- Resolution Incorporating Decorative Street Signs and Traffic Control Poles into the Town's Utility Undergrounding Project, and Selecting Design Option
- Resolution Approving Purchase of Supplementation Services from CiviPlus LLC for Codification of Town Ordinances in Municode
- Resolution Approving and Authorizing the Purchase of Nine (9) 2023 Police Vehicles, Together with Emergency Lighting Equipment, Graphics, Radio Equipment and Radio Programming
- Resolution Approving an Agreement and Addendum with Zambelli Fireworks Manufacturing Co. for Fourth of July Fireworks Display Services
- Ordinance Amending the Town of Surfside Code Of Ordinances by Amending Section 90.61.1(C) of Article V. – Design Standards of Chapter 90 of The Town
- Resolution Approving a Site Plan Application to Permit the Development of Property Located at 9116 Harding Avenue and 303 Surfside Boulevard, Surfside, Florida, For a Multifamily Residential Development Consisting of Up To 6 Townhouse Dwelling Units and Up To 14 Parking Spaces
- Resolution Approving a Site Plan Amendment Application for Property Generally Located at 9100 Collins Avenue, Surfside, Florida, to Modify the Design and Uses Approved for 9100 Collins Avenue Pursuant to Resolution Nos. 13-Z-06 And 17-Z-2458
- Resolution and Agreement with Premier Bounce N Slide Party Rentals, LLC for the Town's Parks and Recreation Special Events
- Resolution Approving Budget Amendment No. 4 for The Fiscal Year 2023 Budget
- Resolution and Multi-Year Agreement with JustFOIA for Town's Public Records Request Platform
- Resolution and Agreement with Verge Aero for Fourth of July Drone Light Show Services
- Resolution Supporting House Bill 269 Relating To Public Nuisances and Enhanced Criminal Penalties for Persons who Commit Certain Violations while Evidencing Religious or Ethnic Animus

#### March 2023

- Resolution Declaring as Surplus Property Two Vehicles of the Town of Surfside Public Works Department; Authorizing The Town Manager To Provide For The Sale Or Disposition Of The Surplus Vehicles

- Resolution in Support of the Earthquake Victims in Turkey and Syria; Recognizing the Work of Humanitarian Aid, Rescue Workers, and Civilian Volunteers on the Ground
- Resolution Approving a Project Agreement with Kimley-Horn And Associates, Inc. Pursuant to the Continuing Services Agreement for Professional Engineering Services, for Design and Permitting Services Related to the Dune Resiliency and Beautification Project
- Resolution Approving a First Amendment to the Professional Services Agreement with in Alignment Consulting, LLC for Grant Administration and Consulting Services
- Resolution Strongly Opposing Cashless Bail Reform Allowing Criminals To Be Released On Their Own Recognizance
- Resolution Approving Budget Amendment No. 5
- Ordinance Amending Section 90-48.3 of Section 90-48. -- "Modification Of Side And Rear Yard Regulations" To Clarify Applicability of Waterfront Setbacks; And Section 90-54.1 Of Section 90-54. -- "Modification Of Side And Rear Yard Regulations" To Address Buildings And Structures Within The Waterfront Setback Area For H30a Properties
- Ordinance Amending Section 90-2. - "Definitions", By Amending The Definitions Of "Setback" And "Yard" To Reflect That They Are Synonymous And Equivalent Terms
- Ordinance Amending Section 90-2. - "Definitions" By Amending The Definition Of "Density" To Delete The Reference To "Gross" Acre; Amending Section 90-45.1. - "Aggregation Of Lots" To Delete The Reference To "Gross" Density; And Amending Section 90-86.2 Of Section 90-86. -- "Landscape Permit Plans" To Delete The Reference To "Gross" Acreage
- Amending Section 90-50.2 "Roof Decks Provisions" of Section 90-50. -- "Architecture And Roof Decks" To Clarify The Allowable Height For Stairway Railings For Access To The Roof Of Single Family Residential Properties
- Ordinance Amending Chapter 54, "Offenses And Miscellaneous Provisions," Article III, "Offenses Involving Public Peace And Order," By Adding Section 54-65, "Obstruction Of Public Right-Of-Way Prohibited
- Ordinance Amending Chapter 54, "Offenses And Miscellaneous Provisions," Of The Town Of Surfside Code Of Ordinances, By Adding Section 54-66, "Public Urination And Defecation Prohibited

#### April 2023

- Resolution Adopting a Proclamation Honoring the Importance of Trees for the Town of Surfside's Community and Environment and Encouraging the Planting of Trees; Proclaiming April 29, 2023, as "Arbor Day"
- Resolution Approving a Fiscal Year 2023 Police Forfeiture Fund Expenditure for Police Gym Equipment
- Resolution Approving the Purchase of Fitness Equipment from Matrix Fitness and Rogue Fitness for New Police Gym and Training Facility
- Resolution Approving Budget Amendment No. 6
- Resolution and Project Agreement with The Corradino Group, Inc. to Provide Landscape Architectural Services Relating to the Tennis Recreation Center Building Improvements Project

- Resolution Approving Additional Services with Savino & Miller for Construction Phase Design and Landscape Architectural Services Pursuant to the Professional Services Agreement for the 96th Street Park
- Resolution And Agreements For Purchase of Fully Integrated Computer Aided Dispatch System and Related Ancillary Services from CentralSquare; A Citation System from LexisNexis; and Vehicle Printers from CDW Government LLC for the Police Department
- Resolution Approving the Purchase of Turtle-Friendly Solar Powered Amber Led Bollards from First Light Technologies Ltd. for Phase II of the Turtle-Friendly Solar Bollards Project
- Resolution and Second Amendment to the Professional Services Agreement with HPF Associates, Inc. for Project Management Support Services in Connection With Phase IIA of the Undergrounding of Utilities Project
- Ordinance Amending Chapter 2. – Administration, Article V. – Employee Benefits, Division 2. - Pension Plan, Regarding the Retirement Plan for Employees of the Town; Amending Section 2-176 to Clarify Normal and Early Retirement Ages; Amending Section 2-182(A) to Permit Terminated 100% Vested Members to Receive Benefits Beginning at Age Fifty-Five; And Amending Section 2-193 Governing the Drop Plan
- Ordinance Amending 90-50.2 “Roof Deck Provisions of Section 90-50 “Architecture and Roof Decks” to Clarify Regulations Applicable to Rooftop Structures
- Ordinance Amending Section 90-61. – “Paving in Front and Rear Yards in H30 and H40 Districts” By Amending Landscape Requirements
- Ordinance Amending Section 101, “Qualifying For Elected Office” of the Town Charter Pursuant To Sections 100.3605(2) and 166.021(4), Florida Statutes, with Limited Applicability to Establish Qualifying Dates and Supplemental Qualifying Dates for the Town’s March 19, 2024 General Election
- Ordinance Regarding Stormwater Management Regulatory Mechanism for Enforcement

#### May 2023

- Resolution Approving And Authorizing The Purchase Of One (1) 2023 Kubota RTV X900G-A Utility 4WD Vehicle
- Resolution Approving Budget Amendment No. 7
- Resolution Approving And Authorizing the Purchase of One (1) 2023 GMC Terrain AWD Vehicle
- Resolution Approving First Amendment To The Professional Services Agreement With Badger Meter, Inc. For The Purchase Of New Cellular Encoders To Implement Phase II Of The Town’s Cellular Water Meter Plan
- Resolution Approving Memorandum Of Understanding (MOU) Between the Town of Surfside and the Florida State Lodge, Fraternal Order of Police, Regarding Retirement Benefits
- Resolution Approving Memorandum Of Understanding (MOU) Between the Town of Surfside and the American Federation of State, County and Municipal Employees (AFSCME) Regarding Retirement Benefits

- Ordinance Amending the Town of Surfside Code of Ordinances By Amending Section 90-47 “Yards Generally Allowable Projects” To Clarify That Balcony Overhang Limitations Apply Only To Inclined Side Setbacks In H120
- Ordinance Amending the Town of Surfside Code of Ordinances By Amending Section 90-56 “Fences, Walls And Hedges” To Modify Approval Procedure And Requirements For Fences And Walls
- Ordinance Amending the Town of Surfside Code of Ordinances By Amending Section 90-50. – “Architecture And Roof Decks” To Modify Requirements For Garage Conversions
- Amending the Town of Surfside Code of Ordinances By Amending Section 90-19.7 Of Section 90-19 “Single-Family And Two-Family Development Review Process” To Modify The List Of Applications Exempted From Planning And Zoning Board Review

## June

- Resolution Approving Proposal and Project Agreement with Kimley-Horn and Associated Inc. for the Surfside Boulevard Beautification Project.
- Ordinance Amending Section 90-41 “Regulated Uses” to Allow a Restaurant Accessory to a Multifamily Use in the H120 District as a Conditional Use Subject To Requirements.
- Ordinance Amending Article VIII “Landscape Requirements” of Chapter 90, to Address Synthetic Turf, Specifically Sections 90-85.2 “Definitions”; 90-87 “Installation of Landscaping and Irrigation”; 90-90.1 “Florida Friendly”; and 90-95 “Single-Family H30A and H30B District Landscape Requirements”; Further Providing Requirements for Properties with Previously Installed Synthetic Turf.
- Ordinance Creating a New Chapter 76 “Public Rights-of-Way” to Establish Rules and Regulations to Manage the Placement and Maintenance of Non-Utility Facilities, Improvements, and Encroachments within Public Rights-of-Way; Amending Section 90-56.11 of Section 90-56 “Fences, Walls, and Hedges” to Consolidate Regulations for Fences, Walls, Hedges, Plant Materials, and Improvements within the Right-of-Way in the New Chapter 76.

New or supplemental information is provided for the following cases:

*Solimar Condominium Association, Inc. v. Town of Surfside, Case No. 2019-025481-CA-01 in the Circuit Court 11<sup>th</sup> 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 were heard by the Court at a hearing on October 7, 2022. At the Court's request, proposed orders were submitted by both parties within 15 days thereafter. For case management purposes, the Court held a special set hearing for case status on April 27, 2023 and on May 24, 2023, and has scheduled a calendar call for June 16, 2023. The parties continue to wait on the Court's decision and ruling on the summary judgment motions.

Shannon Gallagher, Petitioner, vs. The Town Of Surfside and 9165 Surfside LLC, Respondents; Case No. 2022-000028-AP-01 in the Circuit Court 11<sup>th</sup> 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. Because Gallagher did not comply with the August 26, 2022 order, on September 12, 2022, the Town and Fort Point Capital jointly moved the Court for an order compelling Gallagher to file her corrected petition and appendix. On September 23, 2022, the Court issued an order granting the joint motion and directing Gallagher to file a corrected amended petition and appendix within 10 days, failing which, the parties shall proceed on the basis of the original petition and appendix. Gallagher's corrected amended petition and amended appendix is therefore due on October 3, 2022. The Town's response to the corrected amended petition, if filed on October 3, 2022, or to the original petition, was due on October 23, 2022. Gallagher timely filed an amended petition and amended appendix. The Town and Fort Point Capital jointly moved for an extension of time to file responses to the amended petition to January 5, 2023 and filed their responses on that date. Gallagher did not file a reply and the time for such has lapsed. On February 23, 2023, the Court issued a Notice of Review setting a panel review of three judges where on April 13, 2023, where the merits of the case were internally reviewed and decided. On April 21, 2023, the Court denied the Developer's motion for sanctions, and the Petitioner, Gallagher, filed a motion to reopen the review hearing. On May 8, 2023, Fort Point Capital and the Town filed a joint motion in response to Gallagher's motion to reopen the review

hearing. The Court has not yet ruled on the petition itself, nor the motion and response to reopen the review hearing.

Victor May v. Town of Surfside, In Circuit Court of the 11th Judicial Circuit (Appellate Division), Case No. 2023-6-AP-01

On February 23, 2023, Victor May initiated an appeal of a code enforcement order entered by the Special Master concerning a citation issued to Kamil Karter, Victor May and Laila May for removing a driveway and elevating the grade on the front of the property without permits. On that date, Mr. May filed three different documents with the Court: a single page titled "Petition to Review/Civil Fines," a short initial brief, and a two-page document entitled "Motion to Eliminate." Notwithstanding that the filings were deficient, the Court entered an order to show cause to the Town on March 8, 2023, directing the Town to file a response. On March 27, 2023, the Town filed its response to the petition. Mr. May had the right to file a reply brief by April 26, 2023, and did file a reply on April 17, 2023. On May 31, 2023, the Court issued a Notice of Review setting a panel review of three judges on July 13, 2023, where the merits of the case will be internally reviewed and decided by the panel.

Information on other pending litigation matters, including matters handled by the FMIT appointed defense counsel, has or will be provided individually to members of the Town Commission, as needed or requested.

**Special Matters:**

Continued assessment of the impacts of new case law and legislation from Federal, State and County, challenging local home rule authority and analysis of legislation proposed in the 2023 Florida Legislative Session. Matters which we will continue to work on and anticipate in the upcoming months include: continued efforts to inspect the CTS Off-Site Facilities for investigations as to the cause of the collapse in connection with the CTS Building Collapse; CTS memorial site and 88<sup>th</sup> Street closure to vehicular traffic; public records requests and ethics complaints, inquiries and opinions; implementation of various policy directives from the Mayor and Town Commissioners; implementation of agreement for beach furniture services at the Community Center; Design/engineering and construction for the tennis center, resident gym and rooftop pickle ball court; Hawthorne Tot Lot Park upgrades, new playground and fitness equipment and resurfacing; implementation and agreement for purchase and installation of new fitness equipment at beach street ends; contract for construction and administration of for 96<sup>th</sup> Street Park construction; implementation and purchase of solar ballards lighting for hardpack (phase II); implementation and Interlocal Agreement with Miami-Dade County for residential street signs; continued review and monitoring of all Development Orders and approvals; police matters and mutual aid and other agreements; purchases of fitness equipment and implementation of police gym and training facility; various procurements and service or provider agreements for Town improvements, equipment, facilities and programs, including purchase of police vehicles, radios and equipment; A/C Replacement at Community Center, Bus Shelters ADA Compliant, Dune Resiliency and Beautification, Collins Avenue Water Main Design and Permitting, Stormwater Masterplan,

Transportation Masterplan; Commission Chambers Audio/Visual Upgrades; Tourist Board Programs and Events Vendors; Upgrades to Zoning Code Design Standards; Zoning Code ordinances addressing ambiguities and revisions; Synthetic Turf Ordinance; Ordinance Regulation Public Rights-of-Way and R/W Encroachment Agreement; Ordinance Permitting Restaurants in the H120 as Accessory and Conditional Use; continued assistance with implementation of AFSCME Florida Council 79 Union for Town civilian employees; collective bargaining negotiations and agreement with FOP; Invitation to Bid and Contract negotiations for the Abbott Avenue Drainage Improvements project, including grant funding; implementation and funding for Surfside Boulevard improvement; purchase and implementation of Police Computer Aided Dispatch (CAD) software and related services; implementation of undergrounding of utilities project, bond financing, and alley and easement issues; implementation of walkability initiatives and traffic directives; grant funding and implementation of CTS Memorial Site, including assistance with RFQ and RFP for design of CTS Memorial Site; legislation regarding public places; Charter Review Board process and referendum; updates to telecommunications ordinance, People's Gas System (TECO) Franchise Agreement renewal; analysis and mitigation efforts related to new SB 02, Live Local Act.





**Town of Surfside  
Regular Town Commission Meeting  
June 13, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9A.

**Date:** June 13, 2023

**From:** Shlomo Danzinger, Mayor

**Subject:** Champlain Towers South Investigation and Appropriation Update

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**Suggested Action:** – To discuss the recently approved State Legislature funding allocating \$500,000 towards the Champlain Tower South Investigation and the impacts towards investigation status.



**Town of Surfside  
Regular Town Commission Meeting  
June 13, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9B.

**Date:** June 13, 2023

**From:** Hector Gomez, Town Manager

**Subject:** Downtown Walkability and Improvements Design Phase Update

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**Background/Analysis:** –

The two blocks of Harding Avenue from 94th Street to 96th Street provide the entrance to the Town of Surfside for those arriving from the north. It is also the commercial hub for residents and is visited by pedestrians, bicyclists, buses and vehicles. The Town was interested in evaluating the feasibility of providing wider sidewalks along this section of Harding Avenue to support safety, provide a more walkable experience for shoppers and slow vehicle speeds.

The Marlin Engineering 2022 Study included a literature review of prior Town documents, data collection, existing conditions analysis, public outreach including 162 resident and 18 business questionnaire surveys and three improvement alternatives for the downtown. The Town Commission approved Alternative 1 on September 13, 2022.

The Phase 2 Implementation Program is underway. This phase involves additional public outreach, preparation of parklet prototypes, preparation of construction plans for colored stamp concrete sidewalks and crosswalks at 5 locations in the downtown, landscape improvements and coordination with the Town, Miami Dade County, the Florida Department of Transportation and utility providers. Design phase concepts are being provided to the Town Commission for consideration and input at this time.



**Town of Surfside  
Regular Town Commission Meeting  
June 13, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9C.

**Date:** June 13, 2023

**From:** Abbott Avenue Stormwater Improvement Project Update

**Subject:** **Abbott Avenue Stormwater Improvement Project Update**

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**Background/Analysis:** – During FY 2023, The Town budgeted \$3,850,000 towards the Abbott Avenue Stormwater Improvement Project of which \$2,000,000 was state grant funded, and \$1,000,000 was funded through other sources. An Invitation to Bid (ITB) 2023-01 was made public on February 24, 2023, and Bid opening took place on April 27, 2023.

Below were the prices received as a result of the April 27, 2023 Bid opening (Refer to Attachment A - "Bid Opening"):

- Man-Con Incorporated - \$8,885,130
- Lanzo Construction Company - \$9,706,192.50
- The Stout Group - \$10,307,099.75
- David Mancini & Sons - \$12,344,093

The lowest responsible price received was by Man-Con Incorporated in the amount of \$8,882,130.00.

To date, the Town has expended \$346,290.50 towards design services, with Keith & Associates. Since the Bids that were received are substantially over the adopted budget, the Town is continuing design phase efforts with Keith & Associates in order to make the project financially feasible.

Staff is seeking Commission discussion and consensus to proceed with the re-design recommendations per Keith and Associates presentation and re-issue the Invitation to Bid with revisions for the Abbott Avenue Stormwater Improvement Project.

# ATTACHMENT "A"

**BID OPENING  
APRIL 27, 2023 @ 2:00 PM  
ITB 2023-01 ABBOTT AVENUE STORMWATER IMPROVEMENTS PROJECT**

	<b>Name</b>	<b>Address</b>	<b>Email Address</b>	<b>Telephone Number</b>	<b>Proposed Cost</b>
1	Man-Con Incorporated	3460 SW 11th Street Deerfield, FL 33442	<a href="mailto:anthonym@mancon.ws">anthonym@mancon.ws</a>	954 427-0230	8,882,130
2	David Mancini & Sons	2601 Wiles Road Pompano Beach, FL 33073	<a href="mailto:bids@dmsi.co">bids@dmsi.co</a>	954 665-4202 954 977-3556	12,344,093
3	The Stout Group	10850 NW 138th Street Bay # 3 Hialeah, Gardens, FL 33018	<a href="mailto:mdiaz@the-stoutgroup.com">mdiaz@the-stoutgroup.com</a>	786 740-2810	10,307,099.75
4	Lanzo Construction Company	125 SE 5th Court Deerfield Beach, FL 33441	<a href="mailto:estimating@lanzo.or">estimating@lanzo.or</a>	954 979-0802	9,706,192.50
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**Town of Surfside  
Regular Town Commission Meeting  
June 13, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9D.

**Date:** June 13, 2023

**From:** Town Manager Hector Gomez

**Subject: Recommendation from the Tourist Board for the Installation of SURFSIDE Word Monument at Town Hall as a Tourism Enhancement Feature**

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**Suggested Action:** – The Administration is seeking discussion and direction from the Town Commission to ratify and execute the attached proposal for a permanent, tourist-friendly Surfside letters display at Town Hall as recommended by the Tourist Board.

**Background/Analysis:** – At the May 2023 Tourist Board meeting, the Board voted to move forward with a recommendation to the Town Commission for a permanent, colorful Surfside letters display at Town Hall that will promote the Town and serve as an engaging photo opportunity for residents and visitors alike. Similar signs can be found in many popular destinations around the world such as the City of Miami Beach, Puerto Rico and the Bahamas. Exhibit A provides Surfside Display Renderings.

The sign would be professionally and safely anchored and is able to withstand Miami-Dade County wind load requirements. Please review Exhibit B, Surfside Letters Materials, Elevation, for more information.

**Budget Impact:** – The anticipated project cost is \$44,750 based on Exhibit C - "Surfside Letters Proposal". The Tourist Board has authorized up to \$55,000 of Tourism Resort Sur-tax fund (34% allocated to the Tourist Board) for the Commission to utilize in order to execute this project.





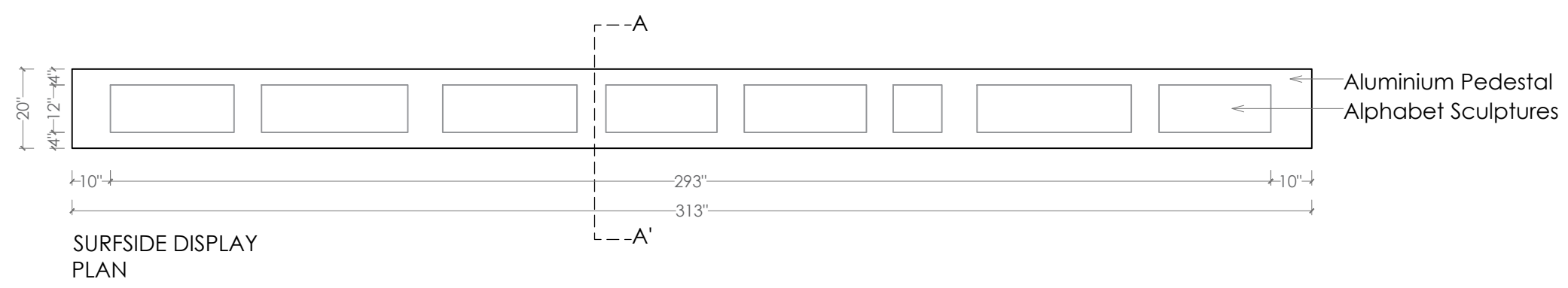








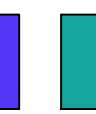





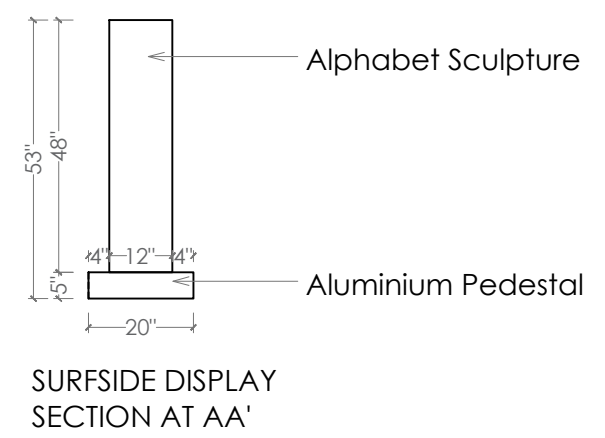






							
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LEGEND  
HEX COLORS



TITLE: PLAN, ELEVATION, SECTION

DATE: 05 | 31 | 2023

SCALE: 1:50

PROJECT:

**SURFSIDE DISPLAY**  
Surfside City Hall, Miami, FL

DRAWN BY: RAMYA KOMMULA

SWARM Inc  
 2308 NW 5 Ave.  
 Miami FL. 33127

# Proposal

Proposal Date: 05/31/2023  
 Proposal #: 20235421  
 Project: Surfside Letters

Bill To:  
 Town of Surfside

Description	Est. Hours/Qty.	Rate	Total
Permanent Installation (Corrosion-Resistant Custom made 3.5ft 3D "SURFSIDE" letters.)	8	5,500.00	44,000.00
3D Letter Size (3.5' high x 2-3' wide x 1' deep (25' wide all 9 letters))			
Breakdown of Materials (-Natural Aluminum 1/8" -Translucent White Polycarbonate 3/16" -Stainless 304 Hardware -LED Lighting -Anchoring System)			
Artistic Finish Painting (Font: Myriad Variable Concept, Black SemiCondensed)			
Colors: 8 colors (provided by client)			
Construction (Production Time:)			
Secure Installation (Anchoring System Installation Auto)			
Cad/Photo Montage / Renders	1	750.00	750.00
Sales Tax		7.00%	0.00
<b>Total</b>			<b>\$44,750.00</b>



**Town of Surfside  
Regular Town Commission Meeting  
June 13, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9E.

**Date:** June 13, 2023

**From:** Vice Mayor Jeffrey Rose

**Subject:** Wells for In-Ground Pools

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**Suggested Action:** – For the Town Commission to consider requiring wells for in-ground pools.

**Background/Analysis:** – When pool contractors are putting in-ground pools in Surfside, they are encountering issues with dewatering. Currently they are dewatering through a filter system but they still have clean water that is running through our streets and neighbor's driveways. This creates an inconvenience and annoyance to the neighbors especially during mosquito breeding season.

In order to alleviate the issue being presented, I encourage the Town Commission to consider adopting an ordinance to require any resident/homeowner that is installing an in-ground pool to install a well for dewatering.



**Town of Surfside  
Regular Town Commission Meeting  
June 13, 2023**

**DISCUSSION ITEM MEMORANDUM**

**Agenda #:** 9F.

**Date:** June 13, 2023

**From:** Commissioner Fred Landsman

**Subject: Business District Service Fee / Gratuity Notification**

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**Suggested Action:** – For the Town Commission to consider requiring all local restaurants to clearly indicate either on their menu or on the check that the service fee/gratuity has been included. Also, if the "service fee" is added to the check, should it be properly labeled on the receipt in order to avoid customer confusion?

**Background/Analysis:** – Some restaurants within our downtown district automatically add service fees to the customer's check. After credit card processing, the customer receipt has an area to include gratuity which could lead to a customer paying gratuity twice.